Trouble on the margins. Peace-building in the borderlands of post-Soviet Central Asia

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1. Introduction

This paper looks into peace-building in the Ferghana Valley, a large intramontane basin in post-Soviet Central Asia. In 2002, a document of an aid agency running peace-building projects characterised the Ferghana Valley as 'a culturally rich and diverse area with the potential for real growth in many spheres, but also the undeniable potential for *dangerous divisions'* (Mercy Corps 2002:3, emphasis added). *Dangerous divisions*, as referred to in this quotation, were seen by the aid agency in manifold aspects. An important one among them were the *divisions* as embodied in the political borders which transect the Ferghana Valley, separating the three states Kyrgyzstan, Uzbekistan and Tajikistan who currently share the basin. *Dangerous*, in turn, refers to a particular social imaginary of the Ferghana Valley, attributed both by academic and journalistic writing, as well as by practical attempts to mitigate a perceived potential for violence.

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For Central Asia, a body of academic and policy-oriented literature began to focus on the danger of conflict as of the late 1990s. While differing in details, the authors concurred that the Ferghana Valley exposes a high potential for violent conflict. They base this potential on evidence of past violent episodes and/or present tensions that may result in violence. In other words, these writings depict the Ferghana Valley as a 'host of crises' (Slim 2002) or a 'flashpoint of conflict' (Tabyshalieva 1999:vii). This literature argues that the potential for conflict is comprised of a broad array of interlinked conflictive factors such as environmental, social, political, economic, religious, demographic, military, and criminal ones (Lubin *et al.* 1999). A consistent concern was the perception of a 'mismatch' between nations and states, and a related threat assigned to territorial ambiguity and undemarcated borders (see also Reeves 2005:67). Policy recommendations for preventive action were taken up by aid agencies in the late 1990s, and since then a considerable number of peace-building projects have been implemented in the Ferghana Valley.

In the present paper, I explore peace-building activities in the Ferghana Valley over the period of 1999-2006. My main focus is on the Swiss Agency for Development and Cooperation (SDC), a governmental aid agency to coordinate international development activities of Switzerland. In addition, I also draw on the activities of UNDP and Mercy Corps with similar peace-building frameworks. This paper argues that peace-building projects conducted by these aid agencies reconfigured the processes which constitute territory in the Ferghana Valley through altering social action and material space at the border. As a consequence, they interfered with ongoing processes of post-Soviet border delimitation. The paper thus questions the presumed apolitical nature of peace-building by arguing that in its unintended outcomes it became part and parcel of state territorialisation and nation-building projects in Central Asia.

The paper is positioned as an 'ethnography of aid' (Crewe and Harrison 1998,Gould 2004,Mosse 2005a). It approaches international aid as an ethnographic object, and seeks to

explain how it 'works'. Ethnography of aid explores both the theoretical assumptions which underlie an approach which aid agencies adopt, as well the outcomes in the form of specific localised practices when approaches are applied. My research thus neither privileges nor stops at the level of textual analysis, but engages with how aid is enacted in the form of a social practice with assigned meanings and lived experiences. Empirically, I combine the analysis of project documents produced by aid agencies with data generated by interviews and participant observation. The paper draws on my fieldwork in the Ferghana Valley between 2003 and 2007 as a PhD student (14 months) and a consultant for an aid agency (3 months).

In this paper, my main focus is on the constitution and the dynamics of the political borders in the Ferghana Valley shared by three successor states of the former Soviet Union. I follow Georg Simmel, who suggested that the border is not a spatial fact with sociological effects, but a sociological fact spatially expressed (Simmel 1992 in Donnan and Haller 2000). I conceive these borders as constituted by specific albeit changing underlying notions of territory. Territory, in turn, is understood as bounded space attributed with meaning. I understand it as a product of cultural work of human associations and institutions to organise themselves in relation to the social and material world (Delanty 2005:10). Bounded space implicated with meaning is therefore an expression of social relationships and informs key aspects of individual and collective identities. At the same time I conceive of it as a political achievement. In this sense, territory constitutes a spatial expression of social power to delimit space and to exert control over it (Sack 1986) as well as to define the meaning attributed to it. Accordingly, my ethnography focuses on the socio-spatial narratives and effects of peace-building in order to access the 'processes and meanings which undergird socio-spatial life' (Herbert 2000:550).

The term peace-building denotes post-Cold War approaches to conflict and violence. These approaches are characterised by guided by an intellectual and practical framework which assumes that liberal political and economic structures as well as democratic forms of governance

will reduce violence and foster enduring peace (Richmond 2005,Mac Ginty 2006). Such 'liberal peace' in the framework of peace-building resides in respective social, political and economic regimes, structures and norms, which are often teleologically defined by the supposed state of 'Western' societies (Paris 1997). This conceptualisation assumes that liberal peace is an achievable ideal form for conflict-ridden societies, given that correct steps of peace-building are taken. As a consequence, agents of peace-building can foster liberal peace by 'exporting' its norms and values to these societies (Richmond 2005: 110). One possibility for peace-building thus becomes international aid, in the framework of which aid agencies promote 'liberal peace' through conducting relevant aid projects.

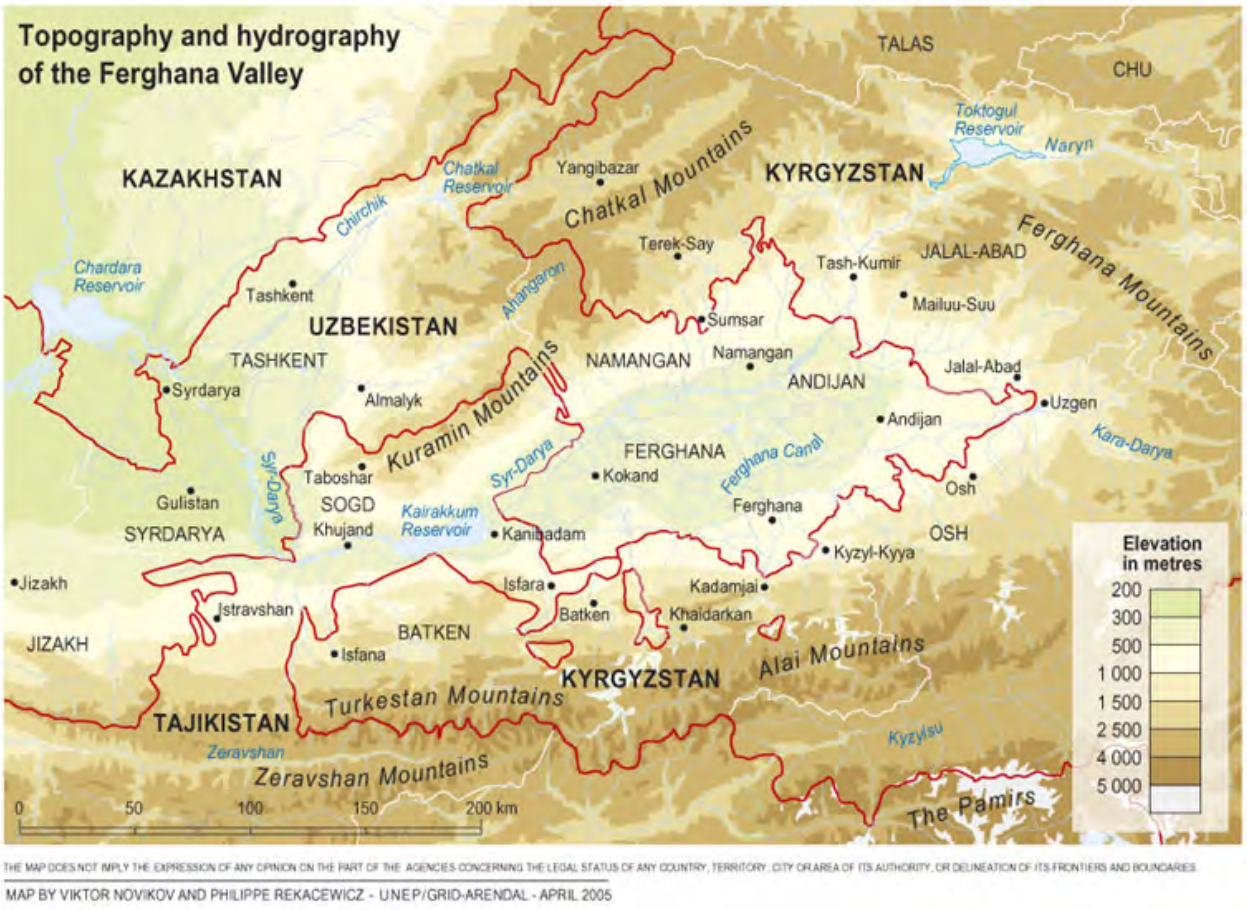
The paper consists of six parts. After this introduction, I present the context of the borders in the Ferghana Valley. In the third part, I introduce peace-building practices on the example of the Swiss Agency for Development and Cooperation. The fourth part looks into the case of Maksat and Ovchi-Kalacha on the border of Kyrgyzstan and Tajikistan. The fifth part discusses delimitation politics in the Ferghana Valley. The sixth part then reflects on peace-building in borderlands.

2. The borders of the Ferghana Valley

The Ferghana Valley is an almond-shaped intramontane basin surrounded by extensive mountain ranges. At the heart of the basin are plains and steppe lands that lie at an altitude of 250–500 m above sea level. Foothills that enclose this depression are slightly higher, ranging from 500–1,300 m. The mountain ranges then reach up to more than 5,000 m in altitude. United as part of the Soviet Union until 1991, the Ferghana Valley is at present divided among three successor states. Uzbekistan holds the eastern lowlands which form in many respects the historical and cultural heartland of the Ferghana Valley. The surrounding foothills and most of the high mountain ranges are part of Kyrgyzstan. Finally, Tajikistan stretches into the western lowlands and, partially, the mountain ranges (see Figure 1). They are largely identical with the

inner-Soviet borders of the Kyrgyz, Uzbek and Tajik Soviet Socialist Republics (SSRs). Understanding the current borderlines in the Ferghana Valley will need a short excursion into the past for their historical emergence within the particular constitution of the Soviet statehood.

Figure 1: Ferghana Valley



Source: UNEP / GRID-Arendal (2005)

The debate of how Central Asia has been divided up in republics remains central to discussions about the nature of Soviet rule and the emergence of conflicts after independence. Popular interpretations of this process often see ‘divide and rule’ strategies by Soviet leadership, and the attributed pernicious intentions to create havoc after disintegration, as an explanation for violence. In my view, however, such a perspective is not productive. Rather, I follow Hirsch (2005) who conceives of the Soviet Union as an ‘empire of nations’. She convincingly argues

that the Soviet Union in opposition to Western colonial practices who saw themselves in opposition to the colonised peripheries, defined itself as a sum of its parts in the form of a union of nationalities. Dismissing the West European civilising mission as a lie, Soviet leaders attempted to give nationhood to feudal clans and tribes to promote their imagined road to socialism. The 'nation', thus, in Marxist Leninist terms, became a transitional stage on the evolutionary timeline, envisioning the mature Soviet Union as a socialist union of denationalised people. To turn so-called backward people into nations, i.e., to create new political boundaries and foster national-cultural distinctions, became thus an imperative task and a state-sponsored effort of codifying, institutionalising and – in some cases – even inventing nations during the early years of the Soviet Union (Hirsch 2000:203-204). This process, usually referred to as 'national-territorial delimitation', gave the Soviet Union its distinctive form.

For the case of the Ferghana Valley, Soviet leadership set about national-territorial delimitation between 1924 and 1927. At the begin of Soviet rule, ethnic, religious, linguistic and economic divisions did not always coincide in the Ferghana Valley, and people may have subscribed to several identities at the same time (see for example Geiss 1995). But the Soviet Union categorised this population and assigned territory to the established major groups termed 'nationalities' – i.e. the Uzbeks, Tajiks and Kyrgyz in the Ferghana Valley. Taking into account ethnographic, economic and administrative criteria, the process of national–territorial delimitation eventually led to the territorial definition of three national republics in the Ferghana Valley,[2] namely the Uzbek, Tajik and Kyrgyz Soviet Socialist Republics (SSRs) In sum, the process of national-territorial delimitation resulted in a classification of nationalities and the delimitation of the territories of national republics (Haugen 2003,Koichiev 2003,Hirsch 2005).

[2] In 1924, national–territorial delimitation first established the Uzbek SSR. The Tajik SSR was first constituted as an autonomous national republic (ASSR) within the Uzbek SSR and gained republic status in 1929. The Kyrgyz SSR was initially incorporated into the Russian Soviet Federative Socialist Republic (RSFSR) as the Kara-Kyrgyz autonomous region AO (until 1925), the Kyrgyz AO (until 1926) and then the Kyrgyz ASSR until it became a full republic in 1936.

Brubaker (1994:49-60) argues that an irresolvable tension between the 'national' and the 'territorial' resulted from this particular construction of Soviet statehood. He suggests that the concept of a 'dual institutionalisation' is helpful to conceptualise this. He states that on the one hand, the Soviet Union was constituted as a state of multiple nationalities which were defined by descent and not by residence. In this first sense, institutionalisation was 'ethnocultural' and personal. On the other hand, the Soviet Union was constituted by national republics which bore names of nationalities, usually referred to as 'titular nationalities'. In this second sense, institutionalisation was thus territorial and political. The Soviet Union was thus a composition of first 16, and, after 1956, 15 republics. From the outset, Brubaker locates a tension between these two forms of institutionalisation, as there is a conceptual as well as spatial lack of congruence of territorial nationhood and personal nationality.

In practice, the national-territorial delimitation in the Ferhgana Valley and in overall Central Asia turned out to be a difficult exercise (compare Haugen 2003). From the outset, delimitation has been fraught with precedent and newly emerging conflicting claims for territory framed in the newly established categories. Decisions on conflicts are likely to have resulted from both an accommodation of local power struggles and all-union concerns. Such claims did not come to a halt with the completion of national–territorial delimitation in 1927, but were to continue until the disintegration of the Soviet Union. Repeated diachronic delimitation by Soviet commissions produced several maps indicating republican boundaries in the Ferghana Valley. For the case of the border of the Kyrgyz and the Tajik SSRs, there were at least in three instances (1958, 1975, 1989) of border delimitation. However, the actual borderlines were not always enforced, and official recognition by the relevant Soviet institutions is sometimes not documented.

During and after national-territorial delimitation, territorial claims were increasingly framed in terms of nationalities and with specific forms of land use. This may on the one hand express the growing link between membership in 'titular' nationalities and access not only to land, but also

to national rights and significant political, economic and cultural resources (Hirsch 2005: 318). On the other hand, however, as I have argued elsewhere (Bichsel 2009) with national-territorial delimitation, the socio-economic distinctions in between groups in terms of lifestyle and mode of production also became territorialised. As a general rule, Uzbek and Tajik groups in the Ferghana plains have a far longer history of agricultural production and sedentary lifestyles than the Kyrgyz, most of whom practiced animal husbandry and pursued a nomadic or transhumant existence in the foothills and premontane zones. The borderlines of the Ferghana Valley thus represented not only the territory of newly established Soviet nationalities, but to some extent follow the territorial distinction between different socio-economic practices such as irrigated agriculture and animal husbandry (see Figure 1).

With independence, the tension outlined by Brubaker became reconfigured. With regard to the 'national', the former 'titular' nationalities in the Kyrgyz, Tajik and Uzbek SSRs became nations of the three new states. I will illustrate this on the example of a person of Kyrgyz nationality living in the Kyrgyz SSR. Whereas formerly, her or his citizenship had been Soviet, and nationality Kyrgyz – whether or not his or her residence was the Kyrgyz SSR - the term 'Kyrgyz' now assumed an ambiguous meaning of being of Kyrgyz decent and at the same time a citizen of the state Kyrgyzstan. In this paper, I try to avoid as much as possible confusion using the term Kyrgyzstani for a citizen of Kyrgyzstan. Conversely, the term Kyrgyz is used for a person of Kyrgyz ethnicity when referring to the post-Soviet period in Central Asia.

With regard to the territorial, the former borders of the republics became the borders of the new nation-states. The successor states agreed to retain, provisionally, the previous republican borders. Thus, the de facto borderline until today largely follows the former republican boundaries and continues to reflect the Soviet Union's original conceptualisation in terms of nationhood and nationality. Yet, independence presented the challenge of establishing a *de jure* borderline between the newly independent states in Central Asia. For this purpose,

governmental delegations for the delimitation and demarcation of borders of each state have formed bilateral (or even tripartite) commissions commonly referred to as Parity Commissions. However, the actual delimitation and ratification of this borderline is still in process and fraught by numerous conflicting claims. I shall detail later how these conflicting claims play out in a concrete case on the border of Kyrgyzstan and Tajikistan, and how peace-building interacted with these claims and related politics.

3. The Regional Dialogue and Development Project

As mentioned above, starting from the late 1990s, aid agencies promoted a wide range of activities in the Ferghana Valley, including early warning systems, media and education projects, mediation networks and dialogue processes, micro-business and micro-lending programmes, border management training, access to social justice, civil society initiatives and democracy building (see De Martino 2001). In this paper, I focus on the case of the Swiss Agency for Development and Coordination (SDC). SDC is a governmental aid agency and coordinates international development activities of Switzerland. Switzerland has engaged in bilateral development aid to Central Asia since 1993 in various fields such as agricultural extension services, legal advice, and microfinance. Towards the end of the 1990s, it expanded its field of activities to peace-building (Fust and Syz 2002).

With a series of project, SDC thus aimed to contribute to the prevention of conflicts in cross-border areas and multi-ethnic communities in the Ferghana Valley, as well as improve regional cooperation in the border areas of all three countries – Kyrgyzstan, Uzbekistan and Tajikistan – in the Ferghana Valley. Two pilot projects were launched for this purpose in 1999: first, the Kyrgyz–Tajik Conflict Prevention Project and second, the Rehabilitation of Social Infrastructure Project, operating in Kyrgyzstan and Tajikistan over the period of 1999-2002. In 2002, they were merged into the Regional Dialogue and Development Project in the Ferghana Valley (RDD), as well as the regional focus extended to Uzbekistan (SDC 2002). In the coming years

between 2002 and 2006, SDC implemented RDD within more than ten so-called 'address zones' – clusters of communities at risk for conflict – in Kyrgyzstan, Uzbekistan and Tajikistan (see Figure 2).

Within the RDD framework, SDC located the danger for conflict in this area in inter-ethnic tensions over primarily natural but also other resources. In its view, this was no abstract concern, but rather a concrete danger for specific communities. As a result, SDC mainly targeted neighbouring villages separated by ethnic affiliation or multi-ethnic villages competing over water and land in the Ferghana Valley. While the aid agency expected such disputes to play out locally, it also was concerned that if not contained at the same level, they may spread and feed into region-wide escalation. The aid agency addressed predominantly rural communities which it understood as socially and economically disadvantaged, therefore lacking means and skills to address the causes of conflict. In sum, SDC set the frame for conflict as a tension-ridden relationship between two or more rural communities – mostly divided by ethnic affiliation – competing over scarce resources.

The approach which SDC adopted centred on the combination of the following three elements: building or rehabilitating infrastructure, establishment of and support to community-based organisations (CBOs) and fostering joint social activities between the adversarial groups. The first component entails the building and rehabilitation of drinking water and irrigation infrastructure, but also healthcare, educational and recreational facilities. This should help communities at loggerheads to resolve the structural causes of conflict, related to scarcity of resources and the dysfunctional state of infrastructure. The second component consists of establishing and training CBOs for each conflict party. By means of CBOs, communities should be mobilised to constructively address the conflict at stake, turning it into a more peaceful relationship. The third component involves fostering joint social activities between the adversarial groups. It entails the creation of spaces for conflict parties to interact, such as youth

clubs, sports competition or festivals. Cultivating communication, trust and personal friendship is expected to improve inter-group relations (SDC 2002).

FIGURE 2: Project sites of RDD in the Ferghana Valley in 2004

Source: adapted from map processed by Christoph Lang and Johan Gely

Peace-building projects thus made part of the aid agency's wider support for institutional change in Central Asia, for example fostering of inter-state agreements, privatisation and restructuring of state enterprises, reforms of macro-economic systems and international trade and establishment of the rule of law. It thus is part and parcel of a larger framework, or a 'new architecture of aid' (Mosse 2005b) after the Cold War which has taken shape along the tenets of economic liberalisation, privatisation and democratisation. For SDC, RDD explicitly is

positioned as a part of Switzerland's support of the transition of Central Asia from authoritarian rule and central planning to pluralism and market economy in Central Asia (Fust and Syz 2002, SDC 2002). In other words, attempts at behavioural and institutional change at the grassroots aim not only to mitigate conflict, but should also create the conditions from 'bottom-up' for the establishment of democratic politics and liberal market economies in Central Asia. At the same time, by mitigating the conflicts, the peace-building projects should remedy violence as an obstacle to the desired wider political and economic change. In a next step, I will take a closer look at a concrete case study which gives insights into SDC's activities on the ground.

4. The case of Maksat

Maksat is a small village in the Ferghana Valley. It is located in south-western Kyrgyzstan right on the border with Tajikistan (see Figure 2). The village has been founded after a visit of former President Askar Akaev in 1996. Upon the President's visit, local authorities expressed their worries about ongoing spatial expansion of villagers from neighbouring Ovchi-Kalacha across the border, referred to as 'creeping migration' *(polzuchaia migratsiia)*. As they explained, more and more Tajikistani villagers build their houses and created garden plots onto Kyrgyzstani pasture, beyond what was perceived to be the official borderline. Upon this, President Akaev is said to have ordered the building of Maksat village in order to prevent further expansion. *Maksat*, in Kyrgyz language, roughly translates as 'objective'. For this purpose, the state provided finance and instructed the Ministry of Emergency Situations to build 60 plus houses. These houses are lined up along the de facto border and should in this way foreclose any further claiming of land from Ovchi-Kalacha. Families from nearby villages willing to resettle were provided free of cost with the newly built houses.

Figure 3: Maksat village

Source: own picture (2003)

While at that moment the village had no access drinking or irrigation water, Kyrgyzstani authorities promised to provide the necessary infrastructure in the near future. Technically, this should be solved by means of a siphon, a tunnel and a large canal providing water from nearby Kosy Baglan river. The water of this transboundary river is shared by Kyrgyzstan and Tajikistan. In order to cover the investment costs, the government signed a credit agreement with the Asian Development Bank. While the pipeline system and the tunnel were completed in 1999, the main canal remained unfinished due to financial constraints of unclear nature. The plans to provide adequate water supply to Maksat and to develop new land in its proximity thus came to a halt, and the newly settled families remained without a water supply.

The issue has been taken up in 2000 by the Swiss Agency for Development Cooperation (SDC) (see Figure 2). Analyses jointly made by a Tajik and a Kyrgyz NGOs characterised the situation as tense, with frequent skirmishes between villagers of Maksat and of Ovchi-Kalacha mainly

over access to water, land, transit, and further issues (Fair Process 2006). They identified an 'inter-ethnic conflict' between ethnic Kyrgyz villagers of Maksat and ethnic Tajik villagers of Ovchi-Kalacha. Reasons were mainly seen in inter-group animosities, as well as in the lack of water and the absence of social infrastructure. In the following years, SDC thus conducted a number of joint social activities between Kyrgyz villagers of Maksat and Tajik villagers of Ovchi-Kalacha. These should foster personal contact and improve inter-group relations. They also supported the building of a health point in Maksat.

Further, SDC set about to resolve the water issue. It suggested providing both Maksat and four neighbouring villages with drinking water by means of a pipeline connecting to the constructed siphon, and later directly to the Kosy Baglan river. The aid agency thus initiated a negotiation process between Tajikistani and Kyrgyzstani authorities. This process, however, did not yield in a consensus. First, Tajikistani authorities voiced concerns that the provision of water by means of the constructed siphon would put Ovchi-Kalacha at risk of rising groundwater level and flooding. Second, they maintained that the additional water to be abstracted for Maksat would disrupt the agreed water distribution of the Kosy Baglan river dating from 1968. According to knowledge at hand, this agreement allocates to Kyrgyzstan 21 percent of the annual water flow, and to Tajikistan 79 percent, respectively, with no stipulations about seasonal variation.[3] The Kyrgyzstani authorities rejected both concerns as unfounded. Moreover, they attempt to renegotiate the former Soviet agreement in the near future, seeking to correct what they see as a historical injustice which prevents Kyrgyzstan to develop self-sustaining and market-based irrigated agriculture. Finally, lacking consensus, increasingly complicated negotiations and financial constraints led SDC to halt their activities the water sector by 2003.

By 2006, only one third of the houses were found to be permanently inhabited. Some of the originally resettled families had moved away to other regions of the country because of the lack

3 In 1992, the new Central Asian states confirmed with the Almaty Agreement on Water Resources that they would continue to observe the existing quotas dating from the Soviet Union for the time being, but did not foreclose possible changes later.

of facilities and opportunities to work. Other families did not permanently live in Maksat, but only spend summer time there in order to herd their animals, while in wintertime returning to their villages of origin. Most Maksat villagers either make a living as day labourers in neighbouring Tajikistan, or work as labour migrants in Russia or Kazakhstan. Subsistence agriculture and even elementary living conditions are rendered difficult by the absence of irrigation and scarcity of drinking water, respectively. Mostly, villagers either fetched water with buckets from the Tajikistani canal in Ovchi-Kalacha or buy it from a Tajik neighbour using a pump. Yet, in turn, around 12 new families of ethnic Kyrgyz who outmigrated from Tajikistan had moved to Maksat. As an NGO report states, 'Today, in the village dwell only those who have no [other] place to live, and those who live in hope of receiving a land plot to build a house no matter where' (Fair Process 2006).

Despite the little interest of people in actually living in this area, the Kyrgyzstani authorities still tried to attract and promote new projects to support the settlement of Maksat. In 2006, the issue of water and land in Maksat has been taken up by EuropAid and UNDP. These aid agencies allocated finance to complete the missing main canal and connect Maksat to water from the Kosy Baglan. GTZ Batken ('Batken Capacity Building Project for Food Security, Regional Cooperation and Conflict Mitigation') in turn supported the construction of an on-farm irrigation network for point irrigation. The latter should allow developing new land while preventing the risk of erosion and flooding of Ovchi-Kalacha. It is foreseen that Maksat villagers and young families in need of land from nearby communities will be able to use the newly created arable land. In addition, GTZ Batken has financed the building of a new school in order to accommodate the newly arriving families with children and improve the social infrastructure of the village. Contrary to the SDC project, EuropAid, UNDP and GTZ have restricted their activities to Kyrgyzstan and refrained from a transboundary approach. Moreover,

they frame their project in agricultural development rather than peace-building. In sum, there is a continuing interest by Kyrgyzstani authorities to populate the area and render it suitable for irrigated agriculture. I will explore the reasons for this interest in the next part.

5. The politics of border delimitation

In the process of ongoing border delimitation, a term frequently used to designate land plots in proximity of the de facto border to which more than one state lays claims is 'disputed territory' *(spornaia territoriia)*. The Parity Commission (PC) entrusted with delimitating the border between Kyrgyzstan and Tajikistan has established a list of so-called 'disputed territories' for evaluation and decision on within which country's boundaries they should finally lie. Yet with this process, the term has gained much wider currency and is applied in popular usage to any land plot which is contested between residents of different states. In this respect, 'disputed territory' may also be defined unilaterally rather than necessarily reflecting a two-sided perspective. In the case of Maksat, both Kyrgyzstan and Tajikistan at least in theory lay claim to this territory.

Two lines of argument discursively bestow legitimacy to these claims, and illustrate at the same time how the Brubaker's stated tension of Soviet 'dual institutionalisation' became reconfigured. The first line refers to historical legacy. It brings forward that the final decision on 'disputed territory' needs to be based on prior Soviet borderlines and related maps. Ambiguities, however, arise from the territorial differences of diachronic Soviet border delimitations as well as their incomplete endorsement by the respective Soviet institutions as outlined above. Thus, a fundamental question, hitherto unresolved by the PC Kyrgyzstan–Tajikistan, is which historical map should serve as the basis for its work. While Tajikistan insists on the map from delimitation in 1927, Kyrgyzstan maintains that the PC should base its decisions on the map of 1958. The two diachronic maps differ considerably, as a large part of Kyrgyzstan's present-day

southwestern territory in the Ferghana Valley was initially allocated to the Tajik ASSR, at that time still part of the Uzbek SSR. Maksat lies within this area (see Footnote 2).

A second argument which gained importance in discussions on delimitation is referred to as 'actual land use' *(fakticheskoe zemlepol'zovanie)*. As the expression suggests, rather than looking at the historico-legal construction of rights, this argument holds that the question of 'disputed territory' should be decided on the basis of current land use at the moment of delimitation. Decisive for this argument is therefore to establish the identity of the user as an individual, but even more so as a collectivity according to preconceived categories. With this argument, ambiguities arise from the question whether citizenship (i.e legal membership in a state acquired through residence at the time of independence) or ethnicity (i.e. descent in the framework of Soviet nationality) bestow legitimacy to the user of 'disputed territory'. Moreover, the question arises as to what land use constitutes in the first place, and what form of land use (i.e., animal husbandry, irrigation) bestows legitimacy to territorial claims.

In terms of identity of users, settlers of Maksat originated on the one hand from surrounding villages in Batken province – on condition that they were ethnic Kyrgyz. On the other hand, they are Tajikistani citizens of Kyrgyz ethnicity who move to Kyrgyzstan. As the acquisition of a Kyrgyzstani passport is a costly and lengthy process, and only citizens have the right to own land plots, immigrants have often few choices but to accept the plots along the disputed borderline. While Tajikistani citizens of Tajik ethnicity are represented to undertake 'creeping migration', Tajikistani citizens of Kyrgyz ethnicity are thus encouraged to settle in Kyrgyzstan – preferentially onto land in proximity of the border. Conversely, Kyrgyzstani citizens of Tajik ethnicity are prevented to settle in similar sites on the border (Fair Process 2006). It is thus not citizenship which is expected to legitimate claims to 'disputed territory' with future delimitation, but ethnic affiliation interpreted in national terms.

In terms of land use, it is irrigated agriculture which primarily bestows legitimacy to claims. As I have argued elsewhere (Bichsel 2009), the original territorialisation of socio-economic distinctions became reconfigured during the lifespan of the Soviet Union. On the one hand, Soviet regional economic specialisation accentuated these territorialized socio-economic distinctions, for example by fostering irrigated agriculture in the form of cotton production in the Uzbek SSR and animal husbandry in the form of meat and milk production in the Kyrgyz SSR. Yet other Soviet actions undermined them. The effort to relocate and permanently resettle nomadic populations and the expansion of the zone of irrigated agriculture into the foothills, had precisely this effect. With independence, the disintegration of the big state farms that produced meat and milk in the Kyrgyz sector, and the subsequent privatisation of land, led many Kyrgyz to turn to private agriculture for their livelihoods. I argue that irrigated agriculture became the materially manifest configuration of territorial claims and the site of their contestation in Maksat.

I thus suggest that both the process of 'creeping migration', i.e., the gradual movement of Ovchi-Kalacha villagers towards the village of Maksat, as well as the establishment of Maksat itself must be understood in the term of claiming 'actual land use'. While both Kyrgyzstan and Tajikistan tacitly tolerate, and in some instances actively encourage, settlements or cultivation of 'disputed territory' or beyond the de facto border, these border politics are mainly practiced by district level, or possibly province government, officials – with the exception of the initiation of Maksat encouraged by the former President in one of his rare visits to the region. In Tajikistan, it appears that the province and district level officials often face difficulties to successfully lobby for their interests and concerns with the national government (Odum and Johnson 2004:99). Equally, in Kyrgyzstan, government officials of Batken province voice their concern that, despite active lobbying, politicians and administration at a national level neither have a clear idea of the region, nor show much interest in its complex borderline and territorial claims.

In combination with corruption endemic to all levels in the two countries, both villagers and district or province government officials express concerns that their views might be disregarded by deals and land swaps at national level (see UNDP 2005:24) The politics surrounding 'actual land use' is therefore not only directed towards contesting claims of geographic neighbours, but equally serves to secure particular regional interests against overriding decisions of national-level PC members informed by inter-state power plays as well as corruption.

As an interlocutor formulated it, in the case of Maksat village and irrigation development, 'the strategic interest of the authorities and the agricultural interests of the donors coincide.'[4] Of course, there is a strong interest by authorities to address the problem of scarcity of arable land in neighbouring municipalities and provide to young families new land plots. But the authorities also have a distinct stake to claim this land in order to further their strategic interests in the delimitation process. In absence of federal support and finance, to cultivate the land in Maksat significantly increases the chances of the district and the province to delimitation favourable to Kyrgyzstan. Symbolically, this is expressed by the spatial configuration of the newly attributed plots as part of the GTZ project. As an official formulated it, 'We will build the second row [of houses].' The border will thus be fortified with a second line of houses.

By virtue of their presence, Maksat villagers provide a service to the state that other governmental institutions should assume. At the same time, the government has failed to provide the essential social and physical infrastructure. Ironically, as it has been pointed out above, it is the poorest that carry the cost of this state strategy to acquire and defend its territory. In sum, land claims in Maksat thus emerge from a specific constellation of ideological work, instrumentalisation of both cultural attachment to land as well as subsistence needs and relegation of violence involved in delineating the nation to everyday transactions of the population. This constellation is carefully hidden by political actors, who preferred conflicts to

[4] author's interview with former member of PC Tajikistan-Kyrgyzstan, April 2007.

be represented as ‘ethnic’. This raises questions about the notion of ‘inter-ethnic conflict’ as conceptualised in the peace-building approach of SDC into which I will look next.

6. Peace-building in the borderlands

SDC’s RDD project was based on the assumption that inter-ethnic conflict in the Ferghana Valley can be transformed peacefully with mutually beneficial solution and therefore interventions needed to be supported by negotiation and a subsequent ‘consensus’. For this, the support of civil society, negotiations to accommodate and balance needs and interests of both conflict parties and improvement of behavioral patterns and attitudes of the two groups would resolve the tensions. With this approach, SDC ‘finds’ the border (compare Figure 2) because it searches by concept for places where a) people of different ethnic affiliation live in proximity – which for historical reasons of Soviet national-territorial delimitation is the case in these locations – and b) where inter-group relationships are strained, which can equally be substantiated at the border. I therefore suggest that SDC is not oblivious to the border, but rather that it misrecognises its nature and constitution. Rather than being a line drawn on the ground endowed with features which disrupt relationships which can be mended (Bichsel 2005), it is an expression of the constitution of territory and the formation of nations over time as described in this paper. The border is therefore not a place where conflict is located, but a space where social processes become manifest and may be articulated in the form of conflicts.

The interpretation of ‘inter-ethnic conflict’ between villagers of Maksat and Ovchi-Kalacha as maintained by SDC is thus put into question. It becomes manifest that the reasons for animosities may less lie in relational or behavioral aspects of the two groups. Rather, it is their respective authorities that – while not always intentionally – provide the sources of and are to a certain extent interested in conflictive relations as this guarantees the defense of the border. In the absence of other means, Kyrgyzstani (and Tajikistani) authorities instrumentalise citizens (and, to some extent, non-citizens of Kyrgyz ethnic affiliation) to defend the state border and

make claims to disputed land. The politics of 'actual land use' suggest that by claiming and capturing plots a specific attachment to land can be produced, which over time turns into recognised residence and land rights. These politics encourage people to move onto land which they believe to rightfully claim. Yet these claims are met by counterclaims constituted in similar ways. The resulting disputes and sometimes violent episodes may not only generate strong feelings of animosity, but also produce a new form of attachment to places. By fighting for it, as it was once pointed out to me by a Kyrgyzstani government official, people learn to 'appreciate the land'. In this particular understanding, conflicts and possibly even more violence produce property relations along ethno-national lines which can subsequently be consolidated into state territory. It comes therefore to no surprise that such conflicts are impervious to mitigation strategies such as joint social activities as it has been proposed.

I suggest that the aid agencies' approach led to a further reification of categories in which the conflict is framed. First, reification happened by the way these categories were represented to a wider public. With the use of 'Kyrgyz' and 'Tajik', authors of project documents and reports of conflict analyses often unquestioningly repeated the expression of these categories by informants and interpreted them in terms of 'ethnicity'. Reports thus often failed to acknowledge the differentiation between ethnicity and citizenship, and built their argument based on the assumption that solidarity among people will automatically arise from the shared affiliation with an ethnic group. Second, reification to some extent also happened through implementation of the approach, which stressed ethnicity as the category within which joint social projects and thus encounters of communities were framed.

Peace-building has been deployed in the face of the state's 'absence' in terms of the government's apparent failure of service delivery in the fields of infrastructure building and conflict mitigation. At the same time, the aid agencies focused on collaboration mainly with NGOs and CBOs, thus circumventing ideologically suspect, operationally ineffectual and often

corrupt state agencies. Yet it is precisely in the unintended outcomes where the seemingly absent state powerfully marks its presence through pursuing two of its core projects: nation-building and territorialisation at its borders under construction. To offer support to the particular way these state projects are currently framed in Central Asia certainly runs counter to the objective of peace-building aiming to create the conditions from 'bottom-up' for neo-liberal reforms in Central Asia. However, the long-term effects of peace-building on ongoing border delimitation and nation-building remain yet to be explored.

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Treading a fine line: The politics and practices of the Karen insurgents in the Burmese-Thai borderlands

Introduction

During the Burmese military's disastrous 1962-88 experiment with socialism, the Burmese-Thai borderlands became important sites for a thriving rebel-controlled black market as well as the protection and development of political opposition groups. The amount of capital accumulated and the manner in which it was distributed thoroughly undermined state policies and the borderland political groups came to pose serious threats to the Burmese military elite, particularly when united in opposition. Control of borderland resources has gradually changed hands since the 1990s when an all-out effort by the Burmese military to wrest control of the borderland economy dove-tailed with a Thai government policy to transform battlegrounds to marketplaces.

The strongest political and military opposition group in the area, the Karen National Union, has declined in military, political and economic significance as it has lost control of the borderland economy and key territory, however, its annihilation has been prevented by the transformation of its strategies of resource accumulation, distribution and protection. The new strategies tread a fine line in the spaces between Thai and Burmese state policies: sanctuary in Thailand is a critical resource, but there is an increasing moratorium on Karen military activity on Thai soil following improved Burmese-Thai bilateral relations. They also continue to tread a fine line among a highly fractionalised Karen population divided by an international border.

Ethnographic fieldwork in Thailand since 2003, conducted with Karen participants in Burmese borderland politics, explores the new modes of accumulation, distribution and protection developed by opposition Karen groups as part of the ongoing low-intensity Burmese civil war. In a departure from elite-centred studies, this research focuses primarily on the roles of the large youth cohort in the advancement and negotiation of these strategies in the borderlands.

Definitions

There are a number of groups organised along ethnic Karen lines, either overtly and covertly contesting the Burmese military regime or allied to the regime, but the most significant since independence has been the Karen National Union (KNU). While the Burmese military refer to the KNU as 'rebels', among groups allied to the KNU the Karen-Burmese conflict is often referred to as the 'revolution' and the primary objective 'national liberation' while its participants are 'freedom fighters'. In this paper, the KNU and groups allied to it by their own declarations are termed the 'Karen national liberation movement'. The use of the words 'national liberation' is not intended to imply bias, they are used here because this paper is based on the life-worlds and perspectives of participants, whose employment of this terminology within the movement justifies a particular range of contentious political action.

The term 'youth' in the Karen national liberation movement is broadly defined as men and women between the ages of 15 and 35. Karen society traditionally has a strong social role for the youth cohort, however, the politicisation of life in Karen state following extensive conflict and militarisation has seen youth roles broaden in to political

roles[1]. Author discussions with past and present youth leaders in the Karen movement[2] suggest that the political re-construction of 'youth' in the Karen movement, and the re-establishment of the youth wing in 1989, was a conscious development to create a distinct space for the youth cohort in the interests of perpetuating the movement and harnessing support for the cause.

Borderland Insurgents Literature

Blanchard (2005:694) asserts that since states are territorial entities, they seek to solidify their boundaries and assert control over their residents by monopolising violence, establishing legitimacy, controlling revenue and transforming social identities. However, alternative power holders contesting attempts at state formation may also seek to do the same leading, in particular cases, to the establishment of 'activist'-type insurgent groups which behave like a state. One of the reasons why some insurgent groups imitate states is down to the differences which Weinstein (2007) has identified in groups relying on lootable resources and low-commitment participants to wage war and those relying on the support of the local population and highly committed recruits. Weinstein terms the latter 'activist' groups and argues that since they have to rely on the local population for support, they need to continue to demonstrate their capacity for governance in order to build legitimacy.

Within an 'activist' group, entire administrative systems may be established in addition to the military, as the power-holders seek to prove their capacity for governance and provide collective benefits to their supporters (usually education, health and infrastructure) (Weinstein, 2007). Termed 'proto-states' by Henriksen (1976), this type of group sometimes mimics states in their structures of capital extraction (tax and customs), maintenance of sole coercive rights over the population (policing and justice systems) and constructions of legitimacy (political propaganda, national identity construction and visible displays of nationhood: flags and national days, for example). A national liberation movement then typically comprises a military wing, political wing and administrative apparatus of varying extents.[3]

International borders are often argued to be a critical resource for insurgent groups bent on contesting the state, providing both economic opportunities and protection. For example, Blanchard (2005) argues that control of economically strategic borders is a central pursuit of states and rebels wishing to boost their coffers, while Salehyan (2007) argues that the use of external sanctuaries is one of the most common strategies employed by rebel groups. A whole body of literature on 'refugee warriors' explores the ways in which rebel groups exploit sanctuary and an international border to re-calibrate an unfavourable balance of power.[4] Internal borderlands can also be useful since the state may be unable to control impenetrable terrain within its national borders. Fearon and Laitin (2003), for instance, find that rough terrain is positively correlated with the prevalence of civil war in their study.

[1] Author discussions between October 2008 and August 2009 with past and present KYO leaders.
[2] During field work conducted between October 2008 and August 2009
[3] For example, Palestine is currently run as a sophisticated proto-state, that is, a parallel state with a provisional government and welfare services to inhabitants. Other liberation movements in the past, such as those in Mozambique, Angola and Guinea-Bissau, have also operated their liberated zones as rudimentary proto-states (Henriksen, 1976:32).
[4] For example, Loescher *et al.* (2007); Lischer (2005)

Conflicts are not static, they are continually transformed by internal and external factors and a protracted conflict, such as the Burmese-Karen war which has entered its 60th year, must have developed mechanisms for transformation over the years. Few studies are able to analyse the changing policies and practices of an insurgent movement and the micro-level detail from within since access to information can be so difficult. Even fewer take an ethnographic approach with non-elite participants. Doing so here places a spotlight on the movement and its actors at a time when it is at the intersection between autonomy and state control – as Winichakul (2002, in Horstmann, 2002) calls it a 'history at the interstices'.

In the case studied here, the Karen National Union in Burma/Myanmar is an example of Weinstein's 'activist' rebel group. It has developed a fairly extensive administrative apparatus and behaves as a proto-state toward the population under its control. Youths have particularly significant roles to play in addition to their military function and these were studied in some depth since few prior studies have considered the broader significance of non-military roles of youths within the administrative apparatus of an insurgent group. In part, the lack of attention paid to non-military youth activity in insurgent groups may be a reflection of the lack of developed administrative structures among such groups, however the result is a bias towards military studies or studies of violence as well as a tendency to study elite actors, rather than routine participants.

The question this paper seeks to address is: how is the Karen national liberation movement transforming the non-military aspects of its state-building strategies and resources and how is the youth cohort contributing to the re-making of the movement? The ethnographic field work behind this paper is described next followed by an explanation of the context of the Karen conflict in Burma. An analysis of the old and new modes of Karen state-building campaigns then forms the body of the paper.

Ethnography of youths in the Karen national liberation movement

In a departure from state-centric accounts of borders and conflicts, this paper contributes to a redressing of the imbalance highlighted by Baud and Van Schendel (1997) by taking a view from the periphery. It focuses on how borderland populations involved in state-building groups deal with the political constellations which impinge upon their lives and how a changing political landscape transforms the politics and practices of such a group. Focusing this study in an area within the extensively contested Southeast Asian borderlands takes advantage of a particular moment in history and geography described by Horstmann (2002) as a 'laboratory of social change'. In terms of understanding how a long-running, separatist, state-building campaign transforms itself, the Burmese borderlands provide an ideal social laboratory for research.

Recent PhD field work studied the activities of youths working in non-military roles in the Karen national liberation movement along the Burmese-Thai border.[5] The research used an ethnographic approach in which 35 life histories, 144 structured and semi-structured interviews and numerous informal discussions were conducted over a ten-month period dealing with the internal structure of the movement, the individual motivations of participants, the movement's history and Burmese politics. To mitigate the problem of difference between what people say they do and what they actually do, the research was triangulated using observation of the actual activities and discussions

[5] The author spent ten months living at the headquarters of the Karen Youth Organisation during 2008-09, having previously worked as a volunteer in the same organisation for two years and for a local human rights group for one year.

among staff at the Karen Youth Organisation as well as analysis of internal documents and news sources. Information was also verified for authenticity with a number of key informants within the movement, with a number of informed outsiders and at later dates with the same source. The structural context of the movement and the culture of the societies it operates in were also taken in to consideration.

One of the problems of researching socio-political conflict is that vested interests, personal histories, ideological loyalties, propaganda and a dearth of first hand information can lead to wildly different testimonies (Nordstrom and Robben, 1995). In this case, the adoption of a methodologically composite approach, as Barakat *et al.* (2002:992) suggest, the investment of a significant amount of time in trust building with research participants, the encouragement of actor participation in the research and the adoption of a flexible approach and attitude to results during the research process resulted in coherent findings.

The Burmese conflict

Using Goodhand's (forthcoming) typology, the Burmese borderlands are in some areas 'classical borderlands' straddling an international border and in others, 'internal borderlands' which do not straddle an international border but nevertheless remain non-state spaces because of weak state penetration in the hilly, jungle terrain. In the pre-colonial period, Burma's stateless zones represented a symbolic and practical space of subversion to the central monarch: both as "exemplars of rudeness, disorder and barbarity, against which the civility, order and sophistication of the center could be gauged" and as refuges for fleeing peasants, rebels, bandits and royal pretenders (Scott, 1998:187). During colonialism, the British ruled the parts of the borderlands they could reach as separate areas and allowed the local village leaders a large amount of autonomy. They also nurtured ethnic consciousness among the myriad peoples in the country, resulting in local political alignments based on perceived ethnicity and communal identity becoming ethno-nationalist (Brown, 1994:35).

After independence in 1948, the policy of non-interference in borderland affairs changed as the new Burmese government attempted to extend state control by force to the new national borders. Attempts at state-building in the borderlands followed a common pattern among Southeast Asian polities with coercive strategies of assimilation and control couched in terms of nation-building in order to consolidate territorial control and threats to regime or state security articulated as threats to national security (Samudavanija and Paribatra in Grundy-Warr *et al*, 1997:73). The government's policy of 'Burmanisation': the assimilation of all people into the Burman ethnic identity; the imposition of 'development' projects using forced labour and extortion, and the repeated attempts to violently impose military rule over the borderland groups by the state, have been perceived as a threat to the non-ethnic Burman people and provoked ethnic separatist rebellions which remain unresolved today, despite a proliferation of ceasefire agreements (Brown, 1994:34; Smith, 1999:98). Shortly after independence, the Burma Army was embroiled in fighting over 24 armed insurgent groups and controlled only a fraction of the country (Smith, 1999). Since then the Burmese State[6] has been marked by its continuing inability to dominate its borderlands (Baud & Van Schendel, 1997:218) and its violent, authoritarian attempts to impose central state control. This has allowed exceptional forms of military control to become the norm under a counterinsurgency

[6] The Burmese State is currently controlled by an authoritarian military regime calling itself the State Peace and Development Council (SPDC).

mandate, which has resulted in widespread serious human rights abuses against the civilian population by state soldiers acting with impunity (Lang, 2002).

Resisting the state project of 'Burmanisation', a Karen identity characterised as "oppressed, uneducated and virtuous" (Cheesman, 2002:202 in Malseed, 2008:492) was formed as a defence against cultural assimilation and was based on structural opposition to other similar groups (Fernando, 1982:130 in Malseed, 2008:492). The growing Karen pan-ethnic consciousness had evolved into a full rebellion by independence as educated Karen elites articulated their grievances against the central state and were mobilised into the Karen National Union (KNU) (Brown, 1994:54). Following a pattern identified by Gupta and Ferguson (1992:12) in Southeast Asian borderlands more generally: the KNU rebellion is essentially a conflict over state-building in previously non-state spaces, articulated around a political construction of an ethnic 'imagined community' with insurgents aiming for self-determination in their imagined homeland instead of assimilation in to the central state.

Burma is administratively divided in to seven ethnic states and seven divisions. Its eastern borderlands are dominated by a variety of Karen tribes, who collectively form the largest ethnic group in Burma after the ethnic Burmans, and a smaller group of ethnic Mon people. The Burmese regime have designated the southern part of the eastern borderlands 'Tennasserim Division', a small strip 'Mon State', and a larger section 'Karen State' which rises to 'Karenni State' in the northern section. The KNU rejects the current internal borders and claims a much larger part of the eastern borderlands as its autonomous region.

Rajah (2008), in his doctoral study of the Karen in the 1980s, characterised Burma's eastern borderlands as a Burmese-Karen frontier region reaching towards the Thai border in which the KNU had formed their own, imagined, pre-colonial state. In thinking and acting like a state, the KNU have established a separate administration (Smith, in Baud & Van Schendel, 1997:218), essentially a proto-state, with a litany of departments, including a national army and police force. Complex networks of civilian support groups have been created to govern and control the population; provide social services, such as health, education and humanitarian relief, and maintain political legitimacy. The armed wing, political wing and administrative departments together mobilise capital, coercion and legitimacy, which are the three pillars of statebuilding identified by Ayoob (in Grundy-Warr *et al*, 1997).

Historic modes of KNU state-building

At its height in the 1980s, the KNU was arguably the most powerful and influential politico-military group opposing the Burmese state with a standing army of 10,000 troops (Harriden, 2002:84; Smith, 1999:394). Much of its power appeared to derive from its strategic control of the borderland economy. The importance of control of the borderlands to both the KNU and the nascent Burmese state was highlighted by Rajah at the time (1990:122, in Horstmann, 2002) who stated that in terms of the Karen insurgency "what is at stake is the capacity of the state to control and maintain its boundaries and what is contained within these national boundaries." As well as controlling large parts of the eastern borderland territory and the border economy, the KNU also controlled the means of coercion (military and police) and the means of identification through school education (Horstmann, 2002). The modes of KNU accumulation, distribution and protection utilised until the fall of its headquarters in 1995

are outlined below before the paper turns to an analysis of the new modes sought as the KNU declines in power.

Accumulation

During 1962-88, Burma underwent a disastrous period of socialism under military rule in the guise of the Burmese Socialist Programme Party. Termed 'the Burmese way to socialism' and marked by extreme isolation and nationalisation of industry, the government's introspective policies destroyed the official economy and the black market flourished (Grundy-Warr *et al*, 1997:85; Harriden, 2002:119).

The main black market trade routes traversed Burma's eastern borderlands, through Karen territory, entering Thailand at border passes all along the long, porous border. The KNU set up tax gates along the approximately 800km portion of the 2,400km long Thai-Burmese border which they controlled. The first was established in 1964, soon after the advent of Burmese socialism, and at the peak of trade there were 12 gates all along the Moei river border, each garrisoned by up to 200 troops (Boucand, 1992, in Chen Wei Ching, 1998). Caravans of goods (teak, gems and cattle from Burma and manufactured goods from Thailand) were smuggled through Burma and in to Thailand upon payment of a 5-10% tax to the KNU (Grundy-Warr *et al*, 1997:84).

At the peak of trade in the 1980s, the KNU's Eastern Division revenue amounted to around £50 million per annum (Boucand, 1992, in Chen Wei Ching, 1998) thus the Burmese economy became characterised as a "poor center and rich periphery" (Kurosaki *et al* in Kudo, 2007:14). Additionally, the KNU accumulated revenue through its granting of logging concessions, mines, businesses, plantations and a rice tax on farmers.

Distribution

The proceeds of the Burmese black market border trade and the control of territorial resources in the borderlands undermined the Burmese state policy of socialism as well as its imagined projection of power to the edges of its national boundaries. Instead of customs revenue accruing to the Burmese state, it accrued to the Karen proto-state under the KNU and went on defending the civilian population, maintaining the Karen army and their dependents, developing political and support wings, and funding numerous clinics and schools in the 'liberated zones'.

Revenue accumulated also supported the development of an extensive administrative apparatus which provided a range of services to the population under KNU control, a development which legitimised the KNU among the population at the expense of the Burmese state. Essentially, the KNU's control of the borderland economy allowed it to build a de-facto independent state out of the fringes of the Burmese state, while concurrently undermining central state economic policies in the Burmese heartland.

Protection

The strategies of protection which the KNU utilised were their superior knowledge and resilience in the inhospitable terrain, which made Burmese military conquest of the area difficult; the large army they could fund, and Thai and Western support. From the perspectives of the Karen's Thai neighbours and Western (primarily American) interests in the region, the staunchly anti-communist KNU served an important geopolitical 'buffer' function in preventing the communist parties of Thailand, Burma, China and Malaya from linking up (Smith in Grundy-Warr *et al*, 1997:84). Until the fall of the Soviet Union, the KNU was treated as a quasi-state and used as a proxy for Thai power,

enjoying military, financial and moral support as well as a safe haven in Thailand (Grundy-Warr *et al*, 1997).

Protection of the inhabitants of the KNU proto-state against Burmese aggression was not limited to the Karen population. During the political upheavals of the late 1980s in the central areas of Burma, it was also extended to fleeing activists in the Burmese democracy movement in a further attempt to undermine the Burmese regime. After the 1988 uprising in urban Burma, around 3000 students fled to KNU-controlled areas, whom the KNU encouraged to set up their own political and military group. By the late 1980s the political centre of gravity had joined the economic centre of gravity in Burma's eastern borderlands (Fink, 2001).

These modes of accumulation, distribution and protection have altered somewhat since state policies in Burma and Thailand in particular, and the international geopolitical climate in general, shifted in the 1990s. Establishing control over the country's national borders is one of the most basic requirements of statehood and has been the aim of the Burmese state since independence. The centrality of the Burmese-Thai borderlands to the Burmese economy by the late 1980s, and the threat posed by the political opposition based there, led the Burmese regime to focus large scale operations on the area to break the hold of the KNU on the economy and key territory. The conflict culminated in the Burma Army's seizure of the KNU headquarters at Manerplaw in 1995, after which the KNU relocated across the border in Thailand. Unfortunately for the KNU, however, by this time communism was no longer a serious threat, Thai polices had changed and they were no longer deemed useful as a proxy force.

New modes of KNU state-building

By the time the KNU had lost their headquarters in Burma and relocated across the border, the Cold War had ended and the communist threat in the region had been eliminated. Embarking on a new policy to transform 'battlefields to marketplaces' (High, 2009) the Thai government gradually withdrew their support from the KNU and agreed a series of trans-boundary resource access deals with the Burmese state (Grundy-Warr *et al*, 1997:87). The Burma Army were then able to launch a series of large-scale attacks on KNLA strongholds and customs gates with tacit Thai support, which led to increasing losses of KNU territory, including the lucrative customs gates. Thailand gradually became Burma's biggest foreign investor and trading partner and cross-border official trade increase to an annual value of US$248 million in 2006-07.[7]

On the Thai side of the border, new roads and bridges have been built, the Asia highway has been completed, a new freight train line from the border has been approved and the area has been designated a special economic zone to entice more business investment. On the Burmese side, the Burmese military have continued to gain military control in the borderlands while the KNU has lost territory, control of border tax gates, mines, businesses and logging sites. Its army has decreased to a force of no more than 3,000 poorly equipped soldiers plus 850 local defence militia[8] and many of the KNU families have fled to Thailand for their safety and survival. While the KNU continues to pursue an alternative state-building campaign, the location of the KNU headquarters over the border in Thailand has resulted in a fundamental change in KNU modes of accumulation, distribution and protection, which are analysed below.

[7] Reported on May 1st 2008 at http://www.tradingmarkets.com/.site/news/Stock%20News/1483393/

[8] Interview with a KNDO soldier / KYO district leader / Karen State Coordinating Body member on 11th July 2009

Accumulation

The loss of the black market economy and the majority of border trade has had a profound effect on the finances of the KNU, although they still generate a much reduced income from local businesses, tax and the sale of natural resources such as gold, zinc and hardwood to Thailand (Irrawaddy, 2009). The old modes of accumulation continue to fund the army, but there is very little revenue to support even a relatively small, guerrilla force. The flight of hundreds of thousands of Karen villagers in to refugee camps across the border in Thailand, however, has resulted in significant new opportunities for revenue accumulation for the new, Thailand-based headquarters of the KNU.

NGO funding has always supported camp-based refugees, but it has also gradually been extended to internally displaced populations in Karen state who form the backbone of the KNU polity. Although the KNU are far from achieving legitimacy among UN agencies, government officials and large NGOs[9], the KNU health, education and humanitarian relief departments actually get all of their funding from international agencies now[10]. The way in which the KNU have got around NGO bans on direct funding of KNU ministries, is by setting up parallel health, education and humanitarian relief organisations, mirroring those in the government apparatus and reporting to the same political leaders, but formulated as independent organisations without any political affiliation. They also play down the links the women and youth wings have to the parent party in order to allow these groups to secure external funding for social and political activities[11].

Reformulated as local community-based organisations, key staff within KNU departments and affiliated organisations adopt a strategic stance of independence and humanitarianism towards international donors, while they are positioned as civil servants in dealings with the KNU. They therefore wear multiple hats and must make coherent projects out of different stakeholder priorities. In essence, they are 'brokers', which is a term used in Mosse and Lewis's (2006:16) work to refer to people in the context of development programmes, usually situated between the state and the community, who read the meaning in a project into the different institutional languages of its stakeholder supporters, creating coherent representations of social realities against the ever-present threat of fragmentation. The institutional ambiguity of the organisations in which many of these brokers now sit serves to render the political nature of many of their activities opaque, making NGO capital extraction feasible.

Staff involved in 'brokerage' in Karen organisations appear to have particular competencies. They are usually familiar with Western culture, savvy to donor politics (particularly appearances of political neutrality), English-speaking and IT literate[12]. Above all, though, they are young. The administrative departments contain youth proportions of between 8 per cent (health department) and 75 per cent (organising department) among the leadership and between 52 per cent (education department) and 100 per cent (organising department) among the non-leadership staff. Youths now provide most of the labour writing funding proposals, meeting INGO representatives, writing project

[9] UN agencies, for example, refuse to meet directly with the KNU, instead using a Thailand-based aid agency (TBBC) as a go-between.

[10] Author interviews with Education, Health and IDP Relief department leaders between October 2008 and August 2009.

[11] Author observation of youth wing meetings with donor organisations between 2003 and 2009.

[12] Author observation of participants working in Karen organisations between 2003 and 2009.

reports and liaising with donors – all the activities necessary to extract NGO capital - while the elder leaders maintain control of policy.

Burmese state policies have facilitated the new modes of KNU accumulation because Burmese military paranoia of NGOs (local and international) makes central Burma a difficult arena to work in. By contrast, the KNU actively pursues international NGO funding and supports the CBOs who carry out NGO-funded activities in Karen state. Thai state policies, in general, neither inhibit not assist NGO activity in the Thai-Burmese borderlands: NGO activity must not be seen as too political or threatening in any way to Thai business interests, but otherwise is tolerated[13]. Education, health care and humanitarian relief generally pose few problems to these rules. Other activities, particularly political organising and recruiting, are simply conducted away from Thai eyes[14].

The effectiveness of the transformation in modes of accumulation is such that the KNU's education, health and humanitarian relief departments can all continue to operate (though not to the same extent as in the past) with funds from international agencies, enabling these departments to remit back to KNU state coffers the five per cent of the budget they are each officially granted[15]. In pursuing international legitimacy and INGO capital, the KNU have continued to steer clear of the large borderland drugs trade which other Karen groups have profited from.

One of the downsides of pursuing international NGO funding, however, is that the KNU are sometimes caught between Thai and Burmese interests and international agendas. One example is the issue of the Salween river hydroelectric dams which the Thai and Burmese governments have agreed to construct together in Karen state. The dam sites were initially controlled by the KNU but the Burmese military forcibly took control of the area and pushed the Karen villagers off the land. The dam issue has been taken up by international NGOs who support a number of Karen CBOs (most of whom are allied to the KNU) in vocal opposition to the dam, however the Thai government is attempting to pressure the KNU to withdraw their opposition and cease military operations in the area[16]. Improving Thai-Burmese bilateral relations over recent years have seen the Thais put increasing pressure on the KNU in Thailand and since early 2009 have led to a ban on the KNU commanding their troops from Thai soil or bringing weapons across the border (Irrawaddy, 2009).

In addition to transformed modes of capital accumulation, the KNU are also faced with a pressing need to transform the way in which it accumulates civilian support and associated goodwill. Grassroots Karen inside Burma form the backbone of support for the KNU, without whose intelligence, food stores, funds and recruits the KNU would not be able to operate[17]. In the past it could fall back on the implied threat of sole coercive power in its liberated zones, as well as nurturing loyalty through the distribution of welfare services to the population. While it still distributes some services to the KNU

[13] Interview with KYO Vice-Chairperson on 19th May 2009 and with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[14] Interview with KYO Vice-Chairperson on 19th May 2009
[15] Author interviews with Education, Health and IDP Relief department leaders between October 2008 and August 2009.
[16] Phone Interview with a KYO leader on 19th October 2009.
[17] Interview with Padow Hla Ngwe, KNU Joint Secretary 1 and Chairperson of Organising department, on 13th June 2009.

polity, the KNU has far less coercive power and a new political constellation has emerged in many of its former areas. Older KNU leaders now find it difficult to appeal to the younger generation, who complain that the leaders are out of touch with their needs and opinions, are slow to change and do not listen to them. Therefore, in order to continue accumulating crucial civilian support, a new brokerage role has emerged for youths. Youth brokers from the youth wing of the party are tasked with representing the organisation and its political objectives to the younger generation, mediating the demands of each group and ensuring their continued support for the cause. As one KYO leader put it: "*We are a bridge*".[18]

The new modes of accumulation have required a transformation in the human resources labouring in the administrative apparatus of the Karen proto-state. On the Thai side of the border, a middle class cadre of educated youths proficient in English and adept at report writing and budgeting using IT systems are important resources for the new KNU. On the Burmese/Karen side, an extensive network of youth workers now supplement the traditional modes of accumulation, delivering political education and, in some cases, propaganda; working on social issues (boarding houses for unaccompanied children, for instance) and organising villagers to support the movement's aim of national liberation[19]. The author's analysis of the social classes of youth participants in KNU-affiliated groups reveals that the poorest and most marginalised in Burma take on the least desirable jobs (soldiering, for example) while the wealthier and, by extension, the better educated (including the refugee population in Thailand), are directed in to, and choose for themselves, less dangerous occupations with more income and stability.

One of the downsides of using Thailand as a base for the administrative centre of KNU operations and capital accumulation is that upwardly mobile participants have access to much more lucrative opportunities. As youth recruits move up the organisation hierarchy they move closer to Thailand. Once in Thailand they are able to apply for resettlement to a Western country or a job in an INGO, which pays far more than work in the Karen movement. With up to 17,000 Burmese people leaving for resettlement per year, many of them from the Karen refugee camps (IOM, 2009), there is a constant exodus of skilled staff which is decimating the proto-state structures.[20]

The location of the KNU's central operations and headquarters in Thailand also leads to some resentment among the beleaguered supporting population and soldiers facing intense hardship in Karen state[21]. However, the KNU and its affiliated groups have benefitted from security and stability in Thailand, functioning telephone and internet communications, access to other opposition groups and visiting journalists, aid workers and diplomats. The NGOs and CBOs upon which it partly relies now could not survive without their Thai headquarters for fundraising, marketing and communications. The KNU therefore tread a fine line trying not to lose touch with their polity while attempting to secure alternative strategies to prevent their annihilation as a political and military force in Burma.

Distribution

[18] Interview with a KYO leader on 3rd April 2009.
[19] Interviews with KYO and Burma Issues leaders during Feb-July 2009
[20] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[21] Interview with KYO Vice-Chairperson and KYO Joint Secretary 2 on 19th May 2009.

The distribution of resources is a primary strategy of the KNU in its state-building campaign since it serves to legitimise the group among the local population. The education, health and relief departments continue to provide welfare services to the KNU polity as in the past, with a manpower of approximately 3,500 KNU teachers and 250 medics working inside Karen state (plus 1,500 teachers and an unknown number of medics in the refugee camps in Thailand)[22]. Supporting the delivery of services (as well as the extraction of capital) are at least 570 administrative staff, effectively civil servants, and a small number of independent NGOs, such as the Karen Teachers Working Group.

Some of the distribution patterns of these resources have transformed with the new modes of accumulation. Humanitarian relief given by international agencies is sometimes distributed through the new NGOs and CBOs rather than directly through KNU administrative structures in an effort to achieve political neutrality, although the KNU provide armed guards to aid convoys travelling throughout Karen state. Often though, the 'apolitical' humanitarian agenda of international agencies transforms upon delivery in Karen state in to one side of the reciprocal nature of capital extraction and welfare service provision in the KNU's state building campaign, thereby legitimising the KNU among the local people (South, 2006). A KYO leader involved in the delivery of humanitarian aid to IDPs inside Karen State who was interviewed as part of this study reported that donors insist he always explains where the aid is coming from and that it is not from the KNU, but despite this, the aid still legitimises the KNU in the recipients' eyes because the KNU have facilitated its delivery[23]. Another young Karen leader who wears a number of hats working for an NGO, the KNU and the KYO supported this position, stating:

"FBR [Free Burma Rangers] *and other relief work is taken advantage of by the KNU to show they work for the Karen people."*[24]

Additionally, however, a new mode of resource distribution and strategy of legitimisation has developed in the work of the youth and women's wings – the KYO and KWO. Since the KYO and KWO re-formed in the 1980s, they have worked together with the KNU and its military and bureaucratic wings to mobilise capital, coercion and legitimacy – the three pillars of state-building identified by Ayoob (in Grundy-Warr *et al*, 1997:75). There are now 40,911 members of the youth organisation and around 3,000 youth leaders and staff actively working on youth programmes[25] while the Karen women's organisation has around 30,000 members and 3,000 leaders and staff working on women's programmes.[26]

The extensive political campaigning and education work carried out by the youth wing in particular throughout the Karen areas of the eastern borderlands serves to build KNU legitimacy, but one factor which may undermine KNU legitimacy in future is its own use of its rapidly diminishing resource base. A casualty of the old modes of resource accumulation is the depletion of forest teak reserves. Together with the loss of territory, the loss of forest affects fundamental notions of sovereignty since traditionally, Karen conceptions of sovereignty are intimately linked to the forest (Bryant, 2007, in

[22] Interviews with KNU Health department and education department staff between January and August 2009
[23] Interview with a KYO leader on 3rd June 2009
[24] Interview with an NGO leader / KNU official / KYO leader on 23rd June 2009
[25] Interview with KYO Vice-Chairperson and KYO Joint Secretary 2 on 19th May 2009
[26] Interview with Nan Dah Eh Kler, KWO General Secretary, on 24th June 2009

Horstmann, 2002). It is unclear yet how sovereignty may be redefined, but transformed policies and practices may prompt a re-conceptualisation of sovereignty within the KNU.

Protection

With the relocation of the KNU (and opposition groups formerly based at the KNU headquarters in Manerplaw) across the border have come transformed modes of protection. It is the Thais who are now brokers of protection to opposition groups in Thailand, upon payment of monthly bribes to local police forces and the sharing of intelligence.[27] As a group, the KNU and organisations allied to it continue to receive some protection from their location across an international border, however this is on the decline.

The critical presence of an international border for rebel groups engaged in civil conflicts has been noticed before; Lischer (2005:2), for example, argues that "For exiled rebel groups, a refugee population provides international legitimacy, a shield against attack, a pool of recruits, and valuable sources for food and medicine…in essence…rear bases for rebels who attack across the border". Residents of the Karen refugee camps in Thailand are not all supporters of the KNU, despite the Burmese regime assuming that anyone who flees from their marauding troops must have links to the Karen 'rebels'[28]. Some of the early camps, such as Wangka, emerged as military rear bases shifted over the border and the current camps remain conveniently safe places to house soldiers' families, but they also contain non-supporters and are nowadays relatively de-politicised, compared to reports from other refugee camp situations. However, the refugee population continues to provide the KNU with some protection while its own relationships with Thai power holders along the border are on the decline. For instance, in early 2009, the KNU military lost their sanctuary in Thailand and were ordered by the Thai military back to their own territory in Burma (Irrawaddy, 2009a). The loss of Thai military support and the end of the war in Cambodia have also curtailed the flow of weapons to the KNU such that nowadays, despite having funds available, Karen army commanders find it difficult to purchase guns (Irrawaddy, 2009b). The Karen national liberation movement's use of an external sanctuary and pursuit of transnational support supports Theda Skocpol's (1979, in Salehyan, 2007) assertion that transnational relations invariably help to shape revolutionary struggles and outcomes.

While the KNU remains a significant challenge in the eastern borderlands of Burma, Karen society is politically fragmented and the KNU's claim to power is tentative. There are other political groups organised around Karen ethno-nationalism who have never contested the Burmese regime militarily[29] and there are splinter factions from the KNU who have been bought off by the regime and utilised as a proxy force in Karen areas[30]. Consequently, many villages are now subject to claims to power and control from other (Karen, Mon and Burman) groups. In the liberated and contested areas of the eastern Burmese borderlands, the KNU behaves relatively benignly towards its self-ascribed constituency, compared with reports of human rights abuses by other power holders in the region, and attempts to protect its 'citizens' in contested areas by providing armed

[27] Interviews with numerous members of opposition groups in Mae Sot, Thailand, between 2003 and 2009.

[28] For example, see 'Ministry of Foreign Affairs releases Press Statement in response to declaration of EU Presidency' in *The New Light of Myanmar,* 14th June 2009

[29] Such as the Union Karen League

[30] The DKBA splintered first in 1994? then the KPF followed and finally the KNU-KNLA Peace Force in 2006.

escorts for fleeing villagers and giving advance warning of impending counterinsurgency attacks[31]. However, full protection of its liberated zones is largely impossible now that fixed military positions have been given up for guerrilla tactics and the military strength of the army has declined. This means that the local population cannot realistically rely on the KNU for national defence and safety in their homes.

Paradoxically the KNU's retreat to Thailand has opened space for Karen community based organisations (CBOs) and NGOs to develop new modes of protection for the local population against abuses by elite power holders. Groups such as the Karen Students Network Group, the Karen University Students Group, Karen River Watch and the Karen Human Rights Groups have mushroomed in the years since the fall of the KNU headquarters[32] and are very active in community development, environmental and human rights campaigning and youth development. Initially they were viewed as a threat by the KNU leadership, but they have proved their worth by attracting and distributing international aid and a range of services to the Karen population. In addition, they have pushed the KNU to move towards more democratic practices, accountability and recognition of independent political space.[33]

The value of independent groups for a future democratic Burma is not lost on the contemporary KNU leadership. In a transformation from their previously hard line attitude, the KNU are now incubating trade union groups, although not all of the KNU leaders see their value[34]. The trade unions were set up with a view to protecting the Karen population from labour exploitation in a future federal union of Burma. Forced labour is a widespread form of state abuse in Burma and labour rights in general are poor. Around 90 per cent of Karen people are either farmers, teachers or health workers, so three wings of the Free Trade Unions of Kawthoolei were set up to protect each group of work.[35] The trade unions remain under the control of the KNU while they are still in their embryonic state (although they are supported by the UK's second largest trade union, Unison) [36] and therefore contribute to the legitimisation of the KNU as 'protector of the nation' among the Karen population.

Strategies of youth recruitment

In the new modes of accumulation, distribution and protection in the Karen state-building programme, youths now form the back bone of labour and can be found in large numbers in almost all of the bureaucratic departments, distributing resources and services to the population, developing protection mechanisms and regenerating the political and military leadership. Their recruitment and retention is therefore critical, although methods have largely remained unchanged. KNU recruitment of youths suffers from a lack of quantity as well as quality, but remains consistently viable for a number of reasons, many of them the result of Burmese state policies.

For the KNU, violent counter-insurgency campaigns directed against Karen civilian populations and resulting in horrific human rights violations have consistently proven to

[31] For example, see numerous KHRG reports at http://www.khrg.org
[32] Interview with a KWO staff member on 25th July 2009
[33] Interview with a KHRG director on 29th July 2009
[34] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[35] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[36] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009

be one of the most effective methods of recruitment, as Fearon and Laitin's (2003) study suggests, which combined with an ethnically polarised context, has resulted in a great deal of covert and overt support despite a lack of understanding of the group's political agenda.

Ordinary people will support the KNU because they are Karen and they fight for the Karen, they don't really know its goals and objectives… It's obvious, you join the organisation that treats you well. If the Burmese army treats the Karen people well and nicely they will follow them, but the issue is that they don't treat them well so they are not stupid, they are more wise than us.[37]

Burmese state policies have also driven disaffected youth in to the KNU through disastrous education policies for youths in state-controlled areas. The Burmese education system has suffered from decades of under-funding, military interference and military paranoia of students. University teachers in Burma report to exiled media groups that the education system is neglected because of the government's fear of students as a source of protest and mass demonstrations (Irrawaddy, 2009) The Burmese education minister himself stated in a speech that:

"Education authorities hand out cheap degrees to daytime (regular) students as well as distant learning students, since they make it a policy of letting every student pass exams if they attend over 75 percent of their class hours. I say this even though it is belittling and embarrassing for our own education system."[38]

Although the KNU education system has also declined significantly with the loss of territory and resources, some youths from Karen areas opt to access further education opportunities provided by the KNU instead of those provided by the Burmese state. As one Karen youth leader educated through the Burmese monastic tradition explained his reasons for travelling far from home to attend a KYO further education school in Thailand, despite no prior participation in the movement:

"The university has so many books but they just only teach two or three paragraphs and then in the examination they pass [the students]. When we finish university we don't know anything. It is like corruption education, it is not good so I left."[39]

Once in the Karen education system, students encounter an alternative discourse forbidden by the Burmese education system. In KNU-controlled areas, a political consciousness and 'Karen' identity distinct from the ethnocratic Burman state are deliberately nurtured enabling the KNU to maintain control over the means of social reproduction and inculcate loyalty to the movement (Grundy-Warr *et al*, 1997:85). This is not new, it is merely a continuation of the system under British colonial rule, when the Karen, supported by American Baptist missionaries, established their own education system along with their own written language.

In this study, although many participants viewed their work as a good career choice, a significant number described joining the movement through education structures and only developed loyalty to the group once they were already involved. The provision of educational opportunities is therefore an important strategy to KNU recruitment and retention as well as crucial to the development of a skilled workforce in the administrative apparatus.

[37] Interview with Saw B on 23rd June 2009
[38] Dr. Chan Nyein (Irrawaddy, 18th November, 2009)
[39] Interview with KYO Joint Secretary 2 on 10th July 2009

Conclusions

The Burmese state-building project remains highly conflictual with a broad array of armed and unarmed actors contesting the ruling military regime's vision of the Burmese nation state. Analysing just one of the groups with a stated political opposition to the present formation and nature of the Burmese state sheds light on a number of issues regarding conflict processes. It not only illuminates a marginal movement, located between two state powers, but places the spotlight on the movement at a time when it is at the intersection between autonomy and state control. In particular, this study shows how non-elite participants (in this case, youths) contribute to the movement's transformation.

In the case of the Burmese-Karen conflict, the changing structural context of the conflict has led to a transformation in the modes of accumulation, distribution and protection and a transformation in the political agenda. The Burmese regime has achieved primacy over the KNU in the border economy and in diplomatic relations with Thailand, thereby strengthening the Burmese state and re-calibrating power relations in its favour. The transformation in state control over the Burmese borderlands has not been limited to the Burmese side of the border. The Thai side of the border has also seen a reconfiguration in the political and economic regulatory regime, resulting in pressure on the KNU from both sides. Western governments are also disinclined to support separatist movements now that the Cold War has ended, therefore the political agenda of the KNU has had to change. No longer is this an attempt to create an independent state out of the eastern Burmese borderlands, instead it has transformed in to an alternative state-building approach within the parameters of a democratic Burmese federal union, albeit one that remains highly conflictual.

The outlook now for the KNU may be bleak, but despite predictions of its imminent demise, so far it has managed to prevent its annihilation. Goodhand's diamond model illustrates why this may be the case: In the bargaining processes over borderlands, there are three other groups of actors in addition to state elites. Central elites in Thailand and Burma may be driving out the borderland elite (the KNU), but the KNU have to a certain extent transformed their modes of accumulation, distribution and protection to retain support from borderland populations and harness new support from international elites (in the form of INGOs).

Conflicts are not static, they are continually transformed by internal and external factors. Borders are equally dynamic, subject to continuing processes of renegotiation between diverse groups of people who are "active agents in the everyday politics of border life" (Grundy-Warr and Schofield, 2005:653). The pursuit of INGO funding from Thailand and distribution of resources by KNU-affiliated organisations enables the KNU to continue its state-building campaign by legitimising the KNU and providing welfare services to the local population who support the KNU in return. Burmese regime paranoia of NGO activity facilitates this development as NGOs seek to by-pass state officials and red-tape. As well as explicitly questioning the legitimacy of the ruling Burmese military regime, the alternative provision of welfare services by KNU-affiliated organisations implicitly undermines state legitimacy and calls into question the ability of the state to control its own territory.

The transformed modes of protection also allow the KNU to retain a degree of local authority in their role as protectors of local concerns and defenders of the nation against

aggression and abuse. This is not insignificant – local Karen populations, particularly the hundreds of thousands rendered silent by military conquests over their homes, nevertheless provide a crucial backbone of human resource to the KNU and an irritating obstacle to state projects of control and coercion. Militarily, the KNU is far too weak to contest the Burma Army openly, but with a fairly strong degree of popular support, and extensive penetrative networks, they are very able to subvert the Burmese state among the ethnic Karen population in Burma.

The KNU's alternative state vision is given meaning by its Burmese and Thai-dwelling participants in the state-building structures, and is in a process of transformation by those actors, many of whom are youths. A new brokerage role has emerged for educated youths and key staff in KNU-affiliated organisations and highly skilled staff are in demand to manage the new modes of capital extraction and distribution. These young participants have facilitated the extraction of capital from INGOs, distributed it (often in new formats) to the local population and transformed protection mechanisms; essentially they are changing the Karen national liberation movement from within. One of the positive aspects of this re-calibration of Karen political space is that as a result of the activities of the Thailand-based community organisations (including some not under KNU control) KNU elites have been obliged to move towards more democratic practices, inclusive forms of community participation and respect for issues such as women's rights (South, 2007). The recruitment of the youths necessary for this work follows well-worn strategies in the Karen national liberation movement. State abuse drives local populations in to opposition groups and state fears of its own students push young people in to schools along the border from where they are then recruited in to KNU structures and offered opportunities to participate in the development of alternative state structures.

The Karen National Union's shift in headquarters to Thailand means that it is more sensitive to Thai policies and more reliant upon Thai toleration of the Karen's use of its territory as a base for its non-military operations. Improving Thai-Burmese bilateral relations are making life for the KNU increasingly difficult, however, and the KNU is increasingly treading a fine line between Burmese and Thai state policies and between Thai interests and the agendas of international aid agencies. A changed structural context is not the only driver of transformation though, the KNU also have to tread carefully in their negotiation of participants' interests from different sides of the border and different social classes. For instance, while pursuing alternative state-building strategies from a base in Thailand can be effective, the KNU also have to take care not to lose touch with their polity inside Burma who may choose to withdraw support.

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Treading a fine line: The politics and practices of the Karen insurgents in the Burmese-Thai borderlands

Introduction

During the Burmese military's disastrous 1962-88 experiment with socialism, the Burmese-Thai borderlands became important sites for a thriving rebel-controlled black market as well as the protection and development of political opposition groups. The amount of capital accumulated and the manner in which it was distributed thoroughly undermined state policies and the borderland political groups came to pose serious threats to the Burmese military elite, particularly when united in opposition. Control of borderland resources has gradually changed hands since the 1990s when an all-out effort by the Burmese military to wrest control of the borderland economy dove-tailed with a Thai government policy to transform battlegrounds to marketplaces.

The strongest political and military opposition group in the area, the Karen National Union, has declined in military, political and economic significance as it has lost control of the borderland economy and key territory, however, its annihilation has been prevented by the transformation of its strategies of resource accumulation, distribution and protection. The new strategies tread a fine line in the spaces between Thai and Burmese state policies: sanctuary in Thailand is a critical resource, but there is an increasing moratorium on Karen military activity on Thai soil following improved Burmese-Thai bilateral relations. They also continue to tread a fine line among a highly fractionalised Karen population divided by an international border.

Ethnographic fieldwork in Thailand since 2003, conducted with Karen participants in Burmese borderland politics, explores the new modes of accumulation, distribution and protection developed by opposition Karen groups as part of the ongoing low-intensity Burmese civil war. In a departure from elite-centred studies, this research focuses primarily on the roles of the large youth cohort in the advancement and negotiation of these strategies in the borderlands.

Definitions

There are a number of groups organised along ethnic Karen lines, either overtly and covertly contesting the Burmese military regime or allied to the regime, but the most significant since independence has been the Karen National Union (KNU). While the Burmese military refer to the KNU as 'rebels', among groups allied to the KNU the Karen-Burmese conflict is often referred to as the 'revolution' and the primary objective 'national liberation' while its participants are 'freedom fighters'. In this paper, the KNU and groups allied to it by their own declarations are termed the 'Karen national liberation movement'. The use of the words 'national liberation' is not intended to imply bias, they are used here because this paper is based on the life-worlds and perspectives of participants, whose employment of this terminology within the movement justifies a particular range of contentious political action.

The term 'youth' in the Karen national liberation movement is broadly defined as men and women between the ages of 15 and 35. Karen society traditionally has a strong social role for the youth cohort, however, the politicisation of life in Karen state following extensive conflict and militarisation has seen youth roles broaden in to political

roles[1]. Author discussions with past and present youth leaders in the Karen movement[2] suggest that the political re-construction of 'youth' in the Karen movement, and the re-establishment of the youth wing in 1989, was a conscious development to create a distinct space for the youth cohort in the interests of perpetuating the movement and harnessing support for the cause.

Borderland Insurgents Literature

Blanchard (2005:694) asserts that since states are territorial entities, they seek to solidify their boundaries and assert control over their residents by monopolising violence, establishing legitimacy, controlling revenue and transforming social identities. However, alternative power holders contesting attempts at state formation may also seek to do the same leading, in particular cases, to the establishment of 'activist'-type insurgent groups which behave like a state. One of the reasons why some insurgent groups imitate states is down to the differences which Weinstein (2007) has identified in groups relying on lootable resources and low-commitment participants to wage war and those relying on the support of the local population and highly committed recruits. Weinstein terms the latter 'activist' groups and argues that since they have to rely on the local population for support, they need to continue to demonstrate their capacity for governance in order to build legitimacy.

Within an 'activist' group, entire administrative systems may be established in addition to the military, as the power-holders seek to prove their capacity for governance and provide collective benefits to their supporters (usually education, health and infrastructure) (Weinstein, 2007). Termed 'proto-states' by Henriksen (1976), this type of group sometimes mimics states in their structures of capital extraction (tax and customs), maintenance of sole coercive rights over the population (policing and justice systems) and constructions of legitimacy (political propaganda, national identity construction and visible displays of nationhood: flags and national days, for example). A national liberation movement then typically comprises a military wing, political wing and administrative apparatus of varying extents.[3]

International borders are often argued to be a critical resource for insurgent groups bent on contesting the state, providing both economic opportunities and protection. For example, Blanchard (2005) argues that control of economically strategic borders is a central pursuit of states and rebels wishing to boost their coffers, while Salehyan (2007) argues that the use of external sanctuaries is one of the most common strategies employed by rebel groups. A whole body of literature on 'refugee warriors' explores the ways in which rebel groups exploit sanctuary and an international border to re-calibrate an unfavourable balance of power.[4] Internal borderlands can also be useful since the state may be unable to control impenetrable terrain within its national borders. Fearon and Laitin (2003), for instance, find that rough terrain is positively correlated with the prevalence of civil war in their study.

[1] Author discussions between October 2008 and August 2009 with past and present KYO leaders.
[2] During field work conducted between October 2008 and August 2009
[3] For example, Palestine is currently run as a sophisticated proto-state, that is, a parallel state with a provisional government and welfare services to inhabitants. Other liberation movements in the past, such as those in Mozambique, Angola and Guinea-Bissau, have also operated their liberated zones as rudimentary proto-states (Henriksen, 1976:32).
[4] For example, Loescher *et al.* (2007); Lischer (2005)

Conflicts are not static, they are continually transformed by internal and external factors and a protracted conflict, such as the Burmese-Karen war which has entered its 60th year, must have developed mechanisms for transformation over the years. Few studies are able to analyse the changing policies and practices of an insurgent movement and the micro-level detail from within since access to information can be so difficult. Even fewer take an ethnographic approach with non-elite participants. Doing so here places a spotlight on the movement and its actors at a time when it is at the intersection between autonomy and state control – as Winichakul (2002, in Horstmann, 2002) calls it a 'history at the interstices'.

In the case studied here, the Karen National Union in Burma/Myanmar is an example of Weinstein's 'activist' rebel group. It has developed a fairly extensive administrative apparatus and behaves as a proto-state toward the population under its control. Youths have particularly significant roles to play in addition to their military function and these were studied in some depth since few prior studies have considered the broader significance of non-military roles of youths within the administrative apparatus of an insurgent group. In part, the lack of attention paid to non-military youth activity in insurgent groups may be a reflection of the lack of developed administrative structures among such groups, however the result is a bias towards military studies or studies of violence as well as a tendency to study elite actors, rather than routine participants.

The question this paper seeks to address is: how is the Karen national liberation movement transforming the non-military aspects of its state-building strategies and resources and how is the youth cohort contributing to the re-making of the movement? The ethnographic field work behind this paper is described next followed by an explanation of the context of the Karen conflict in Burma. An analysis of the old and new modes of Karen state-building campaigns then forms the body of the paper.

Ethnography of youths in the Karen national liberation movement

In a departure from state-centric accounts of borders and conflicts, this paper contributes to a redressing of the imbalance highlighted by Baud and Van Schendel (1997) by taking a view from the periphery. It focuses on how borderland populations involved in state-building groups deal with the political constellations which impinge upon their lives and how a changing political landscape transforms the politics and practices of such a group. Focusing this study in an area within the extensively contested Southeast Asian borderlands takes advantage of a particular moment in history and geography described by Horstmann (2002) as a 'laboratory of social change'. In terms of understanding how a long-running, separatist, state-building campaign transforms itself, the Burmese borderlands provide an ideal social laboratory for research.

Recent PhD field work studied the activities of youths working in non-military roles in the Karen national liberation movement along the Burmese-Thai border.[5] The research used an ethnographic approach in which 35 life histories, 144 structured and semi-structured interviews and numerous informal discussions were conducted over a ten-month period dealing with the internal structure of the movement, the individual motivations of participants, the movement's history and Burmese politics. To mitigate the problem of difference between what people say they do and what they actually do, the research was triangulated using observation of the actual activities and discussions

[5] The author spent ten months living at the headquarters of the Karen Youth Organisation during 2008-09, having previously worked as a volunteer in the same organisation for two years and for a local human rights group for one year.

among staff at the Karen Youth Organisation as well as analysis of internal documents and news sources. Information was also verified for authenticity with a number of key informants within the movement, with a number of informed outsiders and at later dates with the same source. The structural context of the movement and the culture of the societies it operates in were also taken in to consideration.

One of the problems of researching socio-political conflict is that vested interests, personal histories, ideological loyalties, propaganda and a dearth of first hand information can lead to wildly different testimonies (Nordstrom and Robben, 1995). In this case, the adoption of a methodologically composite approach, as Barakat *et al.* (2002:992) suggest, the investment of a significant amount of time in trust building with research participants, the encouragement of actor participation in the research and the adoption of a flexible approach and attitude to results during the research process resulted in coherent findings.

The Burmese conflict

Using Goodhand's (forthcoming) typology, the Burmese borderlands are in some areas 'classical borderlands' straddling an international border and in others, 'internal borderlands' which do not straddle an international border but nevertheless remain non-state spaces because of weak state penetration in the hilly, jungle terrain. In the pre-colonial period, Burma's stateless zones represented a symbolic and practical space of subversion to the central monarch: both as "exemplars of rudeness, disorder and barbarity, against which the civility, order and sophistication of the center could be gauged" and as refuges for fleeing peasants, rebels, bandits and royal pretenders (Scott, 1998:187). During colonialism, the British ruled the parts of the borderlands they could reach as separate areas and allowed the local village leaders a large amount of autonomy. They also nurtured ethnic consciousness among the myriad peoples in the country, resulting in local political alignments based on perceived ethnicity and communal identity becoming ethno-nationalist (Brown, 1994:35).

After independence in 1948, the policy of non-interference in borderland affairs changed as the new Burmese government attempted to extend state control by force to the new national borders. Attempts at state-building in the borderlands followed a common pattern among Southeast Asian polities with coercive strategies of assimilation and control couched in terms of nation-building in order to consolidate territorial control and threats to regime or state security articulated as threats to national security (Samudavanija and Paribatra in Grundy-Warr *et al*, 1997:73). The government's policy of 'Burmanisation': the assimilation of all people into the Burman ethnic identity; the imposition of 'development' projects using forced labour and extortion, and the repeated attempts to violently impose military rule over the borderland groups by the state, have been perceived as a threat to the non-ethnic Burman people and provoked ethnic separatist rebellions which remain unresolved today, despite a proliferation of ceasefire agreements (Brown, 1994:34; Smith, 1999:98). Shortly after independence, the Burma Army was embroiled in fighting over 24 armed insurgent groups and controlled only a fraction of the country (Smith, 1999). Since then the Burmese State[6] has been marked by its continuing inability to dominate its borderlands (Baud & Van Schendel, 1997:218) and its violent, authoritarian attempts to impose central state control. This has allowed exceptional forms of military control to become the norm under a counterinsurgency

[6] The Burmese State is currently controlled by an authoritarian military regime calling itself the State Peace and Development Council (SPDC).

mandate, which has resulted in widespread serious human rights abuses against the civilian population by state soldiers acting with impunity (Lang, 2002).

Resisting the state project of 'Burmanisation', a Karen identity characterised as "oppressed, uneducated and virtuous" (Cheesman, 2002:202 in Malseed, 2008:492) was formed as a defence against cultural assimilation and was based on structural opposition to other similar groups (Fernando, 1982:130 in Malseed, 2008:492). The growing Karen pan-ethnic consciousness had evolved into a full rebellion by independence as educated Karen elites articulated their grievances against the central state and were mobilised into the Karen National Union (KNU) (Brown, 1994:54). Following a pattern identified by Gupta and Ferguson (1992:12) in Southeast Asian borderlands more generally: the KNU rebellion is essentially a conflict over state-building in previously non-state spaces, articulated around a political construction of an ethnic 'imagined community' with insurgents aiming for self-determination in their imagined homeland instead of assimilation in to the central state.

Burma is administratively divided in to seven ethnic states and seven divisions. Its eastern borderlands are dominated by a variety of Karen tribes, who collectively form the largest ethnic group in Burma after the ethnic Burmans, and a smaller group of ethnic Mon people. The Burmese regime have designated the southern part of the eastern borderlands 'Tennasserim Division', a small strip 'Mon State', and a larger section 'Karen State' which rises to 'Karenni State' in the northern section. The KNU rejects the current internal borders and claims a much larger part of the eastern borderlands as its autonomous region.

Rajah (2008), in his doctoral study of the Karen in the 1980s, characterised Burma's eastern borderlands as a Burmese-Karen frontier region reaching towards the Thai border in which the KNU had formed their own, imagined, pre-colonial state. In thinking and acting like a state, the KNU have established a separate administration (Smith, in Baud & Van Schendel, 1997:218), essentially a proto-state, with a litany of departments, including a national army and police force. Complex networks of civilian support groups have been created to govern and control the population; provide social services, such as health, education and humanitarian relief, and maintain political legitimacy. The armed wing, political wing and administrative departments together mobilise capital, coercion and legitimacy, which are the three pillars of statebuilding identified by Ayoob (in Grundy-Warr *et al*, 1997).

Historic modes of KNU state-building

At its height in the 1980s, the KNU was arguably the most powerful and influential politico-military group opposing the Burmese state with a standing army of 10,000 troops (Harriden, 2002:84; Smith, 1999:394). Much of its power appeared to derive from its strategic control of the borderland economy. The importance of control of the borderlands to both the KNU and the nascent Burmese state was highlighted by Rajah at the time (1990:122, in Horstmann, 2002) who stated that in terms of the Karen insurgency "what is at stake is the capacity of the state to control and maintain its boundaries and what is contained within these national boundaries." As well as controlling large parts of the eastern borderland territory and the border economy, the KNU also controlled the means of coercion (military and police) and the means of identification through school education (Horstmann, 2002). The modes of KNU accumulation, distribution and protection utilised until the fall of its headquarters in 1995

are outlined below before the paper turns to an analysis of the new modes sought as the KNU declines in power.

Accumulation

During 1962-88, Burma underwent a disastrous period of socialism under military rule in the guise of the Burmese Socialist Programme Party. Termed 'the Burmese way to socialism' and marked by extreme isolation and nationalisation of industry, the government's introspective policies destroyed the official economy and the black market flourished (Grundy-Warr *et al*, 1997:85; Harriden, 2002:119).

The main black market trade routes traversed Burma's eastern borderlands, through Karen territory, entering Thailand at border passes all along the long, porous border. The KNU set up tax gates along the approximately 800km portion of the 2,400km long Thai-Burmese border which they controlled. The first was established in 1964, soon after the advent of Burmese socialism, and at the peak of trade there were 12 gates all along the Moei river border, each garrisoned by up to 200 troops (Boucand, 1992, in Chen Wei Ching, 1998). Caravans of goods (teak, gems and cattle from Burma and manufactured goods from Thailand) were smuggled through Burma and in to Thailand upon payment of a 5-10% tax to the KNU (Grundy-Warr *et al*, 1997:84).

At the peak of trade in the 1980s, the KNU's Eastern Division revenue amounted to around £50 million per annum (Boucand, 1992, in Chen Wei Ching, 1998) thus the Burmese economy became characterised as a "poor center and rich periphery" (Kurosaki *et al* in Kudo, 2007:14). Additionally, the KNU accumulated revenue through its granting of logging concessions, mines, businesses, plantations and a rice tax on farmers.

Distribution

The proceeds of the Burmese black market border trade and the control of territorial resources in the borderlands undermined the Burmese state policy of socialism as well as its imagined projection of power to the edges of its national boundaries. Instead of customs revenue accruing to the Burmese state, it accrued to the Karen proto-state under the KNU and went on defending the civilian population, maintaining the Karen army and their dependents, developing political and support wings, and funding numerous clinics and schools in the 'liberated zones'.

Revenue accumulated also supported the development of an extensive administrative apparatus which provided a range of services to the population under KNU control, a development which legitimised the KNU among the population at the expense of the Burmese state. Essentially, the KNU's control of the borderland economy allowed it to build a de-facto independent state out of the fringes of the Burmese state, while concurrently undermining central state economic policies in the Burmese heartland.

Protection

The strategies of protection which the KNU utilised were their superior knowledge and resilience in the inhospitable terrain, which made Burmese military conquest of the area difficult; the large army they could fund, and Thai and Western support. From the perspectives of the Karen's Thai neighbours and Western (primarily American) interests in the region, the staunchly anti-communist KNU served an important geopolitical 'buffer' function in preventing the communist parties of Thailand, Burma, China and Malaya from linking up (Smith in Grundy-Warr *et al*, 1997:84). Until the fall of the Soviet Union, the KNU was treated as a quasi-state and used as a proxy for Thai power,

enjoying military, financial and moral support as well as a safe haven in Thailand (Grundy-Warr *et al*, 1997).

Protection of the inhabitants of the KNU proto-state against Burmese aggression was not limited to the Karen population. During the political upheavals of the late 1980s in the central areas of Burma, it was also extended to fleeing activists in the Burmese democracy movement in a further attempt to undermine the Burmese regime. After the 1988 uprising in urban Burma, around 3000 students fled to KNU-controlled areas, whom the KNU encouraged to set up their own political and military group. By the late 1980s the political centre of gravity had joined the economic centre of gravity in Burma's eastern borderlands (Fink, 2001).

These modes of accumulation, distribution and protection have altered somewhat since state policies in Burma and Thailand in particular, and the international geopolitical climate in general, shifted in the 1990s. Establishing control over the country's national borders is one of the most basic requirements of statehood and has been the aim of the Burmese state since independence. The centrality of the Burmese-Thai borderlands to the Burmese economy by the late 1980s, and the threat posed by the political opposition based there, led the Burmese regime to focus large scale operations on the area to break the hold of the KNU on the economy and key territory. The conflict culminated in the Burma Army's seizure of the KNU headquarters at Manerplaw in 1995, after which the KNU relocated across the border in Thailand. Unfortunately for the KNU, however, by this time communism was no longer a serious threat, Thai polices had changed and they were no longer deemed useful as a proxy force.

New modes of KNU state-building

By the time the KNU had lost their headquarters in Burma and relocated across the border, the Cold War had ended and the communist threat in the region had been eliminated. Embarking on a new policy to transform 'battlefields to marketplaces' (High, 2009) the Thai government gradually withdrew their support from the KNU and agreed a series of trans-boundary resource access deals with the Burmese state (Grundy-Warr *et al*, 1997:87). The Burma Army were then able to launch a series of large-scale attacks on KNLA strongholds and customs gates with tacit Thai support, which led to increasing losses of KNU territory, including the lucrative customs gates. Thailand gradually became Burma's biggest foreign investor and trading partner and cross-border official trade increase to an annual value of US$248 million in 2006-07.[7]

On the Thai side of the border, new roads and bridges have been built, the Asia highway has been completed, a new freight train line from the border has been approved and the area has been designated a special economic zone to entice more business investment. On the Burmese side, the Burmese military have continued to gain military control in the borderlands while the KNU has lost territory, control of border tax gates, mines, businesses and logging sites. Its army has decreased to a force of no more than 3,000 poorly equipped soldiers plus 850 local defence militia[8] and many of the KNU families have fled to Thailand for their safety and survival. While the KNU continues to pursue an alternative state-building campaign, the location of the KNU headquarters over the border in Thailand has resulted in a fundamental change in KNU modes of accumulation, distribution and protection, which are analysed below.

[7] Reported on May 1st 2008 at http://www.tradingmarkets.com/.site/news/Stock%20News/1483393/

[8] Interview with a KNDO soldier / KYO district leader / Karen State Coordinating Body member on 11th July 2009

Accumulation

The loss of the black market economy and the majority of border trade has had a profound effect on the finances of the KNU, although they still generate a much reduced income from local businesses, tax and the sale of natural resources such as gold, zinc and hardwood to Thailand (Irrawaddy, 2009). The old modes of accumulation continue to fund the army, but there is very little revenue to support even a relatively small, guerrilla force. The flight of hundreds of thousands of Karen villagers in to refugee camps across the border in Thailand, however, has resulted in significant new opportunities for revenue accumulation for the new, Thailand-based headquarters of the KNU.

NGO funding has always supported camp-based refugees, but it has also gradually been extended to internally displaced populations in Karen state who form the backbone of the KNU polity. Although the KNU are far from achieving legitimacy among UN agencies, government officials and large NGOs[9], the KNU health, education and humanitarian relief departments actually get all of their funding from international agencies now[10]. The way in which the KNU have got around NGO bans on direct funding of KNU ministries, is by setting up parallel health, education and humanitarian relief organisations, mirroring those in the government apparatus and reporting to the same political leaders, but formulated as independent organisations without any political affiliation. They also play down the links the women and youth wings have to the parent party in order to allow these groups to secure external funding for social and political activities[11].

Reformulated as local community-based organisations, key staff within KNU departments and affiliated organisations adopt a strategic stance of independence and humanitarianism towards international donors, while they are positioned as civil servants in dealings with the KNU. They therefore wear multiple hats and must make coherent projects out of different stakeholder priorities. In essence, they are 'brokers', which is a term used in Mosse and Lewis's (2006:16) work to refer to people in the context of development programmes, usually situated between the state and the community, who read the meaning in a project into the different institutional languages of its stakeholder supporters, creating coherent representations of social realities against the ever-present threat of fragmentation. The institutional ambiguity of the organisations in which many of these brokers now sit serves to render the political nature of many of their activities opaque, making NGO capital extraction feasible.

Staff involved in 'brokerage' in Karen organisations appear to have particular competencies. They are usually familiar with Western culture, savvy to donor politics (particularly appearances of political neutrality), English-speaking and IT literate[12]. Above all, though, they are young. The administrative departments contain youth proportions of between 8 per cent (health department) and 75 per cent (organising department) among the leadership and between 52 per cent (education department) and 100 per cent (organising department) among the non-leadership staff. Youths now provide most of the labour writing funding proposals, meeting INGO representatives, writing project

[9] UN agencies, for example, refuse to meet directly with the KNU, instead using a Thailand-based aid agency (TBBC) as a go-between.

[10] Author interviews with Education, Health and IDP Relief department leaders between October 2008 and August 2009.

[11] Author observation of youth wing meetings with donor organisations between 2003 and 2009.

[12] Author observation of participants working in Karen organisations between 2003 and 2009.

reports and liaising with donors – all the activities necessary to extract NGO capital - while the elder leaders maintain control of policy.

Burmese state policies have facilitated the new modes of KNU accumulation because Burmese military paranoia of NGOs (local and international) makes central Burma a difficult arena to work in. By contrast, the KNU actively pursues international NGO funding and supports the CBOs who carry out NGO-funded activities in Karen state. Thai state policies, in general, neither inhibit not assist NGO activity in the Thai-Burmese borderlands: NGO activity must not be seen as too political or threatening in any way to Thai business interests, but otherwise is tolerated[13]. Education, health care and humanitarian relief generally pose few problems to these rules. Other activities, particularly political organising and recruiting, are simply conducted away from Thai eyes[14].

The effectiveness of the transformation in modes of accumulation is such that the KNU's education, health and humanitarian relief departments can all continue to operate (though not to the same extent as in the past) with funds from international agencies, enabling these departments to remit back to KNU state coffers the five per cent of the budget they are each officially granted[15]. In pursuing international legitimacy and INGO capital, the KNU have continued to steer clear of the large borderland drugs trade which other Karen groups have profited from.

One of the downsides of pursuing international NGO funding, however, is that the KNU are sometimes caught between Thai and Burmese interests and international agendas. One example is the issue of the Salween river hydroelectric dams which the Thai and Burmese governments have agreed to construct together in Karen state. The dam sites were initially controlled by the KNU but the Burmese military forcibly took control of the area and pushed the Karen villagers off the land. The dam issue has been taken up by international NGOs who support a number of Karen CBOs (most of whom are allied to the KNU) in vocal opposition to the dam, however the Thai government is attempting to pressure the KNU to withdraw their opposition and cease military operations in the area[16]. Improving Thai-Burmese bilateral relations over recent years have seen the Thais put increasing pressure on the KNU in Thailand and since early 2009 have led to a ban on the KNU commanding their troops from Thai soil or bringing weapons across the border (Irrawaddy, 2009).

In addition to transformed modes of capital accumulation, the KNU are also faced with a pressing need to transform the way in which it accumulates civilian support and associated goodwill. Grassroots Karen inside Burma form the backbone of support for the KNU, without whose intelligence, food stores, funds and recruits the KNU would not be able to operate[17]. In the past it could fall back on the implied threat of sole coercive power in its liberated zones, as well as nurturing loyalty through the distribution of welfare services to the population. While it still distributes some services to the KNU

[13] Interview with KYO Vice-Chairperson on 19th May 2009 and with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[14] Interview with KYO Vice-Chairperson on 19th May 2009
[15] Author interviews with Education, Health and IDP Relief department leaders between October 2008 and August 2009.
[16] Phone Interview with a KYO leader on 19th October 2009.
[17] Interview with Padow Hla Ngwe, KNU Joint Secretary 1 and Chairperson of Organising department, on 13th June 2009.

polity, the KNU has far less coercive power and a new political constellation has emerged in many of its former areas. Older KNU leaders now find it difficult to appeal to the younger generation, who complain that the leaders are out of touch with their needs and opinions, are slow to change and do not listen to them. Therefore, in order to continue accumulating crucial civilian support, a new brokerage role has emerged for youths. Youth brokers from the youth wing of the party are tasked with representing the organisation and its political objectives to the younger generation, mediating the demands of each group and ensuring their continued support for the cause. As one KYO leader put it: "*We are a bridge*".[18]

The new modes of accumulation have required a transformation in the human resources labouring in the administrative apparatus of the Karen proto-state. On the Thai side of the border, a middle class cadre of educated youths proficient in English and adept at report writing and budgeting using IT systems are important resources for the new KNU. On the Burmese/Karen side, an extensive network of youth workers now supplement the traditional modes of accumulation, delivering political education and, in some cases, propaganda; working on social issues (boarding houses for unaccompanied children, for instance) and organising villagers to support the movement's aim of national liberation[19]. The author's analysis of the social classes of youth participants in KNU-affiliated groups reveals that the poorest and most marginalised in Burma take on the least desirable jobs (soldiering, for example) while the wealthier and, by extension, the better educated (including the refugee population in Thailand), are directed in to, and choose for themselves, less dangerous occupations with more income and stability.

One of the downsides of using Thailand as a base for the administrative centre of KNU operations and capital accumulation is that upwardly mobile participants have access to much more lucrative opportunities. As youth recruits move up the organisation hierarchy they move closer to Thailand. Once in Thailand they are able to apply for resettlement to a Western country or a job in an INGO, which pays far more than work in the Karen movement. With up to 17,000 Burmese people leaving for resettlement per year, many of them from the Karen refugee camps (IOM, 2009), there is a constant exodus of skilled staff which is decimating the proto-state structures.[20]

The location of the KNU's central operations and headquarters in Thailand also leads to some resentment among the beleaguered supporting population and soldiers facing intense hardship in Karen state[21]. However, the KNU and its affiliated groups have benefitted from security and stability in Thailand, functioning telephone and internet communications, access to other opposition groups and visiting journalists, aid workers and diplomats. The NGOs and CBOs upon which it partly relies now could not survive without their Thai headquarters for fundraising, marketing and communications. The KNU therefore tread a fine line trying not to lose touch with their polity while attempting to secure alternative strategies to prevent their annihilation as a political and military force in Burma.

Distribution

[18] Interview with a KYO leader on 3rd April 2009.
[19] Interviews with KYO and Burma Issues leaders during Feb-July 2009
[20] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[21] Interview with KYO Vice-Chairperson and KYO Joint Secretary 2 on 19th May 2009.

The distribution of resources is a primary strategy of the KNU in its state-building campaign since it serves to legitimise the group among the local population. The education, health and relief departments continue to provide welfare services to the KNU polity as in the past, with a manpower of approximately 3,500 KNU teachers and 250 medics working inside Karen state (plus 1,500 teachers and an unknown number of medics in the refugee camps in Thailand)[22]. Supporting the delivery of services (as well as the extraction of capital) are at least 570 administrative staff, effectively civil servants, and a small number of independent NGOs, such as the Karen Teachers Working Group.

Some of the distribution patterns of these resources have transformed with the new modes of accumulation. Humanitarian relief given by international agencies is sometimes distributed through the new NGOs and CBOs rather than directly through KNU administrative structures in an effort to achieve political neutrality, although the KNU provide armed guards to aid convoys travelling throughout Karen state. Often though, the 'apolitical' humanitarian agenda of international agencies transforms upon delivery in Karen state in to one side of the reciprocal nature of capital extraction and welfare service provision in the KNU's state building campaign, thereby legitimising the KNU among the local people (South, 2006). A KYO leader involved in the delivery of humanitarian aid to IDPs inside Karen State who was interviewed as part of this study reported that donors insist he always explains where the aid is coming from and that it is not from the KNU, but despite this, the aid still legitimises the KNU in the recipients' eyes because the KNU have facilitated its delivery[23]. Another young Karen leader who wears a number of hats working for an NGO, the KNU and the KYO supported this position, stating:

"FBR [Free Burma Rangers] *and other relief work is taken advantage of by the KNU to show they work for the Karen people."*[24]

Additionally, however, a new mode of resource distribution and strategy of legitimisation has developed in the work of the youth and women's wings – the KYO and KWO. Since the KYO and KWO re-formed in the 1980s, they have worked together with the KNU and its military and bureaucratic wings to mobilise capital, coercion and legitimacy – the three pillars of state-building identified by Ayoob (in Grundy-Warr *et al*, 1997:75). There are now 40,911 members of the youth organisation and around 3,000 youth leaders and staff actively working on youth programmes[25] while the Karen women's organisation has around 30,000 members and 3,000 leaders and staff working on women's programmes.[26]

The extensive political campaigning and education work carried out by the youth wing in particular throughout the Karen areas of the eastern borderlands serves to build KNU legitimacy, but one factor which may undermine KNU legitimacy in future is its own use of its rapidly diminishing resource base. A casualty of the old modes of resource accumulation is the depletion of forest teak reserves. Together with the loss of territory, the loss of forest affects fundamental notions of sovereignty since traditionally, Karen conceptions of sovereignty are intimately linked to the forest (Bryant, 2007, in

[22] Interviews with KNU Health department and education department staff between January and August 2009
[23] Interview with a KYO leader on 3rd June 2009
[24] Interview with an NGO leader / KNU official / KYO leader on 23rd June 2009
[25] Interview with KYO Vice-Chairperson and KYO Joint Secretary 2 on 19th May 2009
[26] Interview with Nan Dah Eh Kler, KWO General Secretary, on 24th June 2009

Horstmann, 2002). It is unclear yet how sovereignty may be redefined, but transformed policies and practices may prompt a re-conceptualisation of sovereignty within the KNU.

Protection

With the relocation of the KNU (and opposition groups formerly based at the KNU headquarters in Manerplaw) across the border have come transformed modes of protection. It is the Thais who are now brokers of protection to opposition groups in Thailand, upon payment of monthly bribes to local police forces and the sharing of intelligence.[27] As a group, the KNU and organisations allied to it continue to receive some protection from their location across an international border, however this is on the decline.

The critical presence of an international border for rebel groups engaged in civil conflicts has been noticed before; Lischer (2005:2), for example, argues that "For exiled rebel groups, a refugee population provides international legitimacy, a shield against attack, a pool of recruits, and valuable sources for food and medicine…in essence…rear bases for rebels who attack across the border". Residents of the Karen refugee camps in Thailand are not all supporters of the KNU, despite the Burmese regime assuming that anyone who flees from their marauding troops must have links to the Karen 'rebels'[28]. Some of the early camps, such as Wangka, emerged as military rear bases shifted over the border and the current camps remain conveniently safe places to house soldiers' families, but they also contain non-supporters and are nowadays relatively de-politicised, compared to reports from other refugee camp situations. However, the refugee population continues to provide the KNU with some protection while its own relationships with Thai power holders along the border are on the decline. For instance, in early 2009, the KNU military lost their sanctuary in Thailand and were ordered by the Thai military back to their own territory in Burma (Irrawaddy, 2009a). The loss of Thai military support and the end of the war in Cambodia have also curtailed the flow of weapons to the KNU such that nowadays, despite having funds available, Karen army commanders find it difficult to purchase guns (Irrawaddy, 2009b). The Karen national liberation movement's use of an external sanctuary and pursuit of transnational support supports Theda Skocpol's (1979, in Salehyan, 2007) assertion that transnational relations invariably help to shape revolutionary struggles and outcomes.

While the KNU remains a significant challenge in the eastern borderlands of Burma, Karen society is politically fragmented and the KNU's claim to power is tentative. There are other political groups organised around Karen ethno-nationalism who have never contested the Burmese regime militarily[29] and there are splinter factions from the KNU who have been bought off by the regime and utilised as a proxy force in Karen areas[30]. Consequently, many villages are now subject to claims to power and control from other (Karen, Mon and Burman) groups. In the liberated and contested areas of the eastern Burmese borderlands, the KNU behaves relatively benignly towards its self-ascribed constituency, compared with reports of human rights abuses by other power holders in the region, and attempts to protect its 'citizens' in contested areas by providing armed

[27] Interviews with numerous members of opposition groups in Mae Sot, Thailand, between 2003 and 2009.

[28] For example, see 'Ministry of Foreign Affairs releases Press Statement in response to declaration of EU Presidency' in *The New Light of Myanmar,* 14th June 2009

[29] Such as the Union Karen League

[30] The DKBA splintered first in 1994? then the KPF followed and finally the KNU-KNLA Peace Force in 2006.

escorts for fleeing villagers and giving advance warning of impending counterinsurgency attacks[31]. However, full protection of its liberated zones is largely impossible now that fixed military positions have been given up for guerrilla tactics and the military strength of the army has declined. This means that the local population cannot realistically rely on the KNU for national defence and safety in their homes.

Paradoxically the KNU's retreat to Thailand has opened space for Karen community based organisations (CBOs) and NGOs to develop new modes of protection for the local population against abuses by elite power holders. Groups such as the Karen Students Network Group, the Karen University Students Group, Karen River Watch and the Karen Human Rights Groups have mushroomed in the years since the fall of the KNU headquarters[32] and are very active in community development, environmental and human rights campaigning and youth development. Initially they were viewed as a threat by the KNU leadership, but they have proved their worth by attracting and distributing international aid and a range of services to the Karen population. In addition, they have pushed the KNU to move towards more democratic practices, accountability and recognition of independent political space.[33]

The value of independent groups for a future democratic Burma is not lost on the contemporary KNU leadership. In a transformation from their previously hard line attitude, the KNU are now incubating trade union groups, although not all of the KNU leaders see their value[34]. The trade unions were set up with a view to protecting the Karen population from labour exploitation in a future federal union of Burma. Forced labour is a widespread form of state abuse in Burma and labour rights in general are poor. Around 90 per cent of Karen people are either farmers, teachers or health workers, so three wings of the Free Trade Unions of Kawthoolei were set up to protect each group of work.[35] The trade unions remain under the control of the KNU while they are still in their embryonic state (although they are supported by the UK's second largest trade union, Unison) [36] and therefore contribute to the legitimisation of the KNU as 'protector of the nation' among the Karen population.

Strategies of youth recruitment

In the new modes of accumulation, distribution and protection in the Karen state-building programme, youths now form the back bone of labour and can be found in large numbers in almost all of the bureaucratic departments, distributing resources and services to the population, developing protection mechanisms and regenerating the political and military leadership. Their recruitment and retention is therefore critical, although methods have largely remained unchanged. KNU recruitment of youths suffers from a lack of quantity as well as quality, but remains consistently viable for a number of reasons, many of them the result of Burmese state policies.

For the KNU, violent counter-insurgency campaigns directed against Karen civilian populations and resulting in horrific human rights violations have consistently proven to

[31] For example, see numerous KHRG reports at http://www.khrg.org
[32] Interview with a KWO staff member on 25th July 2009
[33] Interview with a KHRG director on 29th July 2009
[34] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[35] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009
[36] Interview with Padow Dot Lay Mu, KNU Joint Secretary 2 and Chairperson of Agriculture department, on 12th June 2009

be one of the most effective methods of recruitment, as Fearon and Laitin's (2003) study suggests, which combined with an ethnically polarised context, has resulted in a great deal of covert and overt support despite a lack of understanding of the group's political agenda.

Ordinary people will support the KNU because they are Karen and they fight for the Karen, they don't really know its goals and objectives… It's obvious, you join the organisation that treats you well. If the Burmese army treats the Karen people well and nicely they will follow them, but the issue is that they don't treat them well so they are not stupid, they are more wise than us.[37]

Burmese state policies have also driven disaffected youth in to the KNU through disastrous education policies for youths in state-controlled areas. The Burmese education system has suffered from decades of under-funding, military interference and military paranoia of students. University teachers in Burma report to exiled media groups that the education system is neglected because of the government's fear of students as a source of protest and mass demonstrations (Irrawaddy, 2009) The Burmese education minister himself stated in a speech that:

"Education authorities hand out cheap degrees to daytime (regular) students as well as distant learning students, since they make it a policy of letting every student pass exams if they attend over 75 percent of their class hours. I say this even though it is belittling and embarrassing for our own education system."[38]

Although the KNU education system has also declined significantly with the loss of territory and resources, some youths from Karen areas opt to access further education opportunities provided by the KNU instead of those provided by the Burmese state. As one Karen youth leader educated through the Burmese monastic tradition explained his reasons for travelling far from home to attend a KYO further education school in Thailand, despite no prior participation in the movement:

"The university has so many books but they just only teach two or three paragraphs and then in the examination they pass [the students]. When we finish university we don't know anything. It is like corruption education, it is not good so I left."[39]

Once in the Karen education system, students encounter an alternative discourse forbidden by the Burmese education system. In KNU-controlled areas, a political consciousness and 'Karen' identity distinct from the ethnocratic Burman state are deliberately nurtured enabling the KNU to maintain control over the means of social reproduction and inculcate loyalty to the movement (Grundy-Warr *et al*, 1997:85). This is not new, it is merely a continuation of the system under British colonial rule, when the Karen, supported by American Baptist missionaries, established their own education system along with their own written language.

In this study, although many participants viewed their work as a good career choice, a significant number described joining the movement through education structures and only developed loyalty to the group once they were already involved. The provision of educational opportunities is therefore an important strategy to KNU recruitment and retention as well as crucial to the development of a skilled workforce in the administrative apparatus.

[37] Interview with Saw B on 23rd June 2009
[38] Dr. Chan Nyein (Irrawaddy, 18th November, 2009)
[39] Interview with KYO Joint Secretary 2 on 10th July 2009

Conclusions

The Burmese state-building project remains highly conflictual with a broad array of armed and unarmed actors contesting the ruling military regime's vision of the Burmese nation state. Analysing just one of the groups with a stated political opposition to the present formation and nature of the Burmese state sheds light on a number of issues regarding conflict processes. It not only illuminates a marginal movement, located between two state powers, but places the spotlight on the movement at a time when it is at the intersection between autonomy and state control. In particular, this study shows how non-elite participants (in this case, youths) contribute to the movement's transformation.

In the case of the Burmese-Karen conflict, the changing structural context of the conflict has led to a transformation in the modes of accumulation, distribution and protection and a transformation in the political agenda. The Burmese regime has achieved primacy over the KNU in the border economy and in diplomatic relations with Thailand, thereby strengthening the Burmese state and re-calibrating power relations in its favour. The transformation in state control over the Burmese borderlands has not been limited to the Burmese side of the border. The Thai side of the border has also seen a reconfiguration in the political and economic regulatory regime, resulting in pressure on the KNU from both sides. Western governments are also disinclined to support separatist movements now that the Cold War has ended, therefore the political agenda of the KNU has had to change. No longer is this an attempt to create an independent state out of the eastern Burmese borderlands, instead it has transformed in to an alternative state-building approach within the parameters of a democratic Burmese federal union, albeit one that remains highly conflictual.

The outlook now for the KNU may be bleak, but despite predictions of its imminent demise, so far it has managed to prevent its annihilation. Goodhand's diamond model illustrates why this may be the case: In the bargaining processes over borderlands, there are three other groups of actors in addition to state elites. Central elites in Thailand and Burma may be driving out the borderland elite (the KNU), but the KNU have to a certain extent transformed their modes of accumulation, distribution and protection to retain support from borderland populations and harness new support from international elites (in the form of INGOs).

Conflicts are not static, they are continually transformed by internal and external factors. Borders are equally dynamic, subject to continuing processes of renegotiation between diverse groups of people who are "active agents in the everyday politics of border life" (Grundy-Warr and Schofield, 2005:653). The pursuit of INGO funding from Thailand and distribution of resources by KNU-affiliated organisations enables the KNU to continue its state-building campaign by legitimising the KNU and providing welfare services to the local population who support the KNU in return. Burmese regime paranoia of NGO activity facilitates this development as NGOs seek to by-pass state officials and red-tape. As well as explicitly questioning the legitimacy of the ruling Burmese military regime, the alternative provision of welfare services by KNU-affiliated organisations implicitly undermines state legitimacy and calls into question the ability of the state to control its own territory.

The transformed modes of protection also allow the KNU to retain a degree of local authority in their role as protectors of local concerns and defenders of the nation against

aggression and abuse. This is not insignificant – local Karen populations, particularly the hundreds of thousands rendered silent by military conquests over their homes, nevertheless provide a crucial backbone of human resource to the KNU and an irritating obstacle to state projects of control and coercion. Militarily, the KNU is far too weak to contest the Burma Army openly, but with a fairly strong degree of popular support, and extensive penetrative networks, they are very able to subvert the Burmese state among the ethnic Karen population in Burma.

The KNU's alternative state vision is given meaning by its Burmese and Thai-dwelling participants in the state-building structures, and is in a process of transformation by those actors, many of whom are youths. A new brokerage role has emerged for educated youths and key staff in KNU-affiliated organisations and highly skilled staff are in demand to manage the new modes of capital extraction and distribution. These young participants have facilitated the extraction of capital from INGOs, distributed it (often in new formats) to the local population and transformed protection mechanisms; essentially they are changing the Karen national liberation movement from within. One of the positive aspects of this re-calibration of Karen political space is that as a result of the activities of the Thailand-based community organisations (including some not under KNU control) KNU elites have been obliged to move towards more democratic practices, inclusive forms of community participation and respect for issues such as women's rights (South, 2007). The recruitment of the youths necessary for this work follows well-worn strategies in the Karen national liberation movement. State abuse drives local populations in to opposition groups and state fears of its own students push young people in to schools along the border from where they are then recruited in to KNU structures and offered opportunities to participate in the development of alternative state structures.

The Karen National Union's shift in headquarters to Thailand means that it is more sensitive to Thai policies and more reliant upon Thai toleration of the Karen's use of its territory as a base for its non-military operations. Improving Thai-Burmese bilateral relations are making life for the KNU increasingly difficult, however, and the KNU is increasingly treading a fine line between Burmese and Thai state policies and between Thai interests and the agendas of international aid agencies. A changed structural context is not the only driver of transformation though, the KNU also have to tread carefully in their negotiation of participants' interests from different sides of the border and different social classes. For instance, while pursuing alternative state-building strategies from a base in Thailand can be effective, the KNU also have to take care not to lose touch with their polity inside Burma who may choose to withdraw support.

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Re-imagining margins, state power, space and territoriality in the Naga Hills

> There were two frontiers of India, the North-West –'full of romance and danger do'- and the North-East, virtually ignored and, in many areas, unexplored up to the Second World War. The former had long been the scene of constant political and military activity, with 'this little air of anger, where there was always the chance of a stray bullet'. As a result it retained a powerful hold over the imagination of the British both at home and in India. [1]

The Naga Hills of present day Indo-Burma before the advent of Colonial governance over Assam and Burma after the Treaty of Yandaboo (1826) were the 'shades of wildness', *terra incognite* place. They became a frontier first of Bengal, them Assam and of later the hills of North Easter Frontier. By 1958 after 100 years of colonial rule and a decade of postcolonial Indian rule, the territoralization of the Naga Hills had come full circle with the division of Naga Hills between India and Burma through an aerial survey by both government agreeing the Saramati watershed of the Arakan Yoma cordillera as the territorial divide between India and Burma. The territoralization of the hills had begun much earlier in the late 19th century with the

[1] See, Chapter 16. Frontier, in Charles Alen, 1976, (Ed.) *Plain Tales From The Raj,* Macdonald Futura Publishers Limited, London, P. 197.

expansion of colonial tea gardens in the foothills of the Nagas. The expansion of the Assam Bengal Railway and the discovery of coal further necessitated the territoralization of the wilderness that were frequently raided by invading renegade from the hills. To contain such feuds and reclining raids upon indentured labourers who were brought from central Indian highland as 'coolies' and 'porters' as tea garden labourers. The colonial government regulated frontier space by adopting the Inner Line Regulation in 1874.[2] The 'Inner Line' was an administrative divide that distinguished the hill man from the plain population and regulated population mobility, thus protecting highlanders identity and native 'life world'. However, in practice the Inner Line became a powerful governmentality tool to territorialize space in this resource frontier. By extending the Inner Line that divided the Naga foothills from the plain, resource rich wooded tracts (virgin teak and sal forest) and swidden (slash and burn) fallows were reclaimed by the colonial government for wasteland grants and land leases for rubber syndicates, forest department, tea planters, railway and mining companies. The tea planters benefited from the wasteland grant where a vast expanding tea frontier evolved with feeder railway line that connected Upper Assam (south bank of the river Brahmaputra) with mainland India and Calcutta. The Naga foothills soon emerged both as centres of global capital where native rights over forest use were exhausted through legislations and the expansion of tea gardens and as areas of animosity between the native chiefs and the Colonial local administration. By 1880 the colonial administration had made a final push in the Naga Hills by capturing Kohima and Mokokchung including Wokha, their earlier headquarter of the Naga Hill district. In 1884 permanent administration was established in Kohima with the post of a Deputy Commissioner (D.C.) and a cart road was developed via Kohima headquarter to connect the Manipuri princely state. The Burmese side the Naga Hills were territorialized much later in the beginning of 1920. The context of territoralization was different. Annual tours had begun much earlier. However mapping of these often quoted 'out of way place' began in the late 1920s as the colonial administration felt it necessary to have control over slave takers and human sacrificing Nagas. The purpose was materialised in 1936 when the Naga Hills were

[2] The 'Inner Line' Regulation of 1874 made it mendatory for the plain non-tribal population except Missionaries and government officials to take permission from the colonial local government to enter the hills. In policy this was a prudent attempt to protect the identity of the natives from being threatened by lowland peasantry and 'caste Hindus'. However, in practice it had wider policy implication. It was an important governmentality tactics to produced administered and unadministered subjects in the frontiers.

taken out of the League of Nations Anti Slavery memorandum thus making it mandatory for the colonial local administration (Burma Frontier Administration) to territorialize the unadministered Naga Hill areas where slavery, head hunting and human sacrifice were presumed to be in practice. By 1937 the Burma administration in the Naga areas was separated from Assam and India. Similarly a full-scale territoralization of Naga Burma areas by Burmese frontier officials had begun in the name of rescuing slaves and punishing slave takers. By 1941 most of the unadministered Naga territories were mapped as 'slave taking Naga areas' and 'human sacrifice Naga areas' and were pacified during military tours. Taxes were imposed and agricultural improvement schemes were announced. Butlers account on the unadministered Hills talks of the anti slavery expeditions that used 'ethnic maps' to legitimise punitive action and gave support to the 'white mans burden' thesis.

Cartography was geared towards territorializing Naga spaces on the lines of slave takers and headhunters. Savage strategies were adopted to quell what the colonial administration defined as savagery. In colonial frontier doctrine bringing order and state rule were the objective foremost towards state making. In effect these were not producing uniform spaces but spaces that were mediated by different governmentality tactics that relied upon discourses of 'shades of wildness' from peasant farmers in the plains to colonial subjects in the hills and the ultimate 'savage' head-hunters and slave takers of the forest and wilderness. As one Burmese frontier colonial correspondence suggests and I quote.

> In causing his views on the report to be expressed the governor remarks that only one out of the four village cases outstanding from 1937 has been settled. The position regarding slavery was reasonably satisfactory but until control should be better established, slavery would not be wiped out. The recalcitrant attitude of Tsawlaw, Ponnyo and Tsaplaw should not be overlooked and if they ignore a formal summons next open weather a punitive expedition would have to be sent. The proposal of next years meeting would depend upon weather a scheme to make control over the schedule areas in the Upper Chingwin district (including the Unadministered Areas) more effectively would then be in force.

The above statements were made in light of anti-slavery expiation in the Naga Hill areas in Burma where control over Naga territories were established/conducted through anti-slavery and human sacrifice action. Territoriality was exercised in the name of bringing 'order' and 'civility'.

These out of way places are presented in contemporary literature as nation's margins, borderlands, and upland frontier regions. But if we temporally and spatially examine there history, the spatiality of these marginal spaces have been mediated by colonial practices of state making and how multiple spaces emerged with flexible regime of governance. Administration was let loose to incorporate these territories based on the specificities of traditional customary rules and practices. Conflicts were negotiated by regimes of control that produced difference within the community as administered-unadministered Nagas, settled (terrace rice cultivators) and vagabond swidden farmers. The Naga Hills do not represent as a homogenous margarine landscape. Rather the marginality represents various factions that can been understood if we see the region from its social context of how the areas of the Naga frontier were territories from head-hunting to sites of production, culture, capital, labour and conservation. Here I will discuss colonial policies in the Naga Hills pursued by local administration since the 1840s when the Nagas first encountered the British soldiers who were trying to open routes to the Manipur valley. The contest over space and territorial extension began along the foothills and finally it engulfed the whole of the Naga Hills. Territorial expansion was gradual and it was mediated by sets of rules that differentiated people and places. The areas of the foothills evolved as areas of disputes and accumulation. The administered districts became the governed regulated spaces where administration produced tamed legible space through institutional taxing and the legitimisation of conventions and traditions surrounding land rights. Beyond the politically controlled areas official tours were conducted to punish head hunting forays and slave keepers. In conducting its administration the colonial government had legitimised certain practices that produced inter-community difference, conflicts and created privileged for people who were already in power (village chiefs, headman's) and people who were facilitating administration in the frontier villages and among 'wild' often 'hostile Nagas'. These people were the most important link between the administration and the village and their proficiency to mediate conflict and articulate customary law was the most important way in producing a successful raid or to conduct day-to-day administration. Writing on the role played by the *Dobashis* on the Assam side of colonial administration, Mr. Messrs H.J Mitchell and R.E. Mc Guire, for the Burma Officials on colonial administration in the Naga Hills state:

> These [*Dobashis*] are very important link in the administration generally and in fact are described as the very backbone of the administration. The ability to interpret is one of the least important of their duties. The interpreter is the eyes, ear and tongue of the district officer and is the expert adviser on variations of tribal and customary laws. He solves the greatest number of petty cases which cannot for some reason be settled in the village. He conducts numerous local enquiries and investigates crimes when necessary. He sets the whole tone of the administration as the ordinary villager sees it. He is a member of a corps d' elite and although his pay is low - at the most the more important of them gets Rs. 30 per mensem - the prestige attached to his post is such that there is never any difficulty in finding suitable applicants (Mitchell et al., 1943: 85).

Besides, the *Dobashis* there were the Village headman who acted as village mediators in establishing colonial rule. As the colonial administration natured over the Naga Hills there was a growing threat of maintaining territorial integrity and stabilizing the frontier. The threat of instability was made more vocal by natives' statelessness represent through their warlike activities head taking, raiding and feuding and occasional arson of arms from government forces and the capture of slaves from British protected villages. These native actions gave legitimacy to colonial administrators to punish and extend the territorial frontier beyond the general administered tracts, the 'Inner Line', further beyond the politically administered territories. By 1936 the colonial government experimented with the control Area System in the unadministered areas of Naga Hills. The 'Control Area System' further classified subjects as governed and non-governed, administered and unadministered, tamed-obedient and barbaric. As Van Schendel argues 'territoriality is inherently conflicted and tends to generate rival territories. Hence, borders need to constantly maintained and socially reproduced through particular practices and discourses that emphasize the 'other'' (Schendel 2005:3). It is the construction of the other that was constantly reformulating space and territoriality in the Naga Hills since the late 19th century. Ethnographic and administrative accounts talk of the good (administered) and the bad (unadministered) non-trustworthy Nagas. In the post colonial popular 'hearsay', policy doctoring and public literature the notion has been fostered within a development category advanced versus the backward underdeveloped Nagas. In popular household talks these corresponds to the level of penetration of Christianity and state administration. As Many Ao, Sema, Lotha and Angami Naga claim that they

have become advanced then the Eastern Nagas because of their participation in colonial frontier administration when their hill neighbours were living in the excluded territories occasional visited during tours. The effects of administration, mission work and education advanced with colonial administrative apparatus. Besides the 'ethnic innovation or ethno genesis' of tribal identities (Schendel 1992: 95; Guha 1999:1; Scott 2009: 238), the Nagas were further categorised based on the level of administration and colonial contact with each individual sub groups within the pan Naga Identity. For Example the British used terms like *Kacha* Naga meaning in Angami dialect forest, remote, unexplored Nagas surrounding the Angami country. The term became popular for a group of Naga tribes who origins and genealogy were not clear to colonial administrator ethnographers till late 1930s. Similarly the term 'naked Rengma' was used to identify them with wildness. The term 'naked Naga' was invented by Christopher Von Furer- Haimendorf (1938) to denote the unadministered and savage trans-frontier Konyak Naga tribe of eastern Nagaland who had a ritual of taking enemy heads. The ethno genesis or ethnic classification was furthered to produce the ethnic other in the frontier by adopting different governmentality practice. Thus I classify the Naga Hills into three administrative and spatial territorial units (1) the foothills; (2) the areas of political control; (3) the land beyond the areas of political control (the unadministered Nagas). On hundred and fifty years of British territorial expansion (1840-1947) in the Naga Hills produced legible subjects.[3] British territorial conquest was more dynamic that produced savage and benevolent, simple strategies of rule. Territoriality was not fixed but was contingent over time and space and the colonial administrators adopted multiple strategies by suitable law, map making-cartography (cartography that served the process of territorialization by producing linear boundaries) and by building patronage with political go-between and influential tribal elders. Equally land and land relation that was central towards Naga livelihood and the customary rules of access and rights over land were not disputed. Instead colonial administrations

[3] Even in 1947 when the British left some territories in the Naga Hills remained unmapped and these were the 'blank spaces' of colonial administration as written by Edmund Leach and Furer-Haimendorf. However, if we closely look at the colonial administrative records we can read that these areas were frequently visited by colonial administrative and military officials to pacify raids, punish headhunters and to rescue what the colonial government termed as 'slaves' from their capturers. The unmapped territory was a small plot of land and the colonial government made every effort to win over the confidence of the territorial chiefs who claimed to be the head (owners-*malik*) of the 'village republics'.

legitimised and strengthened tradition/customary decision maker's roles (the village headman and first settlers) in deciding upon the distribution of resources. Disputes were now mediated by state intermediaries and customary rules were again acknowledged by the government as principal codes of conduct to give justice. In this the colonial administration had allied with the powerful decision makers in Naga Village 'the higher born Naga man from the first settler's clan' the owners of the village. Even in democratic societies like the Tynemia Nagas of the Angamis, Rengma, Pongmai, Zemi Nagas among others people with high respect and command over their clans were carefully selected to carry on a smooth administrative apparatus. As Imdad Hussain writes, the Angami village of Khonoma the nerve centre of Naga politics, the government was successful in winning over one clan towards its side making the other hostile. The Naga National Council was in bitter contest with the government-supported clan. In 2009 when I went on to stay in the village during fieldwork, the clan hostilities were apparent over the control and authority over villages community conservation site that was controlled by the village council and public leaders who were the elites in Khonoma village. Both the clan laid claims as knowledge keepers and guardians of the village. Even my presence was suspected as I moved with a particular clan who were in contest with the rival partners. The colonial and colonial- post government have mediated in the upland space of the Nagas by establishing territorial claims on the ground by fixing boundaries and mapping territories with the help of local go-between and state surveyors.

In contemporary literature the highland have been contrasted as marginal spaces of pre-modern population and marginality is often contingent and reflection of the hills as against the plains (Scott 1997). Thus a highland-lowland dichotomy is neatly arrived (Burling 1965, Leach 1960). In a more provocative writing Tania Li locates the highland as dynamic spaces of power, culture and production where territoriality is not only determined by the geography of landscape but by the contingent practices of governmentality. Highland spaces like the Naga hills the 'out-of-way' place of the British Empire were meaningfully governed and territorialized by the colonial state through the local participation of stakeholders who were already deeply implicated in state revenue generation and 'state making' practices. These intermediaries and political go-between often switched sides thus making their identities and affiliation nebulous, which many authors would claim as 'boundary crossing'. For example, in a

tour report prepared by Man Bahadur Rai, the Additional Deputy Commissioner, Tuensand frontier Division, NEFA administration 1956, writes:

> On our way to Leangnyu village there is a plot of land where sometimes back terrace cultivation was done by Shri Imti-Chuba, the then Agricultural Demonstrator, but now active member of the hostile party [NNC]. Since Imti-Chuba deserted from Government service the plot has been laying waste. [4]

Many similar stories of boundary crossing came out from detailed biographies of farmers who were once hostile leaders, then joined the Church and later retired as a schoolmaster. Some took the reverse root as highlighted above from Mon Bahadur Rai's account. The people inhabiting these spaces were now tied down to the politics of the state and were constantly negotiating with state power and it's panoptical. The clinical divide between the hills and the plains is problematic to understand the politics of highland frontiers where spaces were territorialized on priority of colonial needs as these areas emerged from unexplored 'out of way' places to a resource frontier as rich timber, coal, oil and of late 'bio-diversity' and 'wildlife' conservation sites. Here the concept of scale as used by Van Schendel (1995:7) is important to understand territoriality and state power as it is exercised in contemporary borderlands like the Naga Hills. Schendel stress on the importance of both temporal and linear historiography the genealogy of place making in borderland-frontier space. Without scaling how remora borderlands get connected to the global and national metaphor of space territoralization cannot be completely understood. It is here that I focus on the territoralization of the Naga life world that produced three distinct spaces that contest's the homogenous identity of the Naga Hills as the frontier margins or the periphery of the periphery. We need to re-scale the highlands into a more productive engagement of how states have imagined the borderlands and vice -versa.

In his latest book *The Art Of Not Being Governed,* James C. Scott acknowledged that marginality does not simply imply 'highlanders' rather people have opposed state power and have shaped/articulated their existence by practices that vanish them from being governed (Scott 2009: 13). While this claim may be true if we read through the chronicles of time, people have also been assimilated into state strategies of control and have acted as powerful intermediaries who have negotiated state and non-state

[4] See the File No. TNR. SL885/1958, Tour Diary of Man Bahadur Rai, Assistant Political Officer (APO), Noklak , 1956, Political department , Confidential Branch, NEFA administration.

practices of panoptical over native life world in the frontiers and borderlands. Hence it is the webs of relationship that is established between state agents and people that need to be studied rather than the geographical location of place. Recent ethnographic works like that of Jenet C Sturgeon, has quite provocatively demonstrated the practice of both time and scale in the development of Aka land use in the China-Thai border under different political regime and nation state order (Sturgeon 2005: 42-64). A similar story remains to the told along the Indo-Myanmar border where the effects of colonial administrative strategies have produced more 'obedient –developed-progressive' and wild Nagas as one traverse across the Assam side of the Naga Hills into Burma. The ethno-politics of Naga Hills often shades the question of backwardness and how it has caught the popular imagination of contemporary Naga population internally and international territorialized across frontiers. The histories of these discourse can be better understood of we look back at colonial tactics of governing the hills and the territoralization and ethnicization of space.

Colonial Capitalist expansion, foothills and Tea frontier.

The commonsensical understanding of marginality at the nation's frontier are dispelled by the temporal and spatial dimension of colonial intervention in the Naga Hills. Historians have looked at colonial and pre–colonial relationship between states and non state spaces and reflected on the interaction of vessel chiefs and Kingdoms that were evolving political and social relation between the hills and the plains. In the Naga foothills, the territorial spaces as many authors claim were not rigid rather flexible. For example in the Naga Foothills Ahom Kings had established diplomatic spaces locally known as *'Khats'* to contain Naga incursion on the plain peasantry by paying them tributes. Thus the success of administration in the plain depended on their effective diplomacy with the highland chiefs and 'village republics' through recognition of lived space of the highlanders. The entry of the British administration centralised control over these areas. The Foothills soon emerged as a distinct space where interaction between the plains and the hills were guarder, regulated, checked and mapped. They were also contained and controlled through boundary making and enclosures in the form of Reserve Forest, State Forest that limited Nagas rights to access control over resources that were central towards subsistence (swidden economy).

With the expansion of colonial capitalist interest in the forest frontier, linear boundaries were drawn to territorialize space. This confronted people popular imagination of lived space. By territorializing the foothills the colonial state had established access over resources that were otherwise under the de-jury control of the community and first settlers of Naga villages (*malik* or owner). Subsequently the colonial administration also resettled forest villagers in these captured forest to start forest regenerative plans in the reserves on the lines of scientific forestry. These experiences were often shattering for the native Nagas who were now marginalized in their own lived space by establishing linen boundaries 'district boundaries', 'the inner line' and 'forest reserve boundary', that made the sense of place different from the lived space where the relationship between the farm and the forest were guided by laws of customary inherence and lineage and clan rights over forest.

The demarcation of linear boundaries through extremely complicated on ground was essential to protect colonial tea interest and to maintain monopoly in the world market. Between 1973 to 1930 the 'Inner Line' was modified several times by colonial frontier administration to include and exclude territories in the Naga foothills that suited the interest of British Mercantile Capital and Syndicates who were applying for wasteland grants to open up coal mines, oil-rigs in the politically administered tracts. The foothills thus became the centres of resource struggle and were vertically integrated into the global capitalist production and became vulnerable to immigrants and new settlers who came in conflict with Naga land use and resource capture. A number of litigations emerge in the first half of the 20th century over claims to cultivable land and encroachment of tea gardens in Naga swidden plots. The colonial official understanding of linear spaces often came in conflict with native and resulted in exhaustion of native's rights over forest. In this practice, the native chiefs played an important role as negotiators for the community. The foothills unlike the plains and the hills thus emerged as the tea frontier as spaces of negotiation and transgression where the panoptical of state control resulted in coercion and territoralization of space based on colonial demand for timber, tea and coal. Beyond these resource frontiers lay the plains and the hills. The plains the enclaves of revenue settlements under Zamindari while the hills were the settlements of 'primitives' only assessed through 'hoe tax' or house tax that mapped their settlement. The foothills emerged as an interesting space where colonial administration could open up their

resource frontier. In other studies in South East Asian context people have explored the relationships of 'frontiers' by looking at the rice frontier and how frontiers can be understood as spatiality of state control and market integration (Hirch 2009, 1990; Adas 1981). Colonial parchments and correspondences frequently referred to the entire foothills surrounding the Assam plains as frontiers till the last decades of the 20th century. As the control over the highlands were consolidated with a formidable military administration the definition of the frontier changed to incorporated the unadministered Naga areas (The Dikou river was defined in the map as the territorial unit of Naga administered areas of Assam). Similarly in Burma the Kachin territories controlled by frontier Burmese British Administration were the territorial frontier in Naga Burma.

Territoriality thus as I use here meaning 'internal territorialization' whereby by not only resources are controlled, mapped and assessed by the state but also peoples lives and their activities-livelihoods. The swidden cultivation landscape of Naga Hills present as classic landscape synoptic of state territorial practice. As one travels from the foothills to the state capital and then toward the designated 'underdeveloped districts of Eastern Naga Hills a perceptible change in the landscape can be witnesses with increase in the size and extent of charred fields of swidden farmers. In the administered districts of Naga Hills and the foothills plantation agro-forestry and commercial horticulture has replaced much of the scene. The interaction between the farm and the forest are today regularised by state schemes and programmes that regulate cultivation and choices of farming. However, this landscape change has been mediated by long standing practices and strategies of territoriality that were marked by forest protest and conflicts over rights to access and control over resources. This in turn has shaped current landscape change where distinct agro-ecologies and contestation for territorial claims flare up. Thus in the heart of making the foothills as a distinct territorial entity were colonial resource control strategy.

Political Control as territorial entity: Administered Naga Areas and sedentarization

With the establishment of Kohima as the district headquarter of the Naga Hills in 1884, colonial frontier administration had proliferated in the Naga Hills. The administered areas were called the Tribal Areas and by the 1935 Government of India

Act became the ‘Excluded Areas’. No doubt the foothills were also included in it. But the distinction of administration lay not in governance or administration but in the practice of scale as how these areas were also integrated into colonial grids of control by proliferation ideas of sedenterization and conservation through paternalistic control and concessions ‘a flexible’ local administration and legislation that suited both native and state territorial interest. The overall emphasis was on sedentarizing swidden (slash and burn) cultivators. Unlike the foothills where conflicts grew between forests settled villagers, tea plantation workers and the excluded Nagas. In the politically administered areas territorial control was established through distinction of spaces between the administered and those that were unadministered. British administered territories were protected from rectilinear raids by punishing non-administered villages (trans–dikou) and by taking annual tours accompanied by local go between and the military police. The colonial administration had inherited the tradition authority structure of these villages by not disturbing the local arrangement of governance based on ‘customs and traditions’ set by lineage and orally transmitted practices of land use. Colonial control was sophisticated by established gatekeepers and negotiating conflicts by official appointed gatekeepers or intermediaries. These were the Political Agents, Locally known as *Dobashis*. The other sets of authority were the Village Headman’s or *(gau buras)* who were the recognise heads of ‘village republics’ often quoted as *‘malik’* or owners-first settlers-inaugurators of village. They enjoyed enormous powers and controlled the second settlers as lineage elders and as ritual-ceremonial heads who allocated lands to their bertan and clan affiliations. Thus the colonial local administrators had control over the resource heads. Over time colonial political arrangements and legislations though favoured the traditional institution of governance were using their political power in the name of ‘simple administration’ to exercise control that had centralised control in the hands of the state. This it was a form of strategic territoralization that was aimed as sedentarizing settlement and negotiating conflicts based on customary practice. In the politically administered tracts land use was not imposed by the colonial administration. No reserves were curved out for conservation. Rather territoriality was established through mediating claims and by engaging with political intermediates who acted as implementers of law on behalf of the state.

When the first improvement crops (rice, occasionally potato and other commercial crops like lac) were experimented with the promotion of settled farming in the early 1920s in the predominantly *jhum* cultivation areas the programmes benefited mostly political intermediaries and village headman's who collaborated in state programmes of paddy farming in terrace plots (Wet Terrace Rice farming). Similarly in the arena of administration annual tours of in the administered villages were aimed as settlement of disputes that were based on Naga customary law interpreted by political intermediaries. Subsequently village maps were prepared to find a permanent solution to historical disputes over land titles, sharing of water, fishing rights and other inter village resource conflicts. The village boundary maps were recorded for future reference by district administration and had over time become legal documents for dispute resolution in contemporary context. A number of case files seen at the Deputy Commissioner office dating the 1930s document inter village conflicts over resource use by preparing rough sketch maps and written declarations of settlement of cases by Deputy Commissioners (D.C) and Sub Divisional Officers (S.D.O). Although these were not part of revenue cartography missions carried out in mainland India under land revenue system, they had become established strategies to territorialize village settlement that were mobile and had no permanent land tenure. Similarly taxation laws were framed to encourage settled farming. In the 'Excluded Areas' report prepared for Robert Reid the then Governor of Bengal, the colonial local administration note refereeing to the Chin Hill Regulation House that 'local Hillman who do jhumming only, in villages with less than 10 house were taxed at Rs 6 per house per person per year; in villages with 10 or more houses-house-tax at Rs 3 per person per year.'[5] This policy defiantly marked colonial policy towards sedentarization.

Similarly Naga *Jhum* cultivation was annually made legibly to pay Rs 5 annual as *Dao* or machete tax, while the non-natives and immigrant labourers and government servants were made to pay. Thus a distinction was made between the natives and non-natives. Through imposition of such progressive taxing the colonial officials were

[5] Amended by notification No. 3926. G.S., dated the 10th of September 1939 and No. 3037, G.S., dated the 12th September 1939 also by notification No.1122. A.P.-dated the 4th of February 1937. As seen in Report prepared by Mr. Messrs H.J Mitchell O.B.E, B.Fr. S and R.E. Mc Guire, O.B.E., I.C.S., to Assam to study the administration of the Excluded and Partially Excluded Areas. February-March 1943. Government of Burma, Reconstruction Department Report. IOR, M/3/1457- Frontier Excluded areas of Assam and Burma.

proclaimed a civilizing mission. In the Annual Administrative Report of Naga Hills, the colonial local administrators in the Angami country write.

These policies were followed as state territoralization strategies to incorporate native life world in the politically administered territories. Often these were done in the name of 'improvement'. Thus improvement has been used as an important governmentality tactics through the practice of state as trustees in the politics of improving native life. Christopher Von Furer-Haimendorf who studies the Konyak Nagas during his fieldwork in 1938 writes in one of his notes (unpublished papers), now preserved in SOAS archives:

> Primitive husbandry is certainly crude when gauged by modern standards. It is "predatory" in the sense that there is little, if any systematic practice of crop rotation or soil compensation. The consequence is naturally exhaustion of soil, involving removal to a new plot, where a new clearing is made with much wastage of timber and energy. The primitive plough is made of several pieces of wood joined together, the share is more advanced counties being often tapped with iron; but notwithstanding the primitiveness of this instrument, which scarcely stretches the earth to a depth of a dew inches, the clearing and preparation of the land with the ploughs a vastly more efficient technique to that of the hand tiller. Moreover the harnessing of animals to the service of the agriculturist confers others benefits that directly influences the raising of abundant harvest, animal energy applied to irrigation increases the area under irrigation, animal power harnessed to the threshing floor allows for larger harvests to be threshed with less expense of human energy; and animals set to draw the care, or the sledge enables man to transport his produce with the minimum of labour. But above all the dung of the agricultural cattle enables the farmers to fertilise the field and thus render possible the permanent cultivation of a field. The development of agriculture techniques by the adoption of the plough paves the way for large-scale agriculture operations and surplus production. It emphasises the permanence of field and settlement and individual claims of specific tracks of land, in other words it encourages private property rights and the growth of permanent villages. [6]

Territorialization through promotion of permanent cultivation was used as a state territorial strategy of resource control although it had limited effect on the practices of containing swidden farming. None the less in the administered areas, territoriality was

[6] Christopher Von- Furer Haimendorf archival notes as seen in Haimendorf Archives at the School of Oriental And African Studies, University Of London. Shelf Mark. PPMS, Box 31. Pg. 11-12.

taking with more sedentary settlements and less mobile settlement with British territorial control. By the early parts of the 20th century raids and head taking had completely stopped in the administered areas while it was still in practice in the unadministered parts of the Naga Hills. Both J.P Mills and J.H Hutton (most cited Deputy Commissioners of Naga Hills) carried punitive raids in the unadministered areas to abolish head hunting and slave taking. By 1930s and early 1940s the administered areas of the Naga Hills became more settled districts. Colonial Administration had become a normal order of life. While doing fieldwork in Mezoma village an old Naga nationalist (Naga Notational Council member) narrated the story of Mills visit to their village. For the villagers of his generation the British administration was just. Hutton *Sahab* (white man) administration over Angami areas was giving real justice to the people. The colonial government by this period had already entrenched into the lives and practice of the native Angamis. The politically administered (control area) Nagas emerged as law abiding, tax paying and 'ordered', regulated tribes who could appreciated the 'white mans burden' and were linked to the colonial circuits of administration and power. They were not only helping British administration in the politically administered areas but also were aiding tours of deputy commissioners in the unadministered tracts.

In the Pangsha anti-slavery expedition (1936) J.P. Mills particularly mentions the names of 'Chang *Dobashis'* and shopkeepers from the administered areas of Tuensang who helped him in carrying out the raids in Pangsha village to pacify slavery in the unadministered Kolyo-Kengyu Naga areas. For the colonial administrators the quelling of slavery was essential towards establishing 'order' in the frontier. These forays of containing 'wilderness' were achieved through actions that classified the frontier Naga tribes as 'British protected' and 'unadministered Nagas'. Mills in one of his Pangsha Expedition letters writes that the Yimchunger and Changs are less reliable Nagas unlike the sophisticated Sangthams who had become the trusted souls of colonial administration in the non-mans land of the Naga Hills frontier by 1920s. [7]

A similar fortnightly report from the frontier of the Naga Hills on the eve of India's Independence reads as;

[7] See J, P Mills, 1995, 'The Pangsha Letters: An Expedition to rescue slaves in the Naga Hills', with an introduction by his Daughter Geraldin Hobson.

> The Ao villages in the administered district are seriously alarmed at the infiltration of arms from Burma into our tribal area and fear that they may be used in raids on them. Ao land is richer and better than that of the tribes to the east, and raids by land hungry Chang was the ground for the protective annexation of the Ao country in 1889.[8]

Territorial control and internal classification based on the threats of feuds were thus used to legitimise control and govern subjects that produced hierarchies of 'wildness' and 'barbarism', 'Savage natives'. These internal territorial classifications have been smeared under generic understanding of hills and the plains- nation and its margins. After independence in 1947, these areas of the formerly unadministered Naga territories were brought under the N.E.F.A (North East Frontier Area) administration and later became Naga Hills Tuensang Area by 1958- the year when the frontiers were demarcated between India and Burma by an aerial survey traversing the Saramati watershed. Under the NEFA administration these areas had become the no-go areas for civilians and were heavily militarised as border patrol by Assam Rifles and the Village Scours (recruits from Naga Villages) intensified. Only colonial frontier administrative officials would venture into the 'wildness' in their official tours to pacify the former raiding and renegade head hunters now turned militias- Naga Nation Workers, who were actively pursuing hostile activities against the government. Man Bahadur Rain, the Assistant Political Officer, in his Tour Diary 1956, writes that these areas presents as the out of way place in the Naga Hills frontier. The villages that he visits were engaged in truce, feuds and acts of sedation that concerned Man Bahadur Rai and his marching columns. Rai's description of the frontier Naga communities especially the Yimchungers, Sangthams, Chang and Kheimungen villages that he visits were quite similar to his colonial predecessors. The expression of 'awe and shock' matched the 'no mans land' description. The post colonial officials classified the frontier Naga in the same way as their colonial predecessors did. The popularisation of Wet Terrace Rice cultivation was the new occupation of frontier administrators, that were aimed as sedentarizing the vagabond habits of the Swidden cultivators. Thus in the post decolonisation era these

[8] 'Fortnightly report on the Assam tribal area for the second half of June 1947'. Enclosed in India, foreign secretary letters, no 61, date 9-8, received 8-8-1947. As seen in Northeast India Fortnightly Reports on the Assam Tribal Areas, external department collection. IOR/l/prs/12/3117. p. 21.

borderlands of the Naga Hills had become further territorialized into frontier regimes of administration and political control.

Long distance travel was common among the unadministered Nagas even till the late 1950 and 1960. The introduction of Wet Terrace Rice Cultivation (WTRC) along with administrative control over Naga Villages had sedentarized Naga settlement first in the administered district and then in the un-administered districts in the post colonial period. The boundaries between the administered and the unadministered Nagas no longer exist in the Naga Hills as these territories have been incorporated with the nation-state and have become part of the federal unit Nagaland state since 1960s. However, the distinction have added on a new adjective backward Nagas as opposed to the advanced Nagas. The wildness is measured in the popular imagination on two counts 'the administered status' and 'measures of development' within the Naga Communities.[9]

If we look at the linear history of colonial administration in the Naga Hills, it evolved as a temporal space under various phases of colonial control. This has been express by one colonial commentator on the Naga Hills as.

> Broadly speaking out relation with the Nagas may be divided into the following four periods- the period of control from without, by a system of expansion or promenades; the period of control from within; the period of absolute non-interference; and a second period of control from within, margins within the gradual absorptions into British territory. It should first be premised that for the annexation of their territory the Nagas are themselves responsible. The cost of the administration of the districts is out of all proportions to the revenue that is obtained, and we only occupied the hills after a bitter experience extending over many years, which clearly showed that annexation was the only way of preventing raids upon our village. Had the Angami Nagas consented to respect our frontier they might have remained as independent as the tribes inhabiting the Lakhimpur; but it

[9] During my fieldwork I came to realise that the former unadministered territories of present day Tuensang and Mon District are today designated as 'backward-underdeveloped' districts in contrast to the rest of Naga Hills. Backwardness is also often co-terminus with colonial and postcolonial administration. Many villagers referred to themselves being free Nagas, never administered by the British Indian Government or being part of the revenue assessment. Thus evolved as underdeveloped territories.

> was impossible for but civilised power to acquiesce in the perpetual harrying of its border folk.[10]

This synchronic history does not tell us anything about the post 1980s phase how territoriality and governmentality practice further reclassifies the Naga Hills and shaped its polity. An intensive struggle for patronage and power were at work that produced new border chiefs, political go-between, state agents (Village Guards) and local development and administrative actors who maintained states presence through collaborating in state projects and schemes of 'improvement'. Backwardness was internalised as a category to produce the 'otherness' that was scientifically established by anthropometric techniques as 'ethno-genesis' or ethnic classification. The foothills emerged as a distinct social space and continue till today as borders of territorial and spatial conflict between the Tea garden planters, the Assamese peasants and the Naga tribes. The hills have simultaneously referred as two distinct and contrasting spaces of the developed and the underdeveloped Nagas. There are no internal boundaries today in the Naga Hills with the exception of the 'Inner Line' that acts as a legal check for immigrant population from Assam proper. The marginality of the Naga Hills was thus fractured by the spatiality of territorial control decided by flexible rules and conventions adopted by local administrators in the region. Colonial policy and practice often varied in these frontiers and these gave local administrators lot of room to maneuver the actual implementation of policies.

Colonialism was founded on the impossibility of the civilizing mission, on what Partha Chatterjee has so evocatively called "the rule of difference"- the idea that the colonized were fundamentally different from the colonizers.[11] If the difference between the colonised and colonizers were to be erased, there would be no justification for colonial presence. As Skaria writes the distinction between caste and tribe were more importantly different 'shades of wildness'.[12] In the Naga Hills that were uniformly tribal- the colonial intervention and the civilizing mission produced wildness as colonialism advanced in the hills to include territories as administered–unadministered, excluded and partially excluded areas of the British Empire. The

[10] Allen, B.C, 1905, *Assam District Gazetteer*, Government Press: Calcutta. P. 10.
[11] Chatterjee. Partha, 1993, *The Nation and Its Fragment*, Princeton: Princeton University Press.
[12] Skaria Ajay, 1997, 'Shades of Wildness: Tribes, Caste and Gender in South India', *The Association if Asian Studies*, Vol 56, No. 3, 726-745.

territorial classification of Naga tribes was thus defused by their contact with colonial administration and the pacification of violence (enacted through feuds, head hunting and slave capture). In essence as the colonial state pacified the natives and incorporated their territories different subjects were produced within the tribe as ‘good and bad Nagas’. Colonial capitalist interest further created boundaries that contained mobility and access of these swidden dependent communities and established their relationship with the state. Territoriality, resource appropriation ethnic classification became central towards the production of colonial subjects and the governance of space.

Agamben in the Ogaden: violence and sovereignty in the Ethio-Somali frontier

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ABSTRACT

This paper suggests an understanding of Ethiopian state sovereignty in its Somali borderlands from a historic perspective. It argues that Ethiopian rule in the Ogaden has recurrently operated as a state of exception, which allows the central government to rule its Somali periphery by violent bureaucratic means. Drawing on Carl Schmitt and particularly Giorgio Agamben, we propose an interpretation of the political history of the Ogaden as a recurrent government by exception that spans the Imperial (c. 1890-1974), the socialist dictatorship of the *Derg* (1974-1991) and the current democratic regime led by the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) (1991-today). The paper conceptualizes the state of exception as a mode of governing the unruly frontier, it offers a genealogy of the violent incorporation of the Ogaden into the Ethiopian body politic and illustrates recurrent strategies by which Ethiopian government has controlled and punished political opponents by dint of emergency powers. We draw attention to the historic continuity of state sovereignty in the Ethiopian frontier as well as some of the empirical manifestations of the state of exception in one of the most under researched African borderland.

Keywords: Ethiopia; Ogaden; state of exception; sovereignty; Giorgio Agamben; periphery; ethno-political conflict

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INTRODUCTION[1]

When a foreign journalist challenged prime minister Meles Zenawi about human rights abuses by Ethiopian troops in the country's volatile Somali or Ogaden region, he responded that his government knew 'how insurgencies succeed and how they fail'. Referring to his own experience as a leader of the former rebel Tigray People's Liberation Front (TPLF), the prime minister remarked that: 'The most stupid mistake a counter-insurgency operation can make is alienating the population. If you alienate the population, you're finished. We are not going to make that mistake' (Perry 2007). Although political dynamics in Ethiopia's Somali region often go unnoticed by the Ethiopian and international public, news reporters and human rights organizations have provided credible evidence of systematic human rights abuses by the Ethiopian National Defense Force (ENDF) during its 2007 and 2008 counter-insurgency campaign against the rebel Ogaden National Liberation Front (Alpeyrie, 2007; Gettleman, 2007a; Human Rights Watch, 2008; Sanders, 2008).

Informed observers have described the ENDF's conduct as 'antiquated' and markedly 'counter-productive' as it motivated large parts of the local Ogaadeen population to join or support the Ogaden National Liberation Front (ONLF).[2] There is little doubt that Ethiopian armed forces, and to a lesser degree ONLF rebels, have committed atrocities against the local population ever since the beginning of the conflict in 1994. Similarly, there can be little doubt that, as the above statement by the prime minister illustrates, the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) and its security strategists are very much aware of the counter-productive effects of indiscriminate counter-insurgency campaigns. The former TPLF rebels had fought a brutal war for ethno-national self-determination during which they experienced first hand how the heavy handed counter-insurgency tactics by the *Derg* soldiers strengthened popular support in their native Tigray region (Berhe, 2009; Tareke, 2002, Young, 1997). Despite this experience, Ethiopian army commanders applied very similar tactics in 2007 and 2008 against the Ogaadeen population. This apparent contradiction begs the following question: Why does the Ethiopian army implement a counter-insurgency campaign in the Ogaden that frustrates large parts of the civilian population and thus generates increasing popular support for the ONLF rebels?

This paper sets out to answer this empirical puzzle by considering Ethiopia's Somali inhabited lowlands from a historic perspective in which a very particular logic of governing the frontier is at play. The notion of sovereignty, conceptualized by political philosophers Carl Schmitt (1992) and Giorgio Agamben (1998) as the ability to declare a 'state of exception' or 'state of emergency', is most helpful in this regard. Our main argument is that the 'state of exception' in Ethiopia's Somali region is neither recent nor exceptional, but part of periodic interventions by which central rulers – from emperor Menelik to the military regime of Mengistu Haile Mariam to today's ethno-nationalist government led by Meles Zenawi – govern the country's south-eastern borderlands. The political violence that derives from these successive states of emergency must thus be

[1] An earlier version of this paper was presented at the Anniversary Conference of the International Boundaries Research Unit at Durham University in April 2009.

[2] Interview Hagmann, Ethiopian researcher, Addis Ababa, 15 July 2008 and interview Hagmann, expatriate humanitarian official, Addis Ababa, 15 July 2008.

seen as emanations of state sovereignty rather than as results of local disorder or anomy. As we shall illustrate in the following pages, the state of exception in the Ethiopian Ogaden represents a persuasive logic of government that relies on a set of recurrent strategies that permeate different regimes and time periods (rather than a spatially and temporally bounded phenomenon of exceptional circumstances). Among these recurrent strategies is the deployment of massive military force against the local population in attempts to subdue resistance. Rereading the Ogaden's recent political history (ca. 1890-2008) in light of Agamben's legal philosophical theory of the state of exception reveals the intricate yet constitutive relations that exist between Ethiopia's political centre and its margins. Contrary to conventional wisdom and as we argue in this paper, the Somali periphery is not (only) where the Ethiopian state ends, but the place where disorder becomes internalized into the body of the Ethiopian sovereign through the state of exception.

This line of thinking leads us to consider some of the conventional assumptions about the nature and quality of 'the state' in so-called peripheral or borderland regions of developing countries. It is generally assumed that state failure or weakness, the inability to uphold a monopoly of the legitimate use of violence, is a key explanation for the occurrence of political violence in sub-Saharan Africa and elsewhere (Bates, 2008). In the Somali region authors concur that 'governmental institutions have never been strong' (van Brabant, 1994:21), that the 'regional government is weak and ineffective' (Devereux, 2007:15) or that 'government has made no difference' (Lister, 2004:23). While it holds true that the regional administration has very limited capacities to deliver services (Hagmann, 2005b), an analysis of the governmental techniques associated with recurrent states of emergency in the Ethiopian Ogaden allows for a scrutiny not of the developmental state, but of the state as the 'hidden reality in political life' (Abrams, 1988 [1977]:61). When considering the state of exception as a manifestation of state sovereignty, one can no longer blame political turmoil in the (Ethiopian) periphery on the absence of the state. To the contrary, we argue in this paper that a coercive Ethiopian state has made its presence felt periodically and most resolutely among Somali society since the end of the 19th century.

The Ethiopian Ogaden is often portrayed as an archetypical example of a disorderly periphery where the state – in this case the Ethiopian state – has failed to monopolize violence and 'civilize' unruly nomadic livestock keepers. Accounts of the region regularly insist on its problematic and volatile political, climatic and economic features (Hagmann, 2005a). The Ogaden has been described as one 'of the most isolated and unforgiving desert environments in the Horn of Africa' (IRIN 2000). The segmentary kinship politics of its ethnic Somali inhabitants are usually lamented for their inability to provide for stable political institutions. Prejudicial assumptions about Ethiopian Somalis supposedly aggressive character are made by international donors such as the European Union, which speculates that 'Episodes of violence are common in the Region as clans tend to solve their differences through confrontation' (2005:8). Such statements reflect only barely veiled feelings of superiority by foreigners, but also Ethiopian highlanders, *vis-à-vis* Ethiopia's Somali region. This stereotype of the bellicose Somali pastoralist neglects the fact that village elders and administrators make use of elaborate conflict resolution mechanisms to solve communal disputes peacefully (Hagmann, 2007), that competition over resources at household level more often leads to cooperation than to

conflict (Bogale and Korf, 2007) and that many highly escalated conflicts in the region are partly sparked by the ongoing administrative decentralization (Hagmann and Mulugeta, 2008).

Our emphasis on the influential effect of consecutive emergency regimes on the Ogaden's political trajectory should not, however, be seen as an attempt to construe a dichotomy between highland Ethiopian rulers and lowland Somali subjects. Although the ONLF (undated) derives its 'right to self-defence' from the colonial situation to which it equates the Ogaden, the state of exception operates beyond the purely ethnic dichotomy (Hagmann, 2005a). Historically and to date some Ethiopian Somali clans had entered into alliance with the Ethiopian administration, which offered a career opportunity for those willing to learn Amharic (Brons et al., 1995). Inhabitants of the northern stretches of the region, particularly the Jijiga clans, have a long history of economic interaction and political integration with the Ethiopian highlands. While we insist on the continuity of a state of exception as a mode of governing the Somali periphery by the Ethiopian central state, in reality different, partly overlapping states of emergencies have marked the political history of the region since 1890 (Barnes, 2000; Hagmann & Khalif, 2005; Markakis, 1987). The state of exception in the Ogaden has thus never been uniform in time and space. Rather it evolved according to changing political circumstances that we outline in a latter section of this paper.

Finally, two words on terminology are in order. First, although some authors use state of exception and state of emergency synonymously, in this paper we refer to the state of exception when alluding to the mode of governing described by Agamben while we use state of emergency to refer to situations in which the interventions by the Ethiopian state in the region are based on emergency powers. In most cases these emergency powers were not the product of a formal decision to suspend law by the Ethiopian state (although such examples also exist), but either decided within the army apparatus or the result of incremental punitive actions. Second, the name Ogaden is strongly contested among the region's competing genealogical groups. In this paper we use Ogaden solely as a geographical term, which denotes the territory predominantly inhabited by members of the Ogaadeen clan, which is not synonymous with the administrative boundaries of the Somali regional state.[3]

The following section is devoted to a brief genealogy of the state of exception as theorized by Carl Schmitt and Giorgio Agamben as well as a discussion of its significance in the particular context of a state frontier such as Ethiopa's Somali periphery. Section three offers a summary historical overview of the expansion of Ethiopian rule in the Ogaden from ca. 1890 to 2008, beginning from emperor Menelik to the current government. Section four details recurrent governmental techniques that are characteristic of and have accompanied successive states of emergency in the Ogaden, namely the indistinction between law and lawlessness, bio-politics (or the politics of bare life) and what we call an 'encampment' strategy. This section draws on a number of unpublished sources including selected interviews conducted in the region by the first author. In the conclusion we discuss the relevance and limitations of Agamben's state of exception in deciphering protracted conflicts in frontier contexts of the global South.

[3] To distinguish Ogaden as a geographic area from the clan, we use the Somali spelling Ogaadeen to refer to the latter.

THE STATE OF EXCEPTION AT THE (ETHIOPIAN) STATE FRONTIER

The German constitutional lawyer Carl Schmitt famously wrote that 'sovereign is he who proclaims the state of exception' (Schmitt, 1985:5, 'Souverän ist, wer über den Ausnahmezustand entscheidet', Schmitt , 1922:1). For Schmitt, the exception defines the rule of law precisely in the formal moment of decision, the decision upon the state of exception constitutes the rule of law. What appears as the most extreme measure of a juridical order, to suspend its rule, is, for Schmitt, the very foundation or *Ursprung* of the rule of law. Having in mind the declaration of emergency power in the Weimar Republic's (1918-1933) traumatic post world war one period, Schmitt defines the state of exception as the grounding event of sovereignty.

But the link between sovereignty and the state of exception is more ambiguous than Schmitt's dictum suggests. For Schmitt, sovereignty emerges from the 'decision' that is taken in a spatially and temporally bounded space of exception. Giorgio Agamben's approach to the state of exception transcends Schmitt's decisionism and its implicit containerization of the state of exception. For Agamben, the state of exception has become the rule, 'a paradigm of government today' (Raulff, 204:609) that can no longer be considered exceptional. In other words, the state of exception is a logic that pervades the rules and norms of governing. It is the indistinction of this relation of rule and exception that defines the *nomos* of governing. Agamben (1998:37) concludes, therefore that 'the state of exception is (…) not so much a spatio-temporal suspension (of the law) as a complex topological figure' where state of nature and state of law, exception and rule become indistinguishable. For Schmitt, the state of exception is an event, a decision that grounds the rule of law, for Agamben, the state of exception is a topological figure that *pervades* all law and order as the state of exception becomes the rule.

Agamben's original claim in *Homo Sacer* (1998) and subsequent writings (2005) was a very bold one; that the *nomos* of modernity is the camp and that the state of exception had become the rule.[4] With this claim Agamben pinned down the state of exception as a rationale of rule into its space-time container. In recent years many authors drawing on Benjam, Schmitt and Agamben have emphasized the importance of emergency regimes in international politics, namely the US-led war on terror (e.g. Aradau, 2007), while Foucauldian scholarship has underlined its role in the genealogy of modern rule. What got lost on the way was a more nuanced reading of the logic of exception and its often convoluted empirical realities in various practices and localities of rule. Recently, authors such as Huysmans (2008) have pointed out that the 'jargon of exception' neglects the societal dimensions of political contestation. Neocleous (2006:209) has called for scholarship on the state of emergency 'through a historical understanding of state power as class rule, not a contemporary reading of international relations'. Much of the state of exception literature has remained overly Eurocentric and few studies have married ethnographic and empirical insights into politics in developing countries with Agamben inspired concepts. Exceptions are Doty's (2007) account of

[4]Here, Agamben confers to Walter Benjamin's famous dictum in the *Geschichtsphilosophische Thesen*.

civilian border guards along the U.S.-Mexican border, Fassin and Vasquez (2005) study of the Venezuelan government's humanitarian response to a natural disaster or Korf's (2006) analysis of enemy discourses in the Sri Lankan conflict.[5]

What makes Agamben interesting for an investigation of Ethiopian sovereignty in the Ogaden is the geography of rule that he sketches out as a rationale of power and order. What becomes apparent from a historical perspective is an intricate relationship that rule (and rulers) develop towards their borderlands, margins and frontiers; a rationale that settles on practices 'that seem to be on the continual refounding of law through forms of violence and authority that can be construed as both extrajudicial and outside, or prior to, the state' (Das and Poole, 2004:13). Agamben (1998:37) notes that 'The state of nature and the state of exception are nothing but two sides of a single topological process in which, what was presupposed as external (the state of nature) now reappears in the inside (as state of exception)'. For Thomas Hobbes, the state of nature preceded the formation of the modern state. It was the anarchy that prevailed before humans gave up some of their freedom and assigned the monopoly of violence to a Leviathan, a ruler. But through this transmission, the sovereign continues to embody the state of nature as violence without order. This is the origin of the indistinction between exception and rule. In other words, the political disorder that we observe in the Somali periphery appears to be external to the order of the Ethiopian state, but became internalised into the rule of the Ethiopian state through the state of exception and related practices of emergency rule and counter-insurgency operations.

A good starting point to understand how state centres and peripheries are mutually constitutive is Asad's (2004) question 'Where are the margins of the state?' Where does the state 'end'? In the empirical context with which this paper is concerned the question is: Where does the Ethiopian state end? This question not only refers to the territorial confines of the state, but rather to the logical, structural dimension of the state's presence its instrumental use of the rule of law. What is the significance of the Somali borderland as a margin of the Ethiopian state? The Ethiopian highland elite and much of Ethiopian historiography (Clapham, 2002) perceives the Somali borderland as a largely empty space, devoid of civilization, waiting to become civilized. It is considered as the periphery to the core of the Ethiopian state. But although the Ogaden appears to be at the geographic and political margins of the Ethiopian state, it has been central to the constitution of the Ethiopian state as a sovereign body. The importance of center-periphery relations in the evolution of the Ethiopian imperial state at the beginning of the 20th century has been aptly documented by historian Cedric Barnes (2000). More recent research has highlighted how patron-client relations between federal government and party officials in the capital Addis Ababa and regional dignitaries in Jijiga have shaped politics in the Ogaden (Hagmann, 2005a; Samatar, 2004).

In his extensive review of the frontier literature Danilo Geiger (2008) defines four essential features that characterize the frontier as a state project of territorial penetration. By and large they apply to Ethiopia's Somali borderland. First, the state shows only a sporadic, unsubstantial territorial presence in its frontier space. Second, the state purports the idea of 'freely available' land and natural resources, waiting to be made into proper

[5] This body of literature as well as critique to the 'state of exception' literature drawing on Benjamin, Schmitt and Agamben will be reviewed in a revised version of this paper.

use. Third, indigenous people are considered as standing outside of the moral universe, they represent a kind of untamed nature. And fourth, a system of predatory economic relations that is based on unequal exchange characterizes the frontier. It is important to note here that Geiger's frontier definition draws on Turner's (1893) conception of the tidal frontier by which the metropole extends into the periphery rather than Kopytoff's (1987) idea of the 'internal African frontier' by which new societies are formed trough ethnogenesis.

In the Ethiopian as in other peripheries territorialization is a key strategy by which the political centre appropriates and regulates the margins of the state (Vandergeest and Peluso, 1995). Historically, the Ethiopian state has responded to its inherent geographical imagination with a project of taming the Somali and other borderlands. It has done so by penetrating 'empty' space through settlements on the river basins, sedentarization of pastoralists (forced or voluntary) and by colonization of highlanders in the peri-urban centres (Donham and James, 2002[1986]). This process corresponds with Schmitt's (1950) insistence on the importance of land appropriation or *Landnahme* as a means of territorial imposition of sovereignty. Consequently, one can construe the frontier as a spatially and temporally discrete entity where a state of exception is in place. Yet as Agamben reminds us, the state of exception pervades the territorial confines of a container space. In his view the margins of the state, then, become part of the logic of governing, the zone of indistinction between those who are included as 'excluded' and those who are excluded as 'included'. In the Ogaden, this indistinction operates as follows; Ethiopian-Somalis have been included into the Ethiopian polity since 1991 as a (formally) self-administered region, a move by which their historic marginalization and exclusion by the Ethiopian state is redressed. Concomitantly, Ethiopian-Somalis, particularly members of the Ogaadeen clan lineages, although formally Ethiopian citizens, are treated as outsiders by the Ethiopian state and frowned upon by many highland Ethiopians. To conclude, the Ogaden frontier is included as exception to the sovereign body of the Ethiopian space.[6]

Drawing upon Carl Schmitt and Giorgio Agamben's works on the state of exception, we argue that Ethiopia's Somali frontier can be considered as a zone of indistinction where the state of nature – the violent, untamed pastoralist societies – is still in existence and comes into contact with the state of law of the Ethiopian sovereign. In this frontier, exception and rule, Hobbes' state of nature – the lawless rule of violence – and the state of law, civilization and modernity appear indistinguishable. Engaging Agamben's writings with historiographic and ethnographic insights into the political history of the Ogaden leads us to more closely consider two ways of ruling at the margins of the (Ethiopian) state. The first derives from the state of emergency as applied in a spatially and temporally bounded entity where the Ethiopian state and its security forces enact extra-legal practices of rule and oppression to reassert Ethiopia's sovereignty ('within the borders of the sovereign state). The second relates to a state of exception in Agamben's sense that has become the rule, making rule and exception indistinguishable. The remainder of this paper seeks to illustrate these two facets. While the next section offers a brief account of the historical genesis of Ethiopian rule in the Ogaden, the

[6] In this sense Ethiopian-Somalis become a kind of *homo sacer* - they are included as excluded, as pure bodies without citizenship rights.

subsequent chapter documents three recurrent governmental techniques that have accompanied the state of exception in this region.

RULE AND RESISTANCE IN THE ETHIOPIAN OGADEN (C. 1890-2009)

The contested political status of the Ogaden originates in the expansion of the Ethiopian imperial state into the south-eastern Somali inhabited lowlands beginning from the end of the 19th century. The Ogaden was of economic and strategic value for emperor Menelik (1844-1913) as important trade routes connecting Harar town with Zeila and Berbera ports (today's Somaliland) crossed the region. The area was also rich in livestock and acted as a buffer zone with encroaching European colonialists (Eshete 1994:71). Between 1891 and 1906 imperial soldiers embarked on consecutive, sometimes annual, campaigns or *zämächa* in Amharic to exact tributes from nomadic Somali pastoralists.[7] These campaigns involved thousands of men, lasted several months and usually resulted in the confiscation of hundreds to thousands of livestock (Garretson, 2001). Imperial and attached soldiers committed numerous atrocities against local Somalis during these expeditions (Geshekter, 1985). The collection of tribute – usually one tenth of livestock was asked for the Emperor – and the 'punishment of recalcitrant elements' (Eshete, 1994:75) went hand in hand. Contrary to European colonial governments in the Horn of Africa, imperial Ethiopian troops could not rely on international capital, but had to extract all resources from subject populations (Samatar, 1982: 109-110).

By dint of these military incursions, which went as far as the Wabi Shabelle river, successive imperial rulers gradually extended their bureaucratic outreach and by 1927 the entire Ogaden region was under a single administration (Eshete, 1994:78). Imperial sovereignty in the Ethio-Somali frontier differed, however, between three distinct Ethiopian spheres of influence. The first and strongest sphere of influence consisted of fortified garrison towns or *kätäma* in Amharic with permanent water sources and agricultural life. A second sphere of Ethiopian influence extended over tribute giving communities, whose traditional leaders were awarded titles of the Imperial order. In the third and weakest sphere, more peripheral Somali clans only periodically paid tribute or were raided by imperial soldiers (Garretson, 2001:21, 44). After 1920 imperial rule in the Ogaden evolved from a 'military-fiscal' mode based on predation, tax collection and military expeditions into a tutelage arrangement that combined increasing bureaucratic control with continued violence and patrimonial relations (Barnes, 2000:208ff).

The coercive and progressive incorporation of the Ogaden into the Ethiopian state provoked violent Somali resistance and nurtured a growing national sentiment (Lewis, 2002 [1965]:63-91).[8] A first wave of Somali resistance culminated in the 20 year conflict between the so-called *dervish* forces led by Sayyid Mahammad Abdille Hassan against Ethiopian, British and Italian troops. Dubbed the 'mad mullah' by the British colonialists, the Sayyid was a charismatic leader, outstanding poet and religious scholar. As leader of

[7] A chronology of these imperial raids is provided by Eshete (1994) and Garretson (2001).
[8] Not all imperial governors ruled the Ogaden aggressively. Most famously Lij Iyasu and, later on, Fitawrari Tekla pursued more benevolent policies towards the Ogaden than their predecessors and successors.

the armed struggle against foreign invaders in the Ogaden between 1899 and 1920 he became the first Somali nationalist figurehead and a veritable myth (Garretson, 2001:3; Samatar, 1982). Some of the military encounters between the *dervish* and Ethipoian troops claimed thousands of casualties such as the battle of Jijiga in 1900 (Eshete 1994:73). However, most of the victims during these two decades of warfare were Somalis who fought on either the Sayyid' or one of the colonial armies' side (Abbink, 2003:342). Popular uprisings against Ethiopian rule continued after the defeat and death of the Sayyid and were usually brutally subdued by Ethiopian forces. Important events that marked this period are the revolt of September 1948 that took place in Jijiga and the bombardment of several towns in the Ogaden by the imperial air force in 1961, killing hundreds of civilians (Keynan, 1990 cited in OHRC, 1996:8).

In the 1920s competition between imperial Ethiopia and expansionist colonial Italy increased as both advanced deeper into the Ogaden, establishing new garrisons and administrative centers. Despite the Ethio-Italian treaty of peace and friendship of mid-1928 tensions erupted in the December 1934 borders skirmishes in the Ogaden town Wal Wal, serving fascist Italian as a pretext to invade Ethiopia the following year (Zewde, 2002:151-153). Following Italy's defeat by the allied forces in 1941, large parts of the pre-1937 Ethiopian empire including the Ogaden were administered by Britain (Barnes, 2007). Emperor Haile Selassie's government negotiated a sequenced withdrawal by the British and a 'return of the Ogaden' (Eshete, 1991:16) to Ethiopia. Between July and September 1948 the Ogaden was transferred to Ethiopian rule, while the eastern Haud, a dry grazing area of crucial regional importance for Somali pastoralists, was handed over in November 1954 (Markakis, 1989:160-61).

Sanctioned by the United Nations, the reassignment of the Ogaden to Ethiopia was a serious blow to pan-Somali nationalists who aimed to unite all five Somali territories in the Horn of Africa. Starting from the mid-1950, a first generation of clandestine rebel groups such as *Nasirulahi* (or *Nasrullah*) mobilized Somali nationalists opposed to Ethiopian rule in the Ogaden and neighbouring Hararghe (Eshete, 1991:23). The Somali Democratic Republic, which gained independence in 1960, supported the irredentist agenda as well as nascent anti-Ethiopian guerrillas. Considering the Ogaden as 'Somali territory under Ethiopian Colonization' (Somali Democratic Republic, 1974), Siad Barre's government claimed Ethiopia's Hararghe province including portions of Bale and Sidamo provinces and the two cities Harar and Dire Dawa as parts of Western Somalia (Tareke, 2000:637). A two month border war between Ethiopia and Somalia erupted in February 1964, following Ethiopian attempts to impose a livestock tax on Ogaadeen pastoralists, which provoked armed revolt by the Ogaden Liberation Front led by Garad Makthal Tahir (Matthies, 1977:205-208).

The 1974 Ethiopian revolution led to Emperor Haile Selassie's deposition by the *Derg* military and was followed by a period of intense turmoil and bloody repression. In a bid to wrestle the south-eastern lowlands from a weakened Ethiopian administration, the socialist Somali government sponsored the creation of two separatist rebel groups in Ethiopia, the Western Somali Liberation Front (WSLF) and the Somali Abo Liberation Front (SALF) in 1976. The two liberation fronts reunited veteran Somali, Oromo and Sidama ethno-nationalist rebels who opposed Ethiopian highland or *habesha* rule. By beginning of 1977 the Ogaden or Ethio-Somali war entered into its first phase when WSLF and SALF rebels occupied large parts of rural Ogadaen and the Bale Sidamo

lowlands.[9] In June 1977 regular Somali army forces invaded the Ogaden, at the start overrunning Ethiopian positions as they advanced up to Dire Dawa. With the assistance of Cuban and Soviet advisors and hardware, the *Derg's* troops eventually defeated the WSLF forces in March 1978 and managed to restore Ethiopian military control over the Ogaden.

The Ogaden war claimed approximately 30'000 casualties on both sides (Tareke, 2000:665) and an estimated 500'000 displaced (Africa Watch, 1991:76). Hundreds of thousands of Somalis fled the Ogaden to take refuge in Somalia after 1978. Between 1979 and 1984 the *Derg* embraced a brutal yet effective counter-insurgency strategy that included the forced displacement and settlement of civilians into 'protected' villages, military offensives against people outside of these villages, sponsoring insurgent groups opposed to the Somali government and the repatriation of refugees from the region (ibid:75). This policy turned the Ogaden into a vast military zone in which Mengistu Haile Mariam's soldiers ruled over a frightened and impoverished Ogaadeen population. The Ogaden war not only left its mark on Somalis' and Ethiopian's collective memories, it reconfirmed the need for the Ethiopian state to govern its Somali frontier with an iron fist.[10] As evidenced in the topographic maps of the region issued by the Ethiopia Mapping Agency in 1979, security preoccupations primed all other state concerns; the Ethiopian maps of the time indicate most towns in the Ogaden not by their Somali name, but as 'military compound' or 'campsite'.[11]

The toppling of the *Derg* by the EPRDF forces in May 1991 heralded a major reform of Ethiopia's administrative structure, which was federalized on an ethno-nationalist basis (Fiseha, 2007). All predominantly Somali speaking areas of the former Ogaden autonomous province and parts of former East Hararghe and Bale provinces became part of Ethiopia's Somali Regional State. For the first time since their incorporation into the Ethiopian state, ethnic Somalis were granted self-administration and the right to elect their leadership (Hagmann & Khalif, 2005). With the outbreak of the Somali civil war in 1988, a reverse population movement from Somalia to the Ethiopian Ogaden set in at the beginning of the 1990s. Ethnic-based decentralisation and democratization translated into lively political competition in the Ogaden. Between 1992 and 1994 the region was administered by the ONLF, which advocated self-determination of the Ogaadeen population on a more narrow ethno-nationalist, rather than pan-Somali basis (Abdulahi, 2007).[12] The ONLF was ousted from power by the EPRDF when it requested a referendum on self-determination to decide on the future status of the Ogaden.[13]

Since the mid-1990s the Ogaden has been embroiled in a low intensity conflict between ONLF and the ENDF. ONLF rebels mostly use hit and run attacks against

[9] Tareke (2000) provides a detailed military chronology of the Ogaden war.
[10] A détente between Ethiopia and Somalia occurred only after April 1988 when the leaders of the two countries signed a peace agreement in Djibouti.
[11] Ethiopia Mapping Agency, topographic maps 1:250'000, Addis Ababa.
[12] The ONLF emerged out of a dissident faction of the WLSF and distanced itself from the manipulative ways in which Siad Barre had handled his support to the Ogaden insurgents.
[13] The fall out between ONLF and the EPRDF became apparent in February 1994 when Ethiopian soldiers fired into a crowd listening to a speech of then ONLF chairman Sheikh Ibrahim Abdallah in Wardheer town, killing over 80 persons (OHRC, 2006:14).

Ethiopian troops and convoys and concentrate their operations in the Ogaadeen inhabited heartland. Although formally administered by local Somalis, the so-called 'insecure areas' after 1994 became the fiefdoms of federal military officials and security personnel in charge of quelling the ONLF insurgency (Hagmann, 2005a). Recently, armed conflict in the Ogaden escalated following an ONLF attack on a Chinese operated oilfield in Degehabur, during which more than 70 Ethiopian and Chinese oil workers were killed in April 2007. In reaction, the Ethiopian army imposed a comprehensive economic blockade on the Ogaadeen population and cracked down on all civilians suspected of supporting the ONLF (Human Rights Watch, 2008). The escalation of the conflict paid and still pays a heavy toll on the Ogaadeen population, which has been torn between the ONLF and the Ethiopian army and its Somali militias (Gettleman, 2007b). Between 1995 and mid-2007 the Ogaden Human Rights Committee (OHRC, 2007:7) compiled and documented 2395 extra-judicial killings as well as 1945 rape cases and more than 3000 forced disappearances of suspected or assumed ONLF supporters by Ethiopian security forces.

RECURRENT STRATEGIES OF THE GOVERNMENT BY EXCEPTION

This brief review of the Ogaden's political history reveals important facets of state sovereignty in the Ethio-Somali frontier. Physical violence meted out by subsequent Ethiopian governments has been a constant in the past 120 years, although relations between Ethiopian rulers and ethnic Somalis have waxed and waned according to changing national and international circumstances. Through the 20th century periods of relative 'indifference' by the Ethiopian state towards its Somali periphery gave way to 'burst[s] of violence', which at times came close to 'official terror' (Reisman, 1978:15 quoted in Geshekter 1985:11). The Imperial government of Haile Selassie, the marxist military of Mengistu Haile Mariam and the current democratic, ethno-nationalist regime of Meles Zenawi have employed broadly similar policies to counter resistance in the Ogaden between the end of the 19th century and today.[14] Despite important differences in terms of their ideology and social base, historic continuities are apparent in the manner in which these three regimes intervened in Ethiopia's Somali territories. Most prominent among these recurrent interventions is the disciplining of opponents to and critics of Ethiopian sovereignty by security personnel stationed across the Ogaden.

The continuity in how power has been exercised by consecutive Ethiopian political regimes in the 20th century was recently remarked by Pietro Toggia (2008). In his historic overview of how consecutive Ethiopian regimes made use of the police, the criminal code and prisons, Toggia (ibid:108) concludes that 'despite the characteristic political differences among these three regimes, the mode in which they exercised their powers, or the mechanism of power they applied in order to normalize or stabilize their respective body politic, is indistinguishable'.[15] Toggia unearths how, when under political pressure, successive Ethiopian rulers declared states of emergency, making use

[14] See Clapham on Haile Selassie's government (1969) and the Derg (1988) and Vaughan and Tronvoll on the EPRDF (2003).

[15] Toggia draws on Michel Foucault to problematize 'norm' and 'body' to conceptualize state power and emergency regimes.

of the police to imprison and torture political opponents, the poor and unemployed.[16] Notably, all three regimes relied on a penal code, first adopted in 1957, that lists numerous offenses against the state and its institutions, to criminalize, arrest and punish political opponents in the name of state sovereignty. As a result, 'the distinction between political activism and criminality is often erased' (ibid:110), allowing Ethiopian security forces to prosecute and punish political challengers. Most recently, the state of emergency prominently shaped Ethiopian politics when the incumbent government temporarily arrested 30'000 opposition supporters whom it designated as dangerous vagrants or hooligans or *adegegna bezeneh* in Amharic.[17] In June 2007 Ethiopia's supreme court sentenced 38 leading opposition figures to life imprisonment after finding them guilty of 'outrage against the constitution and treason' (ICG, 2009:10).[18]

Toggia's empirical examples mostly concern past and present anti-regime contestation in Ethiopian cities, such as the Ethiopian Student Movement of the 1970s or the 2005 post-election protests. The Ogaden has been mostly disconnected from such dynamics in the political center. Nonetheless, we find parallels in regard to Ethiopian state officials' use of the state of emergency to suppress dissent in the Somali lowlands. In his review of Imperial rule of the Ogaden between 1942 and 1960, Eshete (1991: 24) underlines the 'crisis-oriented rather than institution-oriented' way in which the region was administered. According to a commemorative report by the *Derg's* border police, the Ogaden was under a formal state of emergency between 1956 and 1964, the year of the first Ethio-Somali war (Eastern Boarder Guard Revolutionary Police, 1975 Eth. C.:65). Two years later, adjacent Borana province and some districts of Bale province were put under martial law in response to the Bale rebellion, which was sparked by ill-conceived fiscal policies (Tareke, 1996). Following the Ogaden war of 1977/78, the Ethio-Somali borderlands remained caught in a *de facto* permanent state of emergency as army officials enjoyed discretionary powers in their counter-insurgency sweeps targeting Somali civilians (Africa Watch, 1991). Declared and undeclared states of emergency continued after 1991 under the EPRDF. When large parts of the Somali Regional State became chronically insecure in the mid-1990s following the fallout between the federal government and the ONLF as well as the Islamic *al-Ittihad al-Islaam*, Ethiopian security forces imposed curfews on several towns. In addition, they 'were given sweeping powers including the authority to shoot suspected members and sympathisers of rebel movements on sight' (Khalif & Doornbos, 2002:81).

In light of our earlier discussion on the state of exception as a mode of governing the state frontier, policies implemented by Ethiopian commanders and officials during subsequent states of emergency in the Ogaden must be considered bureaucratic routine rather than exception. Our analysis reveals a set of recurrent governmental techniques emanating from Ethiopian state sovereignty, which frequently operates by dint of the

[16] Haile Selassie declared states of emergency in the 1960s and in February 1974, the Derg in September 1974 and in the late 1970s and the EPRDF in April 2001, June and November 2005 (Toggia, 2008:113).

[17] Article 51, linea 16 on the 'Powers and functions of federal government' provides the legal basis for the declaration and lifting of states of emergencies at national and local level (FDRE, 1995).

[18] They were later on pardoned, but main opposition leader Birtukan Mideksa's pardon was revoked in December 2008.

state of exception in its Somali periphery. The following sections illustrate three of these with a particular focus on recent events.[19]

Law and the absence of law

In times of heightened political crisis in the Ogaden, as for example during the 2007 counter-insurgency campaign, Ethiopian officials dispense justice in a manner that law and the absence of law becomes indistinguishable. In Ethiopia's periphery federal judges, military commanders and police officers embody state sovereignty. They may thus criminalize or, alternatively, legalize, any action or person they consider against the state's interests. When governing under emergency laws, extrajudicial killings, arbitrary arrest, rape and torture of suspected ONLF supporters and their relatives by Ethiopian troops, which were documented in detail by human rights groups (Human Rights Watch, 2008; OHRC, 1996, 1999, 2006, 2007), are sanctioned by the Ethiopian state, thereby further blurring the distinction between law and the absence of law.

As the following excerpt from an interview with a former judge of Ethiopia's Somali Regional State demonstrates, the targets of emergency measures are outside of law. The former judge, which we shall call AM, belongs to the Ogaadeen genealogical group and is a relative of a leading ONLF official. He 16 months in two prisons in Jijiga following his arrest. AM recounts the moment he was arrested by a senior regional security official in September 2006.

> 'He [senior security official] asked me: Are you AM? – I said: Yes. He said: You are under arrest! – I said: Why? And then he slapped me in the face, and [another security official] did the same. They both beat me together. I told them that I am a judge and that I have legal immunity and he said: I don't care. You are [an] anti-peace element, we know what you do!'

AM was then taken to a military camp in the outskirts of Jijiga where he was held in an underground cell and regularly tortured and interrogated.

> 'A general question that I was asked [during interrogation sessions] was: Why don't you co-operate with the government? [This was] a question that I could not answer as I had studied at the Ethiopian Civil Service College [which trains government officials], a curriculum designed for TPLF cadres, you must be a cadre to attend the Ethiopian Civil Service College. I said: I am a judge, I am implementing the law of this country! They didn't answer, but [they] just beat me up.'[20]

[19] A choice motivated by the dearth of documentation available on the Ogaden's social, economic and political history prior to 1991.
[20] Interview Hagmann, Nairobi, 29 June 2009.

AM's experience is exemplary of the suspension of law at the hands of those who operate under emergency law, a practice which was institutionalized over time in the Ogaden.[21] As the local Ogaden Human Rights Committee (OHRC, 2006:16) aptly established, 'The security forces are the prison authorities, the prosecutors, the lawyers, the judges and the armed forces in the Ogaden'. In the logic that is proper to the state of exception, the security forces are never outside of the law, even if they behave in lawless manner. Hence, the Eastern Boarder Guard Revolutionary Police (1975 Eth. C.:55) describes the counter-insurgency operations conducted by the Imperial police in the Ogaden as a 'struggle for human right[s] of the Ethiopians'.

At the margins of the Ethiopian state the security forces are the ones who determine who stands outside of the law, who is a friend and who an enemy of the state. This dimension is also present in the above vignette, when AM is accused of being 'anti-peace'. In the past decade, accusing someone of being 'anti-peace' or 'anti-development', a euphemistic expression used by federal and regional government officials to refer to insurgent groups, has regularly led to the imprisonment and mistreatment of innocent persons by security officials (Hagmann, 2005a).[22] Interestingly, this rhetoric ploy used to delegitimize political opponents has a precursor in Ethiopian history. Toggia (2008:121) notes that the Derg labeled its opponents including the former TPLF rebels, today the most powerful party in the EPRDF government, as 'anarchists' and 'bandits' or *ser'ate albegna* and *wonbede* in Amharic.

The politics of bare life

Another recurrent strategy by the Ethiopian state to control or punish unruly Somalis in the Ogaden during states of emergency consists in denying or hindering human and animal nutrition. Counter-insurgency campaigns of the Imperial, the *Derg* and the current government included the disruption of the local pastoral economy, starving suspected enemy populations and, more recently, withholding food aid. These measures are part of the Ethiopian army's biopolitics aiming to weaken enemy bodies and their ability to sustain themselves. These politics of bare life complement the harming and mutilating of members and sympathizers of rebel groups, which regularly occur during killings, torture and rape by security forces (Human Rights Watch, 2008).

In Ethiopia, famines have a century old history of being 'created' or exacerbated by the state for political ends (Africa Watch, 1991:30-31). Inspired by the 'total strategy' counter-insurgency concept by French general André Beufre, the *Derg* pursued an all out war strategy to defeat armed groups in the Ogaden. This was notably the case of the *lash* or ringworm campaign against remnants of the WLSF in the mid-1980s (Tareke,

[21] OHRC reports document numerous killings of local and regional government officials by federal security forces and their supports (for example, OHRC, 1996:12).
[22] Prisoners are often held in detention in military camps or police stations without charges or trial (OHRC, 1999:9).

2002:466).[23] As part of this campaign *Derg* soldiers poisoned wells, which are of key importance for herd survival and whose access determines animal and human migration patterns (Africa Watch, 1991:79). Similar tactics were used by EPRDF soldiers, which punished villagers suspected of supporting ONFL by commandeering thousands of camels and small ruminants in December 1997 (OHRC, 1998:1). Under a public health pretext government troops banned pastoralists from accessing river water of the Wabi Shabelle so as to discourage the local Tolomoge clan lineage from assisting Ogaadeen rebels (Brunel, 2000). The Ethiopian Customs Authority considers all informal cross-border trading by Somalis as illegal. Particularly since 2002 customs and security officials have harassed traders, confiscated their commodities and repeatedly closed border posts in the name of 'security' or fighting 'contraband' (Devereux, 2006:59-61).

After 1983/84 drought, food aid deliveries to the south-eastern lowlands have become a regular recurrence and part of local livelihoods (Ammann, 2005). Since the insecure areas of the Ogaden are de facto ruled by the ENDF officials rather than local Somali dignitaries, food aid distribution in these areas is tightly controlled by the army (Brunel, 2000). Different observers including humanitarian workers involved in programming food aid distribution in Ethiopia have reported abuse of food aid by local and federal officials after 1991 (Devereux, 2006). In times of political crisis food aid is distributed according to a politico-military rationale rather than humanitarian needs. For example, in 2007 regional and federal authorities awarded those districts with food aid who mobilized the most anti-ONLF militias. Consequently, a long-term observer of Ethiopian domestic politics estimates that 'one forth of food aid reaches the population' in the Ogaden.[24] Droughts and international emergency responses in the form of humanitarian aid have permitted security forces in the Ogaden to award pro-government groups with food aid and deprive rebel supporters of assistance.

The Derg's strategy of denying WSLF rebels access to food, supplies and manpower by restricting the movement of the local population (Tareke, 2002:470) was replicated by the current government in its 2007 counter-offensive.[25] In April 2007 the Prime Minister's advisor Abay Tsehay, ENDF general Yunis Samora and the commander in charge of Ethiopia's eastern Hararghe division decided to impose a commercial blockade on Ogaadeen heartland with the objective of cutting off ONLF from all material supplies. The blockade was ruthlessly enforced during several months and banned not only the circulation of goods and trucks, but also rural dwellers, which avoided major roads and towns controlled by the military. Within a short time food stuff prices exploded as a result of the commercial blockade, ongoing violent clashes between the army and the ONLF rebels and declining livestock prices. In combination with poor rains in some parts

[23] Military historian Tareke (2002:468) notes 'as the ring-worm (lash) eats away the hair of the human head, so would the army exterminate the insurgents operating in the southeastern parts of the country'.

[24] René Lefort, personal communication, 14 May 2008, Geneva. In an off the record interview a humanitarian official estimated that up to 80 percent of food aid 'was not getting to people in Somali region' (2 September 2008, note on file with Hagmann).

[25] OHRC (2007:6) reports that the ENDF destroyed 'more than 200 villages, hamlets and nomad pastoralist settlements' by infantry and military helicopter gunships between April 30 and August 2007.

of the Ogaden, a serious humanitarian crisis had developed by mid-2007 (Anonymous, 2007). By beginning of January 2008 an estimated 953'000 people were in need of emergency aid in Ethiopia's Somali region (Malone, 2008).

Encamping the Ogaden

A fundamental strategy by consecutive regimes and precondition for the state of exception has been a deliberate and sustained effort to encamp the Ogaden by maintaining a barrier between local inhabitants and outside observers. The concentration camp is the prime locus of the state of exception for Agamben. A very similar argument can be made for the Ogaden at a much larger territorial scale. In times of political and humanitarian crisis, the Ethiopian army and other government services transform the Ogaden into what resembles a camp, effectively cordoning off the region from foreign observers, journalists, NGOs, international organizations and researchers. Concomitantly, the movement of borderland inhabitants has been restricted in a bid to control both persons and information that enter and leave the region.[26]

Given the chronic insecurity, dilapidated infrastructure and remoteness of the Ogaden, apart from aid agency officials few outsiders have visited the region in the past three decades. In places and times of acute conflict the Ethiopian government goes to great length to prevent independent data gathering and dissemination by these agencies. Efforts to control the type of information and images that outsiders take along when returning from the Ogaden were observed at numerous occasions. For example, to generate publicity and a generous donor response during the 2000 famine, government officials lined up carcasses of cows along the along the Godey-Denan road, which was taken by foreign journalists reporting on a famine, which was partly conflict related (Brunel, 2000).[27] In end of August 2007, a UN inter-agency mission that sought to assess humanitarian needs provoked by the ENDF counter-insurgency campaign and commercial blockade had to remain silent on the political and human rights aspects of the crisis (United Nations, 2007). According to local observers, the UN team was forced to limit its assessment to the main Jijiga-Qabridehar road, but not before officials distributed wheat and biscuits in order to give the impression that the government was addressing the problem. Several elders who dared to complain to the UN officials about the ongoing political repression were later on arrested.[28] Although knowledgeable about such practices, Western donor countries have largely accepted, if not indirectly contributed to the double role assumed by the Ethiopian government, which both punishes and 'saves' the inhabitants of its Ogaden 'camp'.[29]

[26] Contrary to neighbouring Somaliland, Puntland or southern Somalia, no independent media or public sphere exists in the Ogaden.

[27] However, not all journalists fell for the trick. The correspondent of the Swiss daily *Neue Zürcher Zeitung*, Iten (2000:5) remarked the public relations stint.

[28] Interview Hagmann, Ogaadeen businessman, Addis Ababa, 25 July 2008.

[29] This does not exclude irritation by foreign donors towards the Ethiopian government, for example in October 2008 when Douglas Alexander, the British secretary of state for international development (DFID), found out that malnourished children had been taken out of the hospital he visited in Qabridehar to 'hide' famine.

Expulsing potential witnesses and avoiding inconvenient news reports about events in the Ogaden allows security forces to maintain a restricted 'camp' status in areas governed by emergency rule. Following the arrest of a *New York Times* journalist who had spent several days in the bush with the ONLF in June 2007 (Gettleman, 2007a), federal military and regional security personnel deterred journalists and expatriates from visiting the Ogaadeen parts of the region as they feared negative publicity (for example, Blair, 2009). With few exceptions Ethiopian authorities succeeded in isolating the region from independent media coverage.[30] In July 2007 regional authorities forced the International Committee of the Red Cross (ICRC) to close its sub-delegation in Godey, charging that it had collaborated with the ONLF. Humanitarian organizations were allowed to resume their work in the region after the 2007 conflict escalation in exchange for their silence on human rights violations (Benequista, 2008). Maintaining the proverbial lid over territories governed by emergency powers is a recurrent strategy by Ethiopian rulers. Recent efforts to obscure the suffering of the local population have a historic corollary in the way the *Derg* managed to keep the 1981 war in Sidamo secret from the national and international public (Africa Watch, 1991:78).

CONCLUSION

In this paper we have argued that Ethiopia's south-eastern lowlands are characterized not by state failure or anomy, but by a permanent state of exception of varying intensity, in which Ethiopian sovereignty re-institutes those who are included and those who are excluded. Our review of the historic trajectory of the Ethiopian Ogaden and its relation to the central state has revealed recurrent governmental technologies which accompany subsequent states of emergency. Deciding on who is within and who is outside the law, depriving the bodies of enemy populations of food and shelter and restricting who (persons) and what (information) travels out of the 'encamped' region are recurrent strategies in times of emergency.

What appears from our analysis is a specific border geography, which results from the contested appropriation of territory and people by the Ethiopian state. By spatializing a violent state of exception in the confines of the Ogaadeen heartland, Ethiopian sovereignty is most forcefully present in its remote pastoral periphery. But although Somali region appears to be at the periphery, the margins of the Ethiopian state, it is nevertheless central to the constitution of the Ethiopian state as sovereign body. An interpretation of the centre-periphery relations through the conceptual lenses of a state of exception permits to account for the violent logic of governing predominating in many frontier contexts.

To conclude, two questions deserve further exploration in line with the argument presented in this paper. First, what are the impacts of recurrent emergency regimes on the political centre and its representatives itself (rather than the periphery)? Is there a chance that very similar mechanisms to the ones observed in the Ethio-Somali borderlands also

[30] A notable exception is a series of televised reports by *al-Jazeerah* journalist Mohammed Adow form the Ogaden, which were highly critical of the conduct of the ENDF forces. The broadcasting of his report led to the temporary disruption of diplomatic relations between Ethiopia and Qatar.

operate in the political centre? Why have subsequent attempts towards more institution-based (and less indistinction-based) governance of the frontier failed at the centre? Second, what conclusions can we derive from our observations in regard to discussions about the nexus between state-making and war-making? Must the state of exception always be disruptive, or does it enable state-building and consolidation? And if yes, which ones and under which particular circumstances?

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Centering Borders and Borderlands: resourcing the "margins" in Africa

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Abstract
State borders in Africa usually are perceived as artificial colonial constructs that divide and constrain people, and frequently are the cause for political tensions or even violent conflict. Any 'positive' aspect of state borders in the literature usually refers to the various creative strategies of locals who circumvent borders and make a living in the borderlands through smuggling and other kinds of 'illegal' activities. Where borderlands are politically and militarily contested zones researchers frequently stress their 'subversive' qualities as areas of resistance and opposition. This paper adds to the analysis of borders and borderlands by turning the usual focus on borderlands as marginal spaces and borders as constraints up side down. In our view, borders and borderlands are centers since it is here that various economic and political resources are on offer. Borders in Africa are frequently divisive and permeable at the same time. They separate different state systems, and exactly this separation, together with the frequent lack of administration of the borders plus the fact that social networks cross-cut the state borders provide opportunities for smuggling, guerrilla politics, switching of identities, political alliances, and making use of different institutional set-ups on the different sides of the border. Based on examples from various parts of Africa, the paper proposes a perspective on resourcing borders and borderlands, and on the conditions involved. The latter shed light on the limitations of resourcing borders and borderlands.

Introduction

Borders in Africa have generally been conceived as barriers, whereas they also provide what Nugent and Asiwaju (1996) call 'conduits and opportunities'. The academic discourse on state borders in the continent is largely focused on the constraints side. The main topics of the literature on African borders and borderlands are conflicts over borders, the marginalization of the people living along the borders, informal cross-border economies such as smuggling, and the disregard of the local population for the 'artificial' and often ill-administered borders (Matthies 1977; Asiwaju 1985; Miles 1994; Clapham 1996a: 237–241; Asiwaju and Nugent 1996; Nugent 2002; Schlee 2003). A second body of (not necessarily Africa-related) literature perceives borders either as limiting economic and other exchanges, or, to the contrary, argues that borders are frequently irrelevant when looking at transnational and global processes of exchange and identity formation (Appadurai 2003; Ferguson 2006). Studies of

transnationalism and globalization emphasized the diminishing importance of territoriality and consequently, the detachment from any fixed borders of culture, politics and economy (Kearney 1995). Borders and borderlands feature, if at all, as zones of displacement and deterritorialization (Gupta and Ferguson 1992: 18). Mbembe (2006: 160-168) finally drew attention to recent dynamics in contemporary Africa related to conflicts within and between states and/or the exploitation of natural resources such as oil and diamonds through external actors, which do not correspond to the "statish" understandings of territory and border.

Obviously borderlands in Africa can be problematic zones particularly for or between states. Some authors suggest disregarding state borders for practical or theoretical reasons. Still, we think it is worthy to take state borders and the borderlands along them as givens because state borders in Africa are more stable than elsewhere in the world (Clapham 2001). We also take a closer ethnographic look at (re)bordering and border-crossing processes. This is where the agency of the borderlanders is situated, which, with a few exceptions, so far has only caught little systematic attention in the Africa-centered literature.

We ask how people who live along state borders in Africa have adjusted to the borderland situation, and what strategies they use in order to extract different types of resources from borders and borderlands. By resources we refer to immaterial resources such as social relations (across the border), the placement within the territorial, political, or social landscape, or any kind of claim that can be made with regard to state borders and/or borderlands in order to attain social, economic, or political benefits. We also distinguish between borders and borderlands on the following grounds: by borders we mean the institution of inter-state division according to international law. Borderlands, on the other hand, are territorially defined as the physical space along the border – on both sides of it (Baud and Van Schendel 1997: 216). We specifically engage with borders as institutions that can be made use of, or appropriated (Lentz 2003: 274) and borderlands as fields of opportunities for the people inhabiting them.

In the following, we discuss the literature on state borders as constraints. Subsequently, we briefly touch on important insights of the anthropology of borders and borderlands. From there we develop our analytical framework for studying the opportunities that state borders and borderlands provide, and elaborate on the conditions of resourcing them. Examples from various African contexts are used to underpin the relevance of our perspective.

Borders as Constraints

What we summarize as 'borders as constraints' literature has different aspects. It comprises texts that see borders as arbitrary, irrelevant or generating conflict. While these perspectives are not always related and can not be located at the same level of analysis (some are ethnographic or historically oriented, others introduce the 'state perspective' or follow global dynamics), they have one thing in common: they stress the problematic sides of borders.

Arbitrary borders

About 42 per cent of the total length of land boundaries in Africa is drawn by 'parallels, meridians and equidistant lines without any consideration of social realities' (Kolossov 2005: 628-29).[1] At first glance, this underlines the arbitrary nature of state borders in the continent. Already some decades ago, Touval (1972) refuted the perspective of the Africans as pure victims. He emphasized that in a number of cases African rulers actively engaged with European colonizers. In some cases, local strongmen could influence the demarcation of the colonial boundaries and profit from their external contacts, which helped to stabilize their authority. Also other authors highlighted the pre-colonial roots of borders and re-bordering processes, and the involvement of Africans in the colonial partition of the continent (Lentz 2003; Mbembe 2006). However, it was mostly the involvement of the ruling elite. Asiwaju (1985: 2) argued that boundaries have separated people connected through lines of communication, traditions, shared socio-political institutions and economic resources, and sometimes common systems of rule. He found, that the borders dividing African states were not absolute. Cross-border integration took place every day, and many clandestine activities across borders, such as smuggling, challenged the authority of the state. Borders were therefore understood as essentially legal limits, which distinguish the jurisdiction of different political regimes and their respective administrations. But borderlanders frequently ignored the arbitrary colonial lines and 'the partition can hardly be said to have taken place' (ibid.: 4). In the same vein, Schlee (1998: 232) characterized the district boundaries in Kenya as 'colonial constructs' ignoring the local realities beyond the immediate interests of the colonizers. This led to cognitive discrepancies: 'The result is that people inhabiting the same country have quite different views of the legitimacy and usefulness or even the existence of boundaries' (ibid.: 229).

To sum up: border regions in Africa frequently cut through areas of shared culture and dense social, economic and political relationships. They are arbitrary and often not accepted

by the population. The local reaction to the borders is ignorance, where possible. Consequently, borderlands are zones of socio-political ambivalence, where 'the loyalty of the local peoples to either of the states sharing the particular cultural areas has not been, and never could have been, very strong' (Asiwaju 1985: 12). Since clearly demarcated borders are a necessary condition for modern statehood, tensions between borderlanders and the state and between states are inevitable.

Conflict-prone borders

From a contemporary (2010) perspective, it is a bitter irony that Asiwaju twenty five years ago advised politicians in post-colonial Africa to follow the Somali lead. He referred to the Somali (back then) as the 'only partitioned groups in Africa among whom reactions have taken the form of an active nationalist movement' (ibid.: 14). Somali nationalism is indeed intimately related to the problem of the arbitrary colonial borders in the Horn of Africa (Drysdale 1964; Geshekter 1985). In colonial time, the Somali peninsula was divided between France, Italy, Great Britain, and Ethiopia. After the independence of the Somali Republic in 1960, Somalis lived in Somalia, Ethiopia, and colonies that later on became Kenya (1963) and Djibouti (1977). Somali nationalists advocated the unity of all Somali territories and claimed the right to self-determination for Somalis who remained outside of the Somali state (Information Service of the Somali Government 1962; Lewis 1983: 13). Already in the 1960s the so called "Greater Somalia" policy led to major conflicts of Somalia with Kenya and Ethiopia (Matthies 1977). The weakness of Ethiopia after the fall of Emperor Haileselassie in 1974 prompted Somalia's attack on its neighbor in pursuit of its irredentist dream, which resulted in one of Africa's bloodiest inter-state wars popularly known as the Ogaden war (1977-78). The devastating defeat of the Somali national army weakened the regime of President Mohamed Siyad Barre. Mounting militant opposition during the 1980s climaxed in the fall of the government and the collapse of the state, which was followed by internal territorial re-organization. Somaliland in the northwest seceded in 1991 unilaterally from rest-Somalia. Puntland in the northeast was declared an autonomous region in 1998. Recently, Islamists in the south started fighting for power and Somali unity. One of their strategies for mobilizing followers was to vow to attack Ethiopia in order to 'free' the Somalis there.

The conflict between Eritrea and Ethiopia that came to a head in the 1998-2000 devastating war is intrinsically related to colonial partition and border politics. It has its pre-history in decades of guerilla war against the Ethiopian governments before 1991, and continued in the form of a proxy war in collapsed Somalia throughout the 2000s (ICG 2005;

Abdul Mohammed 2007). These constellations, together with the current uncertainties over the political future of southern Sudan, which after decades of civil war may exercise its right to secession granted in the 2005 Comprehensive Peace Agreement after a referendum in 2011, make the Horn of Africa a "prime theatre" for ongoing violent conflicts related to state borders. Related to this, the people residing in the borderlands are often treated with suspicion by national governments. They are economically and culturally marginalized (Markakis 2006) or suffer from outright oppression (Mahmoud 2008).

Also other regions of the continent have had their share of border-related conflicts. Secessionist movements in Katanga and Biafra in the 1960s and continued conflicts in the Casamance (Senegal), the anglophone provinces of Cameroon, Cabinda in Angola and the Caprivi Strip (Namibia) point to the violent potential of the colonial borders that have been sanctioned by the Organization of African Unity (OAU) in the 1960s (Mbembe 2006: 158). In their study of the Mano River Region of West Africa that comprises Liberia, Guinea, Sierra Leone, and Ivory Coast Silberfein and Al Hassan (2006), for instance, argued that 'the porous and contestable features of African boundaries are two interacting themes that are closely linked to the emergence and spread of conflict in Africa' (ibid.: 343). The porosity of the border in the Mano River region has facilitated the movement of weapons; the transnational reformation of combatants; the deployment of child soldiers; the proliferation of contraband; the prevalence of refugees, and illicit exploitation of strategic resources. On the other hand, the artificiality of the border and its contestation by competing states has resulted in irredentist projects such as the aspiration of recreating 'Greater Liberia'. According to Silberfein and Al Hassan, the interplay between the porous and contested nature of the state borders along the Mano River region has created an explosive inter-state conflict situation that has increasingly erupted into intra-state and inter-state violence.

Against the background of the contested nature of the (post-)colonial borders and the frequent marginalization of the borderlanders it does not come as a surprise that many guerilla movements in Africa, including the Revolutionary United Front (RUF) in Sierra Leone, the Lord's Resistance Army (LRA) in Uganda, the Oromo Liberation Front (OLF) and the Ogaden National Liberation Front (ONLF) in Ethiopia, have emanated in border zones.

Irrelevant borders

A very different but related view is provided by transnational and globalization theories, which see borders as inconsequential and undesirable (Appadurai 1991; Appadurai 2003;

Ferguson 2006). They posit ‘a new borderless world, in which the barrier impact of borders became insignificant […]. Faced with the onslaught of cyber and satellite technology, as well as the free unimpeded flow of global capital, borders would – so the globalization purists argued – gradually open until they disappeared altogether’ (Newman 2006: 172). This perspective partly corresponds to what Kolossov (2005: 612) called the ‘global paradigm’ according to which ‘state boundaries are being gradually transformed into virtual lines and are being replaced by economic, cultural and other boundaries.’ The scale of interconnectedness engendered by globalization is expressed in quantitative and qualitative terms, such as money flows across the world’s foreign exchange markets, the speed of travel of goods and people, and the connections forged and the possibilities opened through the internet (McGrew 1997: 6-7; Held et al. 2001). The downside is that the global interconnectedness also refers to global warming, massive deforestation, and networks of crime and terror. In view of these dynamics, ‘the territorial referents of civic loyalty are increasingly divided for many persons along different spatial horizons [...] that may create disjunct registers of affiliation’ (Appadurai 2003: 341). Commenting on the shrinking sovereignty of African states, Appadurai stressed that these states ‘care less about policing borders but focus their energies on policing and sanctifying important cities, monuments, and resources at the urban centers of the regime’ (ibid.). In sum, it seems that globally, and particularly in Africa, state borders are increasingly irrelevant for defining political, economic and social action.

Beyond borders as constraints

Despite the obviousness of border related conflicts and the arbitrariness of many borders in Africa we think that the argument that the artificiality of the continent’s colonial borders would explain their problematic nature in post-colonial time is not well founded. All borders in general and state borders in particular are artificial in the sense that they are the products of human imagination put into practice (Leach 1960; Barth 1969). Moreover, borders were often drawn in the context of wars and conflicts. In Europe, many of the current state borders go back to changes related to either World War I or World War II (Fischer 1949; Kolossov 2005: 607).

We also refute the vision of a borderless world as it fails to capture the reality on the ground at least in two important respects. For one, globalization is not only about flows and connections but also about ‘systematic processes of closure and containment’ (Shamir 2005: 197). Borders have become more salient, given the continued relevance of mechanisms of inclusion into a privileged collective self and the exclusion of “others”. Secondly, closure has

attained a new lease of life in the post 9/11 world and what Newman called the advent of the securitization discourse. In the wake of the terror attacks on the USA ‘governments have began to reassess their border-opening policies. The securitization discourse has, once again, become prominent as governments move towards re-closing their borders and making them more difficult to cross in the face of perceived security threat’ (Newman 2006: 182). Related to that, new immigration and deportations regimes (Peutz 2006) as well as growing camp-systems from Dadaab, one of the world’s largest refugee camps in northern Kenya, to Guantanamo, are part of contemporary re-bordering processes. These are certainly relevant arguments against the irrelevance of the borders. It has to be noted though that the securitization discourse stresses the agency of state institutions along borders. The (re)bordering and border-crossing processes within which the agency of the borderlanders is situated remain opaque.

Generally, it seems to us that the borders-as-constraints-literature is largely normative. It argues against the “bad” (arbitrary, conflict-prone, and hindering) or for the “good” (secured and surveyed) border. In contrast, we propose a non-judgemental perspective focusing on peoples’ agency and creativity with regard to state borders and borderlands, turning what appears to be a liability into an asset. This perspective has been pioneered by Eric Fischer, a human geographer, more than half a century ago. Other researchers (often anthropologists) working along borders and in borderlands followed more recently.

A Differentiated Approach to Borders and Borderlands

Based on his study of southern Tyrol, Fischer (1949) developed a human geographic perspective on the imprint of boundaries upon social life. He posed the pertinent question why the international border should matter, for which he answered that:

> The longer a boundary functions, especially an international boundary, the harder it becomes to alter it. The transportation net gets adjusted to the boundary, market towns take their specific importance from it, habits of the local population are shaped by it, ideas are moulded under the impact of different educational systems. Once established, boundaries tend to persist through their impact upon the human landscape (Fischer 1949: 197–198).

Fischer's description of the state border between Austria and Italy aptly captures the political developments in Europe in the 20th century, where, particularly after the World Wars, governments embarked on intensive projects of nationalizing their borders. African borders and borderlanders, however, have gone through different trajectories. Border regions were often neglected by the political centers. Yet, marginalization is only one side of the "border coin". The other is a huge potential for local agency as we outline below. In contrast to Fischer's study, in which the centre developed an interest in the border, in many African cases it is the borderlanders who are becoming active, sometimes up to the level of "going national" more than the states do (Dereje 2010; Lentz 2003: 282-284). Thus, like Baud and Van Schendel (1997: 212) we argue for a view from the "periphery", which sometimes is not peripheral at all. Nonetheless, Fischer's position is helpful when it comes to the issue of borders gaining social and economic validity over time.

The contemporary anthropology of state borders and borderlands gained momentum with Wilson and Donnan (1998) who focused on politics of representation, redefinition and resistance in border zones. Following this approach, Rösler and Wendl (1999: 8) argued that 'located at the fringes of nation-states, borderlands usually lack precise boundaries and are more exposed to foreign, trans-border influences and cross-border movements than are the heartlands.' In our view, it is exactly this lack of precise boundaries that creates opportunities for the borderlanders. The latter might be physically detached from the political center, but they are partly in control of what happens at the borders, which is again vital for the polity as a whole (Roitman 2004: 192-93; Dobler forthcoming). State borders are similar to social borders in the sense that both mark off collective identities. Where they differ is in the degree of rigidity. In state borders national identities are fortified by citizenship, economic regimes, and international legal agreements contributing to the postcolonial sanctification of state borders (Herbst 1989, 2000; Clapham 2001), whereas social borders usually exhibit more fluidity. Still, ultimately also state borders, despite their "natural appearance" on maps, are socially constructed (Jackson 1990: 7; Baud and Van Schendel 1997: 211-212; Kolossov 2005: 606).

The constructedness or arbitrary nature of state borders does not mean that they are inconsequential. Related to the just mentioned state regimes and legal arrangements, borders set in motion new economic and socio-political processes that are as much enabling as they are constraining. Furthermore, state borders have intended as well as unintended consequences. They demarcate and separate but also encourage people to explore new connections as well as cross-border opportunities and incentives provided by residing in

borderlands. These are sometimes in line with and sometimes against state policies and interests. Raeymaekers (2009: 55) added that 'recent analysis in African borderlands points at the high level of overlap and complicity that often exists between different systems of survival and regulation [including state regulation].'

The aspect of border as political resource has been mentioned by Lentz (2003) who analyzed dynamics between ignorance and invocation of the border in resource conflicts in the borderlands between Ghana and Burkina Faso. At a more generic level Barth (2000: 17) argued that:

> Throughout history political boundaries have been rich in affordances, offering opportunities for army careers, customs-duty collecting agencies, defence construction contracts and all manners of work and enterprise. They have provided a facility of retreat and escape for bandits and freedom fighters eluding the control of states on both sides; and they are a constant field of opportunities for mediators, traders and middlepersons of all kinds.

According to Barth, the opportunities of borders derive from their setting the scene for social activities as well as their establishing connections through separating political and economic spaces. In order to profit from borders people have to work and spin connections. Thereby, the boundary becomes shaped by social and material processes (Barth 2000: 18). We wish to add here that the opportunities that borders provide are not ready made. Their realization requires effort and varies depending on the particular border site that the people occupy.

Paul Nugent (2002) explored the Ghana–Togo border as what we call a resource. In his perspective the border as barrier provides opportunities. This is particularly true regarding the formation of national as well as "informal" economies in which the opportunities are embedded. Nugent criticized the sole focus on the constraints side of the state border as the conventional wisdom about African boundaries (Nugent 2002: 5–8). Once in place, he maintained, the state border creates strong local interests whose proponents seek to preserve the *status quo*. Nugent noted that for the most part, at least in western Africa, national identification proved far more valuable than cross-border ethnic identifications. Rather than disengaging from the state, as many would have predicted, border communities such as those along the Ghana-Togo border have actively sought to shape and utilize the state and its borders. Similarly, Hüsken (2009) who has worked along the border between Egypt and

Libya stressed that the integrity of the different nation states is not questioned by the cross-border actors, who belong to the same tribal group, but consciously adhere to and use their different national identities. With regard to this "state-shaping" from below, Nugent showed the relevance and limits of Scott's (1990) model of the hidden transcript of power relations. Many scholars working on the constraints side of the border use this model implicitly or explicitly as an analytical frame in which contraband trade, for instance, is viewed as an act of resistance. Instead, Nugent proposed to comprehend the dynamic interplay among various actors in the construction, maintenance, and consolidation of borders. Smuggling, in his perspective, is not an act of resistance to state borders, nor is it just the continuation of older trade relations "by other means". 'Apart from opening up new trade routes, the smuggling complex also summons forth a new breed of entrepreneurs whose very livelihoods depended upon the perpetuation of the international boundary' (Nugent 2002: 12).

Nugent's focus on the changes that borders introduce, and from which certain opportunities for borderlanders possibly arise, resonates very well with Fischer's (1949) observation about the impact of boundaries on the human geography. A concept that is very close to Nugent's argument (which he however did not mention in his work) is that of 'arbitrage economies' (Anderson and O'Dowd 1999). Anderson and O'Dowd (1999: 597) defined arbitrage economies as 'economic activities for which the border is the *raison d'etre* […] The co-existence of different regulatory regimes on either side of the border generates a form of opportunity structure which invites smuggling, unofficial exchange rates and illegal immigration' (italics in the original). In their perspective, border dependent activities 'may be seen in terms of "arbitrage" or the exploitation of differentials in prices, interest rates, exchange rates and share prices over time and space' (ibid.).

Also Horstmann and Wadley (2006) approached borders as opportunity structures. They emphasized how people are not merely constrained by borders but that border-crossing also opens up new options for local agency. Horstmann and Wadely (2006: 2) noted that 'borderlands are unique forms of peripheries as zones between often competing or unequal states. This inter-national character increases the peripherality and ambiguity of the borderlands as inhabitants seek benefits from both sides of the border, and as the states try to control their activities.' The latter point about state-control was also highlighted by Pelkmans, who did research along the Georgia-Turkey border. He argued that '[a]lthough the strategic power of citizens may be higher at the margins, and border dwellers may display more conspicuously ambiguous loyalties, these characteristics may be the precise reason for

intensified state regulation, as the history of Soviet borders amply demonstrates' (Pelkmans 2006: 13).

Drawing on these works outlining the complexities of and the opportunities provided by state borders and the human actions across them and within the borderlands, we continue to challenge the conventional focus on state borders in Africa as constraints. Without denying that borders also put limitations on people's lives, and that borderlands are in some regards marginal zones, we reiterate that we are interested not in what the borders have done to the people, but in what the people have done to the borders, and what they have made out of living in the borderlands as fields of opportunities. In our approach we are centering borders and borderlands and argue that they provide different types of resources for local agency.

It was already mentioned that the border as an opportunity structure, e.g. with regard to smuggling, emanates from its effectiveness in separating national economies, or, more generally, different state systems. In situations of extreme insecurity and violent conflict, which characterize many state borders and borderlands in contemporary Africa and other parts of the global south, 'a border can mean the difference between poverty and material well-being, and occasionally between life and death' (Baud and Van Schendel 1997: 220). Weak and strong states alike are protected by the international legal regime, which defines the state border sacrosanct (Clapham 1996b; Herbst 1989, 2000). In many regions of the globe, however, statehood has not been translated into spatial hegemony in the borderlands (Horstmann and Wadley 2006: 3). Many states in Africa lack the administrative resources, the monopoly of legitimate violence, and, in some cases, the political will to police their borders. This allows for the permeability of the borders, as does the fact that very frequently members of the same ethnic group inhabit both sides of a border, but are nevertheless positioned in different political, legal, and economic spaces with their respective opportunity structures. While ordinary people usually have no difficulties with border-crossing, things are different for state-agents. The latter *per definitionem* charge the border with political significance, which makes border crossing an official act and, in conflict situations, can trigger diplomatic or even military reactions.

The borders we are dealing with are permeable for many people; but permeability, for instance of the thin "bush-border" between Somaliland and Puntland (Hoehne 2010), does not mean lack of effectiveness. States define borders rigidly; exactly this inter-state rigidity of the borders creates different and fluctuating opportunity structures, and the permeability makes access to these opportunity structures possible. In this sense, most African state borders are simultaneously permeable at the local level and consequential at the national level.[2] The

relational mode could be reversed though, when a local population might prefer a more rigid form of state border than the state agents themselves (Dereje 2010).

Resourcing Borders and Borderlands

We feel that there is a research gap – particularly in the Africa-centered literature – in the understanding of how people adapt to state borders and make use of them.[3] Certainly, there are exceptions, and the works of Nugent (2002), Lentz (2003), Little (2006) and Raeymaekers (2009) point into the direction we are interested in. Yet, what is missing so far is a comprehensive approach to resourcing state borders and borderlands, as we seek to achieve in this paper. Particularly Lentz's emphasis of borders as political resource is fully in accordance with our approach. Still, we go further in systematizing different resources and the condition of resourcing these along and across borders, as outlined below. Our approach also assigns more freedom and power to the actors at the margin than is usually done in the Africanist literature, e.g. in cases where the state actually depends on the borderlanders for security and national identity, or when, under certain circumstances, marginalized people can achieve higher social status by crossing a border.[4] In this way we are centering borders and borderlands in our analysis.

In the following section we identify four different types of resources that collective as well as individual actors can extract from state borders and borderlands. These are, first, economic resources (related to cross-border trade and smuggling); second, political resources (involving the access to alternative centers of political power; trans-border political mobilization; the provision of sanctuary for rebels; and strategic cooption of borderlanders by competing states); third, identity resources (deriving from the fact that state border can function as security devices in inter-ethnic competitions or legitimate claims for statehood); and fourth, status and rights resources (concerning citizenship and refugee status, including access to social services such as education).

Extracting Economic Resources from State Borders and Borderlands

Extracting economic resources from borders and borderlands is a cross-cutting theme of the literature on African borders and borderlands. State borders are often markers of different national economies and the price differentials derived from that (Nugent 2002, Little 2006). Echoing Anderson and O'Dowd's (1999) notion of arbitrage economies, Little (2006: 177),

who had conducted extensive research on livestock marketing in eastern Africa, noted that 'the very existence of an international border creates economic opportunities that go well beyond cattle transactions, and distinguish cross-border trade from other types of livestock commerce.' Two of these opportunities are currency arbitrage, which at times could enable borderlanders to earn more profits from money exchange than from the sale of cattle itself, as it was the case for the Somali traders in the 1980s, and re-import business, especially in manufactured goods and second hand clothes (Little 2006: 178). Economic possibilities vary across different border sites depending on the nature of currency exchanges in the area, the volatility of the situation along the border, and local market conditions in the area. In this regard, Little highlighted cross-border settlement patterns as economic capital and outlined that various social and cultural ties shape cross-border trade. He continued that 'these non-economic factors are present in other types of trade but take on added significance in cross-border research due to its risks, complexity, geographic expanse, and informal nature' (ibid.). Hüsken's (2009) case of the Aulad Ali straddling both sides of the border between Egypt and Libya is a case in point. Their cross-border networks and their "appropriation" of the border, partly in cooperation with "friendly" state agents, allow for uncontrolled labor migration of Aulad Ali Bedouins from Egypt to Libya. For eastern, central and southern Africa, Wafula (2010), Raeymaekers (2009), Dobler (2009) and Zeller (2009) provided ethnographically well-founded examples for the importance of transborder economy including smuggling for the establishment of prominent trading centers and the survival of borderland populations. Regarding regional economy in West Africa, Meagher (2003) has shown that countries such as Benin, Togo and the Gambia have benefited from informal cross-border trade because of their liberal import regimes as opposed to the protectionist policies of their bigger neighbors. This arbitrage economy has even survived - and indeed has made use of - the donors'-driven liberalization of the regional economy (that was designed to eliminate destabilizing policy disparities) because of 'the uneven topography of structural adjustment'. For the ordinary people, 'the strangulation of popular livelihoods in the context of rising unemployment and nose-diving real incomes have increased participation in transborder activities as a means to income generation' (Meagher 2003: 60-1).

Two rather counter-intuitive aspects of extracting economic benefits from borders and borderlands are described by Cassanelli (2010), who outlined how the international refugee and aid industry in the marginalized regions of northern Kenya helped to establish a striving borderland economy. Similarly, Zeller (2009: 145) mentioned that the military built-up in the Caprivi-Strip between South-West Africa and Angola in the late 1970s against anti-apartheid

forces fuelled infrastructure development and generated new opportunities for business and employment – yet, only for those who did not leave the area for political reasons, of course.

Extracting Political Resources from State Borders and Borderlands

State borders and borderlands also provide resources, discursive as well as actual ones, which help to build political power. The definition of spheres of influence and the demarcation of borders in the early colonial time provided local African rulers and strongmen with considerable chances to influence the related political dynamics. Lentz (2003: 277) argued that '[i]f one were to map the British and French military strongholds and alliances in the Black Volta region, one would come up with a very "African" political map of intersecting and overlapping networks of power rather than contiguous spheres of influence.' Similarly, Barnes (2010) described how the Gadabuursi clan in the Somali peninsula extracted political power and autonomy from the colonial border between the Ethiopian empire and the British Protectorate of Somaliland in the context of inter-state competition over the taxation of the borderlanders. A contemporary example of political power struggle related to local definitions of the border is provided by Dereje (2010) who analyzed the competing claims of Anywaa and Nuer in the Gambella Region of western Ethiopia. The main political debate here is about who is and who is not a "real" citizen. This issue is directly related to the local peoples' interpretations of the colonial boundary and the new political arrangements in Ethiopia after the introduction of ethnic federalism in 1994. Another kind of political resource is provided by the fact that borderlands throughout Africa frequently serve as a sanctuary for rebels.

Extracting Identity Resources from State Borders and Borderlands

Flynn (1997) impressively described how borderlanders in the Shabe region along the border between Bénin and Nigeria identified with the border and in fact created their own distinctive border-identity. The locals centralized their marginality in their economic strategies and through common border experiences, which comprised not only benefits from (in)formal border-crossing but also the recent decline in border traffic (ibid.: 313). Dobler (forthcoming) outlined the complexities of identity construction along the Namibia-Angola border from a South-West African respectively Namibian perspective. Since colonial time Angola was considered "wild" and "dangerous". Experiences of local (Namibian) traders in post-colonial and post-civil war times in the early 1990's confirmed this image. With reference to Oshikango, a border "boom town" on the side of Namibia, Dobler (ibid.) argued that it not only existed because of the differences in the state and economic regimes, but also 'because

people conceptualize Angola as wild, chaotic place, and prefer to do business in Namibia.' In the context of state-(re)formation, finally, state borders are used to consolidate group identities. This is currently the case in Somaliland, which seceded in 1991 unilaterally from collapsing Somalia and since then struggles for international recognition, which involves the increasing consciousness particularly among the younger generation of having a distinct nationality as Somalilanders (Hoehne 2009, 2010). It also concerns Eritrea (Tronvoll 1999; Abbink 2001) and will, in the near future, most probably become an issue in southern Sudan.

Extracting Status and Rights Resources from State Borders and Borderlands

Many African borders and borderlands are intrinsically related to the "refugee industry". The latter not only provides economic resources, but offers also possibilities of status gain and status (re-)negotiation. The second Southern Sudanese civil war brought hundreds of thousands of refugees to western Ethiopia. In this context, the Ethiopian Nuer joined refugee camps in Gambella region that were built for the southern Sudanese Nuer. Good quality education was available there and today, nearly all of the current Nuer government officials and the civil servants in the Gambella regional state are "ex- refugees" (Dereje 2010). Declich (2010) also showed how a particular Somali group who had lived in Somalia as underprivileged descendants of former slaves managed to renegotiate their status during their stay in Kenyan refugee camps after the outbreak of the Somali civil war. Despised of as being 'African' and speaking a Bantu language in Somalia, they could draw on their language skills when communicating with Kenyan aid workers and officials who spoke Kiswahili (also a Bantu language). This helped to establish cultural familiarity and distinguished them from the other Somali refugees who were viewed with suspicion by Kenyans. Some of the Banru-speaking Somali refugees could even make use of the UNHCR refugee resettlement program and resettle to their ancestors' home in today's Tanzania.

Conditions of Resourcing State Borders and Borderlands

We have already emphasized that resources offered by state borders and in borderlands are a potential, not a ready-made "good" waiting for delivery. In fact, people have to strive to realize the opportunities borders and borderlands offer. Who extracts what kind of resource is not, however, determined by sheer effort. There seem to be other intervening variables at work.

The first issue to explore is the *demographic size and the cross-border settlement pattern*. Large groups which dispose of close social ties on both sides of the border – classically, the 'partitioned' Africans mentioned by Asiwaju (1985) – are generally better positioned to resource borders and borderlands. It even seems that the more state borders a group straddles, the greater are its prospects of extracting resources. The Somali residing in Somalia, Djibouti, Kenya and Ethiopia are a case in point. Many work as successful businessmen all over the Horn of Africa, and Somalia's economy without state (Little 2003; Hagmann 2005) functions on basis of (in)formal cross-border trade among Somalis throughout the Horn and eastern Africa. In West-Africa, the Hausa play a similar role (Miles 1994)…???

A second variable to look at is the *distance of the people from the political centre* in the states where they live. Here again the Somali seem to be better positioned than other groups in the Horn of Africa. The Somali do not just reside in four established states and two emerging states. More critically, with Somalia/Somaliland and, partly, Djibouti, they also politically dominate some of these states. This gives them a competitive edge in making use of state borders and of their inhabiting the borderlands. IN West Africa – Southern Africa…

A third variable is the *significance a specific border possesses for the state actors*. In the volatile inter-state relations in parts of Africa, such as (Examples from other parts of Africa?!), it is self-evident that some borders are more equal than others in the sense that they attain more strategic significance. The Nuer could make use of the Ethio-Sudanese border in the 1980s not just because of their effort or significant representation in both states, but also because the dynamics between Ethiopia and Sudan itself were part of broader political processes. The civil war in Sudan has as much local roots as it has been entangled with international politics. The Horn of Africa was one of the hottest scenes of the Cold War. Ethiopia and Sudan were clients of the East and West respectively. The escalation of the civil war and the subsequently striving refugee industry in the Gambella region and southern Sudan were intimately related to these geopolitics. Other examples from other regions

The *depth of the cleavage caused by the border* is another variable to look at. Usually, ordinary people cross the border with relative ease because socio-cultural ties are still strong. However, in the case of the Ethio-Eritrean border, for instance, the social cleavage seems to be stronger. Sixty years of colonial experience in Eritrea, together with decades of postcolonial civil war, have greatly ruptured existing socio-economic ties between the Tigrinnya speakers who live on both side of this border. Despite intermittent strategic alliances, political organizations that claim to represent both peoples have found it difficult to

sustain the partnership because of divergent and competing political visions. Other examples???

The *degree of inter-state economic differentiation* determines particularly the nature and scale of economic resources extractable from borders and borderlands. The greater the difference between national economies, the more flourishing the cross-border trade is, and the more pervasive the arbitrage economy becomes.

Furthermore, *entrepreneurial skills* are involved in resourcing state borders and borderlands. People differ in the degree of entrepreneurial skill that they muster. Entrepreneurship entails the existence of more or less entrepreneurial cultures. This point was made also by Schlee (1998: 255) who emphasized the ingenuity of herders and traders in the northern Kenyan borderlands. Pastoralists in multiethnic settings marked by stiff competition over scarce resources might be particularly prone to creative uses of even minimal chances. Something similar has been observed by Raeymaekers (2009: 63) in the Congo-Uganda borderlands, where smugglers 'developed a talent in avoiding contact with official authorities while at the same time maintaining their physical protection.'

Cultural schemes, or what Schlee (1998) called 'cognitive differences', are also conditions of the resourcing of state borders and borderlands. The strong notion of territoriality among the Anywaa influences the way in which they relate to the Ethio-Sudanese border. In their cultural scheme of interpretation, the national state is represented as an Anywaa village writ large. This caused their disappointment with the national government in Addis Ababa when the latter seemed to be less concerned about the Nuer influx from Sudan than the Anywaa hoped (Dereje 2010). Other examples???

Finally, of course, *changes over time have* a bearing on the role of state borders in political, social, and economic contexts, and on the opportunities provided by state borders and borderlands.[5] Certain borders were of different significance during colonial time, the period of the Cold War, and in the two decades since circa 1989. New borders were created, e.g. between Eritrea and Ethiopia, or are in the making in (southern) Sudan. This triggers dynamics related to the respective borders.

Conclusion

The dominant focus on state borders in Africa is on borders as constraints. Most writers until the end of the previous century perceived the artificial colonial borders in the continent as

barriers responsible for social, political, and economic crises. Borderlands were understood as peripheral spaces inhabited by marginalized people excluded from state social and other services, and suffering from inter-state conflict. Alternatively, they represent untimely constructs that have to be overcome in an age of transnational flows and globalization. Only recently, ethnographic accounts of border-life began to stress the opportunities provided by state borders. In this article we set out to systematize these newer approaches and to centralize borders and borderlands in Africa. By looking at various cross-border dynamics involving presumably marginalized and divided people we shed light on the sometimes counter-intuitive complexities brought about by border divisions. This does not mean that 125 years after the infamous Berlin conference, which – contrary to popular opinion – had only a limited impact on the process of partitioning Africa (Katzenellenbogen 1996; Mbembe 2006: 152), we wish to rehabilitate colonial partition. Still, we advocate for a more "sober" and empirically grounded perspective. Since state borders structure social, economic, and political spaces, they provide opportunities as well as obstacles for the communities divided by them. Global, national, and local dynamics and regimes of power converge at the borders and charge them with a potentiality that can be grasped in the borderlands, Individuals and groups can extract economic, political, identity, status, and rights resources from state borders, and from the fact that they reside in borderlands. Resourcing state borders and borderlands, however, is not a straight-forward process. The opportunities of state borders and borderlands have to be actively seized. Different variables are involved in the process of extracting the resources from them, such as the demographic size and the cross-border settlement pattern, the political distance of the borderlanders from the political centre, the significance of a specific border possesses for the state actors, the depth of the cleavage caused by the border, the degree of inter-state economic differentiation, the entrepreneurial skills of the borderlanders, their cultural schemes or cognitive differences, and changes over time. The highlighting of these variables that condition the resourcing of state borders and borderlands should suffice to insulate us against the anticipated criticism that we would "turn a blind eye" to the constraints of the borders.

On an abstract level, the material discussed in this article can be used to outline two border-continuums. The first concerns states, and reaches from rigid border regimes to hardly or not administered, open borders. The second focuses on the borderlanders and covers their attitudes and practices with regard to the borders, which may vary from disregard, to engaging in border crossing and resourcing, to manning it against intruders. Both continuums are closely interrelated and can be envisioned as a "border-double-helix", in which a border can

simultaneously (or successively) have different characteristics and consequently offer different resources, depending who relates to it and in which way. The framework on borders and borderlands as resources and the conditions of resourcing them, together with the perspective on the two border continuums and their interrelation, may provide a grid against which borders and borderlands in Africa and beyond can be fruitfully analyzed and compared.

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Notes

Acknowledgements…TBA

[1] This is a feature that distinguishes borders in Africa from borders elsewhere in the world. Baud and Van Schendel (1997: 235-240) suggested convincingly that the circumstances of 'border formation' had an impact on the way how borders and borderlands have been studied in different parts of the world in the 20th century.

[2] Anderson and O'Dowd (1999: 595) already stressed that borders 'are at once gateways and barriers […], protective and imprisoning, areas of opportunity and /or insecurity, zones of contact and/or conflict, of co-operation and/or competition, of ambivalent identities and/or aggressive assertion of difference'. These dichotomies can alternate with time or coexist simultaneously. On a similar note, Pelkmans (2006: 13) argued that 'we need to move beyond the discussion of whether borders are best described in terms of fluidity and rigidity, and examine how these aspects are ultimately interconnected.' Much of the literature on African borders and borderlands, however, seems still to perceive this issue as an 'either or' questions of borders being permeable or impermeable (Lentz 2003: 274).

[3] Border studies in Europe, including eastern Europe and the sphere of the former Soviet Union, and along the famous US-Mexican border are more advanced (Alvarez 1995; Kolossov 2005; Pelkmans 2006). Baud and Van Schendel (1997) as well as Anderson and O'Dowd (1999), finally, have provided formidable analyses of the complexities and opportunities along borders and in borderlands in general.

[4] Raeymaeker's (2009: 57) concept of 'silent encroachment' of the frontier, which 'involves the silent, and at occasions loud, advancement of ordinary people on the propertied and powerful in order to survive hardships and better their lives'[4] is inspiring. However, he perceives resistance and opposition as central motives involved in transborder trade in the Condo-Uganda borderlands. This, in our view, denies the more active role of borderlanders in shaping borders and national identities, and controlling the cross-border trade, which is mentioned by Flynn (1997), Nugent (2002) and Dobler (forthcoming).

[5] This point has been made by Baud and Van Schendel (1997: 223-225). These authors were interested in the changing meaning and significance of borders over time, which they tried to capture by referring to the life cycle of borders. We differ from this (as the authors themselves concede) 'evolutionary' perspective by highlighting that borders may be subjected to dramatic and sudden changes, depending on larger (geo)political dynamics.

The Neo-tribal Competitive Order in the Borderland of Egypt and Libya

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Summary

The political setting in the borderland of Egypt and Libya can be described as an interlacement of state and non-state forms of political organisation and conceptions of order. The process of interlacement creates innovations and leads to the neo-tribal competitive order. At the core of this order, Bedouin associations of the *Aulad Ali* tribes compete for political dominance and the appropriation of the state and thus generate new political ideas, institutions and practices. The borderland seems to foster these processes by offering specific political and economic opportunities. The investigation of these processes offers a perspective on processes of reshaping statehood in North Africa that are far beyond the notion of failing states.

Introduction

Colonial expansion and the subsequent global implementation of statehood seemed to support the idea of evolutionists and scholars of the theory of systems that the modern bureaucratic state of western origin is the inevitable model of political organisation for human societies. Since the end of the Cold War, the crisis and the factual erosion of the state in the former USSR and Africa initiated a debate on the transformation of statehood. Apart from generalisations such as “weak” or “failing” states, transformations of statehood are nowadays labelled with numerous additional attributes, such as “network state” (Züricher/Koehler 2001), a term referring to interconnections between the state and networks of non-state actors, or “cunning states” (Randeria 2003), describing weak states that rely on development cooperation and international aid to survive.

In the last two decades, Africa has experienced dramatic changes resulting in new social and political settings almost everywhere in the continent. The end of the apartheid regime in South Africa, multi-party democracy in Tanzania and Benin, the achievement of peace in Mozambique and Angola, civil wars in Somalia, Congo, Liberia and Sierra Leone, the Rwanda genocide and the regionalisation of conflicts are a few well-known, examples of a political setting which is becoming more and more heterogeneous. These processes have not only chased many of Africa’s military or dictatorial regimes away, but have also fragmented organised state structures and administration or have even caused them to collapse. These changes are sometimes explained as part of global change: a result of the end of the Cold War and the breakdown of the Socialist Block. At other times, specific African causes are put forward. Africa, however, nowadays serves as a particularly powerful symbol of state failure. In Africa, the crisis of statehood seems to be deeper than anywhere else in the world. Significantly, the attributes used to qualify resulting structures of the African state have been consistently negative: “failing”, “failed”,

"weak", "soft", "incomplete", "collapsed", "greedy", or "criminal", are some of them (Bayart 1989, Bayart / Ellis / Hibou 1999, Fatton 1992, Chabal / Daloz 1999). The term 'heterarchy', as opposed to hierarchy, seems appropriate to describe resulting differentiated distributions of power-foci in many African countries (Chabal / Feinman / Skalnik 2004; Bodarenko / Grinin / Korotayev 2004).

During the same period regional or transnational political actors emerged (Copans 2003) who attempted to, and sometimes even succeeded in, expropriating state sovereignty and administration through processes of informal 'privatisation' (Klute / Trotha 2004). Some of the new actors on the complex African political scene seem to be well known "old fellows": chieftaincies and so-called traditional authorities are now reappearing on the regional and national political stage (Oomen 2002; Van Rouveroy 1994). Some political actors, however, wear new faces. These new actors include ethnic militia, economic and military entrepreneurs, transnational smugglers, and last but not least, agents in international organisations of development aid or conflict management.

Nevertheless, the central reference of thought and consideration remains the state. Political organisation beside or beyond the state is predominantly perceived as deviant development, and not as independent political organisation. This is particularly true for the discussion on the reconstruction of statehood in Africa (Tetzlaff / Jacobeit 2005). As a consequence, current debates on non-state groups and formations focus on the "informalisation" or the "re-traditionalisation" of politics in Africa (Chabal / Dalosz 1999; Kassimir 2001), portraying non-state actors as competitors and opponents of the state.

Looking at the way political anthropology is dealing with the transformation of statehood in Africa, one can distinguish three lines of thought. The first perspective is dedicated to local case studies: Bierschenk (1999) analyses the political arena and its actors in the African city of Parakou in Benin and thus illustrates how the command state (Elwert 2001) operates behind the facade of modern statehood on the basis of clientelism, corruption, and the appropriation of development aid. The second school focuses on African chieftainship and segmentary models of tribal organisation; it tries to integrate a historical perspective that aims at the analysis of continuities and innovations of these modes of political organisation within new contexts and settings (Spear 2003). This school was able to demonstrate how chieftainship in Africa was institutionalised as "administrative chieftainship" (Beck 1989, Trotha 1997, Alber 2000) within the intermediary rule of the colonial state. The historical depth of the analysis reveals the continuity and inventiveness of "neo-traditional" chieftaincy. Contemporary chieftaincies seem

to operate within the context of modern statehood as well as in the sphere of tradition. Chiefs show competence in both spheres of political organisation, and are thus able to succeed as political entrepreneurs on local or regional levels, and even become part of the political elite of the state (Lentz 2000). Skalnik (2002) shows that chiefs, particularly in times of transformation, successfully turned peoples' feelings of uncertainty into support for themselves by combining chieftaincy with notions of security and trust. We do not yet know whether the renaissance of chieftaincy in Africa is merely a substitute for weak or incomplete statehood doomed to disappear as soon as the state recovers, or whether it indicates the emergence of non-state modes of political organisation and rule (Skalnik 2004).

In North Africa, the interrelationship between states and tribes is discussed in ways that go beyond the perspective of antagonism and conflict (Khoury / Kostiner 1990). Although tribes played a significant role in the creation of Islamic empires, they also dominated, at various times, vast areas that did not come under effective Islamic imperial authority. From the middle of the nineteenth century, tribal groups were incorporated, at different speeds and in varying degrees, into the modern states that evolved at that time. Tribes, however, did not necessarily cease to exist because states were formed. In fact, it was not uncommon in the process of state formation for tribes to be encouraged to reach an agreement with state authority in order to preserve their autonomy. In other cases, new tribes emerged that did not organize themselves on the basis of ethnicity and kinship, but on the basis of other, more dynamic loyalties (Anderson 1990, Hüsken / Roenpage 1998). This perspective is in sharp contrast to "traditional" contributions which promote the paradigm of antagonism and conflict between state and tribe (Scholz 1991). The political reality in North Africa thus seems to be characterised by varying degrees of interlacement between states and tribes, joined by a number of new groups and formations that evolved in recent years. Today, tribal networks or formations with tribal backgrounds and resources dominate the military and security apparatus in Libya (Obeidi 2002). They have successfully appropriated state functions in southern Algeria and even established parastates in the north of Mali. The interlacement of tribe and state either appears as division of labour between both parties, as a process in which the state is colonised by tribesmen, or as privatisation and appropriation of sovereign rights and central tasks of the state. Thus it is obvious that the Leviathan has still not managed to overwhelm non-state forms of local power. Interlacement can also be understood as a dynamic process of transformation and innovation challenging and changing existing conceptions and models of order.

A third perspective in political anthropology focuses on the emergence of local, non-state forms of power and their interlacement with the state. This perspective does also include a historical dimension: it explores the cultural construction of peripheries within states (Das / Pool 2004) and emerging forms of power and domination. However, the crisis of the state in Africa seems to alter the spaces for manoeuvre for non-state political actors, enabling them to succeed with their conceptions of order against, parallel to, or in interlacement with, the state (Lebeau et al. 2003). One of the best-known examples in this respect is the interlacement of non-state conceptions of order and models of statehood in Somaliland. Here, the interlacement of non-state actors and what has been called a failing state has led to a "neo-segmentary order" (Heyer 1997, Trotha 2005) that nevertheless continues to present itself as a state.

Klute and Trotha have introduced the conceptions of "para-statehood" and "para-sovereignty" (Klute 1998; Trotha 2000, Trotha / Klute 2001) in order to explain the particular situation of a chieftaincy in Mali. They describe the relationship between the para-state and the central state of Mali as a conflictive process in which local actors appropriate rights and functions of the state, thus transforming statehood in Mali into a heterarchical setting. The conceptions of para-statehood and para-sovereignty were recently adapted to alter the perspective on failing states by drawing attention not to the weakness of the state, but to the strength and vitality of local forms of power (Hauck 2004). Another perspective uses the approach to focus on the takeover of central functions of the state by development organisations. This does not only induce processes of the erosion of the state's legitimacy (Neubert 1997), but can also lead to a "para-sovereign rule of development" (Klute / Trotha 1999). Since most of the studies mentioned refer to post-conflict situations, it seems quite reasonable to ask whether the emergence of local power is necessarily bound to conflict, civil war or post-war settings. Looking at the *Aulad Ali* tribes, we will discover that this is not the case.

The importance of African border zones as 'productive sites' is increasingly recognised within Africanist research communities. Igor Kopytoff (1987) argued that the institutional viability of border zones is dependant upon their more or less distant metropoles. Today, however, the attention of scholars is drawn to the potential of border zones to shape and define the centre. Recent studies on the borderlands between Namibia and Angola (Dobler 2007) and Namibia and Zambia (Zeller 2007) reveal significant processes of economic growth. An important focus of study within this context is the ways in which state structures and border inhabitants jointly shape the border experience (Nugent 2007). In addition to this, the political realities in peripheries and borderlands of many post-colonial states in Africa seem to challenge state

conceptions of sovereignty, territoriality and citizenship (Hüsken / Klute 2008). Thus borderlands can be regarded as spheres where historical and contemporary forms of non-state politics and networks are hardly regulated or controlled by national or international regimes, and where opportunities for non-state political actors are manifold.

My contribution will start with a brief overview about the society of the *Aulad Ali* Bedouin, the respective literature and its central arguments. Then I will turn over to the empirical material [1] as follows: In the chapter "Neo-tribal Competitive Order" I will introduce the contemporary mode of political organisation in the borderland. The prefix "neo" underlines that we are dealing with innovative practices and ideas. Directly connected to this introduction is the examination of political leaders, who create and shape a great deal of this order. These leaders will be discussed in the chapter "Pioneers, Political Entrepreneurs and Preachers". Subsequently the chapter "Innovative Practices, Travelling Models, Public Spaces and Media" will deal with innovative political processes in the borderland. Here the particular role of development projects on the Egyptian side of the border will be emphasised; party-membership and elections will be adressed and the role of global television and local magazines will be analysed. The chapter "Competitive Legal Pluralism" introduces a variant of legal pluralism which is at stake in the borderland. The chapter "Borders and Borderland" looks at the economical, political and cultural aspects of the borderland. The article closes with and some theoretical ideas on local power and domination in North-Africa.

1. The Aulad Ali in the Borderland of Egypt and Libya

The territory of the *Aulad Ali* tribes stretches along the Mediterranean coast from Al-Hamam in Egypt to Tobruk in Libya. Approximately 400,000 *Aulad Ali* live in Egypt and around 100,000 in Libya. The *Aulad Ali* represent the majority (85 percent) of the population in the Egyptian governorate of Matruh. Nevertheless, they are confronted with a state that is dominated by Egyptians from the Nile Valley. The international border between Egypt and Libya offers opportunities for trade, smuggling and labour migration, particularly in the oil industry, but also in construction and in agriculture. The Egyptian state tries to appease the Bedouin population by investments in infrastructure, the channelling of international development aid and, more recently, by a loose and tolerant border regime that allows for various forms of legal and illegal

1 The transliteration of Arabic names and terns is simplified. Arabic is displayed in italicized letters. The names of cities, landscapes and places follow international maps. *Qahira* is replaced by the Cairo, instead of *Masr*, Egypt is used. There letters *Ayn* and *Hamza* are not distinguished and also not marked by special letters. The names of well known personalities are written according to the English fashion. All Arabic citations are translated into English by the author. I want to thank Daniel Rolf and Farida Jawad for the editing and proof reading of the text.

transactions. Libya, on the other hand, is almost entirely populated by tribal groups. Here, the transborder trade to Egypt offers advantages that can be mobilised by the *Aulad Ali* in their relations with other tribes and the state. In both cases, the borderland provides a specific form of mobility that allows the *Aulad Ali* to escape the domination of the state by crossing the border.

The *Aulad Ali* Bedouins are not unknown to social anthropology and anthropogeography. However, the most recent empirical studies were conducted some years ago, among them the study of Müller-Mahn (1989), the analysis of a Bedouin economy by Hüsken and Roenpage (1998) and the seminal work of Rusch and Stein (1988). In addition, there is Obermeyer's study on changing patterns of Bedouin leadership (1973), Cole and Al-Tourki's study (1998) on labour, tourism, and economy and, of course, Lila Abu-Lughod's popular "Veiled Sentiments" (1987). The relationship between states and tribes is described quite differently in the books quoted above. Based on "Segmentary Theory", Müller-Mahn tends to identify general antagonisms between state and tribes. Modernization (and state formation) is seen as a process in which the tribe is infiltrated, marginalised and assimilated by the state. In contrast, Hüsken and Roenpage (1998) - following the tradition of Marx (1978), Salzmann (1980), and Eickelman (1989) – emphasize processes of innovation, inventiveness and persistence in their analysis of Bedouin political organisation and politicians. In their point of view, nomadic tradition serves as a resource for the formation of we-group identities (Hobsbawm/ Ranger 1976, Barth 1969), which are used to shape and organize change and transition. Thus we cannot speak of a general process in which local tribal structures are overpowered by the modern state. In accordance with the argument of Khoury / Kostiner (1990), the Aulad Ali too have played an active role in the context of state formation in Libya and Egypt. In addition, they have created a distinctively specific variant of political organisation.

2. The Neo-tribal Competitive Order

The recent political situation in the borderland of Egypt and Libya has been shaped by the genesis of an ethno-political movement of the *Aulad Ali* Bedouin that contradicts prevalent ideas about the decline of tribal societies. At the same time, it questions the image of dependent African peripheries established by Igor Kopytoff (1987). This movement is created and promoted by a multiplicity of Bedouin groups, which I call neo-tribal associations. The movement is not a cohesive formation but rather a heterogeneous one. A dynamic competition for political influence and economic success exists between the associations, and their relations

with the respective states are also characterized by this competition.[2] Thus we find political strategies that vary between interlacement with and appropriation of the state. The result of these interactions is a specific order of non-state and state that I call the neo-tribal competitive order[3]. At the core of this order we find new political ideas, institutions and practices that are related to the process of appropriation.

Failed or weak statehood is often taken as a precondition for the emergence of non-state forms of power and domination. In the case of Egypt and Libya, this paradigm is not applicable. Thus different aspects are of interest. The Egyptian state is comparatively stable and capable of acting. It provides its citizens with basic services, has the monopoly of violence, and controls its territory. It knows the principle of the division of powers and possesses a constitution. In the past, the Egyptian state was often portrayed as a neo-patrimonial political system allowing for a certain form of pluralism under the coercive control of the state. More recent studies ((Kienle 2001, Hüsken 2006, Demmelhuber / Roll 2007) point to a regime of competing and cooperating networks, which have successfully privatized the state. These networks –among them the old and new neoliberal elites and particularly the extended neo-royal family of President Hosni Mubarak – use the state for the legal and illegal appropriation of material resources and the accumulation of power. State institutions and agencies are pervaded by informal networks and robe teams. Although the development of competent policies is often hindered by the struggle for power (Weiss 1994), the state apparatus remains intact and is furthermore stabilised by development revenues. The peripheries and border regions of Egypt are traditionally ruled by military governors loyal to Mubarak. The interesting point here is not the weakness or ill-functioning of the state, but the interlacement of an already informalised state with local power groups and the emergence of new agents and institutions.

Libya's political system and ideology seems to be shaped by a cross between nationalism and egalitarianism with Muammar Al-Gaddafi as revolutionary charismatic leader (Anderson 1990). Among the few recent studies at our disposal is Obeidi's "Political Culture in Libya" (2001), which states that informality and vagueness are characteristics of the regime and strategic means of politics. Though Gaddafi's nationalism does contain notions of territoriality and nationhood, it has never favoured the concept of the modern bureaucratic state. In his "Green Book" (released

[2] In Egypt, the competition among the associations is taking place within the tribal framework of the *Aulad Ali.* In Libya, the competition also includes other tribes and their respective associations.
[3] The term corresponds with Heyer's (1997) notion of the "neosegmentary order".

in three volumes during the 1970s), Gaddafi advocates a diffuse ideology of socialism and egalitarianism that portrays the nation as a big tribe rather than a society organised and structured by the state. The regime decreed the abolition of the tribe as a legal unit and reorganised local administrative structures according to the interests of Gaddafi, explicitly replacing "tribal politicians" by followers of the revolution. The reform dismissed those governors, mayors and deputy majors who were tribal sheikhs or notables. However already in the 1970s, Gaddaffi had to stop this policy. Instead a non state focus of power successively emerged, dominated by members and associations of the *Qadadfa* – Gaddafi's tribe. Nowadays, neo-tribal associations loyal to Gaddafi and his family dominate and control a significant part of the ministries, the police and the secret services. Other groups, such as the neotribal networks of the *Obaidat,* have appropriated the military apparatus in Libya's "Wild East", Cyrenaica. The tribes, it seems, are stepping out of the "shadow of the state" (Beck 1989). Nevertheless the Libyan state also remains capable of action. Recent studies in political science have called the connection between charismatic leadership, family-dynasty and democratic elements a "hybrid regime" (Diamond 2002). Although the role of tribes is often addressed, a detailed analysis is absent. However, the consensus seems to be that tribes contribute to the "primordialisation of politics" (Werenfels 2008:13) in Libya. At times, one also finds authors who portray tribes as a "general obstacle to development" (Al-Kikhia 1997).

3. Associations, Pioneers, Political Entrepreneurs and Preachers

The central actors in my field of study are represented by the neo-tribal associations and their leaders. The size and political weight of these associations varies significantly. These factors depend on their social resources and even more on the skill of their leading figures.[4] The Bedouin use the Arabic term *Aila* (Lineage) to identify the neo-tribal associations. However, this emic typology is not very accurate. Although the core of the associations is based on close kinship relations, they are not necessarily congruent with lineages or clans. The relevance of relations that go beyond kinship and even beyond the tribal society are also increasing and the principle of kinship is therefore modulated to integrate different groups and interests. Thus the associations refer to the tribal tradition – in order to produce legitimacy – but they are not a functional element of the structure tribe, clan, lineage as stated by the classical segmentary theory (Evans-Pritchard 1973). In the case of associations, which have currently evolved around Islamic preachers, the tribal reference is left behind in favour of a religious logic. Regarding this

[4] I am currently working with four associations. The smallest comprises around fifty men. The largest consists of 500 men.

background I find the term neo-tribal association accurate. This does not mean that inter-tribal networking or the integration of strangers has been unknown to tribal societies. Both are discussed in the seminal studies on the Bedouin of the Cyrenaica by Peters (1990) and also documented concerning the *Aulad Ali* (Hüsken / Roenpage 1998). Nevertheless the recent processes of group formation and the respective political practices go significantly beyond the exsisting research findings. The associations are led by dominant personalities. One can distinguish these leaders by generation and function as "Pioneers" and "Politcal Entrepreneurs".[5] A particular group is represented by politically active.mams, who are labelled as "Preachers". The pioneers consist of Bedouin leaders who chose to place land under cultivation and to sedentarise in the late 1940s. These personalities are now around 70 to 90 years old. As *Awaqil* (wise men) they act as the symbolic heads of economically and politically successful associations. The accomplishments of these leaders' careers are due to a number of factors: the ability to anticipate social change and make decisions at the right time, and perhaps even more importantly, the ability to implement these decisions despite resistence from opposing groups. As important was the occupation of intermediate postions between tribe and state such as *Sheikh* (tribal leader) and *Umdah* (village representative) but also as members in regional and national parliaments and assemblies (Hüsken/Roenpage 1998). In the Libyan monarchy Bedouin notables and tribal leaders held an important position as consultants of the king. Here they were crucial for the implementation of policies on the regional and local level. Another important aspect in the lives and careers of the pioneers was their role as *Mardi* (conflict mediator), a position based on intimate knowledge of *Urf* (Bedouin customary law)..Succesful conflict mediation generated significant social prestige that could also be mobilised in the political field.

At times these intermediate positions were interpreted as state strategies to infiltrate and dissolve tribal structures of the *Aulad Ali* (Müller–Mahn 1989). However, this perception does not correspond with the emic historical perspective of the pioneers, and it is also not supported by my studies. On the contrary, the intermediate rule of the pioneers has improved the economic status of the Bedouin through the appropriation of state assistance and international development aid. Furthermore, the pioneers succesfully protected internal Bedouin politics against the interventions of the state and weathered the anti-tribal policies of the early years of Gaddafi's

[5] The term pioneer is not an emic expression. The Bedouin use terms like *Al-Umdah* (representative of a village), *Sheikh* (tribal leader) or *Aqla* (wise man) to honour these men and their achievements. Nevertheless the term pioneer seems appropriate to me, because the majority of these men did something innovative and new (such as sedentarization and farming) for the first time. The term political entrepreneur was also chosen by me. It is related to the type of the "development-broker" introduced by Thomas Bierschenk (1998). The development-broker acts in an intermediate position between development projects and the local population. The political entrepreneur however also acts beyond the world of development. In fact they organize the entire process of interlacement with and the appropriation of the state. The notion of entrepreneurship reflects the mixture of political and economical goals and the competitive character of these actors. On the other hand the term underlines their inventiveness and their creative potential in the sense of Schumpeters political understanding of the entrepeneur.

rule. Even Gaddaffi's recent practice of personally appointing loyal tribal leaders should not be misunderstood as a political one-way street that only serves the dictator. In fact it expresses the deep interdependency between state and not-state that is typical of neo-tribal comptetive order in Libya.[6] The persistance and success of the pioneers has laid the cornerstone for the current vitality of the neo-tribal order.

Today, the political entrepreneurs dominate the political arena. Most of them are "sons of the pioneers" and thus represent the sucessful reproduction of intermediate rule. They represent the current neo-tribal political elite of the borderland. The political entrepreneurs in Egypt have benefited from the state-driven education policies initiated by Gamal Abdel Nasser in the years between 1950 and 1970. [7] Unlike their fathers, they graduated from schools and universities. We are in fact talking about cognitively and intellectually profound actors, who reveal their agency within the neo-tribal competitive order. However, the political entrepreneurs do no rule in an authoritarian sense and they do not command means of coercive power. Their claim to leadership is also not automatically provided by the tribal system. [8] On the contrary, these leaders have to negotiate and to achieve their claims. A particularly crucial moment here is the creation of new practices and institutions. In these institutions tribal, statal, party political, development political and entrepreneurial ideas and patterns of action are turned into a new mode that regulates the political relations and processes in the borderland and beyond. They generate order within associations as well as between different groups of the *Aulad Ali* and moderate relations with other tribes in Libya and Egypt. In addition, they are applied in transnational conflict regulation on the basis of customary law. The emerging institutions organize and structure interaction with states, political parties, private companies and development projects. However, the novelty of these arrangements often comes at the cost of their embeddedness in local culture. Their legitimacy is thus bound to their success and effectiveness and to lesser degree connected to traditional tribal ideas.

The role of the associations is crucial to the political entrepreneurs - the associations represent their most important social, political and economical resource. The internal structure of the

[6] See Davies (1987).
[7] It is interesting to notice that this is also partly true for the Libyan side. Here the export of the Egyptian model served as form of inter-Arab development cooperation. In the respective years thousands of Egyptian engineers, scientists and teachers contributed to the development of Libya (and many other Arab nations).
[8] The notion of *Asabiyya* (tribal solidarity, we-group-feeling) is often attributed to tribal societies and goes back to the argument of Ibn Khaldun in his *Muqadima*. Nowadays, political leaders and associations cannot rely on such tribal solidarity. This is particularly true for associations which have the character of political and economic alliances between actors who are only remotely or not at all related.

associations is only rhetorically consistent with the egalitarian principles of tribal ideology. In fact, a limited number of three to five men of an extended family manage an association. These men usually establish a specific division of labour according to their skills and ambitions. The political entrepreneur organises this process and represents the leading circle, while the loyalty of those outside of the inner circle is achieved and honoured by services. The interactions between the leading figures and the "rest of the association" can take the character of patron-client relations; the latter is at least symbolically moderated by the cultural preference for the independence and autonomy of the Bedouin man.

However, there is a clear tendency among the associations to avoid traditional obligations and to pursue strategies of power accumulation. One of the results of these practices is the rising asymmetries within a society, which has often been attributed as egalitarian (Hüsken / Roenpage 1998). In intimate conversations among friends the term *Shabaka* (network) is often used to denote the associations. This term carries a negative connotation of particularism and political dealing and is not applied in public discussions or political arenas such as regional parliaments and people congresses. The strategic modulation of kinship is obviously taking place but its legitimacy is disputed. Political practice is still contested by the cultural constructs of tribe and kinship as normative and moral models. Local debates are influenced by this discrepancy. The claim for *Adala* (Justice) and *Gadiyya* (Earnestness) characterise this controversy as well as the notion of politics *Taht it-Tarabeeza* (Under the table) or the allegation of *Fasad* (Corruption). Interestingly, this debate is an internal one that refers to Bedouin groups and actors and is not attributed to the state.

Islamic preachers have become increasingly important for the political processes in the borderland, particularly in the field of conflict mediation. They criticise the neo-tribal associations as well as the state and promote themselves as an Islamic alternative. A politicised form of Islam, with preachers who articulate a moral and socio-political claim for leadership and comply or are even connected with other Islamic movements in the Arab world, is a relatively new phenomenon in the borderland.[9] Today, active preachers practise in almost every bigger settlement or city such as Marsa Matruh, Sidi Barani, Al-Alamein, Saloum and Tobruk. Besides their religious and social activities, Islamic conflict mediation on the basis of the *Sharia* has become a particular domain of their engagement. Whilst on the Egyptian side this process

[9] The first activities of this movement in Egypt occured in the late 1980s, when followers of the Islamic preachers destroyed the shrines of holy sheikhs.

evolves without any significant interference on the part of the state, preachers are faced with severe repression by the state and its secret police in Libya. In my current studies I am dealing with the preachers *Sheikh Mohammad* and *Sheikh Osman*. *Sheikh Mohammad*, who is around sixty years old, is an Egyptian from the Nile valley who was educated at the *Al-Azhar* University in Cairo. *Sheikh Osman*, who is around 45 years old, is a Bedouin of the *Aulad Ali*, who has been trained as a preacher in Saudi Arabia. While *Sheikh Mohammad* as an Egyptian has no tribal affiliation, *Sheikh Mohammad* has the backing of a neo-tribal association. However, both preachers are promoting an Islamic approach that explicitly attacks the ruthless competition of neo-tribal associations. The majority of their followers belong to the landless urban bedouin population. Here, younger Bedouin men between 20 and 35 years, who are just or not yet married, offer them a particularly devoted allegiance. Nevertheless, representatives of the Bedouin middle classes are also to be found among the clients of the preachers. All these people have manifold tribal and neo-tribal backgrounds. However, the anti-tribalistic rhetoric of the preachers fuels meets the self-perception of their followers as victims of the dealings of powerfull associations. Thus the preachers and their followers constitute post-tribal, socio-religious associations in the borderland.

The mosque is the institutional and cultural centre of these associations. It serves as the *Sharia*-court but also hosts numerous religious and spiritual, social and political comunicative processes. Whereas the disciples of the preachers are active in small local mosques, the prominent preachers such as *Sheikh Osman* travel throughout the borderland to promote their ideas among the *Aulad Ali* and other tribesmen in Egypt and Libya. On the one hand, the sermons resemble the criticism of Israel, the US and the West that is widespread in the Arab world. On the other hand, the sermons establish discourses on dignity and morals that refer to ideas of a “real” and “true” Islam. They are postioned against competeting local practices such as the clientelism of the neo-tribal associations, social and economic injustice and the un-Islamic character of the states and regimes in Egypt and Libya. The activities of the preachers have significantly changed the ideas of Islam and the religious practices of the *Aulad Ali.*[10] A preacher like *Sheikh Osman,* who annually travels to Saudi Arabia to receive religious advice and training, stands for the globalisation of specific Islamic ways of thought and practice that reach into the peripheries and

[10] This is true for Sufism, which is today totally rejected among the *Aulad Ali* in Egypt, and particularly so for various pre-Islamic practices and beliefs such as magic, healing and the cult surrounding the shrines of holy men. Even harmless aspects of Bedouin folklore such as music and dancing at weddings is nowadays considered un-Islamic. In Libya, where the activities of the preachers are hindered by the state, most of these practices still exsist.

effectivly change religious, political and cultural modes. [11] Thus the preachers pluralise und dynamise the political landscape of the borderland by acting as producers of Islamic ideas and concepts but also as competitors for followers.

4. Innovative Practices, Travelling Models, Public Spaces and Media

The political order in the borderland is a specific mixture of state and not-state that is characterised by competition and the emergence of new ideas and practices. In Egypt, international development projects play an important role within this context, particularly through the export and promotion of "travelling models" [12] which have influenced local political ideas in specific ways. There is a certain reservation among Western scholars with regard to applying the conception of the public space[13] to Muslim societies, and even more so to tribal Muslim societies. The debate about the genesis of new forms of media publics such as Arab satellite channels like *Al-Jezira* has certainly initiated some reassessments, but the existence and at times also the opportunity for public space free of domination are questioned. In their book on "Muslim Publics" (2004) Eickelman and Salvatore argue that a concept of public space solely related to civil society in the West does little to explain the ongoing processes in the Arab world. Instead, the authors identify a multiplicity of public spaces as typical for Arab societies. In spite of their multiplicity these public spaces nevertheless carry a significant socio-political effectiveness. In the following chapters, several examples of innovative practices and travelling models will be introduced and discussed. The role and character of public spaces will be integrated in these chapters. A particular attention is dedicated to global and local media.

Innovative Practices and Travelling Models

At first sight, the political entrepreneurs seem to act in multiple spheres and arenas that all follow a specific logic and carry distinctive practices. As *Sheikhs*, they are tribal leader and office bearer of the state at the same time. They operate within local, regional and national parliaments (Egypt) and basis- and people congresses (Libya). Whereas in Egypt the intermediate representation of Bedouin vis-à-vis the state is still predominant, the Libyan political

[11] This phenomenon is accompanied by concrete material investment such as the construction and financing of mosques and religious centres in the borderland by a variety of groups from the Gulf region.

[12] I use the term "travelling model' according to Reina (2007). A travelling model is a procedural plan and practice to identify and solve problems. Typically one finds these models in the world of development, where a certain plan is designed and fabricated in development think tanks and then exported and applied in other places. See also the research project managed by Richard Rottenburg "Travelling Models in Conflict Management. A comparative research and network building project in six African countries (Chad, Ethiopia, Liberia, Sierra Leone, South Africa and Sudan)" which analyses the local adaptation/appropriation of Western models in conflict resolution applied in development. The hypothesis of the project is that generalised models about conflicts produced in the West and exported to the South shape local discourses and courses of action.

[13] According to Habermas (1990) the public space is a medium in which the claims of the citizen are turned into public interests that evolve into governmental rules and law through the channel of parliaments. Thus it is the central momentum of the democratic rule of law in Western civil society.

entrepreneurs literally are the state as they function as leading public servants, heads of revolutionary committees, police officers, military generals, etc. Nevertheless, they are also part of a neo-tribal political system. Some authors have described these interlacements as starting points for the infiltration of the tribes by the state (Müller-Mahn 1989). At the end of this process the annulment of the tribes and their full integration into the modern postcolonial state was predicted. In contrast, other contributions (Hüsken /Roenpage 1998) have highlighted the persistence of the local tribal actors and in particular their flexibility and inventiveness in dealing with the state. However, recent political developments among the *Aulad Ali* reach far beyond the horizon of this debate.

Working in the above-mentioned non-tribal contexts and functions contains the confrontation with logics and practices that are oriented along globalised models of rational bureaucratic organisation and statehood in the sense of Weber. The "fact setting force" (Popitz 1992) of these logics and routines is significant. They discipline political discourse and political practice in an explicitly non-tribal direction. The answer of the Bedouin actors is the appropriation of the state apparatus, the parliaments, the people congresses and in the case of Egypt also the political parties. We are certainly dealing with ongoing dynamic and at times also contradictory processes which do not follow any kind of teleology. Thus, appropriation can also mean assimilation, adaptation and even camouflage. [14] However, we are not dealing with a one-way tribalisation or "privatisation" of the state (Klute / Trotha 2004). In fact, my studies show a transformation process that changes the tribe as well as the state and induces innovations. This is where we can find the elementary character of the neo-tribal competitive order: the interlacement of tribe and state leads to innovative political forms. [15] These innovations affect actors such as the political entrepreneurs, the neo-tribal associations and the state. They also affect the political logic, practices and structures in the borderland.

A typical example of these processes is the political entrepreneur Abdallah. Abdallah is the first secretary of the *Hizb Al-Watani Al-Democrati*, the National Democratic Party of Egypt (NDP) in the governorate of Matruh. His position was formerly not accessible for Bedouin. In addition Abdallah is a *Sheikh* of a sub-tribe of the *Aulad Ali* and is consequently legitimised by both the

[14] I use the terms assimilation, adaptation and camouflage according to the definition given by the German Anthropological Association. Assimilation refers to the selective adoption of cultural imports in which the adopted ideas or things are adapted to customary ways of life and accorded alternating meanings. Adaptation to dominant orders results in a break with a group's own traditions. Camouflage highlights a strategy in which external demands are only apparently complied with, so that actors can secure sufficient latitude to pursue traditional goals.

[15] Lundt (2006) uses the term "twilight institutions" to characterise similar processes.

tribe and the state. *In Al-Majlis Ash-Shaabi Al-Mahalli Li Muhafazit Matruh*, the parliament of the governorate, Abdallah serves as elected member and deputy president. His portfolio is accomplished by his activities as a development broker for several projects[16] and his operations in buying and selling land. Besides these partly intermediate and partly new positions, Abdallah acts as a renowned *Mardi* (conflict mediator) on the basis of Bedouin customary law or *Urf* in Egypt and Libya.

The nucleus of all these functions and activities is not a "romantic traditional place", such as the Bedouin tent or the men's and guests' room of the Bedouin house. On the contrary, it is situated in the newly renovated NDP headquarters in the city centre of Marsa Matruh in sight of the governor's office and the complex of the security forces including the secret police. The NDP headquarters is a busy place with a constant stream of Bedouin, Egyptian public servants and party functionaries flowing in and out. Usually several men from a variety of backgrounds and with a wide range of claims are sitting in in Abdallah's office at the same time. A typical day might include the following scene: the Bedouin Secretary for Youth of the NDP and several colleagues are asking for approval for an event in the local *Markaz Ish-Shabab* (youth centre), the director of the secret police calls on the mobile phone to talk about the prosecution of a homicide case in a small Bedouin town, a public servant from the governor's office wants to negotiate the construction of a health station in a Bedouin settlement (Abdallah has already mobilised the support of a World Bank project), Abdallah's friend Ibrahim, a political entrepreneur himself, wants to talk about their trip to a workshop on desert agriculture in Syria, and throughout all of these discussions, two simple farmers from Abdallah's association are waiting for financial support to buy fodder for their flock. To accomplish these diverse tasks Abdallah draws from a polyvalent repertoire that he has build up in years of political activity. The political entrepreneur connects the seemingly disparate spheres through his expert knowledge and his multi-referential social capital. The secretary for youth is advised to strengthen relations between the NDP and young people in the urban centres but is also ordered not to forget about the young men of Abdallah's tribe. The director of the secret police is assured that the Bedouin will take care of the homicide case. In return, the director of the secret police promises to refrain from any enforcement of law by the state and thus Abdallah ensures the independence of Bedouin conflict resolution without affecting the security interests of the state. The chronically under-funded public health system is connected with the resources of a

[16] This is particularly true for a project of the German Agency for Technical Cooperation (GTZ) in the years between 1990 and 2001 and for a project of the World Bank from 1998 to 2004.

development project in order to build the health station. With Ibrahim, Abdallah debates the problems of water supply in desert agriculture, and the two farmers receive subsidised fodder through a middleman from Abdallah's association in the central agricultural cooperative in Marsa Matruh.

Even for knowledgeable experts in local politics (including social anthropologists) the kind of logic and the frame of action Abdallah uses to solve problems and create options is not always immediately recognizable. The office is not only a place of interlacement between polyvalent spheres, but also a platform for a specific innovation in which the global model of a political party is appropriated for the local arena. The mobile phone serves in this context as a new social technology. [17] The political entrepreneurs usually have two or three devices of the latest fashion at their disposal. The appropriation of the mobile phone, the *Mahmul*, creates new and accelerated options in social and communicative networking for the management of politics. Nevertheless, the constant use of the *Mahmul* is also part of the cultural habit of the political entrepreneur. In this they are only matched by the smugglers. The use of the *Mahmul* creates an air of omnipotence and super-connectedness that flatters the self-perception of the entrepreneurs.

The genesis of political innovations on the Egyptian side of the borderland is very much related to international and multilateral development projects. The development projects of the Food and Agricultural Organisation (FAO), the German GTZ and the World Bank have not only provided material inputs or supported the political careers of several development brokers. They have also introduced ideas and practices, such as output-oriented cooperative and lean schemes of management with flat hierarchies and transparent decision-making processes. These travelling models brought by the development experts have been integrated into the political self-organisation of the political entrepreneurs.

The meetings of the Bedouin president of the governorate parliament in Marsa Matruh I had the honour to observe contain typical elements of the global organisational structure of a team meeting as practiced in development. The agreement on common targets, timetables and their visualisation on a flipchart, the organisation of the division of labour and a meeting procedure that contains open elements (discussion) and defined elements (decision and timetable) have little to do with traditional Bedouin organisational procedures. Here, the development projects

[17] A research group headed by the Dutch social anthropologist Miriam de Bruin (African Studies Centre in Leiden) has recently carried out research on mobile phones as new social and cultural technologies in Africa.

served as a pool of potential practices and conceptions that were appropriated and adapted according to local situations and necessities. However, this process does not represent a variant of "development as prey" as Beck (1990) has pointed out, nor are we dealing with the enforcement of "specific cultural plans" (Reyna 2007) on local practices by development agencies. In fact, the case of the political entrepreneurs of the *Aulad Ali* shows that the decision about the way to deal with travelling models is made by actors on the local level.

The political entrepreneurs on both sides of the border have also applied new personnel policies that are related to experiences in development and in some cases also in private companies. Thus they operate with small teams of Bedouin university graduates of the disciplines law, business administration and engineering. These young assistants, who call themselves *Al-Jil Al-Jadid*[18], work directly with the entrepreneurs or are positioned in governmental administration, in companies and in political parties. They are actively involved at the forefront of decision-making processes. Here they enjoy the expression of their own aspirations beyond the strict Bedouin rules of generational communication that forbid a young man to speak up in the presence of an elder. Besides the term *Al-Jil Al-Jadid* they also use the word *Fariq* (Team) to describe themselves. In fact this is a significant innovation that breaks with traditional Bedouin traditions of authority and leadership. The educational skills and the experience of *Al-Jil Al-Jadid* with new information technologies such as satellite television and the internet allows for participation in global discourses and practices such as decentralisation or democratisation. Thus the new generation presents itself as reform oriented. Their political visions revolve around a post-tribalistic (in the sense of tribal factionalism) but not a post-tribal (in the sense of keeping Bedouin culture) political order in the borderland. In a group discussion with a leading political entrepreneur and his *Fariq* the young men passionately argued in favour of replacing the, in their eyes, particularistic Bedouin concept of *Assabiyya* (tribal solidarity) with the concept of *Takaful* (solidarity). According to the young politicians, this move would allow the *Aulad Ali* to overcome tribal particularism and to achieve an appropriate understanding of solidarity in relation to other groups in society. However, their claims are still embedded in the neo-tribal context: all assistants usually belong to the association of the political entrepreneur they work for. Although they are quite aware of the contradiction between their assertion and the political reality, there is a certain reservation connected with talking about about the issue openly. The political vision of a post-tribalistic order is limited by a political practice shaped by the struggle

[18] The term literally means 'new generation' and is an emic expression of the young assistants related to the so-called new generation of politicians surrounding Gamal Mubarak in Egypt and Gaddafi's son Saif Al-Islam in Libya.

for influence and power among the neo-tribal associations. In the words of a key informant we are still dealing with *Ruh Al-Qatia*[19] - particularistic peer pressure.

In spite of this, the innovations discussed above do not represent a camouflage strategy in which the production of new ideas and practices is only simulated in order to pursue other ends. The process is observable and political decision-making is in fact taking place in these new contexts and not in tribal back rooms. The intense competition among the associations in Libya has certainly led to a polycentric neo-tribal structure in the state apparatus. Nevertheless, this does not mean that these domains of neo-tribal power can execute solely particularistic policies. In the words of a key informant in the Libyan city of Tobruk: "The public waterworks station we control has to guarantee the supply for the whole of Tobruk, not just for my association" (source: interview 17/11/2008). In other words the appropriation of the state and its functions goes hand in hand with claims and demands that are oriented at the global model of statehood and public administration. The disciplining force of the exercise of statehood is one of the interesting repercussions in the process of appropriation that leaves no actor untouched. The following citation of a leading Libyan military, tribal leader and associate of Gaddafi illustrates this assertion: "If you want to control the state and be accepted by the people, you also have to organise state services such as order and security, public health and social services" (source: interview 19/11/2008).

This statement equates to my hypothesis that today any political authority or power position, state or non-state, has to be seen in the context of "generalised statehood", meaning that all areas of the world are occupied or at least claimed by states and every contemporary political entity is based on or related to patterns and ideas of modern statehood. Legitimacy augments, if the political order in question contains particular aspects of modern statehood, such factors as the notion of territoriality, the monopoly of violence, redistributive functions and last but not least elements of justice and equality (Klute 2004, Hüsken/Klute 2008). Those who want to rule or demand political leadership have to be able to provide meet and organise these core elements. Looking at the citizens themselves, we can also assert that expectations towards almost any political order share this perspective.

[19] *Ruh Al-Qatia* literally refers to the flock spirit of sheep.

The complexity of this phenomenon is reflected in the political discourse and the articulation of new political ideas of the borderland. On both sides of the border certain political entrepreneurs are working on the genesis of an ethno-political movement of the *Aulad Ali*. However, the integrity of the nation states of Egypt and Libya is not questioned by these actors. In fact, citizenship and tribesmenship are not viewed as being in opposition, and even national preferences if not patriotism is frequently expressed, although the latter usually carries a utilitarian air. The Libyan state is generally praised because of its subsidies and free services. In Egypt on the other hand, the state is seen as more democratic and more accountable. In several group discussions in the Egyptian border town of Saloum the participating political entrepreneurs agreed that the Libyan state is shaped to far too much by the arbitrariness of Gaddafi and that the competition of the neo-tribal associations has turned state institutions into a rag rug of factions. Besides the advantages of this process: “Our people are everywhere: in the administration and in security” (Source: Interview 28/05/2008) the main disadvantage was seen in the fact that the state has lost its position as a “primus inter pares”, a neutral but predominant source of order vis-à-vis the competing neo-tribal groups. In Egypt however, the state still maintains this function in the eyes of the Bedouin politicians. In the words of a leading politician of the pioneer generation: “If the state is totally tribalised we will have circumstances like in Yemen or Iraq (Source: Interview 17/05/2008).

Thus the political entrepreneurs advocate a gradual enhancement of Bedouin political participation in both countries including the safeguarding of certain privileges in the transnational interactions of the tribal society. The contention with global political models such as decentralisation or ethnic autonomy is conducted pragmatically and attributed to local needs. The concept of statehood is not questioned but the way statehood is constructed is discussed. In the realm of practical politics these political entrepreneurs have to face the suspicion of the states as well as the distrust of competing associations. “The political culture in the borderland is not yet ready for the integrated approach of the *Aulad Ali”* (Source: interview 12/10/2007).

I have mentioned above that the National Democratic Party (NDP) playes a particular role in the Egyptian boderland. Party membership of Bedouin has been a well-established means to enjoy certain benefits (such as the channeling of state resources through the NDP) since the 1950s. However, the making of a political carreer through a party and acting in local, regional and national party-political contexts is a new phenomenon. The opening of the party for local power

groups recently implemented by Gamal Mubarak, the son and prospective heir of President Hosni Mubarak, is certainly a typical cooptation strategy the NDP has always applied to ensure the legitimacy of its rule. [20] Gamal Mubarak is preparing for the takeover of power and thus the support of the peripheries is an important factor. This task is taken quite seriously. In the winter of 2007 the NDP hosted a national party congress with delegates and party members of the entire country in a four star army-run hotel in Cairo. For the first time in history a delegation of 120 Bedouin of the *Aulad Ali* was invited. The political entrepreneurs and their entourage in traditional Bedouin dress and with the self-confident manner of Bedouin men aroused attention and astonishment among their fellow Egyptian delegates. For the Bedouin, the congress in Cairo served as a significant symbolic empowerment and was felt to be an important and encouraging event. It shows that even political cooptation strategies are not to be seen merely as a power politics one-way street, but as form of political interaction that also increases opportunities for supposedly marginal groups.

Local party activities with electoral offices, meetings with protocolaric regulations and the need for a coordinated approach from the local to the regional and national level are a new experience for the Bedouin party functionaries. The monthly thematic discussion evenings of the NDP on agricultural development or youth open up a sphere of discourse and exchange that reaches beyond traditional Bedouin modes. However, it allows Bedouin claims to enter a wider framework of politics. The non-tribal logic of party activities on the other hand enables to adjust local politics to radically changing social environments. This is particularly true for the work being carried out with the Bedouin urban youth in the borderland. Here, the political party is an appropriate vehicle to integrate the heterogeneous multi-tribal age-group of men between 25 and 35 years, which covers approximately two- thirds of the entire male Bedouin population in the cities. Here, we find the first indications of the transformation of the mode of political organisation from tribal to party political. For the majority of the political entrepreneurs however, the Bedouinisation of the local NDP remains the primary strategic goal. Thus neo-tribal political competition is carried over into the NDP. In contradiction with the above-mentioned processes this may also turn the NDP into a polycentric neo-tribal arena. Nevertheless, the examples demonstrate the deep interlacement of state, tribe, party and development. The political entrepreneur incorporates this interlacement and thus represents the composition of the local political arena.

[20] See Kienle 2001, Hüsken 2006: 23f.

On both sides of the borderland political competition is also regulated by elections for parliaments, basis- and people congresses. The political entrepreneurs and their associations participate in these elections as candidates and their supporters. [21] Although the struggle for the seats in local, regional and even national parliaments is not new to the *Aulad Ali*, the fact that political entrepreneurs nowadays have to mobilise votes beyond their own associations and respective tribal group in order to win a seat is a new development. On the one hand, this is a result of the changes that are connected with urbanization: The emerging poly-tribal and socio-economically heterogeneous milieus of the growing centres of Marsa Matruh and Tobruk can no longer be mobilised simply by means of tribal belonging (such as *Assabiyya*). On the other hand, competition among the associations has certainly caused severe social and economic asymmetries and an increasing political fragmentation of the traditional social units of tribe, clan and lineage. In Egypt, election campaigning as a part of the public political competition between political parties and candidates belongs to the current repertoire of Bedouin politics. In Libya, this process is significantly different: political parties do not exist, the founding of parties is forbidden and campaigning is unknown. Thus the political entrepreneurs have to bargain for votes in the forefront of elections by face-to-face relations and political arrangements. Nevertheless, elections and social dynamics have caused interesting innovations in the political field. Here, particularly the genesis of new post- or poly-tribal movements is at stake.

Appearance, promoting and arguing in public spheres has its own specific challenges. The local and regional markets and particularly the cities of Marsa Matruh and Tobruk with their shops, markets, Bedouin tea houses and restaurants host elemental processes of public societal self-information (Elwert 2000). However, these communicative processes are highly decentral and evolve within multiple interpersonal channels. [22] Thus the political discourse is many-voiced and controversial. The political entrepreneurs have to face these public spheres and their controversies. Here, they meet potential voters who do not automatically follow established patterns but want to be convinced and attracted. Thus elections contain a great deal of uncertainty. Some of the neo-tribal associations try to reduce this uncertainty by buying votes. [23] Nevertheless, the opportunity to gain political influence through elections has also triggered entirely new forms of political organisation. In 2004, the Bedouin lawyer Mahmoud organised an election campaign in Marsa Matruh to win a seat in the national Egyptian parliament in Cairo.

[21] The last election for the parliament of the governorate Matruh took place in April 2008. The initiative announced by Gamal Mubarak to grant real sovereignty in budgetary matters to the regional parliaments led to intensive election campaigns on the part of the associations.
[22] See Hüsken / Roenpage 1998:167
[23] The buying of votes is usually financed by revenues from smuggling.

Mahmoud acted as an independent candidate without the support of a powerful association or a political party. This was a radical change in the political practice of the borderland. Mahmoud succeeded in mobilising the emerging group of young urban male voters. These young men, with their heterogeneous tribal backgrounds and the multi-tribal urban quarters they live in share the same limitations in social, political and economical opportunities as their fellow youth throughout the Arab world (Hüsken 2008). With *As-Sawt Ash-Shabab*, the voice of the youth, Mahmoud gained a totally unexpected victory. For the first time, a charismatic political novice with an entirely new approach and no support from the NDP won a seat in the national assembly. The novelty of this process was also documented with the name *Haraka Ma Baad Al-Qabail*, as post-tribal movement, Mahmoud adressed to his endeavour. However, his political coup was turned down by an alliance of the neo-tribal groups and the Egyptian state. The governement decreed a ban on Mahmoud's political activities that is still in force today. Obviously the state and the neo-tribal associations were wary if not scared of Mahmoud's new approach.

Global and Local Media

For almost five years now, Arab satellite television like *Al-Jezira* contribute to the transformation of the political field by introducing global discourses into the Bedouin households of the borderland. In addition a big number of religious stations promote their specific interpretation of Islam. The influence of these medial public spheres is expressed by the broad politicisation of the communicative processes. The controversial discussion of the global financial crisis, Israel and the Palestinians, an interview with an Iraqi resistance fighter or debates initiated by "tv-Islam" belong to the political conversation as much as news about the global development of fodder prices for sheep. The daily consumption of television also enhances the circulation of global political ideas and models about political organization. This applies to issues such as good governance, democratisation, decentralisation and the relationship between local ethnical movements and central governments. In the visitor and men's room of the Bedouin house *Marbua* as well as in the various teahouses and restaurants the emergence of "tv-experts" and "tv-expertism" among the audiences is an increasing phenomenon. However, the Bedouin actors have only little knowledge about the selectiveness of information promoted by television. Thus the political entrepreneurs have to face citizens highly politicised by media discourses. Besides the necessity to be up to date with the news of the world, this requires the ability to deal with generalisations and exaggerations of tv-journalism as well as to combine "tv-reality" and "tv-politics" with the local arena.

For two years now, the local political discourse in Marsa Matruh is accompanied by the monthly magazine *Watani Matruh*. The magazine is party financed by the NDP and thus follows the agenda of the party to a certain degree. Despite of this, the magazine is published and edited by Bedouins. Almost every prominent political entrepreneur around Marsa Matruh has already published articles, comments and essays in *Watani Matruh* that deal with local as well as global issues. The magazine also has a culture supplement that deals with Bedouin traditions such as poetry and new forms of cultural production like Bedouin short stories. Thus the magazine generates a specific public space for local debates on politics as well as a certain affirmation of Bedouin culture formerly not known in the borderland. For the political entrepreneurs the publication of an essay or the initiation of a debate with article and counter-article are entirely new forms of the public communication of politics.

5. Competitive Legal Pluralism

Conflict resolution through Bedouin customary law or *Urf* is a central element for the integrity of the social and cultural organisation of the *Aulad Ali*. This applies to national, transnational and international relations. Like every embedded legal system, *Urf* is subject to dynamic transformation that is related to wider societal developments. At present, conflict resolution in the borderland is characterised by a variant of legal pluralism which I call “competitive legal pluralism”. Besides the phenomenon of “forum shopping” (Benda-Beckmann 1994) as a form of choice between different opportunities for conflict resolution, the term competitive legal pluralism emphasises the competition among different providers. In this market of conflict resolution we find different conceptions such as the Bedouin *Urf,* the state law and the *Sharia* courts as well as different actors such as political entrepreneurs who act as *Mardi* (mediator) with a modified *Urf,* Bedouin lawyers who operate with the state law and the preachers who execute a specific variant of the *Sharia*.

The process of mediation provides an intimate knowledge of societal processes and (power) relations. This knowledge can be transferred into other fields for strategic reasons. Conflict resolution is also a way to produce and establish a legitimate order. Those who are able to provide this form of order benefit through status and prestige as well as by a significant advancement of their power position within society. The political entrepreneurs dominate conflict resolution via the *Urf.* They do this by introducing certain innovations of the traditional

procedures. [24] Some parts of these procedures are nowadays shortened or even left out. However, the personalisation of the mediation process is the most significant transformation. Collective elements disappear in favour of the increased role of the *Mardi*, who frequently applies new elements of moderation and variations of traditional verdicts. [25]An increasing number of conflict parties choose to be represented by a *Mardi* of their own. Thus the *Mardi*s become lawyers or stakeholders of their clients. They try to settle conflicts by working out a baseline for a consensus that is presented to the conflict parties. These new strategies and techniques are developed and applied due to the high frequency of conflicts, and even more so, to social change. The latter is connected to a diminishing of collective patterns of social action and responsibility, which is a direct result of competition among the neo-tribal associations. In fact, this competetion is not only now taking place between tribes or clans but also within these formerly solidaric units. [26]

The decline in solidaric obligations leads to severe problems for the resolution of conflicts. The postponement of the *Urf* procedure by changing the mediators, disobeying arbitration and the entanglement of legal and political quarrels are common features of the contemporary legal culture of the Bedouin in the borderland. In addition, the frequent overpowering of the *Urf* by mighty neo-tribal associations is at stake. This overpowering is represented by manipulations such as the bribing of the *Mardi*, political pressure on inferior associations that goes along with "financial compensation", or the blunt threat of violence.[27] For weak associations the quest for justice often leads to a fundamental lack of legal security. Thus the management of conflict resolution and its financial dimension[28] is both challenging and politically delicate, as it becomes a domain of the wealthy and powerful who can afford the costs and the potential political frictions.

The relation between *Urf* and the state law (including the executive security apparatus) is entirely organized by the political entrepreneurs. They are the only ones who possess the necessary social capital, knowledge and capabilities to establish a divison of labour between the *Urf* and the state.

[24] See Hüsken/Roenpage (1998)

[25] The traditional compensation for murder used to be blood money and the migration of the murderer and his nuclear family for one year. Nowadays the sedentarisation has put an end to this practice and blood money is regarded as sufficient.

[26] This is particularly true for the traditional *Amar Al-Damm*, the community of blood, which used to take the collective responsibility for the blood money. Nowadays the associations try to avoid this.

[27] In 2007 I witnessed a land conflict between two associations of the same clan in Al-Hamam, Egypt. One of the conflict parties had occupied a piece of land of a deceased man despite not being the legitimate heir. However, the assocciation rejected a settlement of the conflict by means of *Urf* and declared that they would use force to defend their appropriation. Because of the size and the significant amount of armed men the association succesfully overpowered the *Urf*.

[28] Though mediation requires time and money for travel, the scheduling of meetings and the hearing of witnesses etc., the mediator does not receive a salary.

The security apparatus in Egypt and Libya is predominantly interested in a "calm situation". Thus conflict resolution is left in the hands of the *Urf* protagonists and the enforcement of state law is suspended.[29] In addition, the Egyptian authorities have little knowledge about Bedouin society. The social and cultural difference between the Nile Valley Egyptians and Bedouin serve as an information barrier that is scarcely compensated by the recruitment of informants. [30] Thus cooperation with the mediators is a vital interest of the security appartus. In Libya, the police and the secret services are infiltrated by neo-tribal associations and political entrepreneurs. Here, the bypassing of the state law is organised within the state apparatus itself and seen as a natural habit by the actors involved.

The *Urf* also has an interesting transnational and international dimension. For a social anthropologist the transnational dimension is obvious. The *Urf* is a non-state conception and establishes a frame of order for a population that settles on the territories of two states. However, conflicts between Egyptian and Libyan *Aulad Ali* also involve the citizens of two states. Here, the *Urf* contributes significantly to law and order in the relations between the two states. This international dimension is also documented by the regulation of Bedouin labour migration between Egypt and Libya by the *Urf,* as well as legal and illegal trade and international weddings. The toleration of customary law on both sides of the borderland undoubtly strenghtens the ideology and practice of non-state conflict regulation. However, the state law is not entirely rejected by the Bedouin. In Marsa Matruh and Tobruk, more than forty Bedouin lawyers offer their services in civil law, as solicitors or facilitators for various public services. The services of the lawyers are frequently used by the Bedouin. The core problem of the state law and its apparatus is not so much the commonplace issue of corruption as it is a lack of efficiency. Lawsuits usually take one year, even in the case of simple traffic accidents. Thus the avoidance of the state law has pragmatic rather than ideological reasons. Only in the case of capital crime such as murder or accidents with loss of life is the situation different. Here, the Bedouin systematically prevent the involvement of the state justice for ideological reasons, due to the fact that prison sentences are incompatible with the Bedouin preference for compensation rather than punishment.

[29] The Egyptian police and the secret police stated in an interview (14/05/2008) that they refrain from enforcing the state law as long as the Bedouin keep the situation under control and the escalation of matters seems unlikely. In spite of this, even severe conflicts such as bomb attacks in the course of a land rights conflict in 2005 were not prosecuted by the police.

[30] Bedouin informants of the secret police tend to manipulate the authorities by intentional disinformation.

The preachers attack the *Urf* and its protagonists as well as the state law and justice system from an “Islamic perspective”. At the same time, they present themselves as a legal and legitimate Islamic alternative on the basis of the *Sharia*. The mediation of conflicts usually takes place in the mosque, which acts as a *Sharia* court. The preachers serve as mediators and judges. The invoked legitimacy of the *Sharia* plays a major role in their legal practice. This religious legitimacy is positioned against the *Urf* and the state law. The manifold interlacements between the *Sharia* and the *Urf* are therefore denied and turned down by the preachers even if they are Bedouin. In addition, the preachers polarise the legal discourse and its practice by promoting the *Sharia* as the only legitimate source of law and order. For their Bedouin clients, the moral authority of the preachers’ claim is quite significant. Thus a growing number of urban Bedouin feel obliged to consult a *Sharia* court instead of the *Urf* because they want to follow an orderly Islamic way of life.

The activities of the *Sharia* courts are embedded in socio-political activities and agitations that explicitly accuse the political entrepreneurs and the state of corruption and greed for power. The current asymmetries in Bedouin society seem to support their arguments in the eyes of many. In legal practice however, the *Sharia* courts often experience limitations due to the fact that typical Bedouin conflict cases such as land rights in the desert are not fully covered by the *Sharia*. In these cases the preachers improvise the mediation but nevertheless call their arbitration *Hukm ash-Sharia* (Judgement of the Sharia).

Competition among the preachers and the *Urf* mediators is currently increasing and has partly escalated into violent conflicts between neo-tribal and religious associations. As well as the support of their followers the preachers can also rely on concrete material support from the Gulf region, a fact that again shows how the globalisation of Islamic models and practices reaches into the peripheries.

6. Borders and Borderland

The borderland of Egypt and Libya is a productive zone in which significant political and economic processes are at stake. Thus the image of a periphery without connection to national and global developments is inappropriate. The *Aulad Ali* are a transnational tribal society that dominates the borderland between Egypt and Libya and that is directly and actively involved in national and global processes. However, Feyissa and Höhne (2008) rightly point out that the

successful use of a border situation requires certain preconditions. In the case of the *Aulad Ali* these preconditions are represented by vital and interconnected neo-tribal networks of a social, political and economic nature on both sides of the border; a comprehensive trans-border system of conflict resolution on the basis of a customary law that is also compatible with other tribal populations in Libya and Egypt; a distinct cultural identity that is nowadays also used as a political asset; the currently permissive border regime of the respective states and the economic chances related to it; the political opportunities granted by the appropriation of state structures and the participation in statehood, and finally the affirmative effect of the generalisation of the neo-tribal order in Libya.

Firstly, the economic productivity of the border situation is obvious. The permissive border regime allows for uncontrolled labour migration from Egypt to Libya, a situation taken advantage of by approximately 60 percent of the Bedouin households in Egypt. [31] The most important economic pledge in the hands of the *Aulad Ali* is the almost unlimited toleration of trans-border trade and smuggling as a substitute for comprehensive economic policies by the Libyan and Egyptian authorities. The flow of legal and illegal commodities from Libya to Egypt is widely organised, controlled and legally regulated by *Aulad Ali* Bedouin. These activities comprise petty smuggling on a daily basis, the so-called *Tujarat Ash-Shanta* (bag trading) and the professional organised smuggling of clothes from Turkey, beauty products from Italy, mobile phones and cameras from China, cigarettes and drugs. The latter are traded from the Maghreb via Libya and Egypt into the market in Israel. The *Aulad Ali* smugglers cooperate with Bedouin partners of other borderlands, namely the Bedouin of the Sinai Peninsula and neo-tribal associations in the borderland between Libya, Tunisia and Algeria. In addition, they work with partners in the ports and the free trade areas in Egypt and Libya, who inform the smugglers about incoming commodities by mobile phone. The marketing of the commodities is conducted by Bedouin salesmen in Tobruk, Marsa Matruh and Cairo. In Marsa Matruh hundred of thousands of Egyptian tourists, who spent their summer holidays in the cooler climate of the Mediterranean coast, benefit from the offers in *Suq Libya*, the Libyan market. In Cairo, customers can order particular products such as Chinese cameras in certain shops. The orders are communicated to the smugglers by mobile phone and the products are usually available within a month.

[31] This figure was estimated by the Bedouin director of the National Bank of Egypt in Marsa Matruh. Official numbers do not exist.

The profits of smuggling are mainly used for the economic reproduction of the neo-tribal associations, but are also channelled into the political field, for instance to finance election campaigns. The Bedouin generally speak quite openly about *Tahrib* (smuggling) but they also use ironic terms like *Tujara bidun Gumruk* (trade without customs). Some political entrepreneurs claim smuggling as *Haq Al-Aulad Ali*, the right of the *Aulad Ali*. On the one hand, this assertion sets Bedouin claims over the rights of the state; on the other, it is a pragmatic response to the painful absence of economic alternatives.

The practicalities of smuggling are usually conducted by the young men of an association aged between 20 and 40, while the elders act as coordinators in the background. The young men establish a subculture of smugglers that is recognisable by certain habits and a distinctive performative practice. Bravery, readiness to take risks and a certain romanticism of illegality belong to this subculture, as well as the demonstration of wealth by expensive clothes, several mobile phones of the latest fashion and the possession of big American four-wheel-drive vehicles. Another very interesting cultural aspect is represented by short movies or video clips made by the smugglers using the video device of their mobile phones. The central issue of these movies (which are sometimes accompanied by Bedouin music) is the act of smuggling and the illegal crossing of borders. The video clips are exchanged (via Bluetooth) and circulated among the smugglers. The more spectacular and illegal the content is the more desirable the clip becomes. Here, the appropriation of a new technology seems to initiate an iconographical discourse that reaches beyond the above-mentioned effects on political management or the organisation of smuggling networks by mobile phone.

The economic productivity of the borderland is accompanied by certain political advantages. Firstly, the existence of two radically different state systems increases the number of political settings and chances of appropriation the Bedouin can use to pursue their ends. Thus the willingness to subordinate oneself under one state system and to become an obedient citizen is replaced by the opportunity of choice. Claims on the part of the states can be rejected by crossing the border. Political problems or conflicts with state authorities can be anticipated by disappearing into the tribal context on the other side of the border. Thus the Leviathan loses a significant amount of its domination over the citizen. In addition, the neo-tribal structure of Libyan society has affirmative effects on the *Aulad Ali* in Egypt. Contrary to other tribal groups such as the Bedouin of the Sinai Peninsula, who are confronted with two explicitly non-tribal

societies in Egypt and Israel, the *Aulad Ali* can experience themselves as part of a transnational social and cultural continuum.

Outlook

The role of tribes and neo-tribal groups in North Africa is often discussed under the premise of a "primordialisation of politics" (Werenfels 2008). Tribes are seen as competitors of the state or as agents of a "re-traditionalisation of politics" (Chabal / Dalosz 1999; Kassimir 2001). Sometimes tribes are qualified as a "general obstacle to development" (Al-Kikhia 1997). The analysis of domination and rule without and beside the state has had a long tradition in Social Anthropology, starting with the work of Fortes and Evans-Pritchard (1940). In the 1960s Sigrist (1964) argued against the thesis of the universality of the state. Furthermore he emphasised the capability of stateless societies to evolve and organise social change despite the arguments of the theory of modernisation.[32]

Regarding the findings of my research, I cannot find any argument for the existence of an antagonism between tribes and the state, nor can I support the argument of primordialisation or retraditionalisation. While other borderlands seem to be shaped by a "heterarchy" (Hüsken/ Klute 2008) of different organisational systems, the case of the *Aulad Ali places* appropriation, interlacement and innovation at the centre of the political process. The example of the neo-tribal competitive order shows how global and local models can become elements of this innovative process. The *Aulad Ali* create a transnational system of order that transforms elements of statehood and tribal traditions into a unique practice. This system of order is obviously not in accordance with theoretical models of development derived from European history such as state-governance, the legal state and democracy. However, this does not mean that these models may not be integrated into the local theory and practice of politics. Nevertheless, the decision about this is made on the local level by local actors and not by development planners somewhere in Western ministries or think tanks.

The case of the *Aulad Ali* documents how vital, unique and at the same time interconnected with the world a local political practice can be. Naturally, we are dealing with ongoing, dynamic processes. The questions as to where the appropriation of the state by the neo-tribal associations

[32] This refers to the thesis of Dahrendorf (1964), that societies need centralised institutions in order to develop.

will lead, and if an ethno-political movement of the *Aulad Ali* will really emerge, cannot be answered at present. They will, however, be the subject of studies in the future.[33]

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[33] See also the book "Beside the State. Emergent Powers in Contemporary Africa" by Georg Klute and Alice Bellagamba (2008b).

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No condition is permanent: Changes and continuities at the Goma/Gisenyi border[1]

Gillian Mathys and Karen Büscher

This is a first draft that needs to be further developed and refined.
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This paper is very much an experiment for this workshop. We have tried to work together from both historical and ethnographic data to sketch a *longue-durée* perspective of state-border relations at one specific place of the Rwandan/Congolese border. Given the particularity of the data (the historical data tends to be more top-down than the ethnographical data and less local, and because of the limited space, rather anecdotal historical date becomes generalized and inflated) this turned out to be quite a difficult exercise. We hope that this workshop can be meaningful in pointing out ways to better merge ethnographic and historical data on the one hand, and empirical data and theory on the other.
Because fieldwork was carried out primarily in the city of Goma, the data tends to privilege information on Congolese center-margins relationships. The historical fieldwork in the region is only in its preparatory stages, which accounts for the lack of local historical narratives.

1. Introduction

Recently plans have re-emerged to (re)materialize the border between Goma (DRC) and Gisenyi (Rwanda). Shacks littering the neutral boundary zone between these countries have to be demolished and in order to inscribe the border into the cross-border urban agglomeration of Goma/Gisenyi, plans are on the table to build a road following the Rwandan/Congolese border.
This renewed attention for a clear-cut border is not only apparent in the attention for the physical materialization of the border. Since 2007, the DRC has started to train a *police des frontières* within the framework of the national police. The first border policemen are now ready and will be deployed at the Goma/Gisenyi border in order to "*[…] surveiller celles-ci pour qu'aucun ennemi ne s'hasarde à approcher notre frontière, à la violer et à agresser même le pays*".[2] As such, the state seems to be ready to –at least discursively- reclaim its monopoly on control and violence in the urban border regions. But the border police is also brought in to reinforce control on taxations, migration and customs, or as the governor of North-Kivu put it: "*La fraude est presque monnaie courante sous toutes ses formes. Elle est documentaire, elle est fiscale, elle est physique et donc, ce service va devoir nous aider"*. [3]
This intervention of the Rwandan and Congolese state on their shared borderland is the most recent episode in a long and complex history of changing relations between the Goma/Gisenyi border and their respective centers.

Border studies go beyond the spatial and geopolitical categories associated with the nation-state. In African studies, as a reaction against commonly held views of borders as colonial impositions partitioning Africans (Asiwaju, 1985) and borders as spatial limitations to people's mobility, a view of borders was advocated which focused on the connections and large degree of mobility across borders (Asiwaju and Nugent, 1996).
A new strand of research inspiring border studies seems to be the focus on the power relations between the centre and its periphery. Das and Poole demand attention for the reconfiguring of the

[1] This paper is based on data from fieldwork carried out by Karen Büscher and archival research done by Gillian Mathys.
[2] Radio Okapi, 1.11.2009. "Goma: une unité de police des frontières désormais opérationnelle"
[3] Ibid.

state through its (spatial) margins (Das and Poole, 2004). Others stress the degree of regional differentiation with regards to the distribution of power *within* states and argue that variations in how states deal with certain territories are not the result of deliberate regime policies (from the center) but rather the result of the ways these areas are structured themselves (Boone, 2003). What these approaches have in common is that they turn upside down state-centre relationships and focus on *localized* forms of statehood. Studies inspired by this turn see the border as a place of creativity, where state reconfiguration (can) take(s) place and where the border means different things to different people at different times. Yet, these approaches, conveying a picture of borders as multi-layered constructs, run the risk of returning to the paradigm of the nation-state. The attention for cross-border connections is snowed under by the focus on the connections between the margins and its state.

Nevertheless, attention for what Cooper calls "cross-territorial processes" is important. He advocates a historical perspective on these cross-territorial processes, in order not to present a past marked by territorial boundedness set up against a present that is marked by interconnection and splintering, but rather more nuanced and pendulum-like motions of territorializing and deterritorializing tendencies (Cooper 2002, 190-191).

We have tried in this paper to combine both approaches: a historical analysis of processes of territorialization with an emphasis on localized practices of border- and state making.

Starting from the case of the Goma/Gisenyi border we will demonstrate that the regulation of space is more complicated than centralist approaches seems to imply. The incapacity of the Congolese state in controlling its territorial margins, is by scholars often explained in the light of political theories of 'state failure'. In the extensive literature on state failure and state collapse, the Democratic Republic of Congo is often cited as the pre-eminently illustration of a state that falls short in its three main functions: the monopoly over violence, the allocation of economic resources and territorial control (Zartman, 1995; Migdal; 1988; Lemarchand, 2001). However, in this context of a general breakdown of political authority, state society-relations are being reshaped, and new socio-political and economic constellations emerge, as the result of complex negotiation processes between national and local, state and non-state, formal and informal actors.

As such, we argue that these new constellations are the result of the nature of the margins rather than of the nature of the 'weak' state. Consequently, the main argument of this paper is that territorial conceptions and state policy have often been the result of ad hoc decisions influenced by localized practices rather than deliberate policy from the centre. Therefore, in shaping the state through its margins, the state is but one of the actors amongst others.

In the remainder of this paper we focus on shifting meanings of the border and what it implies for state-border relations. The first part of this paper deals with historical state border relations. We start with the emergence of the Goma/Gisenyi border followed by the events during WWI. Subsequently we briefly sketch some evolutions during the colonial period to continue with the transition to the post-colonial period. The second part of this paper starts from a thorough analysis of current transborder dynamics by focusing primarily on the case of Birere. Through an ethnographic analysis of everyday cross-border practices we point at the constant negotiation of the ambiguous nature of the Goma/Gisenyi border, namely the border as a place where opportunities linger, but where danger also lurks.

2. Every border is contested: borders and territorial claims

In order to look at how cross-territorial linkages and practices of statehood are grounded in the past, we go back to the creation of the Goma/Gisenyi border. Retreating to the past does not mean instrumentalizing the past: a teleological view of (de)territorialization and state making needs to be

avoided at all times.[4] This peril of sketching a teleological narrative is linked the choice for the starting point. As Marc Leopold points out, *"(a)ny account […] runs the risk of being teleologically determined by its choice of starting point"* (Leopold, 2005: p. 6).

Letting the past 'begin' with the European occupation in the region, thus ramifies the answers found. Although 19th century spatial processes are not integrated in this paper, this does not mean that they were not important. As Howard points out: *"[…] The imposition of colonial rule brought fundamental spatial changes, formal political takeover should not be seen as the only or most significant spatial break of the late nineteenth and early twentieth centuries. […] Rather than a time marker based mainly on formal European political control, a spatial perspective suggests that there was a long transitional period with different chronologies depending on what aspects of spatial structure and dynamics are emphasized*" (Howard, 2005: p. 103). It is thus not surprising that "precolonial" spatial processes coexist, conflict and coalesce with colonial processes of territorialization.

Yet, starting with the European occupation in the region is not entirely arbitrarily, as the histories of Goma and Gisenyi are inextricably linked to the border conflict between Germany and the Congo Free State. Between the relatively late "discovery" of Lake Kivu by Count von Götzen in 1895 and 1910/11, lake Kivu and its eastern and western shores were the subject of much debates and discussions between Germany and the Free State (later Belgium). The region which was contested was called *zone contesté* or *streitiges Gebiet*. The borders in the *zone contesté* were mapped during the 1884-85 Berlin conferences, thus before any European had ever seen Lake Kivu. As such the conflict was the result of the truly arbitrarily mapping of political boundaries in unexplored territory.[5]

The conflict over the mapping of the region had direct ramifications for the way colonial space was appropriated. In the *zone contesté*, the relationship between territory and power was pretty straightforward: occupation was linked directly to control over territory. This resulted in a jostle for posts: both German and Congolese[6] troups tried to establish posts in the area where the boundary was disputed. For Rwanda, nominally incorporated in German East African since 1890, one of the first posts in the disputed territory was Shangi, at the western shore of lake Kivu, close to what is nowadays Shangugu. At the eastern shore of lake Kivu founding posts was more difficult: because the Batetela uprising raged in the eastern province of the Free State, and because Kivu was used as a region for provisioning for the Batetela uprising, it was only from 1900s onwards that the Congolese state could start (again) occupying its part of the Kivu region. When Hecq reached the Rusizi-river in 1899 he found that the German commander Bethe had already occupied the region and refused to withdraw. As there could be no real solution to the boundary dispute as long as the region was not mapped scientifically, Hecq and Bethe (German commander) drew an agreement stipulating the terms of behaviour in the disputed region. The region was described as: *"A l'est, une droite joignant le point le plus septrional du Tanganika au point 1°20' lattitude sud sur le 30° méridien est de Greenwich; à l'ouest la rivière Ruzizi jusqu'à sa sortie du lac Kivu, la ligne médiane du Kivu jusqu'à son point d'aboutissement au nord du lac, une droite joignant ce point d'aboutissement au point 1°20' latitude sud sur le 30° méridien longitude est*" (Vandewoude, 1959: p. 17). This 'neutral' zone would become known as *zone contesté*. In this neutral zone, the German and Congolese authorities had the right to create posts of equal numbers and force. [reference] However, neither the German nor the Congolese authorities were allowed to interfere in political questions and the foundation of posts did not imply a formal occupation, but rather an attestation of rights over territory. It was

[4] During the conflicts in the Great Lakes region the past has been instrumentalized by all warring factions for multiple reasons.

[5] For the most complete overview of diplomatic discussions, see Louis, 1963.

[6] We use the term 'Congolese' here, because 'Belgian' is not correct, as Congo was at that time *Congo Free State* under the aegis of King Leopold, and not of the Belgian state.

agreed upon by the metropolitan governments that this agreement was accepted until the exact position of the border could be decided (Delathuy [Marchal], 1996: p. 53). The determination of the exact location of the border was to be the task of several border commissions.[7]
The occupation of the Kivu region proceeding, Gisenyi was founded in 1905. The Hecq-Bethe agreement explains why post often mirrored each other. When one post was established, the other colonizing power had to establish a post on the other side of the border, with an equal military force, in order to secure claims. Ischangi was the counterpart of Cyangugu (nowadays in Rwanda, then Congolese). Goma (1906) was erected as a reaction to the foundation of the German post of Kissenyi etc. As such the contestation of the border between the Congo Free State and German East Africa led to an often funny sparring-match of establishing and eradicating German and Congolese posts in order to support territorial claims.
It is clear that the specific situation of the lake Kivu region has determined the twin-city character of Goma/Gisenyi. That the Hecq-Bethe agreement became rule of law, although it was agreed upon by army officials rather than on the negotiation tables of Europe, is a clear example that the margins itself were defined locally rather than in the metropole, and that ad hoc decisions on the ground triggered policy.

Because of the vastness of the territories and the very limited presence of Europeans, the Germans had to keep good relationships with *mwami* Musinga of Rwanda. During the negotiations between Germany and Belgium, the *mwami* tried to weigh on the German authorities in order to avoid the loss of territory. When this did not work he could not stomach the loss: "*Der Sultan* [mwami] *vermochte sich gar nicht mit dem Gedanke vertraut zu machen dass die Deutsche Regierung ihm nicht –wie er glaubte ingefolge seiner streng loyalen Haltung hoffen zu können- einen Gebietszuwachs erwirkt, sondern aus ihm unverständliche Gründen in der Verlust eines Teils seines Landes eingewilligt hatte. Wiederholt hat er die Residentur gebeten doch noch einmal die Kaiser z. bitten für die Rückgabe der verlorenen Länder einzutreten."*[8]

It is difficult to point out how the local population was affected by the newly emerging spatial constellations. On the one hand, explorers such as Czekanowski document that "*A l'évidence, la frontière de l'Etat Indépendant du Congo n'est qu'une ligne sur la carte dont la population ne tient aucun compte."* (Czekanowski 2001 [1907-08]) The impact on the regional trade north of lake Kivu, grounded in localized practices of material transfer, circulating hoes and bracelets (*ubutega*) from the west for livestock coming from the east (Rwanda) (Newbury, 1980), seemed to be negligible. According to Czekanowski this commerce was tolerated in order to placate the local population:*"[...] les autorités qui répriment impitoyablement la contrebande organisée en réseaux étendues jusqu'à l'océan Indien, tolèrent le commerce ancestral des indigènes qui exportent vers le Ruanda le sel et les houes en fer, fabriquées dans les villages que nous avons traversées en allant à Rutshuru. Ces deux articles sont payés surtout en chèvres. On ferme les yeux sur ce commerce, pourtant illégal du point de vue juridique, pour ne pas irriter les autochtones"* (Czekanowski 2001 [1907-08]: p. 74-75).
The relatively limited impact of colonial presence on precolonial commercial flows is further illustrated by the fact that traces of this commerce could still be found in the 1930s.[9]

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[7] These were the border commissions in the wake of negotiations: Mission Congo-Allemande; Mission de la Rusizi-Kivu. 1900-1906 sous les ordres de Bastien, Mercier et Thevoz; Mission anglo-allemande; Mission d'intersection du 1ière parallèle et du 30ième méridien sous les ordres de Bastien. 1903; Mission congolaise du 30ième méridien sous les ordres de Thevoz, Bastien et Mercier. 1903-1907; Mission anglo-congolaise du 30ième méridien sous les ordres de Bastien, Mercier et Weber. 1907-1908.
[8] African Archives Brussels (AAB), RU 5156, Jahresbericht Rwanda 1911, p. 3.
[9] AAB, RA/RU 87 Gisenyi. Rapports Annuels 1931 e.a.

On the other hand it is implied in some accounts that even this early the proximity of the border is used as an exit-option to escape compulsory labour (Czekanowski 2001 [1907-08]: p. 49) or to avoid prosecution (see e.g. the case of Muhumusa).

Next to these precolonial commercial flows, other commercial networks started to emerge. Although trade from the interior of the Congo to the eastern coast predates the "discovery" of lake Kivu, alternative routes sprout from the opening up of the Kivu. Gisenyi startedto evolve as a commercial node for trade in the Kivu hinterland. In contrast to Goma, which was at that time described as being dirty and shabby and lacking commercial activity, Gisenyi seemedto be evolving into a small commercial centre, especially as a result of the activities of Indian and Greek merchants (Bindseil, 1994 [Hans Meyer, 1910]: p. 128). These merchants were implicated in the trading and smuggling of ivory and rubber from the Congo Free State to German East African and further to the African east coast.
Gisenyi's postion, just across the border of a region rich of ivory and rubber, but formally closed to trade, was instrumental in its early development. The concessionary system entailed a monopoly of certain companies to exploit the regions of the Congo Free State where rubber was found. However, the *de jure* monopoly of these concession holders on ivory and rubber was breached by merchants from Gisenyi.
However, as is the case in border trafficking nowadays, not only were Congolese (and German) officials turning a blind eye to smuggle, e.g. with the help of canoes across lake Kivu (Wollaston, 1908: p. 198), they were –in a later stage- also implicated in the commerce itself. Hans Meyer narrates how he was shown*" […]un avis officiel de Ngoma rédigé par le commandant Derche qui stipule que la province où nous nous trouvons est ouverte comme toute autre au commerce, mais que le commerce de caoutchouc est interdit aux commerçants européens. Quelle ironie quand tous les fonctionnaires et officiers se livrent là-bas* [Congo] *au traffic du caoutchouc non seulement officiellement, mais aussi au titre privée"* (Bindseil, 1994 [Hans Meyer, 1910]: p. 142).
Before 1910, the military presence in the region had increased, due to the presence of yet another border commission. This had an impact on the quantity of the smuggled goods. German administrators feared that once the border -agreed upon in the 1910 agreement- would be implemented on the ground, trade in rubber would diminish, as that border was much easier to police.[10] That this concern was not groundless, was confirmed by Hans Meyer. According to him as long as the Congo was closed officially to commerce, trade in ivory and rubber flourished. The shift to *commerce régulier* resulted in the collapse of many Indian trading companies (Bindseil, 1994 [Hans Meyer, 1910]: p. 128).

The most important meaning of the border in the *zone contesté* was thus its function of delineating territory. Borders as a tool for controlling people's mobility and for installing regimes of taxation, paramount to the (post-)colonial states, was clearly a later development.
The trade monopoly in the Congo Free State, combined with a border that was difficult to control and state officials complicit in breaching the concessionary system of the Free State, created possibilities for the emergence of new commercial networks.
When trade policies changed from 1908 on (Congo Free State became the Belgian Congo) and the border became more effectively policed, commercial opportunities dwindled.

[10] AAB, RU 5156, Jahresbericht Ruanda 1910, p. 15.

3. Colonial period[11]

The matter of the delineation of the border solved, the fear about the *le péril allemande* arose. Already in 1913 concerns were ousted by commander Henry de la Lindi about a possible German attack on Congo's eastern border. According to Henry, the Germans were eager to acquire Kivu, especially because of the rubber and ivory resources. His report focuses on how the border can be defended and fortified, and on the strength of the German forces.[12]

It is interesting to note the discursive shift in the appreciation of the border. Instead of focusing on the capacities of boundaries to demarcate territory, the proximity of competing powers across the border is perceived as a hazard which needs to be more closely monitored. As such Herbst seems to be right that the first buffer mechanism Europeans installed were physical borders, because they could mediate pressure from the international system (Herbst, 2000, p. 94).

One year later, war broke out in Europe, and the European battlefields were transplanted to the colonial possessions of the European powers. Nowadays, the only thing that reminds us of the war between Germany and Belgium in Goma is the small cemetery in Kibati, partly covered in lava, but Kibati was also the backdrop for the first fights between the Germans and the Belgians in the Kivu-region.

During the battles between the Germans and the Belgians around Goma and Gisenyi, the border was heavily guarded against enemy attacks and became deeply entrenched.(See e.g. Chaudoir, 1919).

In 1916, the Belgians invaded and took over Rwanda. After WWI, Rwanda (as part of Ruanda-Urundi) became a mandated area under the control of the Belgians. Rwanda was unified administratively with the Belgian Congo, but the colonial administration had to adapt its policies to the legal statute of Rwanda. This meant that policies at all times had to remain absolutely distinct. The Belgian administration was monitored by the League of Nations and later the United Nations to supervise if the Belgian administration was not infringing on these rules of the mandate. This resulted sometimes in friction between the Belgian administration and the League of Nations, especially when concerning economic policy. During the design of a plan to use Rwandese labour for the ailing plantation economy in Kivu (and mining labour in Katanga), the League of Nations blew the whistle on the administration because they were not allowed to use the surplus of population in Rwanda as a cheap reserve of African labour to enrich the Belgian Congo.[13] The scheme of resettling people coming from Rwanda to the Kivu was designed by the Belgian colonial government in the 1930s, and was directed at formulating a practical answer to what Freund calls *'the most basic question of all concerning labor in Africa'*: how to get it (Freund B. 1984: p. 2). The main reason that permanent migration was seen as more suitable is that it moved individuals permanently from Rwanda –and as such could counteract overpopulation- and because it was believed that it prevented migration towards the British territories (Mararo B. 1990:137).

However, this was more tedious than the colonial administration had envisaged. Before 1937, the Belgians were unable to set in motion a steady flow of labor towards the plantations of the Kivu-region. The incentives put in place by the Belgian colonial state were annulled by other choices available to and adopted by Rwandan migrants. Apart from cross-border migration to maintain social and cultural ties, migrants crossed borders to benefit from the higher wages in Uganda. The inhabitants of Rutshuru and Rwanda assumed the same route to escape from the multiple exactions and harsh environment in their territory (cf. Asiwaju, 1976). There are indications that the Banyarwandan laborers in the Rutshuru region used the opportunity of temporary labor in the

[11] It is impossible to give in this paper an overview state-centre relationships during the colonial period. Therefore we lift out one example that we think is exemplary.

[12] RMCA, Papiers Henry de la Lindi, 62.40.1002, Rôle du Kivu dans l'organisation défensive de la frontière orientale 1913. Référence à rapport de monsieur l'AT Derche (zone de Rutshuru) de 1912.

[13] AAB, Affaires Indigènes (AI), 4378, Letter to the Minister of Colonies, January 7, 1926.

Congolese territories to bridge the period in which tax was levied in Rwanda, returning to Rwanda when tax collection had ended.[14] As such they made creative use of the demand for (temporary) labor and labor in Uganda at their own advantage. The existence of other alternatives (across borders) was thus an important factor in hindering steady labor movements in favor of the Belgian colonial state.
As such this labor migration, facilitated by the existence of different political and economic spheres was a means to escape and negotiate the imposition of state power. It seems that to the population living in the region borders were of little importance, they were crossed as if they were inexistent. Or as a White Father in 1943 describes the kinyarwandan speaking population of the region of Jomba and Rugari (in Rutshuru territory, Kivu):
« [C']est le théâtre d'un phénomène bizarre. La population autochtone a un forte tendance à émigrer vers l'Uganda ou elle a l'impression de jouir de plus de liberté et retrouve d'ailleurs facilement un foyer, car les frontières de blancs n'ont aucun sens pour ces Banyaruanda qui ont été repartis entre le Kivu, le territoire sous mandate et l'Uganda. Ou plutôt, elles ont une sens, celui de leur permettre de se dérober à celle des trois administrations, qui les gêne le plus ».[15]

However, this citation also indicates that although borders seemed unimportant, they were enacted locally, because they offered opportunities to contest state power.
It is also apparent that during from the 1920s on, the border in the region came to bear other meanings for the colonial administration, for whom borders were no longer solely a means to delineate their territory against other colonial players (the Goma/Gisenyi had become an internal border), but more importantly a means to control the movement of the population and their labor.

With regards to labor, the colonial state clearly differentiated the borders within their colonial space from other colonial territories. The creation of a Rwandan labor reserve drew on an economic model in which Rwanda was subordinated to the economic exigencies of the Congo. The more flexible boundaries within the Belgian colonial sphere were used to drain labor from the Rwandan labor reserve, they were an attempt to distract labor from British territories. However, as the political economy of the region entitled migrants to benefit from elevated wages across the border in British territory, this system was never entirely successful. The labor flow towards Uganda remained steady during the 1930s, thwarting colonial labor policies.

As such this is an affirmation of Jeffrey Herbst's (2000) contention on the nature of power in African states, with their "weak capabilities and modest ambitions" (p. 80); but whilst he focuses on territorial boundaries and their capability to function as a means of broadcasting state power (p. 253), it is stressed in this paper that borders are also *loci* for state reconfiguration.
The reasons for this 'weak capability' of the colonial state to effectively control their borders were not only grounded in the absence of real policing along the borders ('the thin white line' of European presence in the colonies), but also in the nature of the borders in the region, and the influence these borders had on the political economy of the region. Push- and pull factors, such as different political and cultural contexts, different regimes of taxation, wage differences, brought about by the colonial partition of the region and the instilment of different colonial administrations; were actively employed in order to contest state policies.

[14] AAB, RA/AIMO 163, Rutshuru 1934 and 1936
[15] Archive White Fathers Rome (AWFR), Dossier 304 1A Kivu, Statistiques et rapports, Vicariats apostolique de Kivu, rapport 1943, p. 4-5.LD…

4. Independence and beyond

The question of the *zone neutre* was a concern to the newly independent states from the beginning. In 1961 the Goma-Gisenyi convention was signed by the civil and military authorities of rhose two towns under the supervision of the UN. At that moment, the neutral zone separating Goma from Gisenyi was littered by 'illegal' Congolese citizens. In some cases these Congolese had passed the border pillars and settled itself on Rwandan territory, without recognizing either Congolese or Rwandese authority. The situation in the neutral zone was described as *"cette zone neutre était devenue un lieu où les activités frauduleuse et même subversive se multipliaient lesquelles étaient difficiles à contrôler"*.[16]

It could be that the political and military events of 1961 had a share in this conception of the zone neutre. Following the outbreak of the so-called social revolution in Rwanda in 1959, a massive resettlement of Tutsi across the borders of Rwanda took place. Disgruntled Tutsi elites allied to *mwami* Kigeri UNAR (Union National Rwandaise established links with the Congolese Mouvement National Congolais (MNC, Lumumba's party).

The independence of Congo, and the resulting chaos, triggered fears across the Rwandan border that anti-European sentiments might spill over into Rwanda, that was at that time under rule of exception (Lefevre and Lefevre, 2006). The developments in Goma were closely monitored by the intelligence forces, and it was feared by the Belgians in Rwanda that UNAR would instigate the *Armée Nationale Congolaise* (ANC) to attack Gisenyi in order to reclaim Rwanda for UNAR. Fights did take place between Goma and Gisenyi, e.g. between 12-14 January 1960. *"Le jeudi 12, dans la milieu de l'après-midi, éclata une bagarre le long de la frontière; les protagonistes étaient des policiers ruandais, des policiers et soldats congolais et divers civils; parmi lesquels des Tutsi qui semblaient bien être là dans le but d'entretenir l'incident (qu'ils avaient peut-être d'ailleurs machiné)."*[17]

In the 1970s, the intention to solve the ambiguous situation of this neutral zone was expressed in the margins of two CEPGL[18]-meetings in Gisenyi (1976) and Lubumbashi (1979).[19] In 1981, Habirayimana and Mobutu decided to form a mixed commission in order to solve the disputes pertaining to the 'neutral' zone. As such, in 1981 recommendations were formulated by this mixed commission, and in 1986 the Rwandan government distributed indemnifications for the replacement of families living at the Rwandese side of the neutral corridor. Although there were meetings in 1993 discussing the security situation at the border, in reference to the RPF-attacks in the north of Rwanda[20], nothing was undertaken at the Congolese side of the border and it seems that it was only end of 1994 that work was taken up again.[21] Mixed commissions assessing the situation at the border, drawing up reports on the problem of squatting in the neutral zone and of habitations *à cheval* and formulating recommendations were repeated in 1994, 1999 and 2001,[22] all apparently to no avail, as the same situation still lives on today.

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[16] Goma, Division Provinciale de l'Urbanisme et Habitat du Nord-Kivu, "Proces-Verbal de la reunion de la sous-commission technique mixte chargée de la materialisation de la ligne frontières des bornes entres le Zaire et le Rwanda tenue à Gisenyi du 24 au 25 janvier 1994", p. 2

[17] AAB, RWA 97, Rapport à monsieur le Résident général sur les incidents de frontières à Kissenyi-Goma les 12, 13, 14 janvier

[18] Communauté Economique des Pays des Grands Lacs

[19] Ibid.

[20] Goma, Division Provinciale de l'Urbanisme et Habitat du Nord-Kivu, "Memorandum préparé par le conseil prefectoral de sécurité de Hisenyi en vue de sa rencontre avec le comité de sécurité de Goma prévue le 23 decembre 1993 à Gisenyi", p. 1

[21] It could be that there were earlier attempts, but of these we have no records.

[22] See: Goma, Division Provinciale de l'Urbanisme et Habitat du Nord-Kivu, "Proces-Verbal de la reunion de la sous-commission technique mixte chargée de la materialisation de la ligne frontières des bornes entres le Zaire et le Rwanda tenue à Gisenyi du 24 au 25 janvier 1994", "Proces-verbal de la descente sur terrain par la commission technique chargée de la materialisation de a frontière entre le Congo (Zaïre), le Rwanda effectuée en date du 5.08.1999", "Rapport de la

The regime changes in Rwanda (1994) and Congo (1997) had a considerable influence on the character of political relations between these two states. Where presidents Habyarimana and Mobutu managed to maintain a stable relationship with regards to common initiatives of border control, this seemed far more difficult when presidents Kagame and Kabila came into power. Regional violent conflict made the mutual relationship more difficult and put initiatives with regards to border control in a completely different daylight. Like during earlier moments, the function of the border as a buffer mechanism to mediate pressure became more important, and the discourse emphasized issues of security, protection and fortification; « *Le conflit armé a changé plein de choses en tout cas. Depuis, les relations entre les voisins sont situés dans un climat de méfiance, comme nouvelle ordre politique* » (Interview chief of DGM, Goma November 2009).
During the second Congolese war (1998-2002), the city of Goma hosted the RCD[23] rebel movement, setting in motion profound political, military and socio-economic reconfigurations. On the local level relations with Rwanda with regards to transborder control were tightened again.
This lead to the reemergence of common initiatives pertaining to the rematerialization of the border. Paradoxically, during RCD-rule the occupation of the neutral buffer zone increased, as many RCD officers installed themselves in this *zone neutre*. This has translated itself in Goma's toponomy. Until today, a certain part of the 'transborder' district Birere is referred to as *quartier RCD*.
The resurgence of armed conflict during the CNDP rebellion led by Laurent Nkunda (since 2004), again paralyzed these advances. Until today, the *zone neutre* remains occupied from the Congolese side, the border between Goma and Gisenyi is still the scene of continuous transborder mobility (fraudulent or not) and the proximity of the border is still intensely exploited by the local inhabitants of both towns. In the following section, we will take a closer look at current transborder dynamics, as they occur in the Congolese border district Birere.

5. **Birere: Goma-Gisenyi's current transborder dynamics.**
   «*Voici Birere, c'est ici ou ça bouge, c'est ici où on fait des affaires, nuit et jour. Tu veux des marchandises aux bon prix, viens ici. C'est à cause du trafic avec l'autre coté, tu peux tout trouver ici. (...) Tu vois la petite barrière là-bas, où il y a toujours un foule de monde qui traverse, c'est là où ça se passe, tu vois. Même plus loin sur la frontière, par les ouvertures bien cachés tu ne peux même pas t'imaginer quelles sortes de marchandises que passe là-bas. (...) N'importe si t'es Rwandais ou Congolais, il y a toujours une façon de trouver un dollar ici, et de faire de ce dollar deux dollars à la fin de la journée*» (Interview Congolese commerçant, Goma February 2008).

From the city centre of Goma, along the border that separates the DRC from Rwanda, a popular and vibrant commercial centre has developed, housing thousands of small shops, warehouses, depots, restaurants and popular clubs or *ngandas*. This centre daily attracts thousands of Congolese and Rwandese *commerçants,* small petty traders as well as established businessmen to do some 'affaires'. The crowded '*Birere*' district that occupies parts of the *zone tampon* is marked by its multi-ethnic character and its bustling activity but also by insecurity and poverty. Although sometimes referred to as the city's '*zone rouge*' -a chaotic, filthy and insecure place and a home for prostitutes, criminal bands and children of the street- the attractiveness of the district is cannot be denied. Consequently, Goméens are very ambiguous towards it: at the one hand they emphasize the multiple opportunities whilst at the same time referring to the insecurity and dangers connected to the *quartier*.

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sous-commission technique mixte chargée de la matérialisation de la ligne frontière des bornes entre la prefecture de Gisenyi et la ville de Goma, travaux effectuées du 26 au 30 novembre 2001"

[23] *Rassemblement Congolais pour la Démocratie*

Economic activities in Birere all seem to be connected in one way or another with the intense transborder interaction between Goma and Gisenyi. Since their early existence connected through a strong economic interdependence, these two border or 'twin' towns, are intertwined by their shared history and shared socio-economic reality (Tegera and Johnson 2007). In that sense, Goma/Gisenyi can be labeled as a exemplary for a 'transboundary space' where social, polticial, economic and cultural networks overlap in the borderland (Baud and Van Schendel, 1997). Today, over a thousand people daily cross the border in both directions. For Rwandese, the lack of opportunities in Rwanda forces them to transit to Goma in search for a job. Goma is perceived by many Rwandese as '*une ville vierge'*, where markets are still unexploited and opportunities are open to anyone. Furthermore, many Rwandese go to school in Goma because of lower school rates, but many Congolese on their turn teach in Rwandan schools because of higher and more regular salaries (Tegera & Johnson, 2007). Because of better developed services, for a long time crossing the border to Gisenyi was for many Goméens the only way to be connected to the 'global world' of international banking and internet (Interview local observer, Goma December 2009). And even today it is very common to cross the border just in search for a good internet connection or to check one's bank account.

In this context of mobility of people, goods, cultures and identities, Birere, the place where socio-economic activities of both sides connect, can be understood as a 'fluid social space' and a 'site of inbetweenness and hybridity' (Dürrschmidt, 2006). Through this constant coming and going of people and goods, through this reality of contact and exchange, the border sometimes seems to become invisible, or at least irrelevant in some sense. At some places in Birere in the neutral zone, it is indeed difficult to say whether one is in Goma or in Gisenyi « *En effet, rien ne sépare Goma, ville congolaise de Gisenyi, ville rwandaise. Difficile de savoir si on est bien en présence de deux pays différents d'autant plus que la frontière n'est pas claire* »[24]. As Tegera and Johnson state*: '*Goma and Gisenyi have practically merged into a single town, with houses in some places built right up the border and private doors in garden walls constituting entry and exit posts beyond public control*'* (Tegera & Johnson, 2007: p. 19). Beyond this public control, an intense traffic takes place through shielded and discrete openings. A labyrinth of small pathways crossing private yards, locally referred to as the *makoro* (literally meaning 'the little tracks') is used by many smugglers to get their merchandise to the other side of the border without paying the multiple and costly taxes collected at the barriers. Along these informal routes, in collaboration with local inhabitants and customs, Birere smugglers have developed an extended trading network.

This 'permeability' or 'porous' nature of the border is a reality that is considered by people in Birere as a permanent condition, something that has always been that way. In the words of a local observer: « *Comme les corps qui sont enterré au cimétière dans la bande neutre, la tête se trouve au Congo, les pieds au Rwanda. Quelque part c'est ça la réalité des habitants de Birere* » (Interview local observer, Goma December 2009). With one foot in Rwanda and the other in Congo, the borderlanders of Birere live and act in intertwined economic, social, political and cultural worlds.

This condition is experienced locally as either an advantage (the openness of the border and the connectedness on both sides is an essential condition for doing a lucrative business in Birere) or as a disadvantage or a threat, as the permeability of the border also generates insecurity by creating the possibility for infiltration of arms and bandits or other 'negative actors'; 'Paradoxically, these spaces of exception are also those in which the creativity of the margin is visible, as alternative forms of economic and political action are instituted. To suggest that margins are spaces of creativity is not to

[24] "Une autoroute entre la Rdc et le Rwanda: les habitants sommés de "déguerpir"" (28/08/2009) (http://editions-sources-du-nil.over-blog.com).

say that forms of politics and economics on the margins, often fashioned out of the need to survive, are not fraught with terrible dangers' (Das and Poole, 2004: p. 19). This double character of the border is a feature of many borderlands: for some these risks can lead to profit, others loose out (Bennafla 2002).

This double nature of the border is translated into the perception of the material border. Where inhabitants largely depend on the free interaction between Goma and Gisenyi for their daily livelihoods, they also desperately long for a clear and visible border to feel safe and protected. During moments of political and military tension between the DRC and Rwanda, the 'vagueness' of the border becomes a source of danger and chaos. This double significance of the border is very striking and party explains the divided reactions on the recent initiatives by the national authorities to reinstall the border and reinforce the control over transborder mobility.
According to the general political context, the one or the other sense of the border will be emphasised. As we will see, its ambiguous character is easily being mobilised and politicized by political and military actors.

6. **The border as a source of opportunity.**
   « *Si tu veux faire de l'argent, tu viens ici à Birere, tu construits une maison avec deux portes, une qui ouvre au coté Congolais et une autre qui ouvre au coté Rwandais* », (Interview Birere commerçant, Goma October 2009).

Given its particular setting, the Birere district is a key location for informal activity in Goma. Every morning, thousands of people walk long distances from the peripheral districts to this popular centre. It is in this part of the city that important business deals are being concluded, but also where ordinary *Goméens* balance all sorts of survival strategies in order to have something to eat at the end of the day (Vlassenroot & Büscher, 2009: 8). Birere is considered by Congolese and Rwandese as a place where everyone can profit, whether you are rich or poor, where impressions of 'newness' and rapid change tempt people to continue their search for prosperity. The disorganized and marginal character and the lack of state control create opportunities. "*Ce qui nous amène à faire des affaires à Goma, c'est l'opportunité du désordre si je peux dire. Ici tu es en mesure de faire des choses qui ne seront jamais possible à l'autre coté (...) Les gens survivent par arranger leur maison comme dépôt pour des transactions nocturnes*" (Interview Rwandese trader, 21 November 2009).

The proximity of the border and especially the presence of the *petite barrière*, the border opening for pedestrians, creates a perfect site for fraudulent traffic of various small goods. The differences in regimes of taxation and customs, the absence of effective control in the *zone neutre*, which is used as a gateway for smugglers, makes this traffic is a highly lucrative business.

All kinds of actors, such as the disabled traders and the *chorachora*[25] are directly or indirectly involved in the exploitation of the border as a source of income. On different levels of the urban society, formal and informal, state and non-state actors operate in a complex web of interactions and complicity where negotiation is the essential condition to gain access to 'border opportunities'. In this web of interaction, different groups of 'borderlanders' all have different ways and levels of dependence to the border in their survival strategies.

The numerous disabled traders that are active across the border are a striking example of how local inhabitants exploit 'their' border as a source of opportunities. This remarkable group of local traders

[25] Swahili, referring to the traces of mucus, left by the snail on its way.

earn their daily income through the transportation of small commodities (such as flower, charcoal, cloths or soap) from one town to the other. On both sides they work for different *commerçants* for whom they deliver goods to depots indicated by the traders. The disabled have, according to Congolese and Rwandese law, the right to import goods with reduced taxes. As a consequence, some of these *handicapés de Birere* have become well known businessmen and respected agents in the district. United through some sort of syndical association, they operate well organized and form an important economic pressure group in case of contested interventions on transborder activities[26]. *« Nous sommes devenus des acteurs incontournables ici. Malgré la discrimination et d'autres difficultés, nous sommes là, et nous sommes unis, ça nous permet d'avoir quand-même une voix. Et on se pose ! »* (Interview disabled trader, Goma October 2008).
In a way, '*les handicapés de Birere*' are borderlanders that *'*realize that their very marginality – their borderland advantage in the interstice – […] to exploit the ambiguous values of powerful crossborder movements*'* (Flynn, 1997: p. 35).
Chorachora, Rwandese female smugglers illegally transport small goods (such as sugar, rice, cosmetic products) across the border. They have become specialists in smuggling their products in sometimes very inventive ways, using the *makoro* as well as lake Kivu. Through their experience these chorachora have established a well-developed system of connections and collaborations on both sides of the border.

These examples demonstrate how the ambiguous character of the border creates a space of opportunity where *'*members of an ethnic group, or even a single family, may choose to live on either side of a border line in order to exploit the benefits of both spheres*'* (Nugent and Asiwaju 1996). In order to fully exploit these benefits, identity and language became key features in socio-economic strategies of borderlanders. 'Children of Birere' became experts in a very strategic and opportunistic use of these features, shifting language or nationality according to the given circumstances.

Benefits on the border are multiple. For the *chorachora* the *zone neutre* is exploited as a gateway for illegal smuggling, for others it is just used as a field to cultivate small crops for private consumption. For established businessman, without ever arriving themselves at the filthy streets of Birere, informal transborder trade is an indispensable factor in their success. For migration and custom officers that operate at the crossing post and for the soldiers patrolling the borderline, complicity in fraudulent transborder trade is the main source of their daily income. As pointed out earlier, the involvement of state authorities in this context is of crucial importance and deserves special attention.
Amongst the almost 30 different agencies involved in tax 'control' on the Goma-Gisenyi border in 2007 (Tegera & Johnson, 2007), the state is obviously strongly represented on the borderline. The ambiguous role of state agents in both 'control' and 'exploitation' of transborder trade is well documented in other cases. In analyzing transborder traffic on the Congolese-Ugandan border, Timothy Raeymaekers states that 'so-called fraudulent imports and exports in the Semliki valley actually occur in complicity with a parallel system of regulation that reproduces itself through repeated collaboration between the state and the non-state, formal and informal economic agents' (Raeymaekers, 2008: p. 7). Often acting as private agents, state officers directly negotiate with economic agents for personal benefits. This is creating a complex parallel system of regulation or 'management' of the border through different levels or 'scales' of authority and power, where the state is just one actor amongst many others. Through these different scales of control, political actors (local, municipal, provincial and national authorities) strongly interact with different groups of

[26] This phenomenon is not unique for Goma, at other border location in the DRC as well one observe similar situations. See for example Raeymaekers (2009).

economic and military actors and *"si la position étatique fluctue dans le temps, elle change aussi selon ses zones frontalières, selon les niveaux du pouvoir, et même au gré de la personnalité des fonctionnaires locaux"* (Bennafla, 2002 : p. 299). As such, borderlands can become a source of new forms of 'governance', where among new alliances and power structures the state is in constant negotiation; 'in such a context, it is evident that "the" state –or rather its representation as public authority- only constitutes one among many forces striving for a monopoly over the legitimate means of violence, and its power remains subsequently divided between several state and non state forces' (Raeymaekers, 2008: 6). It is therefore obvious that the significance of the border largely depends on the collaboration between these multiple actors; "*chaque espace frontalier fait l'objet d'une gestion politique particulière, en fonction du rapport de force qui s'établit entre les différent pouvoirs en présence*" (Bennafla 2002: p.312).

7. The border as a source of insecurity

> "*.. les frontières n'arrêtent pas les gens qui ont les mauvaises intentions ici. Tu sais, a mon avis, Goma devrait être placée au milieu de la province, pour que les agresseurs ne puissent pas prendre la ville de Goma dans un rien de temps!* (Interview student, Goma February 2008).

Not only the specific place, but the specific moment in time as well is strongly determining the local significance of the border. In October 2008, when the rebel movement CNDP[27] of Laurent Nkunda had surrounded Goma and threatened to throw over the city, several shops and galleries in Birere, allegedly linked to the rebel movement, were attacked during small scale lootings. On another occasion, fuel stations were vandalized during a demonstration for peace in the North Kivu region. Their owners were perceived as *sponsors de Laurent Nkunda* and *antennes des agresseurs de l'autre côté* [Rwanda] (Interview student, Goma October 2008). During these recent episode in the violent conflict in Eastern Congo, the Congolese-Rwandan border became a highly contested and military controlled zone.

It is very striking how this geopolitical context of conflict and tension is capable of influencing local cross-border dynamics and impacting daily border life. In times of tension, minor incidents on the border between Goma and Gisenyi serve as a political barometer for the population (Tegera & Johnson, 2007: p.21).

It is rather surprising that in spite of more than fifteen years of armed regional conflict, the border between Goma and Gisenyi has almost always remained relatively open. However, even in this context of continuing transborder mobility ('*commerce sans frontières'*), during moments of contestation one could notice a renewed attention to the borderline as a means of division and separation instead of as a zone of connection and interaction. Even if the border remains geographically rather 'invisible' through daily interactions, it reappears on another, less apparent level. One observes for example a reappearance of the border through rumors of infiltration and aggression and a renewed occurrence of a discourse of citizenship, 'belonging' and 'autochtony'. The regional armed conflict in Eastern Congo is locally often perceived as controlled from a higher level, as a political and military contestation between Rwanda and the DRC over political and economic control of the region. Rumors of direct and indirect involvement of Rwanda during Nkunda's rebellion between 2007 and 2008 circulated rapidly in Birere, resulting in anti-Rwandan aggression, where vendors or traders identified as *Rwandophones* in Birere, were mocked and jeered on the streets.

[27] *Congrès National pour la Défense du Peuple*

At these moments, the 'porous' border becomes a source of danger, of chaos and violence, where people feel threatened by the 'negative actors from the other side'; "*La zone tampon est un lieu idéal pour les espionnes à se rencontrer. On les voyait venir se parler, les gens du CNDP, les businessman, les Rwandais* » (informal talk focusgroup Birere-traders, October 2008). Birere got increasingly caught in a climate of general distrust and suspicion and the large presence of Banyarwanda in Birere and Goma in general has through recent history of conflict and war, become a very sensitive topic. In need for an explicit distinction between Rwandans and Congolese, contrasts between insiders and outsiders have been sharpened and identities strongly politicized. In this context borders become *'*territories to be patrolled against those whom they construct as outsiders, aliens, the Others; forms of demarcation where the very act of prohibition inscribes transgression; zones where fear of the Other is the fear of the self; places where claims to ownership – claims to 'mine', 'yours' and 'theirs' – are stakes out, contested, defended, an fought over*'* (Kaiser & Nikiforova, 2006: p. 936).

At that same time in October 2008, the local '*chefs du quartier*' of Birere organised several 'surveys' in their districts, in order to identify 'infiltrators' (non Congolese with no valid residence permit). These surveys were very effectively conducted in collaboration other local authorities, and although large parts of the local inhabitants where themselves encouraging these initiatives, they created considerable tension in the district. Many Rwandese working and residing for years In Birere suddenly decided to spent the night on the other side of the border in Gisenyi, for 'security reasons'.
While in 'normal' circumstances these distinctions between Goma and Gisenyi, Rwandese and Congolese are blurred and of minor relevance, they become very obvious in times of geopolitical tension. Rwandans that are commonly perceived as 'children of Birere' just like their Congolese collegues, were suddenly called *rebels* or *Nkunda's*. In this context of fear and danger, inhabitants of Birere project their longing for protection on a severe controlled, clear cut border, being again a clear dividing line separating here and these, us an them; "*L'histoire nous a montré que la frontière telle qu'elle est ne peut pas nous protéger. Seulement un mur de Berlin peut arrêter des histoires pareilles ici*" (Interview chef de Division d'Urbanisme et Habitat, Goma November 2009).

Here, as during earlier conflicts, the main trait of the border that is stressed is not its potential for economic or social gains, but rather that of a source of insecurity. In many cases, the result of such a discursive shift is an increasing rigidity of the border, and this in two senses. Mentally, conflicts in borderlands can speed up processes of identification with the state (Sahlins, 1991). In Birere, processes of national identification interacted with the classification of others as belonging to *l'autre côté*, another state.
Materially the border also becomes more rigid. During World War I the border is quite literally entrenched as a battlefield between the warring factions and discourses about 'protection' and 'security' gain more emphasis. The material fencing of the Goma/Gisenyi border during more recent times is quite rare. However, in June 2004, following the take-over of the city of Bukavu by Laurent Nkunda's rebels, Rwanda decided to close its border with the DRC. Causing major hardship for people in both countries depending on cross-border activities (Polé Institute, 2007), this initiative brought forth both deep astonishment and frustration; "*Au matin du dimanche 6 juin, les habitants de Goma et de Gisenyi se réveillèrent séparés par une vraie frontalière à l'européenne, n'en croyant ni leurs yeaux, ni leurs oreilles, échangeant des messages par-dessus des poteaux métalliqu*es (Polé Institute, 2007 p. 9). After heavy protest from both sides (initiated by local *commerçants* and the disabled transborder traders), this temporary closure of the border turned out to be untenable and was called off after one month.
It is clear that the effective realization of the Goma-Gisenyi border as a fortified 'Berlin wall' would have a disastrous impact on the livelihoods of inhabitants from both Goma and Gisenyi. It needs to

be said that these perceptions and discourses may pop up, but also suddenly ebb away when the situation stabilizes. As such, these reactions still reflect an 'abnormal' situation of a rather temporal character. Or as one local inhabitant stated: *"Malgré tout les gens vie bien ensemble. Et on a pas de choix, car on a besoin des autres. Mais les gens sont bien ensemble, ça a toujours été le cas. C'est la politique qui gâche tout"* (Interview assistant UNIGOM, Goma September 2007).
This once again demonstrates how the status and meaning of the border is always temporal, ever changing according to the given circumstances.

8. Conclusion: Le vent qui passe

Local state agencies represented at the Goma-Gisenyi border confirm that the latest initiatives in the (re)materialization of the Goma-Gisenyi border are coordinated and controlled from the national level. *"Dans le cadre de la reprise des bonnes relations avec nos voisins, les descentes sur terrain sont exécuter pour mieux surveiller, pour mieux gérer la situation problématique. (…) Cette nouvelle lecture de la frontière est une opportunité d'intervenir »* (Interview chief of DGM, Goma November 2009).
However, the question is if the plans will be executed this time. As has been revealed, concerns over and plans to tidy up the neutral zone have been popping up since independence, but to no avail. There seems to be a certain apathy towards these measures whilst the people that are concerned seem to be rather skeptical about the actual realization of these plans. What is striking, is that even local state officials, often themselves responsible for implementing these measures, seem indifferent. One of them depicted the initiatives as *un vent qui passe* (Interview chief of DGM Goma, November 2009), stating that Kinshasa has developed a new discourse on the border, but not much will come of it.
In view of the histories of interventions of the state in the *zone neutre*, this comes as no surprise. Never –not even in the colonial period- has the state succeeded in establishing control over its margins.
Many scholars would blame the incapacity of the Congolese state to enforce these measures today as a trait of a 'weak' or 'failing' state. We think they are only partly right. The fact that Rwanda was/is (?)more successful in implementing these measures would be an indication that indeed the culture of state power is an important factor in understanding the (de) territorialization of the region. However, we believe that this is only part of the explanation. By operating a historical perspective we have shown that in the margins state practices are defined locally. The meanings of the margins, the meaning of the state and how it is perceived, are constantly shifting. This fickle meaning of both state and margins is the result of the constant interaction between different levels of state officials and borderlanders, and not solely of the nature of the central state.

Throughout the paper we have pointed at the shifts of meaning of the border throughout history. We have shown that different groups have different interests in how the border functions. The case of the *"zone neutre"* bears in that respect similarities to that of the *"zone contesté"*. Local state officials may have contradictory visions and objectives than that of the state they are representing. Whilst their discourse may be borrowed from the central state, practices suggest something different.
As has been shown, many people profit from the unruly nature of the *"zone neutre"*, including the same people that are in charge of controlling it. Obviously, border control simply cannot be achieved in a context where most of the involved actors depend themselves on the 'uncontrolled' character of the border. State officials guard the border, but they also maintain informal cross border trade and fraud. This means that the same people who profit from the unruly and unorganized character of the *zone neutre* are responsible for its sanitation. .

But not only officials have an ambiguous relationship with the Goma/Gisenyi border. The inhabitants and *commerçants* of Birere, living with and from the border on a daily basis, have an equivocal relationship to the border.
When fire broke out in June 2009 in the Birere district, this caused the destruction of hundreds of parcels. The local inhabitants accused the provincial governor of complicity, arguing that the fallow land as the result of the fire would facilitate the evacuation of the district. The governor would then claim this achievement in his name. Other rumors circulated blaming the *chef du quartier* of bribery by Rwandese authorities to 'sell off' land, giving these authorities the gateway for their 'imperial occupation' (Informal talks Birere inhabitants, November 2009).
The local inhabitants themselves were divided on the matter of the *zone neutre*. While some of them (especially those who became victim of the fire) encouraged the initiative to restructure the district,[28] others reacted rather suspicious, fearing to be expropriated and to become homeless.

It has often been pointed out in borderstudies that many states in Africa are engaged in processes of either co-opting or circumscribing mobility in their margins, as a means to attempt the pacification of a 'disorganized' borderland. But as Bennafla and other scholars have argued, this same disorganization in the margins could also be seen as a mode of governmentality, something from which the state can benefit (Bennafla 2002; Goodhand, 2009).
The question is which of the two scenarios is apparent at the Goma/Gisenyi border. Discursively it is clear that pacification of the Goma/Gisenyi region is paramount to the Congolese state. The arrest of Laurent Nkunda in Rwanda and the integration of the CNDP in the Congolese National Army brought a new turn in political and diplomatic relations between Congo and Rwanda. Just like the opening of a Congolese consulate in Kigali and the joint military initiative to tackle down the FDLR Hutu rebels in North and South Kivu, the renewed attention to the demarcation of the Goma-Gisenyi border seems to be part of this new approach. In that sense the discussions over the "zone neutre" and the installation of the *police des frontières* are ways to emphasize the improvement of the relations between the DRC and Rwanda.

On the other hand, through the constant mediation and bargaining processes at the border between central and local authorities and private actors, a situation has developed that created 'complex interdependencies and the emergence of a new political equilibrium' (Raeymaekers, 2008), which is beneficiary to many people in the administration. Governance processes in and over the borderland have appeared to be very flux and unstable, liable to dynamics of political and military tensions. *'La gestion de la frontière*' between Goma and Gisenyi, is therefore always a contextual and changing process, where the role and power of different scales of actors is always shifting. The effective outcome of the current initiatives undertaken by the Congolese and Rwandan authorities is therefore uncertain.

[28] The fire brigade was unable to reach the seat of the fire because of the chaotic constructions and lack of planning in the quartier where the fire broke out. This cause a high number of victims.

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Effecting the State Through its Others
(A very, very preliminary draft…please contact author before citing!)

Christopher Parker

Introduction

"Forced into familiarity, then, with prodigies such as these; and knowing that after repeated, intrepid assaults, the White Whale had escaped alive; it cannot be much matter of surprise that some whalemen should go further in their superstitions; declaring Moby Dick not only ubiquitous, but immortal (for immortality is but ubiquity in time)." – Herman Melville (1992 [1851]: 185)

In spite (or perhaps because) of its central place in political thought and action, the state remains an elusive phenomenon (Mitchell, 1991). The more closely one looks into it, the more it seems to be standing in for something else (Abrams, 1988). Where some see failed states, others see new forms of statehood. Even when privatized (Hibou, 2004), the Thing seems to maintain its phantom-like objectivity. No sooner is it rolled back by pressures of neoliberal globalization than we spot it once again, this time rolling out the infrastructures of a neoliberal competition state (Peck & Tickell, 2002). And where the contradictions of the neoliberal state give rise to dislocation and social tension, a new state constellation emerges to securitize the moral and cultural incapacities that are perceived to be at the root of the malaise (Amar, 2009).[i] The state appears ubiquitous yet constantly in movement; a universal expression of particular interests; something formal yet strangely incongruent with its tactile institutions; something that can only be thought through something else (i.e., a place, a scale, a condensation of social identities/relations, a particular institution or practice, a system of decision-making or strategic selectivity, the body of a king or even a policeman cruising the city streets on a Saturday night). It is therefore hardly surprising that political scientists have often given up on trying to study the state as such, focusing instead on political systems, governmentalities or regimes.[ii]

But the state's elusiveness has hardly discouraged efforts to recast the political world against its image. Indeed, it seems essential to the terrifying force of its idea. As with Ahab's great white whale, the imminence of Leviathan inspires loathing and desire in equal measure.

Starting from a fieldnote made during a visit to Aqaba in January 2009, this paper engages with efforts by citizens and scholars to find the state in the midst of radical neoliberal economic and social restructuring. In doing so, it shifts attention away from accounts that deduce and define the state through the figure of the regime to highlight the eventful contingency of its formation. "Events," wrote Hanna Arendt (1970: 7), are by definition "occurrences that interrupt routine processes and routine procedures." And it is in such interruptions—encounters with state power at its limits or at moments of its formation—rather than in the appearance of rules and regularities that we might best understand how certain practices, places, social relations and outcomes come to be recognized as stately while others are not, and thus produce a truly political account of the state.

Over the past decade, government in Jordan has been respatialized (and privatized) across an array of special economic zones, development zones, urban regeneration schemes, municipal restructurings, community empowerment initiatives, etc. The Aqaba Special Economic Zone Authority (ASEZA)—an autonomous corporation responsible for the government of 120,000 people and upwards of 700 sq. kilometers of territory—arguably represents the most radical and comprehensive of these arrangements. Indeed, ASEZA officials are keen to highlight their minimalist model of governance, and to stress their autonomy from the Jordanian state. Jordan is referred to alongside Egypt, Israel and Saudi Arabia as a country bordering the Zone. Jordanian government agencies hold shares in the Aqaba Development Corporation (ADC), an entity set up by ASEZA to mobilize private sector participation in the execution of its strategic vision, but enjoy no special rights in relation to or regulatory authority over private stakeholders. All strategic infrastructure and public services are being developed by the ADC in partnership with (or by subcontracting to) the private sector. There is a five percent flat tax on all business income, and the ASEZA imposes no foreign equity requirement, no tariffs on inputs for enterprise, no restrictions on the buying and selling of real estate, no restrictions on the use of foreign labor, and no restriction on the repatriation of profits. A "One Stop Shop" links investors to potential projects and streamlines investment and licensing procedures. The ASEZA even issues its own visas

and residence/work permits.[iii] In short, the Zone promises to deliver on the basic claims of neoliberal development and good governance rhetoric: profits for investors, jobs and fast-track development for the established inhabitants of Aqaba.

Typically, such arrangements are understood in negative relation to state power (Ong, 2006: 3). And, to the extent that the government of people and places in the Zone increasingly involves the articulation of privatized agencies that distinguish, segregate and regulate populations on the basis of their ability to participate in the market space, they might indeed be seen as manifestations of "political power beyond the state" (Rose & Miller, 1992). Yet if the formation of entities like ASEZA seem to signal the withdrawal of state agency from the everyday activities of government, it also seems clear that this same agency constitutes a crucial ingredient in their formation (e.g., Peck & Tickell, 2002). Not surprisingly, Jordanian officials dislike the suggestion that the ASEZA amounts to an abandonment of state sovereignty. Confronted with a failing rentier state, these officials argue that they had little choice but to pursue a radically neoliberal course. They seek not to dismantle the state, but to save it by tapping into the agency of the private sector and the market more generally.[iv] They see neoliberal developmentalism not as a methodology of organized state failure, but a particular modality of statecraft. It produces both new forms of statehood—or "new state spaces" (Brenner, 2004)—and new forms of political subjectivity (neoliberal governmentality). While Jordanian officials dispute or dismiss the implications of the critique coming from radical geography, they tend to agree on its most basic assumptions: the state is something that emerges to mediate between the contingency of the local and the necessity of the global

But where then is the state in Aqaba, or—for that matter—within any number of similar arrangements being articulated in Jordan today? How does it come that certain constellations/condensations of social relations are recognized as the state while others are not? What implications does this recognition have for the formation and transformation of the state's agency? And how does it determine the ways in which we think about and act upon the political world?

Recognition of a state *that is* in Aqaba today depends crucially on the myth of a state *that was*: i.e., the "failing rentier state" referred to by academics and officials.[v] This figure can only be understood in relation to the ways in which contemporary narratives of global transition and newness articulated a vision of "the regime" as a focus of efforts at transformation in countries across the MENA region (Parker, 2006: esp. 81-84; Parker, 2009: 11). These narratives present the state as something both embodied by and trapped within a particular regime, a regime that must be broken down and reconstituted in line with the (supposedly) natural reason of markets and civil societies if the benefits of liberal globalization are to be realized (at least as potentiality) for populations hitherto excluded.[vi]

The relative failure of this vision (both in Aqaba and the region at large) has given rise to two critiques that are in many respects mirror images. The first, based on a more or less neo-institutionalist account of the "post-rentier" state, suggests that the transition to a more liberal order has been distorted by norms, imbalances of power and strategic dilemmas embedded within endogenous, institutional trajectories of state consolidation (e.g., Peters & Moore, 2009; Schlumberger, 2007; Heydeman, 2007; Alissa, 2006; Ottoway, 2008; etc). In short, it takes the narrative of transition and newness for granted and looks inward to explain the non-occurrence of liberal change. The second critique—one that is only beginning to surface in the literature on the Middle East—is grounded in a neo-Marxist critique of the capitalist state. From this perspective, the problem is not simply some endogenous legacy, but the very nature of the state's articulation to the hegemonic system of global capitalism.

…

But what if the agencies assembled through the ASEZA are not simply examples of "new state spaces," "neoliberal exceptions" or "political power beyond the state?" What if they provide clues as to how the state's agency is constituted in the first place? To pose the problem as such is to bring the question of the state back behind its epistemological threshold and consider its formation in terms of a power that gives rise to both the thing and its others; in other words, to consider the state and its others as bound in the moment of their formation.[vii] (not only try to reveal and understand the state

through *its* practices, but pay attention to the contingent articulations and collisions of practice and meaning through which the state is effected)

There is no government but...

"It is by invisible hands that we are bent and tortured worst" – Friedrich Nietzsche, *Thus Spoke Zarathustra* (1982 [1883]: 154).

"There is no government in Aqaba but ASEZA," said Tamer as we drove along the wide corniche that separates downtown Aqaba from the seafront. Tamer—ASEZA's Senior Officer for Business Development and Marketing—had just told us that the peddlers and popular tea-tents that currently occupied the beachfront would soon be cleared out to make the space more attractive for tourists. Given that the beachfront was technically state-owned land, I had asked about ASEZA's jurisdiction with respect to the eviction.

After a presentation and interview back at the ASEZA headquarters, Tamer was taking me to view some of the Zone's main projects. The tour revealed a city that had undergone a striking transformation in the seven years since my previous visit. We drove past the heavy machinery being used to dig out seventeen kilometers of new beachfront adjacent to the Israeli border. The concrete shells of unfinished hotels and luxury villas stood nakedly behind the fence, waiting for the sea. We drove past the site of Aqaba's future Chinatown. Tamer noted that it would feature a "China Mall" at its heart, and an industrial zone (oriented towards Chinese investors) on its edge.[viii] We stopped at the entrance of another industrial zone—this one managed by an American firm—where goods will be provided with foreign certificates of origin. Heading south, we stopped at Aqaba's port facility before moving on to check out the tourist resorts and gated communities mushrooming along the Red Sea coast. Thanks to $11 billion in Kuwaiti investment, the current port will soon be transformed into a high-rise business district. Meanwhile, a Danish firm has signed a build-operate-transfer agreement to develop a new port facility on the Saudi border some 20 kilometers to the south. We also circled back around to have a look northward into the vastness of the Wadi Araba, where plans are afoot to build a canal/pipeline connecting the Red Sea to the Dead Sea. The project

will enable the production of electricity and fresh water, giving rise to tourism, industry, agriculture and new communities along the length of the valley.[ix] ASEZA's jurisdiction will likely flow northward with the water.

We arrived back at headquarters just before sunset. The nondescript three-storey building suddenly seemed tiny in comparison to the transformations unfolding around it. Grover Norquist—neocon militant and architect of Iraq's post-2003 tax code—once said: "I don't want to abolish government, I simply want to reduce it to the size where I can drag it into the bathroom and drown it in the bathtub" (cited in Peck, 2004: 392). From the perspective of the sidewalk, this looked like government that could be drowned in a bathtub.

But I hadn't driven down from Amman to confirm these arrangements as such. Instead, I wanted to learn more about a conflict that had been brewing between the ASEZA and locals. Since its establishment in 2002, there had been quite a bit of friction between the ASEZA and the local population. Entire quarters of town were being uprooted to make way for new investment and this had led to considerable protest. On at least one occasion, a stone-throwing crowd met AZESA officials visiting a neighborhood threatened by one of the new resort developments. As a result of these confrontations, the USAID brought in consultants and NGOs to help the ASEZA identify and communicate with local communities. The mission was to transform the conflict into a process of consultation, and even partnership, between the ASEZA and local communities. But in order to act as a partner, these communities would first have to be revealed and presented as coherent entities. Accordingly, consultants were sent out (in some cases disguised as students so as to not awaken the suspicions of locals) to gather statistics, identify potential representatives of the community, to assess local needs and demands, and—ultimately—to convince people to move out.

One of the most problematic sites is Shallaleh, a shantytown with that contains an unofficial Palestinian refugee camp.[x] Perched up against the red sandstone mountains that overlook downtown Aqaba and the Red Sea, Shallaleh provides spectacular views. Yet it is not likely to feature on any tour given by ASEZA officials. Having squatted on state lands that are now under the ASEZA's jurisdiction, the residents of the quarter face

immanent eviction. Investors had become interested in the real estate potential of their land. The case was remarkable for several reasons, not least because no Jordanian government had ever evicted an established and recognized population of Palestinian refugees. There was also the problem that the residents of Shallaleh were refusing to relocate to the housing project that has been built for them just beyond the northwestern edge of the city. As a result, the 700-unit project—named *al-Karameh* (Arabic for dignity)—stands empty, tucked away in the intersection of the two main highways that head north out of town. ASEZA officials responded with a campaign that singled out the neighborhood as a place beset by drug addiction, prostitution, violence and other symptoms of social anomie. Officials were even accused of doctoring an NGO report that had highlighted real problems in the neighborhood in order to gain public sympathy for an eventual forced eviction.[xi]

Shallaleh is divided from the rest of town by the highway that connect the Aqaba-Amman highway to the port.[xii] Most of the houses are cinder-block structures. Bricks or stones keep the corrugated tin roofs in place. Old men and women tend their goats along the train tracks that run parallel to the highway. Kids play on the steps that lead from the track bed up to the first houses. Apart from the extreme housing density, Shallaleh looks much like the bedouin farming settlements one finds in the southern Jordan Valley.[xiii]

As we walked along the highway, a man approached and offered to show us around. His name was Mohammed. Rather than walking straight up into Shallaleh proper, Mohammed led us up along the *wadi* that forms Shallaleh's southern edge, and around towards one of the highest points in the neighborhood. There we met two of his friends. The first, Ahmed, was a young, stout man wearing torn pants, a ragged sweat jacket and a red and white *kaffiyya* tied around his head. He had just finished a shift as a day laborer in the port. The other, Marwan, had sharp features and wore a clean white *jalabiyya*. His *kaffiyya* was blue and draped stylishly over his shoulders. They invited us in for tea. We went in and took a seat on the floor cushion. A satellite antenna brought a Lebanese aerobics program down from the roof and onto the silent screen of a small television, providing the occasion for introductory small talk. "Do you live here?" I eventually asked

Marwan after receiving my glass of tea. “No,” he answered. “I come up here to drink, smoke and talk with friends. Its also a good place to meet women.”

Mohammed, probably anticipating that we had wondered up to Shallaleh because of an interest in the fate of the neighborhood, quickly brought up the issue of the eviction. It turned out they were interested in what I might be able to tell them. I had to say that I didn’t know very much: only that ASEZA was trying to clear them out to make way for the developers, and that the al-Karameh project was ready to be moved in to. “What have you heard?” I asked.

They had heard talk that Shallaleh would become home to sport facilities and a gated community. No one was sure. But they were united in opposition to the eviction. “Life is good here,” said Marwan.

“People don’t want to move to *al-Karameh*,” Mohammed interjected. “People like the life here. There is open space. People know each other and have good relations. It’s not like the richer neighborhoods. People there don’t have contact with each other.” They expressed frustration at the way in which the neighborhood had been represented by ASEZA officials.

Mohammad then noted that the prices of the new flats in Karameh were upwards of JD 20,000 (ca. $30,000). “We won’t even be able to pay the bus fare to get from there to our jobs. How could we pay back the loans that we would need to buy a flat?”

Ahmed took a deep drag from his water pipe. “Things will be cleaner in Karameh,” he noted, the words exiting his mouth in a cloud of smoke. “Ambulances and fire trucks will be able to reach people in the case of a heart attack or fire. And everyone will have running water.”

Mohammed agreed that he had a point. But Ahmed himself also stressed that he would rather stay put. Suspecting that the units would not be designed in accordance with their customs, they were concerned with the effect that relocation would have on relations between people. They all agreed that—at the very least—state officials owed them more information, if not more direct intervention. But the state seemed to have left Aqaba. These guys had probably spent most of their lives trying to evade the state, and now they

seemed to be asking me if I had seen it. Could it be, as a Jordanian Ministry of Planning official had once told two of my students, that the residents of Aqaba were not living in a Jordanian municipality, but in a business?[xiv]

Of course, businesses have a particular priority: profits. And desire for the maximization of profits demands that the city be organized accordingly. As Tamer had said, "Aqaba needs to do what it takes to attract investment and quality tourism." Shallaleh and the beachfront were but two of many relocations. Thousands of Egyptian migrant workers who were squatting in the port area would have to be cleared out. Bedouin living along the southern coastline were being "relocated" to make way for tourism development. Not only were poor people being denied access to the heterogeneous spaces of the city; the heterogeneity of the city itself was being dismantled in favor of an enclaves rendered safe and attractive for investors. The community was being positioned as a kind of special economic zone within the Special Economic Zone, an entity that could be segregated and managed according to preferences of and capacities for consumption. Even the plans for a Chinatown take on a somewhat sinister dimension when seen in this light. Spaces are not only being segregated by class, but are also being racialized.

We finished our third glass of tea and thanked our hosts. Mohammad suggested that we go further up the mountainside to take in the view. "I'll show you the soccer field." I thought I had misunderstood, but soon noticed the prints of soccer cleats in the sand. After walking some two hundred meters further, we heard a piercing whistle. I looked up to see a soldier jumping down the steep hillside, the deep sand cushioning the shock of each impact.

"Where are you going?" The soldier addressed Mohammed, but stared at me. Glancing up, I saw the head of a second soldier staring down over the edge of the hilltop. Mohammed told him that we were going up for the view and the soccer field. The soldier took my passport, examining first the picture and then my face.

"So here was the state," I thought to myself. The soldier eventually allowed us to continue, but warned us not to stay for more than twenty minutes. We walked up behind the guardhouse and around to the football field. Its dimension—circa 30 by 60 meters—

was quite a surprise. From below it would have been difficult to imagine that such a space existed. We crossed the field and walked a bit further before sitting on the escarpment to take in a view that looked almost straight down into Shallaleh, and provided a panoramic view over the northern tip of the Gulf of Aqaba and the southern Wadi Araba. Aqaba was laid out beneath us with hardly a street or building hidden from view. I asked about the soldiers and Mohammed answered that the guardshack had been installed after militants had fired a missile from Shallaleh in 2005, hitting a US warship.[xv]

Continuing part of the discussion we had had earlier, Mohammad gave a graphic account of his best friend dying from heroine addiction, and provided us with the going rates for a half-hour with the "China girls" in the massage parlors downtown. Looking down at into Shalalleh, I noticed a 1990s-model SUV with a Saudi license plate parked next to one of the more ramshackle constructions in the neighborhood. "Are there Saudi's living in Shallaleh," I asked? "There are people here from everywhere," he answered. "Egypt, Jordan, Palestine, Sudan, Iraq. Everywhere."

The owner of the SUV makes his living smuggling gasoline. He drives over the border and fills two 100-liter tanks hidden under the vehicle. Turns out that investors are not the only ones taking advantage of Aqaba's strategic location on four borders.

The representation of the ASEZA as a space outside the state, and the effort to reframe the inhabitants of Aqaba as members of communities (as opposed to citizens), belies the striking variety of relationships that exist between people and states in Aqaba. Many of the original families of Aqaba belong to tribes that span the border between Jordan and Saudi Arabia. They frequently enjoy dual nationality (Jordanian-Saudi). Most of the Palestinian refugees living in Shalalleh arrived in Jordan after being driven out of Gaza by Israeli forces in 1967. Unlike Palestinians who found themselves in Jordan after the 1948 war, their Jordanian citizenship is limited and conditional. They can only get two-year passports and have restrictions on the ownership of property (something that the establishment of ASEZA ironically seems to overcome). There are also a considerable number of people (e.g., businessmen and their families) who have relocated to Aqaba from Amman and other cities in the north. Not to mention the tens of thousands of migrants from Egypt and South/East Asia, and a handful of European and North

American ex-pats (including a handful of retirees). Within ASEZA, these identities are squeezed between claims about "the global" (i.e., necessity) and "the local" (i.e., authenticity). On the one hand, they are subordinated to a post-political rhetoric of market oriented managerialism, and—on the other—to a pre-political rhetoric of community, both of which reposition the political subject in a place that seems to exist beyond the state. Government is reframed as governance: the process of "steering and regulating a world without radical alternatives" (Lemke, 2007: 15). But what this disguises is the fact that it is precisely such a moment—a moment when the sovereign decision is seemingly removed from all apparent political context—that choice between the most radical alternatives is not only revealed, but executed. The existence of the state is made possible through the production of this otherness.

Official and NGO discourse present Shallaleh as a bounded and isolated entity. They ascribe to Shallaleh a particular *nature* that might be transformed to reflect the organic reason of coummunity and markets: i.e., manifestations of nature that have been perfected by reason. But Mohammad's tour presented us to a place already filled with connections to both the city and the wider world. To be sure, elements like the Palestinian refugee camp and informality lend the neighborhood and its residents a distinct identity. But even this is largely produced by outside factors: UN issued ID cards, NGO reports, statements of ASEZA officials to the media, etc. Perhaps it is the particular configuration of these connections, and not some shared cultural essence or discrete corporate knowledge that make *Shallaleh* a distinct space in the city. Perhaps Shalalleh is knowable as such not because it can be reduced to statistics, but simply because it is—literally—on the other side of the tracks. It is a place that holds together not because of any internal essence, but precisely because of the manifold nature of its connections to the city and the world. The community can live together because the city makes it possible for them to live apart. They cross the tracks and borders, and bring the city—and indeed the world—into Shallaleh. And perhaps this is why—in spite of all the architectural concern for authenticity—they do not see themselves in the *Karameh* development; not because it is inauthentic per se but because it sought to reduce the community (literally and figuratively) to some aggregate essence that could be rendered in concrete and

reconfigured in line with a dominant notion of what a community should be. And this in turn reminds us that sovereignty is not something exercised directly by states on individuals and populations, but through things. Understanding "forms of statehood" (or non-statehood) requires attention to not only to issues of spatialization through boundaries, but also to the production and arrangement of objects (including nature itself) through which sovereignty is exercised. Things configure populations by making connections and regulating juxtapositions in time and space: subsidizing the construction of *madhafas*, roads, water and electricity networks, housing projects, etc. (This is why natural disasters can so easily undermine the state's sovereignty.) The complex of subaltern connections that gave rise to Shallaleh is being replaced by a structure articulated so as to reflect the interests of the powerful, and which can be regulated accordingly. And this is a pattern repeated across Aqaba (as in Amman): communities are being identified, articualated and resituated in spaces that—from the perspective of planners and investors—reflect their own particular niche and identity within a political world remade in the image of the market.

On the one hand, the very techniques deployed to "reveal" the community—to make it a knowable object and subject of the political world—are themselves powerful instruments of government that reveal the possibility of the state. And, on the other, facing political sublation into the supposedly natural world of market requirements, the residents of Shallaleh—people who have long lived in informality at the margins of the state—begin to make inquiries into the state's existence. Ironically, only upon finding themselves outside the state did they realize just how political life might actually be.[xvi]

(Re-)Placing the state (thinking the state through its proxies)[xvii]

"Since this 'etatist formalization' constitutes itself into an actual power and becomes its own material content, it is [therefore] obvious that the 'bureaucracy' is a web of practical *illusions, or the 'illusion of the state.'"* – Karl Marx (1983 [1843]: 90-91]).

There is a speculative character to the state that remains unacknowledged both in mainstream theory, and in projects that position some notion of the state at the center of

efforts to transform the contemporary political world. This is not to say that there is no object to which the state refers (Lemke, 2007:5); rather, it is to suggest that the act of identifying an object or phenomenon as stately is itself a political act. So is—perhaps even more so—a claim about the state's absence. To put the state in one place and nature (together with the market, the community, and the society) in another is to make a constitutive claim about political representation and power. And, insofar as we naturalize the categories through which the state is thought, we reduce the problem of finding the state to a matter of cutting nature at its joints. We too easily forget that these are not natural containers of social life, but outcomes of political struggle; the contingent juxtaposition and connection of eventful encounters distributed across time and space. This is one reason why efforts to theorize the state as such so often remain descriptive: in place of a theory, we end up with metaphor (Althusser, 1970). The search for a theory assumes that the state is something universal. We try to think it from the particular to the global. But in practice, we can only think it from the particular to the particular. It can't be understood with reference to a rule, or perhaps not even a theory, but as a paradigm (Agamben, 2009). It is difficult to get one's mind—much less the Thing itself—to sit still long enough to think it through. But perhaps that is the point: movement.

In the study of Arab political life (and in comparative politics more generally) we typically understand the state through the figure of the regime. Indeed, for most observers, the two terms are interchangeable. Accordingly, it seems useful to distinguish between the terms "regime" and "state." At a lowest common denominator, the regime might be defined as the institutions and coalitions that mediate between powers that derive from the hegemony of a statist order on the one hand, and the articulation of interests and identities in society on the other. It refers to forces that have coalesced around the kernel of functional necessity that gave rise to the state as an obligatory unit of political organization in the modern world, and tapped into its agency. As such, the figure of the regime allows comparativists to track, catalogue and compare various manifestations of the state's presence across time and space, and to get on with the business of policy-oriented typology without getting bogged down in the seemingly more existential difficulties of studying the state.

At its best (e.g., Moore 2004, Kienle 1999), work focusing on Arab regimes reminds us that many of today's institutional "pathologies" reflect yesterday's political solutions. It points to the ways in which legacies of late-development and limited state capacity have intersected with the contingencies of regional upheaval (e.g., war, oil booms and busts, rapid demographic shifts, etc) to structure given configurations of interest, imbalances of power, and capacities for collective action over time (e.g., Chaudhry 1997; Heydeman et al 2000), thus going a long way toward demystifying the Middle East's so-called exceptionalism. However, by privileging parsimonious and endogenous explanations of regime-level political outcomes, institutionalist accounts exclude broad swathes of political life from the scope of inquiry tout court. Not only are we left with an image of "the regime" that exists strangely isolated from the complex of global engagements and entanglements that gave rise to the existence of the state, the society, and the economy in the first place (Parker, 2009: 119).[xviii] We also lose sight of an array of novel regulatory arrangements currently being assembled and brought to bear on the government of people and places across the region. In short, the conventions through which the state's agency is traditionally represented are mistaken for the sources of that agency. Rarely is it linked to actual moments and (often distant) sites of its formation. The result is a political science that problematizes Arab life in very specific ways (see Parker, 2009: 111, 119).

Consider the words of Donald Rumsfeld (not something I would normally recommend): "We're not bombing Baghdad," he told CNN on 23 March 2003. "We're bombing a regime." The remark passed unchallenged. It was apparently easy enough to imagine that the regime's "centers of gravity"—to use a favorite term of Pentagon planners—were somehow more real than the shadowy cityscape we saw burning on our television screens. Indeed: policymakers, pundits and academics had provided audiences with the image of an Iraqi regime so omnipotent, and so all pervasive, that it had long since become difficult to imagine the people of Baghdad as living a city at all. But how did "the regime" come to be imagined as something so concrete that the city itself could appear as little more than its shadow? This is not, I argue, simply an issue of Rumsfeld's rhetorical idiosyncrasy; it raises fundamental questions regarding how knowledge about the state is produced, presented and translated into plans of action.[xix]

One reason that we end up with such a figure of the regime has to do with the ways in which comparativists approach (and ultimately avoid) the problem of the state: They look down on the state from above, looking for points where the idea of the state gives way to specific institutional articulations in time and space. The actually-existing state is presented as an object whose exterior constitutes a boundary with the global. The result—for all its apparent realism—is a parsimonious abstraction, an object amenable to techno-political intervention. It thus becomes possible to imagine the state as some essential, immortal substance that—once purified by fire—might be imprinted with the cuneiform of a new order (Parker, 2006: ??).

Frustrated with the level of abstraction (i.e., the parsimonious but deductive realism) of this approach, an increasing number of political scientists have sought to approach and reveal the state at its presumed boundaries with the local; to outmaneuver the state, get below it and observe the Thing from the other side. It is here that the state will presumably reveal itself through its strategic selectivity, and by the ways in which globalist assumptions and discourses are "translated" into specific practices and agencies. (The idea is that it is here that one might see the "strategic selectivity" of the state in action, and that one can then follow the trail of the event back to the center: the institutional location or "condensatory" through which power was filtered, the place where a particular "form of state" might reveal itself) But, more often than not, one never really finds the border in question. Instead, one gets lost in the remarkable contingency of its formation. The path leads in various directions. (The more local you go, the more global you get.) For purposes of comparative theorizing, this will of course not do. Accordingly, the research from below typically holds onto the parsimonious abstraction of comparative theory. As Das and Poole (2004: 6) note, "These parochial sightings of the state lead to a more spatially and conceptually dispersed picture of what the state is, albeit one that is still basically identifiable through the state's affiliation with particular institutional forms."

…

Of course, another way of getting around the problems posed by such contingency would be to simply bracket out the existence of the state, focusing on governmentality as such, or "the politics of the governed" (Chatterjee, 2004; Bayat, ????). But such bracketing out

the state tends to ignore both the ways in which the existence of states give form to the supposedly non-state space, and the complex interplay between and across agencies that give rise to both the state and its others.

…

(I will discuss some recent research on Jordan that seeks to combine this perspective "from below" with the strategic relational approach that Bob Jessop has developed on the basis of his engagement with the work of Poulantzas and Gramsci, and which has in turn been influential in Marxist political geography. I concede to shamelessly turning colleagues and students into ethnographic subjects. Here is an excerpt [minus the more ethnographic excerpts from my notes].)

(One researcher whose work I know well is looking at the various agencies involved in local development in a small, seemingly isolated area in the south of Jordan. The case involves efforts to develop the Wadi Dana—a spectacularly beautiful valley stretching from the high steppe of the Jordanian Badia down to the Wadi Araba [a drop of nearly 2000 meters]—through ecotourism initiatives. A key focus is the largely [but not completely] abandoned village of Dana: while most of the original dwellings are partially destroyed, the site provides a particularly fine example of rural Ottoman vernacular architecture, and—located about one-third of the way down from the steppe—spectacular views. Only a handful of families still inhabit the village; most have moved up to Qadasiyya, a new town that provided families from Dana with better access to roads, electricity and other amenities. Most people work in the recently privatized cement factory nearby, or in the army/state bureaucracy.) The case is interesting because it seems to allow for a study of the interaction between actors and agencies located at different and distinct scales (local, national, global). The main idea of the research is that by looking at points where "global" is translated into "local" practices, one might not only reveal the presence of the state, but also say something about what the state was, and about what it might become. The state in question is revealed through its strategic selectivity: (define). Such a strategy seeks to reveal the state so that we can have a serious discussion about what difference it makes, and about the possibility of its politicization. But this assumes that "the global" is something structured and unified, when the global is in fact something

contingent and ad hoc (Tsing, 2000, 2005; Parker, 2009: 119). Similarly, insofar as one can refer to translation as projects formulated to reflect "global" notions of best practice are implemented in the field, who is doing the translation? More likely than not, it is not (only, or even mostly) the state that is doing the translation, but consultants, NGO workers, stakeholder representatives, and individual bureaucrats who—without reference to institutional norms (except perhaps that of meeting targets)—push things through in the field. Could it be that the state is not above the local, but the local in a different guise?

(The paper will elaborate on this case and discuss two more that are struggling with a similar strategy)

What these case studies have in common is that the state is defined in terms of site or place. Indeed, it is no doubt the "topographical language" of Althusser (1970) and Poulantzas' association of the state with a "place" or "site," and the intrinsic spatiality of Jessop's the strategic relational approach that made this particular lineage of Marxist theorizing on the state so attractive to geographers, who have nourished this tradition by introducing the notion of scale as a seemingly more objective proxy for place. By "placing" the state, it seems that the problem of the state's elusiveness has been solved. But it really turns out to be a matter of a better definition, or—perhaps better said—a more convincing metaphor. By defining the state in terms of place, the theory of the state hinges on one's understanding of what a place is. And there is no rule that defines place: any effort to define place will depend upon some relational claim about the nature of places—a claim that puts one place into a broader set of cases that make it intelligible as such—and this invokes not the rule but the example, a way of thinking that moves not from the particular to the global but from the particular to the particular (Agamben, 2009). As described above, the residents of Shalalleh will characterize their relation to place differently depending on who they are talking to…the authority and intelligibility of the example make the visitor complicit in the production of a place.

...

The apparent solution to the problem of the state's elusiveness—the claim to know what and where the state is—turns out to be based on redefinition rather than any objective

sighting. As Virilio (2005: 36) observed, “One only really sees what one already had in mind.”

…

What the ubiquity of the state reveals most of all is its underlying arbitrariness: the arbitrariness with which a given practice is identified as stately (or not); the arbitrariness of the violence implicated in the formation of the agencies that underpin that practice; and the violence implicated in rearranging the world to conform to liberal reason. This is of course what Marx is suggesting in the citation above: not that the state is an illusion as such, but that the formalization of the state disguises its underlying arbitrariness, and its role in producing the subjects upon which it acts and the categories of existence into which it intervenes. In other words, he hints at the existence of a power that gives rise to both the thing and its others.

Unpacking a void, crossing a border

“For what else is this collection but a disorder to which habit has accommodated itself to such an extent that it can appear as an order? You have all heard of people whom the loss of their books has turned into invalids, or of those who in order to acquire books became criminals. These are the very areas in which any order is nothing more than a hovering above the abyss” – Walter Benjamin (“Unpacking my library”)

THIS SECTION WILL DRAW ON A WIDE REVIEW OF THE ANTHROPOLOGICAL LITERATURE ON THE STATE, MY OWN FIELDWORK, AND SOMEWHAT PERSONAL READINGS OF AGAMBEN, HEGEL, AND MARX TO SUGGEST THE POSSIBILITY OF STUDYING THE STATE FROM AN EMERGENTIST ONTOLOGICAL POSITION. HAVING SURVEYED A RANGE OF RECENT WRITING ON JORDAN THAT INVOKES THE FIGURE OF THE STATE, I WILL RETURN TO AQABA.

How, then, does the state cross a threshold of epistemologization to become a positive figure in its own right; a Thing that might be understood autonomously from other constitutive categories of modern collective life? How does it achieve and maintain its phantom-like objectivity? In two important essays, Timothy Mitchell (1991, 1999) has shown how the act of demarcating boundaries between the state and the economy or the

state and the economy is constitutive of what he calls “the state effect”: the appearance of a seemingly autonomous realm of the political capable of acting upon and invoking the agencies of the economy and the social to shape collective life. What I am trying to do here is show how this threshold of epistemologization constituted not at a general moment in time like, say, the early 19th century (although this is a crucial moment in a transition from a concern with the arts of statecraft to the science of the Thing…re: Hegel’s understanding—at least as read by liberal Hegelians—of statehood as an essence implicit in human history) or the 1930s (when the notion of “the economy” as an autonomous realm was consolidated), but rather as a moment that emerges within the fractured multiplicity of actions and moments in which the signature of the state might be recognized.

…

Borders are, of course, central to our recognition of the state. But rarely do we consider the ways in which they are constitutive of its power. We tend to look at the state within the border, and neglect the borders within the state: the points and moments at which a truly political claim is made and reference made to a place (the state) where the contradictions revealed in that claim might be sublated (Hegel). Thus boundaries that should concern us are not above or below the state, but those that cut through our everyday experience of the state. It is, of course, rare that this experience is radicalized and revealed as truly political, i.e., moments when sovereignty is exposed as such and called into question.

…

(Going back to my notes on Aqaba, I will emphasize the ways in which defining Aqaba as a place or a state space tends to elude the ways its agency sloshes back and forth into regulatory struggles across its apparent borders…indeed, its apparently well delineated borders belie the it is not a place at all…the small size headquarters building at the center of the Zone is hardly surprising given that it the agency referred to in the first section above does not refer to a center, but to a boundary…the center is in fact a void.)

Conclusion: Negative horizons

"Wrapped up as it was in the production of wealth and peaceful competitive contests, [the bourgeoisie] *no longer realized that specters of ancient Rome had guarded its cradle."* Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (1983[1852]: 291).

(SOME NOTES)

The state is a place imagined—and ultimately politicized—against the horizons of nature, market, community and society. As such, its existence is tied up with the hidden histories of violence implicated in the making of these fields. And like these other categories of collective existence, it resists easy inquiries into its origins. There is no ideal type or rule from which we might derive an all-encompassing definition—we are left to ponder the nature of a power that produces both the thing and its other.

In the liberal myth of political formation, man emerges from the state of nature via rational submission to the social contract. For Agamben, human life is per definition political life. It is the state of nature that is politically produced; and it is placing of human life into this state—and not the rules and regularities of the contract—that constitute the fundamental and most radical act of politicization (this being the formation of political sovereignty, i.e., the right to decide over life and death).

…

The formation of sovereignty raises the example to the level of spectacle; it requires spectacle to make an example of something or someone. And it is with reference to the example that the state crosses a threshold of epistemologization; i.e., that we recognize it as a thing. Consider again the myth that underpins liberal reason: i.e., humankinds ascension from natural life into economic and social (if not, ideally, political) life. The story finds its echoes in the signature event of the Roman coliseum: the spectacle of "death by exposure to nature." Not only do we witness the production of sovereignty and bare life, but the public nature of the spectacle renders citizens complicit in its formation…it is not the forum but the coliseum, and more specifically the enactment of a

boundary between the natural world and the world of the state, that provides the paradigm of modern political order.

(with market and community presented as nature perfected through reason…need to link back to the spectacle…Polanyi and the spectacle of hunger, for example)

…

The centrality of borders as opposed to centers in the constitution of state power is also illustrated through the Roman institution of the *pomerium*, a sacred borderland that surrounded the city, and in which it was forbidden to build, trespass or grow crops. It was a space within which the sovereignty of the emperor as god was absolute: a sacred space that might be contrasted with the profane and densely trodden spaces of the forum. … The emergence of a border between the two calls attention to the possibility of a power that creates both the thing and its other. The border is not a margin; it's a center.

…

Liberalism presupposes the possibility of "a world without politics" (Schmitt, ???): in other words, a state in which the state is no longer the state, but its other; the sovereign decision is distanced from the realm of stately practice and resituated in that of the market or the community, worlds in which nature has been perfected by reason. Liberalism depoliticizes public life; it creates an inversion in which politics is transferred into the realm of its other, a space (nature; bare life) where connections can be forged creating new agencies that recast the state from spaces made exterior to it…places where violence can be deployed in the production of order.

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[i] And the dispossessions, dislocations and contradictions of neoliberal statecraft in turn give rise to the human security or moral rescue state (e.g., Amar, forthcoming). The goal is the enhancement of moral and cultural capacities (at least for the poor, as the rich seem to do well enough without moral virtue); i.e., the formation of attitudes and habits made comensurate other commodities that circulate in "the marketplace." As Nietzsche noted: *"...with the aid of the morality of mores and the social straightjacket, man was actually made calculable."* (1967[1887]: 59).

[ii] ; i.e., figures that reflect the deductive realism of mainstream comparative-institutional theory, and that—as such—derive more from a particular way of looking at and thinking about the political world as from any genuine insight into lived political experience (Parker, 2009: 111). In short, we avoid the problem via resort to constant redefinition, salvaging some notion of the state (even if only by proxy) as an object, substance or site amenable to study and techno-political intervention.

[iii] Interviews with Tamer al-Masri (Aqaba, January 2009) and Bilal al-Bashir (ASEZA Commissioner, Amman, April 2009).

[iv] Such talk of course fits neatly into the wider agenda of good governance promoted by donors, benchmarking agencies and international financial institutions. As Lemke (2007: 15) notes, "[good] governance is about steering and regulating in a world without radical alternatives."

[v] (this giving rise to the "post-rentierism" critique that informs the work of Peters and Moore [2009]; Heydeman, 2007, etc; Alissa, 2007; Ottoway; etc...the main difference between the post-rentier argument and the new state space perspective is that the latter is able to accommodate an awareness of the complex and global account of the state's agency, although they are both ultimately concerned with the condensation of strategic-social relations within a given architecture of scale)

[vi] (to actors/agencies both within and outside the formal apparatus of government)

[vii] Its power does not simply emerge fully formed by virtue of the hegemony of a statist order, it is assembled and forged at sites where the political-as-such is suspended: the borders between the state and its others thus have as their originary figure the border between the sacred and the profane.

[viii] Tamer ignored my question regarding the Chinese "message parlors" that have proliferated in Aqaba over the past seven years. Considerable numbers of Chinese small businessmen, workers, and prostitutes have migrated to Aqaba since the establishment of ASEZA. However, their numbers are often exaggerated by the autochtone population (particularly local women), who point to the brothels as a sign of problems being brought in by migrants. The plans for a "Chinatown" complete with shopping mall and industrial zone seemed designed to attract and eventually segregate Chinese investment while at the same time turning it into a potential tourist/consumer attraction.

[ix] The drop from the Red Sea to the Dead Sea is some 420 meters, enabling the production of hydroelectric power to fuel desalinization plants. For one (particularly spectacular) vision of the project—marketed as the "Valley of Peace"—see (give link to video). ASEZA's jurisdiction will likely flow northward with the water. While the verdict of a World Bank financed feasibility study has yet to be published, jurisdictional battles have begun. What does seem certain, however, is that the region will be a Special Economic Zone (or "development zone" in the new parlance of Jordanian and USAID officials). Today there are some 60,000 people living in the area around the southern tip of the Dead Sea, but plans call new development cities with populations of over 100,000 people. In an area where temperatures regularly push upwards toward fifty degrees centigrade, it is no exaggeration to say that the air conditioner is the spearhead of social change.

[x] While Shallaleh is not officially recognized as a refugee camp, it is served by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). Jordan has ten official Palestinian refugee camps and several sites that—like Shallaleh—are recognized as established concentrations of refugee settlement but that are not accorded the official status of camp.

[xi] The authors of the report in question say that while they were describing very real problems, they had problems with the way in which their work was used by the government. The report in question has been carefully kept away from the eyes of researchers (not to mention the public at large).

[xii] Shallaleh lies above the old town of Aqaba. Just follow the main street upwards from the old Ottoman fort at the southern end of the downtown shoreline. After passing through a commercial district one reaches the popular quarters of Old Aqaba. Here, small streets and paved alleyways branch off from the main street (which is lined with small stores and automobile workshops). The area is well kept, but one also begins to see signs of the destruction that accompanies redevelopment. Many structures in the popular quarter of Minareh (to the left of the main street) have been demolished. The neighborhood is almost entirely abandoned. Things look better to the right. The small houses have concrete roofs and a coat of white or sandy-beige paint. Shallaleh is a bit further up: just keep going straight up the hill when the main street starts veering to the left.

[xiii] In fact, most of the Palestinians who settled in Shallaleh as refugees after 1948 and 1967 originate from the bedouin communities of the Neqab (Negev) Desert to the northwest of Aqaba.

[xiv] Maartje Deschutter and Pascal Debruyne, interview with Ministry of Planning official, April 2007. In response to a question regarding whether new municipal election laws would apply to Aqaba, the official declared: "Aqaba is not a municipality; its a business."

[xv] The attack itself was confirmed in a review of media reports.

[xvi] (See *Negative Horizon* pp. 165-167, 175-176)

[xvii] *"Today we are no longer truly seers [voyants] of our world, but already merely reviewers [revoyants], the tautological repitition of the same, at mode in our mode of production (i.e., industrial production), is equally at work in our mode of perception. We pass our time and lives in contemplating what we have already contemplated, and by this we are most insidiously imprisoned. This redundancy constructs our habitat, we construct on analogy and by resemblance, it is our architecture. Those who perceive, or build differently, or elsewhere, are our hereditary enemies."* – Paul Virilio (2005: 37).

[xviii] Something strange happens: these legacies acquire a personality all their own. We speak and write of Arab regimes as collective entities that *do* things. They mobilize the instruments of statecraft and prerogatives of sovereignty to, inter alia, repress; co-opt; engineer electoral outcomes; manage clientelism; consolidate narrowing bases of political allegiance; design survival strategies; capture the benefits of reform; and intervene to de-politicize sites from within which organized political opposition could potentially arise. For strong and well-researched arguments on each of these points, see (respectively): Kassem (1999); Pripstein-Posousney; Lust-Okar; Ehteshami and Murphy 1996; Robinson 1998; Brumberg 2002; Wiktorowicz 2002, Langor 2004. Typically, depoliticization is attributed to regime intervention, and never to the broader "post-political" imperatives of good governance, community empowerment, transparency and other (sometimes seemingly progressive) neoliberal discourses. For all of these observers, an awareness of a shared base of power and privilege is seen to encourage regime solidarity in the face of external threats. Accordingly, Arab regimes not only act collectively, they also think collectively: scholars and policymakers alike refer to the regime as an entity that is aware of the world it inhabits. The regime is thus constituted as a class for itself; "the more or less unscrupulous clique in power" (Sluglet, 2005). Or, to paraphrase Mosca, the regime represents the organized minority against which each individual in the majority stands alone. The agency embodied in this formation is typically embodied in the person of a president or king who sits at the center of complex webs of patronage, identity politics and violence. Thus, "regimes" in the Arab world tend to be associated with a key personality or family-based clique (e.g., Mubarak, Hashemite, Asad, Saudi, Saddam, etc). For example, Charles Tripp (2002:???) suggests that the cohesive worldview of regime cohorts, the primacy of military force, and the principles and structures of patronage "allowed Saddam Hussein to shape the political field to suit his own predilections and to reflect his conception of political order." Anderson and Stansfield (2005: ???) put it even more succinctly: "By the end of the 1970s, the state apparatus controlled Iraq, the Ba'ath party controlled the state, and Saddam controlled the Ba'ath party." Jordan, otherwise very different than Iraq, could be characterized along similar lines: (Quote from Schlumberger and Bank). "The regime" is positioned as a seemingly more objective proxy for the oppressive state of liberal imagination, which interestingly links back to the original usage of "regime" as a figure of liberal political thought in the 18th century.

[xix]… success or failure of the minimalist, market-oriented approach to reconstruction and governance taken by the Bush Administration depended a particular set of metagovernmental assumptions. Not only neoliberal assumptions, but also the assumption that outside forces would contain aggregate dynamics at Iraq's national borders. Indeed, the neoconservative contempt for the state masks its own methodological nationalism. Iraq's supposedly omnipotent central state provided a target and rational for intervention, but—once purified by fire—it would somehow continue to exist as a thing around which other things might be organized and held in check. (As such, methodological nationalism might be seen as a technology of metagovernance in its own right.)

State Making and the Suspension of Law in India's Northeast

The Place of Exception in the Assam-Nagaland Border Dispute

Bert Suykens

Introduction

Post 9/11, exceptionalism has won popularity to describe the variety of processes resulting from a new security discourse, the war on terror and the treatment of terrorism suspects (Huysmans, 2006). Indeed, the central case to argue and counter argue the usefulness of the concept of the state of exception, often in Schmittian (Schmitt, 2005) or Agambenesk (Agamben, 1998, 2005) terms – or both – is the "modern camp" in Guantanamo Bay (Gregory, 2004, Minca, 2005, for a critique see: Johns, 2005; Reid-Henry, 2007). Other key cases include the analysis of (illegal) migrants (Edkins & Pin-Fat, 2005; Salter, 2008) and, interrelated, of the securization of border regimes (Amoore, 2006; Basaran, 2008) where the discussion on the inside and the outside of the state and the sovereign power seems to be most profound. Little attention has however been awarded to exceptionalism away from this security and terrorism discourse.[1] What is more, most cases are only used to make a theoretical argument about the state of exception and the attention to a particular case seems to be little more than a corollary of a theoretical positioning. This has resulted in what I would call a search for and adherence to an ideal type state of exception, glossing over particularities, idiosyncrasies and eccentricities of informed case studies, and, in the end, loosing some of the dynamism and richness which could form a part of a careful study of states of exception in different parts of the world.

In this article I want to focus on a *place* of exception, and analyse *how* the exception takes place, *where* it takes place. I use the state of exception - "the suspension of rules and conventions creating a conceptual and ethical zero-point from where the law, the norms and the political order can be constituted" (Hansen and Stepputat, 2006: 301) - as a starting point. Rather than focussing on the theory of the exception (see among others Prozorov, 2005;

[1] Moreover, the ethnographic work that relates to Agamben has focussed almost exclusively on bio-politics - and Agamben's description of the Homo Sacer (Agamben, 1998) –, mostly as a supplement to or critique on Foucault's work (Das & Poole, 2004; Hansen, 2005).

Huysmans, 2008)[2], I want to understand how is in fact practiced in specific localities (see also Jones, 2009: 880).

In this paper I more specifically want to investigate how political order is being constituted in the place of exception - "where the state of exception can be located and the particular bodies, and specific actions, which trigger the decision on the exception can be understood" (Jones, 2009: 883) - and what the relation is between the removal of 'normal law' and state making – understood as an ongoing process, rather than a "mythic initial moment" (Steinmetz, 1999: 9). I indeed conclude that – in line with Agamben -, although law is often seen as central to the state, state making and the suspension of law are not mutually exclusive (Neocleous, 2006). As such, I am less interested in the detrimental aspects of the state of exception or its violent hold on bare life, but rather want to investigate how in a specific place of exception state making is supported. The suspension of rights does not have to result in a withdrawal of the state, or the imposition of a violent state. Concentrating on everyday practices - in line with Didier Bigo's (2007: 25) discussion of "waiting zones" or Caroline Humphreys (2007: 420) work on "localized forms of sovereignty" – I will show how the absence of rights provides opportunities for local people (see the critique of Huysmans, 2008) as this absence forces the state to negotiate itself back in and as such a prime locus to look a state making.

I will draw on the specific case of the border dispute between Nagaland and Assam, two states located in Northeast India[3]. Although by default located at extremities, border regions can be at the heart of the "meaning of the nation" (Megoran, 2004; Jones, 2009). Political borders offer prime locales to look at the "tight linkages between the territory, the people and the state" (Jones, 2009: 882). People that are seemingly excluded or marginal can become of central importance to the state and state agents as they symbolize the inclusion of certain, disputed territory within a particular nation. This inversion of the relation between periphery and state can help people living under the exception to claim public goods, and conversely compels the competing authorities to grant exemptions and try to defuse the status quo – at least for 'their' population. The different potentialities in constructing a new political order in

[2] The work of Agamben (1998, 2005) is thus more an inspiration behind than the direct subject of this paper.

[3] I do not, as Constantinou (2008) has done for Cyprus and to which Sanjib Baruah (2007: 12) hints when he heckles "the reliance on a permanent regime of exception by the state", consider the whole region to be a place of exception, which risks to turn the exception in a panopticon, through which everything can be seen and understood.

the border – a process which has continued notwithstanding the perceived standstill – makes that "people […] can enter into a negotiation of identity and political space that produces different political outcomes". (Raeymaekers, 2009: 63).

The Disputed Area Belt (DAB) between Assam and Nagaland offers a prime locus to better understand the struggle to constitute a political order in a situation of "unsettled sovereignty" (Hansen and Stepputat, 2005: 27), where the link between sovereignty and territory is far from straightforward. In the 1970s the two state governments concluded interim agreements to control the border dispute – at the instigation of the central government. These agreements were meant to temporarily install a status quo until a solution, with the support of a centrally appointed arbitrator, could be reached. This should not only have stopped further encroachment into the DAB, but indeed made any change which could alter the balance between the two states subject to interstate negotiation and agreement. This should have frozen the data, in order to find a solution on the border conflict. Yet, in the absence of a definitive agreement over the delimitation of the border, the interim agreements have become permanent and so has the exceptional regime that they installed.
In effect, this border conflict has resulted in the suspension of 'normal' law and produced a status quo[4], a "suspended temporality" (Vandekerckhove, 2009). Although, at first sight, this regime might seem detrimental, we will show that it also offers opportunities.

Especially, as in this case the imposition of the exception did not herald a complete break, but can only be understood within the context of the ongoing struggle to control populations within the DAB. The imagination of a historic distinction between plains people of Assam and the hill tribes of Nagaland (Baruah, 2002: 29, see also Scott, 2009) is central to understand the difficulties in negotiating a political solution for the border dispute and to the claims and counterclaims made in the DAB. Moreover, legally, no human population is allowed to reside in the DAB, as it is officially forest land. Yet the massive encroachments on the Reserved Forest land - which effectively transformed the DAB from a forest to an agricultural zone – help to support the claims made by both states in the border conflict. As such populations became a tool to claim territory.

[4] This term came up in most of the interviews conducted (see e.g. the quote in the title of this article) in the DAB.

After the interim agreements this process did not stop, but transformed in a further transformation of all private matters into public ones, as any private action became a weapon for either one of the state to extend its claims. Notwithstanding the official policy of maintaining a status quo, both states thus continuously try to cement their identity claims on parts of the DABs territory. As a consequence, the divide between public and private goods has become blurred. Durable private goods (attached to populations), like houses, become indeed public as their presence helps to support the state making project of one or the other state.

Fieldwork in November-December 2008 in the Disputed Area Belt (DAB) of Golaghat district and in Nagaland, as well as government papers and reports, form the main basis for this article. The rest of the article will be organised as follows: (1) I will discuss the installation of the status quo under the interim agreements, under which 'normal' law was suspended, show that this suspension is rooted in a longer history (see the critique of Neocleous, 2006) of (2) exclusion between hills-plains populations, and (3) illegal, but government sponsored, encroachment into forest area, (4) show the contemporary interlinking of maintenance-contestation and public-private in the everyday negotiation in a place of exception, (5) reveal the opportunities for non-state contestation and highlight the possibility of this unregulated population to look for support beyond the state by looking at the role of the Naga underground in the DAB.

The Interim agreements and the suspension of 'normal law'

In August 1971, the Indian Ministry of Home Affairs appointed K.V.K. Sundaram as adviser to the border dispute, as the two state governments could not agree to delimitation. Awaiting his report four *interim* agreements, of which the fourth refers to Doyang RF[5], were signed 1972. These agreements were only meant to be temporal measures to maintain "peace and tranquillity". As the Sundaram (1976) report was rejected by the Nagaland government, these exceptional and temporal agreements have been active till now. Moreover, an interstate meeting in 1979, called after a violent confrontation in Chungajan, cemented the place of exception in the Assam-Nagaland border. The interim agreements were meant to suspend and contain the DAB in time and space, until a solution could be reached. According to the agreements, everything that might affect the status-quo has to be decided upon by interstate

[5] The other three RF in the Doyang-Dhansiri valley did at this time not fall under the agreements.

negotiation. The status quo became the prime locus to negotiate the "unsettled sovereignty" (Hansen and Stepputat, 2005: 27) over this former buffer area.

Interstate violence has regularly marred the system of continuous negotiation. The central case in this respect –albeit not the only one – is the Merapani incident of 4-6 June 1985, where Nagamese and Assamese armed Police clashed. Twenty-eight police officers and thirteen civilians died in the three-day violence (for an official overview, see Shastri, 1987). This incident would introduce the neutral force to Doyang RF – it had been already been deployed in Diphu, South Nambor and Rengma RF after the Chungajan incident in 1979. While both governments put the blame for the armed confrontation with each other (Government of Assam, 1985; Government of Nagaland, 1985), it must be clear that these incidents continuously re-enact the process which led to the installation of the regime of status quo, going around negotiating and toward confrontation. While political negotiation normally contains violence, violence and violent conflict has not been removed from the DAB. In the end, as a legal solution for the area has not been reached, the political opponents are sometimes forced to show muscle power to maintain their political influence in the DAB.

As a consequence of the Merapani incident, in 1985 it was agreed to put the maintenance of law and order in the whole DAB in the hands of the Central Reserve Police Force (CRPF) (and in lesser numbers: the Assam Rifles)[6]. They, as a 'neutral force', under the direction of both Assam and Nagaland, now became the guards of the place of exception, who should see to the maintenance of the status quo. Their contradictory role is most lucidly illustrated by an anonymous member of the force: "We man Border Outposts, mostly located on the big roads and more or less between the Assamese and the Naga. You know, Border Outposts are normally located at the border of our country, to defend our country from foreign aggression. Is this the border of India?" (interview with CRPF member).

While both states want to make sure their opponent does not infringe on the interim terms of the status quo, they also try to alter the relations of power in the DAB. The Nagaland government has for instance organised overlapping sub-divisions in the DAB. This is where the "unsettled sovereignty" (Hansen and Stepputat, 2005: 27) gets its complete form. In 1991 two subdivisions, Niuland and Kohobotu were established in Diphu RF (Sector A) and in

[6] In 1979 the CRPF became arbitrator in most zones of the DAB, in 1985 (see further) the last zone, Doyang also came under the CRPF.

2006 two more subdivisions, Uriamghat and Hukai, were established in Rengma RF (Sector C) (Gohain, 2007: 3281-3282). Certainly Niuland and Kohobotu, which are administered as a part of Dimapur District, are well established, with an Additional Deputy Commissioner residing in Niuland. I will later elaborate further on the complicated and ambiguous nature of the states' positions as the states purport to maintain the status quo vis-à-vis each other and they contest it at the same time, using populations and goods to alter the status quo.

The failure of the central government to arbitrate in the matter and propose a settlement is critically visible in the disappointing results of the different commissions installed by the Home Ministry and the Supreme Court – Sundaram (1976), Shastri (1985), Pillai (1997) and currently Variava (since 2006)– to find a solution, or at least take the negotiations to a new level. The Sundaram report was rejected by Nagaland – as it also rejected most of Nagaland's claims to territory – and the Pillai report even by both states. Disillusion with the real commitment of Delhi to solve the border problem is also very common in the DAB itself: "They sit in Delhi and Gauhati and write their report. Maybe they will come here for one day, maybe two. How can they understand our problems. We have lived here for the last thirty years". Many Nagamese civil society organisations did not even bother to send a memorandum to former Justice S.N. Variava – unlike their Assamese counterparts – to make their claims: "Assam will come with all the official documents. All I know is what my forefathers told me. Our Ancestral domain was up to Furkating [the railway junction near Golaghat town]. It is our land"[7].

Hills-plains and colonial territoriality

The border dispute has to be understood in the context of the imagination of a distinction between hill (Naga) and plains (Assamese) populations (Baruah, 2002:21-43). The DAB and especially its section on Golaghat, forms a zone of contact or friction between these to 'societies'. As such, it is also a zone where these self-evident distinctions are and were questioned. Not surprisingly, this clearly fits in with James Scott (2009) most recent monograph, in which he specifically investigates the creation of these distinctions in upland

[7] According to another claim which was repeatedly made – but which is difficult to investigate – the Government of Nagaland had send all the documents, including a map, that proved their claims to the Government of Assam, who however lost/destroyed all the documents. So the sole copy of all the proof was stolen and could not be recovered. Strange enough, this is very reminiscent of stories about the loss of writing in Zomia (Scott, 2009: 220-237).

Southeast Asia, in which he also includes the northeast of India.[8] Although we could quote extensively from Scott, of singular importance in understanding the DAB – witness is the final quote of the previous section – is his treatment of the colonial mapping of tribes and the territoriality involved: "The colonial ethnographers' map said they were A, but they said they were B and had always been" (Scott, 2009: 242).

For the British colonizers, the current DAB, formed a threshold between their sovereignty and its borders. This threshold was formally delineated by the Inner Line Regulation. The line was drawn along the foothills, and "[b]eyond the line the tribes [were] left to manage their own affairs with only such interference on the part of the frontier officers in their *political* capacity as may be considered advisable with the view to establishing a *personal* influence for good among the chiefs and the tribes" (Mackenzie, 2007: 89-90, emphasis added). Making the British administration not extend to the areas beyond the Inner Line and relying on the "political" and "personal" influence of its officers located at the border, excepted the hills from becoming a part of the British empire in toto. Moreover Edward Gait, colonial administrator and historian of Assam, wrote in 1926 that "it was not always convenient to define the actual boundary of the British possessions, this line does not necessarily indicate the territorial frontier but only the *limits of the administered area*; It is known as the "Inner Line" and…it does *not* in any way *decide the sovereignty* of the territory beyond" (emphasis added) (Gait, 2008: 387). While the Inner Line did not limit the sovereignty of the British Empire over any territory, the people living in the territory in question did not fall under the British administration. Consequently, the Inner Line regulation exempted the "unadministered Naga Hills" from its laws.

As Sanjib Baruah has convincingly argued, the creation of the Inner Line in 1873 profoundly hardened the "boundaries between the hill "tribes" and the plains peoples of Assam" (Baruah, 2002: 29). He clearly shows that in the case of Assamese and the Naga, "substantional political, economic, and cultural relations" (Baruah, 2002: 31; see also: Kar, 2009) did exist, although after colonization the difference between the "modern" and the "primitive" was

[8] Although he immediately starts to qualify this statement, by stating that "[h]ill societies are, as a rule, systematically different from valley societies" (Scott, 2009: 21), we have to be careful to let this understanding reproduce some of the state making techniques Scott is interested in. Certainly in those areas where the hills meet the plain, as in this case, we have to investigate the meaning of this distinction in these threshold regions. Indeed the DAB might be a place where the construction of this distinction can be best researched, as a zone of indistinction – whether it is the end of the plains or the end of the hills – where the distinction between hill tribes and valley people are made.

exacerbated. The hills were reserved for the unadministrable "savage tribes" (Allen et al, 2008: 469) and the plains for civilized rule. While the plains were subdued by law, "[t]he story of the early British relations with these tribes is one of perpetual conflict" (Allen et al, 2008:469). This strict depiction of the Naga as living in the hills is still very apparent in the post-colonial official writing on the border area. In an official report on the Assam-Nagaland border dispute, Sundaram (1976: 25) clearly states that "the plains area was at no time occupied or inhabited by any Naga tribe. It is well known that the Nagas built their villages on the top of the hill ranges and did their jhum [shifting] cultivation on the hills (sic) slopes". A Naga occupying or inhabiting a plain seems to go against all common knowledge.

The delineation of administered and unadministered territories and districts changed over time as the pressure to put more land under cultivation – partly for rubber and tea plantations – pushed the internal boundary deeper into the foothills (see for a discussion on the foothills: Kikon, 2008). While Mackenzie (2007: 77), following Dalton's Ethnology of Bengal in 1884 discussed the "Nagas to the east and those to the west of the Dhunsiri [Dhansari]" and "Nagas to the west of the Doyeng [Doyang]", these areas west of both rivers are currently located in Assam. Indeed, it are exactly the areas west of the Doyang River, between the Doyang and the Dhansari that form the main bone of contention between Nagaland and Assam.

A comprehensive discussion of the different transfers of land in and outside the Naga areas falls largely outside of the scope of this article. The exact delimitations are far from an exact science, as the descriptions of the boundary are far from clear and comprehensive, while on the ground markers, like old boundary pillars, are not always easily retraced or available. However the comparison of three indicative maps (Fig. 1, 2 & 3), of the situation in 1874, in 1898, and the contemporary map of Assam-Nagaland reveals some trends[9]. The repeated transfer of land outside the Unadministered Naga Hills and into the Naga Hills District[10] and certainly Sibsager district and the consequent reterritorialisation of the Naga and Assamese

[9] These maps are not to scale and only indicative. They are only meant as an illustration and although I have tried to reproduce them as accurately as possible, they are not detailed maps based on original survey maps. The outline of Assam is its current territory and not its historical one. I have used the contemporary outline for easy reference between the three periods.

[10] We must still be careful to equate the name Naga Hills District, with Nagamese tribes, as they are considered now. Currently, what was the Naga Hills District has become Karbi Anglong district, with predominantly Karbi and Dimasa populations, although with a Naga presence.

areas, and between administration and unadministration lie very much at the heart of the dispute. The central crux is the notification of 1925, which consolidated the boundary changes since 1866 – the constitution of the Naga Hills district,- and gave permanence to the exclusion (from 1898), central to the current debate, from the Naga Hills District of the area between the Dhansiri and Doyang rivers, which is currently part of Golaghat District. While the Naga refer to the 1925 transfers as a colonial sham, for the Assamese, the 1925 notification the Naga "cannot claim any areas outside its boundary as morally, legally or constitutionally to it" (Bhattacharyya, 1995: 16).

The creation of the state of Nagaland, in 1963 did little to change the claims[11]. Insurgent groups, fighting for an independent Nagaland, have been active in the Naga areas since Indian independence. Symbolically, some Naga leaders even declared Naga independence from the British – and consequently also from India – one day before Indian independence. In the 16-point agreement leading to the creation of this state, the moderate Naga leaders who supported the creation of the state reiterated the demand for "the consolidation of forest areas" and "the inclusion of the Reserve Forest and of contiguous areas inhabited by the Nagas". This demand is important when considering the current situation of the DAB. Four RF (Doyang RF, Rengma RF, Nambor South RF an Diphu RF), agreeing to four sectors currently under the DAB (respectively D, C, B and A), are located alongside the current Nagaland border in Golaghat. This forest belt was installed as a buffer and a no-man's land to protect both the inner line, and to keep the "wild tribes" (Mills, 2008: 387) in the hills. Forest law in India, both during British times and after independence, is very strict. RF is government property and until very recently[12] any use of the forest, not under Forest Department supervision, is strictly forbidden (Suykens, 2009; see also Jewitt, 1995). Yet the disputed nature of the forest tracks allowed breaking this restrictive regime.

Illegal encroachment and state making in the DAB

[11] From undivided Assam the new states of Arunachal Pradesh, Nagaland, Mizoram and Meghalaya were separated during the 1960-70s. Nagaland still falls outside the normal territory of India as Indian nationals still officially need an Inner Line permit to enter Nagaland, and foreign nationals need the very restrictive Protected Areas Permit. It is telling that the Nagaland Security Regulation, 1962 (no. 5 of 1962), giving wide prerogatives to the police and armed forces, was voted even before the State of Nagaland Act, 1962 (no. 22 of 1962).

[12] Now some things might start to change with the Tribal (Recognition of Forest Rights) Act, 2006.

> "What can I do? You have seen it, there is no forest left. I cannot protect what is not there." (Forest Official, Golaghat)

After independence encroachment took place on a massive scale in these forest areas, from the Assamese side in Doyang RF and from the Naga side in Diphu RF and from both sides in Rengma RF and Nambor South RF. This encroachment is related to two main post-colonial developments in the region: the pressure on land in Assam and the Naga insurgency. The lack of government control on these encroachments was not the result of state incapacity. Clearly, allowing for encroachment was instrumental to state politics in the border areas, as state making in the disputed area could be better supported by people than by trees.

Encroachment from the Assam side gathered steam in the 1960s after the Assam government settled some retired army personnel between Chungajan and Bokajan and issued patta (land rights) to them in 1962 (Kindo & Minj, 2008: 25). Landless peasants – or peasants from floodplains – from Lakhimpur, Bangladeshi migrants and refugees and ex-tea garden labourers or their children all encroached on the forest in search for fertile lands. Certainly around Merapani in Doyang RF (sector D), from 1911 designated as an official forest village, encroachment skyrocketed and currently, the whole of Doyang RF has disappeared. Many schools, both Assamese government as private schools have been opened since 1971. The principal of the first school to open in the Merapani area reminisced clearly that the demand had come from the state government to open an Assamese language school for the growing population. In this case the timing – 1971 – is important, one year before the interim agreements would be signed.

Encroachment from the Naga side also started in the 1960s. In the 1950s Diphu, Nambor and Rengma RF were often used as bases and as a safe passage to what is now Karbi Anglong. Indeed, the Assamese army personnel given patta in 1962 were exactly posted their as a deterrent for the Naga insurgents (Kindo & Minj, 2008: 25). After the 16-point agreement and the creation of the state of Nagaland in 1963 many Naga, mostly Sema, moved into the former base areas and started cultivation. The result has been the same as in Doyang RF: the forest has now disappeared. Mirroring the activities of the Assam state government, Nagaland has also started building Naga schools and making illegal occupations of forest land licit.

Notwithstanding the whole area has been brought under agriculture from both the Assam and Nagaland sides, the land remains officially forest land. No patta rights have been given, nor does any legal protection pertain to the lands in the area[13]. However, while the practice of encroachment itself is illegal, it was at the same time tacitly allowed and even encouraged by the state governments in a growing struggle to maintain the territorial rights over this disputed land. Official government support for the encroachers and unofficial government encouragement to new settlers has been common. For both state governments the numbers game, allowing as many of 'its own kind' to live illegally in the wasteland, supported their claims to a particular territory. These encroachments were not the result of state demise, as the state also used their capacity to destroy houses and evict people 'from the other side' in the disputed area (see Bhattacharyya, 1995:23) to cement their claims.

From being at the fringes of the colonial and postcolonial Assam, the encroachers became central for both states to assert their territorial stakes. Both governments wanted to proof that this area had been part of the Ahomiya (Assamese)[14] or Nagamese (Rengma, Lotha and Sema) ancestral domain. Although the encroachers were living in illegality, they became the cornerstone of their community. Much of these discussions are of course reminiscent of Gupta and Ferguson's (1992: 11-12) well-known discussion of the politicized "imagination of places" and Liisa Malkki's (1992: 24) assessment of the "territorialization of national identity". In this case allowing people to move into illegality – or in other words making encroachment licit – formed a central part of the territorial state making of both Assam and Nagaland.

The interim agreements tried to freeze the illegal encroachment in the DAB, but also removed the option of regularisation. The forest land as an opportunity for landless peasants, transformed; while earlier encroachment was tacitly allowed, now each state tried to put a halt to each others infringements. Consequently, the open encroachments stopped and the suspension of 'normal' law installed a new regime in the area. Yet, while this exceptional measure at first sight might have indeed stopped further encroachments, after the interim agreement, this process would continue. While people had earlier migrated into the "wasteland" in search for scarce land, became encroachers, but were encouraged by the state

[13] For a discussion of the land problem in one part of the DAB, Nambor RF, see Saikia, 2008.

[14] For an interesting discussion on the re-imagination of the Ahom nation, see Saikia, 2004.

governments (e.g by services like schools) after 1979 they were no longer illegal. The status of people living in the border zone has become undecided and outside normal law. The strategies employed in the border area changed. People were still able to move and settled inside the DAB, although their tactics and those of both state governments changed.

Private-Public goods and the interstate maintenance-contestation of the exception

The maintenance of the status quo necessitates a permanent negotiation, as any change in the DAB is officially the subject of an agreement by both states. Yet simultanously both states try to secure privileges for 'their' population. Not only are public goods used by both states to maintain and support their claims on a particular area, private goods are also rendered public. In fact, every life in the DAB has a clear public function. As such the dichotomy between private/public does not hold in this place of exception[15].

First, the role of public goods in forming state claims is the most clear. In an effort to inhibit the competing government to use infrastructure as a weapon to secure their hold – in line with the rationale of the status quo –, the road grit has suffered most as no new roads can be laid out. On the other hand, by recognising schools - or for that matter churches and temples - that have been set up "by local people with their own efforts without Government help" (from the records of a 1981 meeting between Assam and Nagaland in Kohima), both states have been able to extend their networks of power, inducing private persons to start such public services (e.g. the first, 1971 school) with the promise to recognize them as soon as they are established, certainly diffusing the public-private divide. Another example of these public goods[16] are the Nagaland State Transport bus services, which form a kind of moving infrastructure to highlight Nagaland's presence. Using the DAB roads is not only quicker than reaching Wokha and Mokokchung from Dimapur through hilly Nagaland. The service, with very regular stops along the way, is almost exclusively used by Naga living in the DAB and is clearly perceived by Naga interviewees as a direct link to Nagaland and in fact the proof that they form intrinsic part of Nagaland.

[15] It is useful here to remind ourselves of Agamben's description of the Flamen Diale and the Führer at the end of Homo Sacer. For the Flamen Diale private sphere and public function have become identical, while the Füher "can certainly have a private life, but…his existence as such has an immediately political character" (Agamben, 1998: 183-184). For a more general discussion on public-private, see: Weintraub and Kumar, 1997.

[16] There are many more, like post offices, veterinary services etc.

Secondly, private housing forms one of the main stumbling blocks for people living in the DAB. Not only do new families emigrate to the area, established families also expand and need more room for their family. Notwithstanding, quite a few hardware shops sell building materials in Merapani, in the heart of Sector D. As putting new houses up is not allowed according to the interstate agreements, most of these illegal buildings are locally described as "renovations". The CRPF is not known to have demolished too many buildings, certainly not from the Assamese majority population in Doyang or the Naga majority population in Diphu RF. Anil Barua, an Assamese schoolteacher, for instance, built his entirely new 'renovation' only a few years ago. Initially the CRPF had threatened to remove the structure, but he had been able to proof it was only a renovation, albeit of a small garden shed of his neighbour's house. Some CRPF members also quite readily and quite unofficially admitted that, although the interim agreements stipulate that they have to demolish all new structures, under political pressure they allow for the licit "renovations" and only destroy excessive "illegal" structures. For people like Anil the current status quo offers some protection, as his house, located inside a Reserved Forest his house is of course illegal. He did not consider this to be a major problem as him – a proud Ahomiya – living there supported the claims of Assam, a state he was certain would win the struggle over the DAB and would regularise his situation.

For both states, private infrastructure clearly serves a public function, as indication of one of the state's domination over a specific population in a specific territory. Property rights are removed from the legal and personal to the public realm and the externalities of the private goods render the division between private and public goods meaningless. Indeed, the popular maxim 'possession in nine-tenths of law' does not hold true in the disputed border zone. The maintenance of possession has clearly been removed from the legal terrain. It has moved towards a threshold were agents, like the CRPF-commanders or their relations in the administration, by virtue of their role in maintaining the status quo – as the prime local agents of the exception – grant the temporary suspension of the status quo. However, as the final decision, which territory belongs to whom, and which rights will be granted by which state, remains the subject of political negotiation, people are granted only what we could call 'interim rights', which only hold as long as the current politically negotiated situation persists.

Land ownership is also a matter where private rights and public ownership become confused. Patta, land documents, have not been issued in the DAB, initially because of its nature as reserved forest land. These patta rights form an important grudge of people in the DAB

against the government (Saikia, 2008). Given the interim agreements, granting patta rights remains however very precarious[17]. As administrative sanction has not been secured, direct intergroup negotiation at the local level is used to solve disputes. Yet the outcome of this negotiations often get a complicated semi-official status. To maintain "cordial relations" a Peace Committee, with members both from Nagaland and Assam, is active in a particular part of Doyang RF. They negotiate between the two communities, if and when a land problem has to be settled[18]. Their activities were by often derogatorily described in interviews as "purely political". This description illustrates perfectly the everyday reality of life in the border zone. As ownership rights can not be referred back to the state, the delimitation of these rights, and consequently disputes about them, have to be settled by direct negotiation between farmers and their leaders (often goanburas or village heads). The negotiations within the peace committee take place in the "neutral" CRPF camp. This venue indeed gives a legal gloss to the outcome of the negotiations. While the CRPF admitted that the outcome of these negotiations – the minutes of the meetings of which a copy also is kept by the CRPF – has no validity in any court, the decisions acquire a complex juridical-political status in the border zone and seem to open up a space between the legal and the illegal. As the alternative for these informal accords is a complex interstate discussion, local settlement has clear advantages (both for the parties and the CRPF), although the enforcement of these decisions only holds as long as a political settlement between the Assam and Naga states holds.

An Assam Police Officer was quite blunt in giving his assessment of the complicated nature of society-state relations in the DAB: "The interim agreements force people to bribe the administration and the CRPF. As a status-quo is impossible to maintain, we have to bribe them. It is an official system of bribes". Some friend of Anil were indeed quite certain that, with the proofs of the garden shed's existence some money had changed hands. "But that is to be expected". Quite a lot of research in and on India has focussed on bureaucratic corruption and the use of public office for private gains (Gupta, 1995; Das, 2004). In the DAB this bureaucratic corruption has a very ambiguous meaning. While most commonly bribes are used to make the illegal legal, bending the law in such way is a fiction in the DAB. What is done in effect is momentarily suspending, case by case, the status quo and to give semblance

[17] On regular intervals different government ministers have proposed to give patta rights to the people living in the DAB, which seems almost impossible to negotiate between the two states (interview with former Assamese Minister of Agriculture).

[18] They also negotiate in other intergroup difficulties, but their main focus is on land.

to a legal reality, where in fact there is none. These bribes can only hold as long as the border remains under dispute, creating a regime of "suspended temporality" (Vandekerckhove, 2009). As every fact recorded in the administrative files of the border administration is open for renegotiation – when and if a solution on the DAB would be reached -, the "renovations", whether or not officialised through bribes, remain in the end prone to destruction. At the same time, administrators in the DAB who accept private gains – bribes - to help securing private benefits for their clients are not simply undermining the state. The administrations help securing infringements on the status quo – mostly by using their relations with the CRPF - actually supports the process of state making for their 'side'. One could argue that by choosing who to bribe, people living under the exception are not only trying to secure private benefits, they are also supporting the state making project of one of the contenders for sovereignty over the area, they are providing legitimacy to Assam or Nagaland.

The Naga underground: Protecting Nagalim

Voicing a local concern, the national newspaper The Hindu (26 December 2006) placed the responsibility for Naga encroachments in the DAB with Assamese politicians and administrators. Although the responsibility for progress on the official level lies indeed with Assam and Nagaland, their influence and governance over the DAB is far from complete. The different factions of the National Socialist Council of Nagaland (NSCN), Naga nationalist insurgents fighting for an independent Nagalim (see Fig. 4), are very active in the DAB clearly defying the authority of the Assamese government in the Naga controlled areas of the DAB. Assamese state officials do not enter the southern part of the DAB without a large CRPF support, out of fear of getting ambushed by the NSCN operatives. Although the NSCN factions have entered into a peace agreement with the Indian state and are officially not allowed to enter the DAB armed, the insurgents feel it is their duty to protect all Naga living in the ancestral domain. As such, securing the DAB is considered a first step in securing the whole of Nagalim, the unification of all Naga inhabited areas.

Moreover, many Naga leaders consider the NSCN members as "national workers", and their administrative structures – the Government of the People's Republic of Nagalim – as a legitimate and powerful authority. As a result, these insurgents levy taxes on both the Naga and non-Naga living in the DAB. In one telling instance the aforementioned Peace Committee negotiated directly with the NSCN to stop taxing the non-Naga in their area, as these harassed the Naga repeatedly over this taxation. In return for these taxes, the insurgents support the claims to include the DAB in a Greater Nagaland and protect Naga from harassment by Assamese state officials. While Anil Barua had to proof his 'renovation', one of his Nagamese counterparts, Neheto Sema, resident of Niuland subdivision, did not have any fears about his house being demolished. By giving tax to the NSCN (Unification) he secured their support against harassment by the CRPF or the Assamese state. Neheto did not consider this to be protection money, but considered the NSCN (Unification) to be best able to include the DAB in Nagaland. In the Naga dominated sectors the CRPF – with the covert cooperation of the Assam Police – has tried and failed to curb this insurgent taxation. A high CRPF commandant admitted the difficulty – near impossibility – to control the Naga areas away from the large roads.

Although a complete discussion of the Naga conflict falls outside the scope of this article, the NSCN clearly wants to extend its control over the DAB. It tries to install a new regime in the

border area, unrestricted by interim agreements and openly defying the status quo. As they are not bound by these agreements, they have a comparative advantage to the Naga state in protecting the Naga encroachments. Although interviewees on the Assamese side did not so clearly distinguish between the Nagaland state and the Naga underground, and while the Naga state and insurgent operators often pursue the same goals, the NSCN is as much an alternative to both states' politics in the DAB. By trying to impose an alternative system of authority, the NSCN defies the commissarial status quo – the status quo to protect the constitution (Schmitt, 1921) – between Assam and Nagaland. By disallowing Assamese officials to visit the area, the NSCN at the same time increases the authority of the Nagamese state as the official enforcer of the state, but, in the practice of authority (instead of law, or the official position of the state of Nagaland) uses the DAB as an opportunity to impose their political frame. This dual process makes the aforementioned "juridical-political status" of those living in the DAB even more "undecidable" (Vaughan-Williams, 2008: 333).

Conclusion

What is intriguing is the veritable banality for the exceptional measures taken in this case. Not a civil war, nor an insurgency (of which the area abounds) or violent acts of terrorism lie at the heart of the prolonged state of exceptionalism. Although I have argued that the genealogy of the exception dates back to British policies regarding the Inner Line and Forest Reserves, after 1960 the exception gained its true form. Encroachers, looking for land, voluntarily entered into the 'wasteland'. With the creation of Nagaland in 1963 and the start of the border dispute, these people became trapped in a place of exception, partly because their presence demanded a decision on their status. The continuous re-affirmation of a "unity between place and people" (Gupta & Ferguson, 1992: 17) made a formal delimitation of the Assamese and Naga "ancestral domains" heavily contested. The decision to maintain a populated place as an imagined wasteland space, as an area where only nature dwells, negated the necessity to bring law to the encroached area and turned it into a place of exception, with the exception as status-quo. While British territoriality had mostly tried to divide territories, the status quo lifted the territory under dispute out of the normal legal order. Moreover, banal as it is, the creation of a place of exception on the Assam-Nagaland border indeed is the result of "extreme peril, a danger to the existence of the state" (Schmitt, 2005: 6). Forest lands and the Inner Line were put up to protect the civilized state in the plains from raids and encroachment from the ungoverned Naga areas, inhabited by "savages". Furthermore, an

open armed conflict between two states of the Union is clearly a case threatening the hold of the state in the already fragile north-east.

Consequently, as I hope to have argued, something as apparently mundane as an interstate boundary dispute can make a place of exception, a place where not law, but sovereign negotiation has to decide on everyday life, or more precisely, where one moves from law (e.g. forest law) to politics and where politics is phrased in the semblance of law. Where the continuous decisions on exceptions are made a corollary of the illegal encroachment of the people DAB. Much like the commissarial dictatorship, the dictatorship to protect the law (Schmitt, 1921; for discussion see Agamben, 2005: 6-10), both states have installed a commissarial exception, as the exceptional measures are equally meant to protect the law or, more precisely, a legal settlement of the border dispute (in contrast to a violent one).

Yet, by allowing for encroachment, support the provision of public/private goods and recognize illicit constructions and services, both states and rebel group engage in state making activities. The unsettled sovereignty forces the states to use populations and public/private goods to sustain and further their state making in the disputed territory. Consequently, and what I finally have tried to show is that the state of exception where it takes place is not an absolute object, but is subject to contestation, even by those who have installed it in the first place. We can better understand actual regimes of exceptionalism by taking into account the everyday transgression of the status-quo by both states as a tool for state making. The fiction of maintaining a status-quo, a standstill not only of law (Agamben, 2005: 41) but of life itself, has clearly been shown. In the transgression we see the exception in its true force as threshold: neither internal nor external to the juridical order, but also made and transgressed by the same parties. Consequently, exceptionalism indeed takes place in a quagmire of decisions, maintenance activities and contestations. It is a dynamic and layered project, with both forces inside and outside taking part in its actual functioning. By using the state of exception – and the work of Benjamin, Schmitt and Agamben – as a lens and heuristic tool, I hope, not only to have shown the working of a localized place of exception, but also to have made the DAB as a place of exception more intelligible. The DAB is a place where the legal has been sacrificed to the political decisionism – in negotiation and conflict. Removing the DAB from its threshold and letting law regain its place in the disputed area, will also give life on the threshold a new lease.

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APPENDICES

Fig. 1: Assam-Nagaland border circa 1878

Fig. 2: Assam-Nagaland border circa 1898

Fig. 3: Assam-Nagaland border circa 2009

Fig. 4: Proposed Naga ancestral domain (Nagalim)

Shadow economies, war-to-peace transitions and state-building in borderlands: the case of the 'Forces Armées du People Congolais' (FAPC) in north-eastern Congo.

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1. Introduction

From the 1990s onwards, there has been increased attention to the economic aspects of war, which Keen summarized by paraphrasing Clausewitz: "war has increasingly become the continuation of economics by other means" (Keen 1998: 11). In other words, wars are a lucrative business, which allow the control of trade routes and/or access to natural resources (Le Billon 2001). Through the high degree of deregulation, high entry barriers and higher degree of control, wars simply provide a more profitable environment for pursuing certain business aims than in peacetime. These events might help post-conflict state-building (Giuizzo 2006), for example by providing a source of livelihoods for impoverished areas; but often, they create certain structures and constituencies which have an advantage in continuing the conditions of war, and will therefore be a serious hindrance block to state-building efforts (Ballentine and Nitzschke 2005). As Cramer (2008: 1) argues "there is still too little known about the complex economic consequences of and influences on war to peace transitions and postwar state building experiences." It therefore is necessary that "researchers and policy makers focus more than they have done on the real economy of wartime and its implications". This paper has to be seen as a response to this call: it analyses the 'real economy' of a specific rebel regime, the FAPC or 'Forces Armées du People Congolais', and its impact on post-conflict reconstruction. It will be shown how there is a high degree of continuity in the economic practices before, during and after the war. More specifically, there is a high continuity of the regional 'shadow economy', which are "economic activities that are conducted outside of state-regulated frameworks and are not audited by state institutions"(Pugh and Cooper 2004: 9).[1] On the one hand, shadow economies are historically established trading networks, which often have roots in pre-colonial trading patterns (Coste and Egg 1992; Lambert 1994). Moreover, shadow economies are a means of economic survival for the poor who lack any other option and therefore allow to bring development to previously marginalised areas (Goodhand 2004). As Cooper (2002: 940-941) argues "participation in shadow trade – whether in peace or war represents the means by which those excluded from, or relegated to the periphery of the global economy reincorporate themselves into its workings". On the other hand, they also play an important role in war economies. They are central elements in both the eruption, persistence and after effects of conflicts: they can help rebel groups to find the necessary funding to start a rebellion or to sustain a rebellion, for example by evading arms embargoes and international sanctions. War

[1] In other words, these are different from war economies: the latter naturally happens during periods of war, and within or outside of the state framework.

economies therefore do not come out of the blue, but often rely on these pre-existing 'shadow' economic structures which exist before the outbreak of a conflict and continue to exist after the end of the conflict. This is particularly the case in borderlands, which have long histories of shadow economies (Goodhand 2008). It therefore is important to understand that rebel groups have to interact with already established shadow economies, instead of creating economic and social structures from scratch. In demonstrating this, this paper shows how rebel groups are forced to negotiate with the 'gatekeepers' of this shadow economy, i.e. the local trading community. This particular configuration has a particularly profound influence on war-to-peace transitions and state-building in particular, as it allowed the further development of the shadow economy: not only did it empower the local trading community, it also had positive 'windfall rents' for the general population.

This paper tries to answer these questions through an analysis of the activities of the 'Forces Armées du People Congolais' (FAPC)[2]. This rebel movement was led by Commander Jerome Kakwavu Bakonde and existed from February/March 2003 until April 2005. During this period, it was in control over specific territories in North-Eastern Congo: the territories of Aru, Ariwara and the northern part of Mahagi, all of which in Ituri district, and all of which are economically important : the first two areas are important trading points, whereas Northern Mahagi is a natural resource-rich area (timber and mineral resources). (Van Puijenbroek 2008, UN 2005a, 2005b, HRW 2005). All of these areas are on the border with Uganda, and are part of a particularly dense shadow economy, which has a long history in the region. The movement was consistently supported by Uganda, who wanted to keep a close ally in the area, in order to keep its influence in the area.[3] Weapons and ammunition were provided from the military camp in Arua, just across the border in Uganda, something which is described by the work of the UN group of special experts.[4]

2. Rebel groups and resources

Rebel groups need to finance themselves. In doing so, military activities become increasingly focused on areas of economic significance, as rebel groups try to establish themselves in resource-rich areas. Borderlands are particularly interesting in this respect: they often are at the heart of regional shadow economies, which not only allows access to resources and transport resources, but also allows high mobility across the border. In doing so, armed conflict economies focus on what Le Billon (2001: 29-30) calls an 'economy of networks'. Borderlands become even more valuable if they are near natural resources, such as mines or forests, which is the case for the Ugandan-Congolese borderlands. As will be explained below, these borderlands are characterized by a particularly dense and profitable shadow economy, in which mineral resources as well as other profitable goods (such as cigarettes and fuel) are traded. The key-question is however: how do rebel groups manage to extract funds from these borderlands and its shadow economy? Can rebels simply take over these shadow economies, i.e. does a 'shadow economy' simply become a 'war economy'? This is a particularly important question for the FAPC, which were a group of outsiders with no prior linkages to the area where they

[2] The 'Forces Armées du Peuple Congolais' (FAPC) are also know under the name 'Union des Congolais pour la Démocratie' (FAPC/UCPD).

[3] Uganda was not only supporting the FAPC. In order to keep its influence in Ituri, it was also supporting a coalition of rebel groups, the 'Front pour l'Intégration et Paix en Ituri' (FIPI). The FIPI was composed of the FNI of F. Njabu, of the PUSIC of Kahwa and of the FPDC of Unen Chan. Uganda was supporting these rebel groups by importing light weapons and ammunition (and therefore in breach of the 2002 peace agreement).

[4] Their reports for example describe how the FAPC/UCPD admit to having been supplied with rockets, recoilless guns, RPG anti-tank weapons, landmines, Kalashnikov rifles and ammunition, and 60-mm and 82-mm mortars by the Ugandan army (UN 2005: §135,138)

established themselves: they established themselves in these borderlands because of it attractive financial possibilities.

Generally speaking, rebel groups face two options to finance their activities : in his famous study, Olsen (1993: 568) distinguishes between a 'roving' and 'stationary' bandits: the former does not settle down in the area, but occasionally raids the population and steals everything. This leaves little incentive to produce for the population. Contrary to this, a stationary bandit settles down in a particular area, 'steals' from the population by taxing them, but also limits theft in this particular area. In doing so, the population continues having an incentive to produce, which allows further taxation. In this rationalist vision, it might therefore be more profitable for a bandit – a rebel group – to settle down in a particular area, limit violence and organize taxation. This continues until the whole country is 'liberated'. Criminal actions – banditry or rebellion – might therefore lead to the genesis of new political formations (Mkandawire 2000: 200; Mampilly forthcoming 46). This is parallel to Tilly's (1990) theories of state-formation in Western Europe, in which war-making required taxation, a process in which consensual taxation gradually expanded over the population. Not all states followed this path of what Mkandawire (2000: 196-197) calls the 'merchant state', but instead became a 'rentier state': instead of establishing a broad tax base, many states in post-independent states in Africa and Asia turned to the collection of rents from foreign investment in natural resources or from political alliances during the cold war. In this way, the rentier state managed to finance itself through controlling its native resources and political alliances with countries in the developing world (Mampily forthcoming: 89-90). The distinction between 'rentier' and 'merchant' states is not a black and white distinction: for example, rentier states can still levy taxes, and, depending on the constraints and opportunities, rely more on one option than the other. But, this distinction nevertheless has important consequences for the interaction with the general population: Cramer and Goodhand (2009: 901) for example point out how rentier economies with access to conflict goods do not need to build up a social contract with citizens; which in Afghanistan led to a society divided between an urban elite dependent on external funds and a rural illiterate population dependent on subsistence agriculture. In this situation, citizens themselves are not interested in political decision making processes, as they are not contributing to the tax base of the state. On the other hand, in the merchant state, there is a 'tax-mediated social contract' (Moore and Putzel 2000: 20) in which the population has an interest in holding the state to account. Similarly, rebel groups with access to rents from war economies do not need to form a social contract with the general population, as they can continue to 'rove' rents from war economies. Consequently, they do not need to acquire popular legitimacy. In other words, there is the distinction between 'illegitimate' and 'irresponsible' roving bandits, and 'stationary' bandits, who can acquire a certain degree of legitimacy. In other words, differential fiscal strategies have particular implications for the relation with the population.

If we apply above observations to borderlands, rebels are faced with two choices: they can either acquire the rents from this shadow trade (i.e. the 'informal' regional trade) by directly participating, or even monopolizing this trade; or they can tax this cross-border trade. Again, this is not an either/or question: ideally, a profit-maximizing rebel group will want to do both profitable options. However, the reason why these places are chosen – there are established and profitable economic networks in place – at the same time constitutes the main challenge: these established informal economic structures have their own structures of power, such as barriers of entry and rules of engagement, which might create difficulties for taxation or direct extraction. Access to these networks therefore depends on the relation with the 'gatekeepers' of these shadow networks, i.e. the local trading community.

Raeymaekers (2007), in his Phd on a group of traders in the town of Butembo, describes a similar dilemma: RCD-ML, the rebel group which established itself in the town had to "choose between exploitative and authoritative modes to extract resources from the productive members of their society" (Raeymaekers 2007: 153). As he highlights, this not only created a dilemma for the rebels, but also for the traders, who had to choose between an 'anarchic' context or cooperating with a taxing rebel group. By choosing the latter option, the traders 'bought' the protection of the rebels. In doing so, he convincingly showed how the traders gradually took on the role as a political 'power broker' with a strong degree of influence over the rebel movement.

This paper is not primarily interested in the influence of the traders on the 'rebel governance', but instead pays particular attention to the effect of this situation on the post-conflict situation (i.e. the 'real economy' of the war is primarily analysed in order to understand the political economy of post-conflict reconstruction.) Firstly, the paper will show how the traders act as 'gatekeepers' to historically embedded shadow economies; and secondly, the rebels depend on their taxation incomes out of these traders. Thirdly, this particular war figuration – which is profoundly influenced by the pre-war situation – naturally empowers these traders, and in turn has a profound influence on the post-conflict situation, and particularly on state-building.

3. History of the shadow economy in the Ugandan-Congolese borderlands.

The shadow economy plays an important role in the borderlands between Uganda, Congo and Sudan: there is a constant flow of goods between the markets on the different sides of the border, which are in turn connected to wider, global, markets. Most of these goods – and certainly the most profitable ones - are smuggled (Titeca 2009). Similar to other regions, this shadow economy has long historical roots (Lambert 1994; Coste and Egg 1992) Firstly, this trade is facilitated by the ethnic interconnectedness among the different areas: the main ethnic group of north-western Uganda, the Lugbara, also live across the border in north-eastern Congo. Other ethnic groups, such as the Kakwa, live on both sides of the Ugandan-Sudanese border. Secondly, different groups already had developed pre-colonial trading patterns: the Lugbara were trading with Congo for iron, while Egyptian trading delegations from Khartoum were trading with north-western Uganda from the late-1830s onwards. These trading contacts between Khartoum and northern Uganda were well established by the beginning of the colonial period (Meagher 1990: 65-66; Leopold 2005). Colonisation, and the introduction of borders, suddenly defined trade between these groups as illegal; but of course these trading patterns continued. In other words, cross-border trade in the region is not a new process, but something predating the colonial period. On top of this, there were strong refugee flows between the different areas, further entrenching this shadow economy (Titeca 2009).

These processes culminated in the early 1980s, which was a period of particularly intensive cross-border interaction: when Idi Amin was ousted from power in 1979, the population of West Nile feared revenge and fled to eastern Congo and southern Sudan, where most of them remained until the mid-1980s (Gersony 1997: 72-4). This led to an intensive cross-border trade, in which Ugandans, Congolese and Sudanese came together to trade in the (Congolese) border market of Ariwara: the Congolese brought gold from the mines in north-eastern Congo (then Zaire) to this market. With the income from the gold, the Congolese purchased manufactured goods or foodstuffs, which were in turn brought by Ugandan traders. Lastly, the Sudanese brought dollars to the market, which were sold to buy foodstuffs and manufactured goods. With the profits from the sale of their manufactured goods and foodstuffs originating in Kampala, Mombasa or Nairobi, the Ugandan traders purchased the gold and dollars, which

were in turn sold in Kampala, Mombasa or Nairobi. From there, the cycle started all over again: with these profits, the Ugandan traders again bought manufactured goods, and so on (Meagher 1990: 74-77). Most of this trade happened outside of the state-regulated framework – there was only a weak state presence in the area – and could therefore be considered as a 'shadow economy'.

This shadow economy trade serves as a blueprint for the regional trade up to today. Naturally, changes occurred – but still within this original trading pattern in which minerals and manufactured goods are traded. The first change is the most important: Aru and Ariwara quickly became 'entrepôt' markets in which export goods, originating from Kenya are smuggled back into Uganda from Aru/Ariwara. In other words, since they are in theory destined for Congo, they do not have to pay Ugandan tax, but are in reality smuggled back into Uganda. Although goods from the Ariwara market are traded to other Congolese areas (such as the provinces of Oriental and Equateur), this 'entrepôt' function has become the principal (and most profitable) function of the market. Secondly, Congolese traders managed to engage themselves more and more in this regional trade, but the real power and profits of the 'entrepôt' trade remain with the Ugandan traders (Titeca 2009). In sum, this regional shadow economy has created firmly established informal trading networks, in which a number of powerful traders emerged on both sides of the border, and with the border markets of Aru and Ariwara in Congo as central points.

It is important to understand that, although this shadow economy in legal terms is considered 'illegal', it nevertheless is considered strongly legitimate by its participants and the general population: all three areas (northern Uganda, eastern Congo and southern Sudan) are in varying degrees marginalised by their national government, and perceive the shadow economy as a form of 'bottom-up development': since their respective national governments are not taking care of them, the population has decided to 'fend for itself' (Titeca 2006). As highlighted in the introduction, this shadow economy therefore does not have to be seen as a sign of a general 'criminalisation' (Bayart et al. 1999), but as a means of economic survival for the poor who lack any other option.

4. The shadow economy and the FAPC

It is clear from the above that Aru and Ariwara are excellent locations to settle for a rebel group looking for profit or simple survival: they are at the heart of the regional shadow economy, which for example centralises the trade in minerals and different smuggling routes. As argued above, shadow economies in borderlands offer excellent opportunities for both the extraction of rents and taxation, both of which were done by the FAPC.

When the FAPC settled itself in the area, it soon monopolized the most important functions of this shadow economy. Firstly, the FAPC took firm control over the revenue of the customs points, which were no longer controlled by the state but by the rebel group, for whom it was a major source of revenue through the establishment of "parallel customs, taxation and duty-levying mechanisms" (UN 2005a §96) which "mimics the official customs regime, in which customs officials are instructed not to release or permit the passage of goods until confirmation of revenue payment by the trader has been received" (UN 2005a §110). Everyone who came through their custom points had to pay taxes to the FAPC. Crucial in this is the fact that these taxes were significantly lower than official government taxes, or taxes in neighbouring areas. The reason for this was simple: the FAPC wanted to attract as many traders and consequent tax revenue as possible. The Aru/Ariwara area therefore soon

became a regional tax paradise which attracted traders from distant places. Central to the FAPC's custom apparatus was a prefinancing system, in which the traders pay a certain amount of money, which allows the privileged import and export of goods, i.e. no custom duties or levies have to be paid for this period, for a certain amount of time (between three to six months).[5] This prefinancing system was developed in close collaboration with the *'Fédération des enterprises du Congo'* or 'FEC', the union which represents the local traders. Major contributors to the prefinancing arrangement were exempted from other taxes in the area[6]; or they were given bigger reductions.[7] The advantages of the pre-financing arrangement were twofold: the FAPC was given a stable income as well as a constant two-way flow of goods (UN 2005a §110).[8]

Secondly, control over these border areas not only gave the rebel group control over the custom points, it also gave them direct access to cross-border trading networks, which was another important source of revenue for the rebel movement. In other words, the FAPC managed to extract rents from this regional shadow economy. For example, the gold trade became an essential element of the FAPC regime: the important gold mines in the area were soon under the control of the FAPC. Moreover, all the gold produced in the surrounding gold mines would pass through Aru/Ariwara (Van Puyenbroek 2008; UN 2005a §117; Commission des recours des refugies 2006; Amnesty International 2005, Human Rights Watch). Apart from gold, the FAPC also traded in various other commodities such as cigarettes, ivory and soft drinks. According to a report of the UN panel of experts, the FAPC used its control over the area to force local traders in business arrangements with them (UN 2005a § 96). However, this statement is too strong, as the power relations between traders and FAPC were not that clear-cut: the FAPC was to a certain extent also dependent on the participation of the local traders, rather than having the absolute power to force them into cooperation. It has been described above how the regional shadow economy is historically embedded: local traders have organised themselves in regional trading networks since the beginning of the 1980s. For outsiders, it is therefore very difficult to enter or monopolize this trade - even if these outsiders have a monopoly on violence: if the FAPC would try to organize this trade alone – 'private extraction' in Snyder's (2004) terminology – it would still be very difficult for the rebels to completely monopolise this trade, as there are hundreds of smuggling roads (*'panya roads'*), through which large quantities of contraband goods are smuggled. Moreover, it is impossible for the rebel movement to organise all aspects of this trade on a regional scale. In other words, it would prove more costly to enforce this monopoly, than to cooperate with the traders. Destroying these informal trading structures is also no option, as the FAPC to a large extent depends on them. A joint organization – or 'joint institution of extraction' (Snyder 2004) – between rebels and traders was therefore most beneficial for the rebels: part of the (customs) revenue of the FAPC was 'reinvested' in the cross-border trade through the local traders, who consequently shared in the profits the FAPC. Moreover, if the FAPC would have used too much force against the traders, this would have been detrimental for the other source of FAPC financing, i.e. it would push out local traders, which would reduce the tax income. In other words, the movement had all interest in collaborating with the local traders, as it is to a certain degree dependent on them.

[5] For example, a trader which paid 6,000 dollar was allowed to import a certain amount of goods (e.g. a trailer) a specific number of times (e.g. 4 times).

[6] There still were a variety of other (smaller) taxes in the area, such as the *'taxes d'éntités administratives décentralisé'* ('taxes of decentralized administrative entities').

[7] The prefinancing system was not obligatory; a minority of traders preferred not to work through this arrangement. These traders were however given higher, and less flexible, taxes.

[8] The FAPC was not the first rebel group in Eastern DRC to use this system: Raeymaekers (2007) describes how the RCD-ML also used the system of pre-financing in cooperation with the local trading community.

This situation is not unique to the area of Aru/Ariwara. As Vlassenroot and Raeymaekers (2005: 13) argue with regard to rebel groups in Eastern DRC, "their financial woes as well as their lack of control over the country's interior (where natural resources are exploited) ultimately make them inferior to established and pre-existing trade networks." It was argued above how Raeymaekers (2007: 129) found in Butembo a 'warlordism in reverse' in which the traders gradually took over the control over the rebel's operations, as they could rely on their existing network of social relations. Finally, Aust and Jaspers (2006) describe how the '*Rassemblement pour la Démocratie'* and the Rwandan Patriotic Army encountered "pre-existing and well-established extraction structures and trading networks that had been in use for decades" (Aust and Jaspers 2006: 86). The rebel groups tried to set up their own trading networks and elites, but ultimately failed in pushing out the old networks, which managed to largely resist these attempts.[9]

These business arrangements were not limited to the FAPC and the Congolese traders: it has been described above how Ugandan traders played an important role in the regional shadow economy. These Ugandan traders therefore played a central role in their business arrangements, and particularly in the trade of these (illegal, because untaxed) commodities in Uganda. This became an important source of revenue for the FAPC.[10] Secondly, as the rebel movement was supported by Uganda, Ugandan army officials played an important role in this regional trade: they played an important role in facilitating the illegal trade. They did not only do so on the Ugandan side of the border[11], but also on the Congolese side: the UN reports give evidence of incursions of Ugandans soldiers into the DRC in support of the FAPC. For example, in May 2003, a mutiny against Commander Jerome was put down with Ugandan support (UN 2005a, §135, 139).

In sum, at the heart of the cross-border trade was a regional complex which guaranteed a smooth functioning of this regional shadow trade, which the UN panel of experts summarizes as a **"**closely knit network, including selected officers of FAPC, members of FEC, Ugandan businessmen, Ugandan officials and internationally linked commercial entities." (UN 2005b § 70).[12] This was a win-win situation for both the FAPC and the traders: the traders were able to multiply their turnover and enjoyed unprecedented protection for their illegal trade; while the rebels gained access to sufficient revenue. In doing so, the FAPC was able to regularly support its troops, contrary to other armed movements in the area.

The war economy was therefore organised by this regional complex, but with the coalition between the rebels and the traders at the heart of it: the traders were closely involved in the rebels efforts at extracting resources and taxing. Firstly, it has been explained how the rebels cooperated with the traders in organising the taxation : the 'pre-financing system' was based on a close cooperation between the rebels and (Congolese and Ugandan) traders, in which the rebels had all advantage in attracting as much as possible traders to the area. Secondly, the rebels themselves were directly participating in the cross-border trade, for which they dependent on the know-how of the local traders. In this particular figuration, it not only were

[9] "Although the rebel administration tried to regulate the trade and elites close to its leadership forced themselves into its business, they failed in marginalizing the 'old' networks." (Aust and Jaspers 2006: 87).
[10] For example, the reports of the UN panel of experts or Human Rights Watch mention the important role of Ugandan traders in the smuggle of cigarettes and gold.
[11] The UN panel of experts criticized the Uganda government for *de facto* allowing the illegal trade of the FAPC/UPCD to pass, by not having strict border control on the Ugandan-Congolese border (UN 2005a: §98-115).
[12] And it would be a good example of what an earlier UN report called 'criminal cartels' active in the illegal exploitation of natural resources and the continuation of conflict. (UN 2001 § 221).

the rebels who are profiting from the war economy, as the FAPC regime rather was a time of economic opportunity and social transformation for the area which – similar to other war economies - allowed "rapid upward mobility that would have been inconceivable in peacetime" (Andreas 2004: 49). This was particularly the case for the local trading community, and particularly the FEC, which amassed much wealth through the overall favorable trading conditions of the FAPC regime. But also the general population benefited from this: the biggest developmental contribution of the FAPC to the area was the lowered tax regime: not only were local traders making more profit, the lowered taxes also created a bigger supply of goods, generating lower prices on Ariwara market, to the great satisfaction of the local population. In other words, this can be seen as a 'windfall rent' for the local population.

5. The shadow economy and state-building in the post-conflict situation.

In April 2005, the FAPC surrendered to the UN, and Commander Jerome was integrated in the new Congolese army FARDC as a general, based in Kinshasa. After this, the national state re-gained control over the former FAPC areas and started the process of reinvigorating the state institutions. This section aims at analyzing the process of state-building, and the legacy of the FAPC regime.

It has been widely shown how shadow economies can act as effective 'peace spoilers'. Steadman (1997: 42), in his article on spoiler problems in peace processes, describes how shadow trade can motivate and enable potential peace spoilers in effectively spoiling peace. For example, UNITA in Angola managed to finance its spoiler behaviour through the illegal diamond trade; while armed factions in Cambodia managed to survive through the smuggling of timber (Hendrickson 2001: 72; Keen 2000: 5). For Aru/Ariwara, the question is slightly different: after the peace agreement was signed, the FAPC effectively disintegrated as a movement, and was not interested in 'spoiling the peace'. However, more important is that shadow economies do not only have the potential to influence peace processes, but also to affect broader processes of state reconstruction. Concretely, shado It particularly creates constituencies with an interest in its continuation: 'wartime entrepreneurs' might have sufficient power to prevent any structural change, as they have all advantage in continuing the conditions of war (Cramer and Goodhand 2002: 890).[13] In Aru/Ariwara, this is particularly the case for the local trading community. In analysing their impact on state-building efforts, it will be shown how there is a large degree of continuity between peace-war-peace economies.

5.1 Post-conflict reconstruction and 'war figuration' in Aru/Ariwara

When interviewing traders in the Aru/Ariwara area, they have a particularly strong opinion on the changed conditions of the post-conflict situation. Many traders emphasized their preference for the "wartime, because it offered far more opportunities!"[14]: taxes were considerably lower and rules far more 'flexible'. It has been explained above how the transnational trading networks were not only beneficial for the FAPC, but certainly for the trading community (the FEC), for whom the war was a

[13] Picard (2000) for example describes how the war economy in Libanon had a strong impact on postwar social activities and identities. Not only did militia members manage to convert their military power into economic power, they strongly influence on the national government, which "was nothing more than the representative of financial interests and militias who now had an opportunity to pursue their military objectives by other economic means" (Picard 2000: 17). Andreas (2004) describes in detail how the war economy in Bosnia led to the emergence of a " 'nouveau riche "criminal elite" with close ties to the government and nationalist political parties", which prevents any structural change, and instead guarantees the continuation of these smuggling networks.

[14] Interview local trader, Ariwara, 04-08-09.

period of strong socio-economic mobility. This section aims at explaining how this socio-economic mobility has lead to a particularly strong political empowerment, which has a profound impact on state-building in the area.

State institutions have historically been weak in the area of Aru/Ariwara, and certainly since the outbreak of the second Congolese war: state institutions did still exist, but in a rather weak form. When the FAPC arrived, it did take over this weak structure, and firmly controlled it. This was particularly the case for tax-collecting bodies, which had to make sure that taxes were collected and passed on to the rebel movement and therefore were under strict control of the rebel movement. It also controlled the other – weak – state institutions which were in place, such as the local police. However, important to understand is that the power of these state institutions did not lie in these institutions as such, but in the broader figuration in which they were embedded, and particularly the FAPC and the Aru/Ariwara trading community (i.e. the '*Fédération Entreprises du Congo'* or FEC). State institutions were therefore controlled by this coalition of actors, and did not have any independent power.

A crucial element in post-conflict state-building, and the establishment of the central government's power in the area, is therefore the establishment of autonomous state institutions. However, up to today (roughly four years after the end of rebel rule), this has proved rather difficult. This is particularly the case for trade-related issues, as these institutions were firmly embedded in the FAPC's regime, and had given the local trading community considerable power. The clearest manifestation of this is the taxation regime: every tax introduced by the central government introduces has to be negotiated with the FEC. In case the latter does not agree with certain taxes, they react by organizing a strike, which blocks all imports through the border. This can last from several days up to several weeks, not only depriving the customs of taxes, but also creating major shortages in the area. The FEC is also continuously lobbying higher-level governmental institutions, and uses this influence to pressure the customs agencies. The end result of this situation is that the *de facto* tax rates in the area are lower than the official tax rates. For example, the customs agency *'Office Congolais de Contrôle'* (the 'Congolese Control Office') charges a tax of 1,300 dollars for a truck of motorcycles, while the official government tax is 2,400 dollars. (At the time of the FAPC, this was 500 dollar.) A truck of sugar normally has to pay 1,400 dollars, but currently pays 900 dollars. (During the FAPC regime, this was 350 dollars.) Other taxes are simply not being paid, because the FEC refuses to do so.[15]

On top of this, the composition of the different state institutions in the post-conflict situation is still profoundly influenced by the FAPC regime. For example, the police, which was installed by the FAPC, is still under control of ex-FAPC members (e.g. the current police commander was appointed by the FAPC). Although the chief officers of the customs agencies (OFIDA) were replaced soon after the rebellion; the other agents, who were appointed during the FAPC regime, still are in place. For example, 104 new customs agents (or '*nouvelles unités'*) were appointed by the FAPC. Lastly and importantly, the governor of the area is a former trader from the Aru/Ariwara who experienced strong socio-economic mobility during the FAPC regime – which also explains the contacts of the FEC with higher-level political institutions. In an environment which was still FAPC-dominated, both within and outside the customs institutions (respectively by the '*nouvelles unités'* and the FEC), it proves to be very difficult for te state agents to do their job, i.e. implement the central government's regulations. In this situation, custom officers are under constant pressure from a variety of actors: certain actors within their own institution, from the FEC and from the general population. Officers which try to follow the exact regulations complain about intimidation and harassment in the town.

[15] This is the situation in July 2008. Before, taxes were even less.

The end result is that they opt for a 'softer' approach, in which lower taxes are collected from the traders and certain taxes simply neglected.[16]

Taxation traditionally is seen as one side of the social contract between the state and citizens, the services being provided by the state being the other side of the contract. This "tax mediated social contract" (Moore and Putzel 2000: 20) plays a central role in development of legitimacy for the state, and this is exactly the point where difficulties arise in Aru/Ariwara: there is the general perception among the population that they are worse off than during the war. War is often portrayed as 'development in reverse' (World Bank 2003), but in this particular area, war was seen as a period of strong development. Peace, on the other hand, and the efforts of the central state to implement itself, are perceived as 'development in reverse'. During the FAPC regime, taxes – and therefore general prices – were considerably lower; and did not have to 'trickle up' to the central government, but remained within the area. For example, the FAPC had set up a 'development fund', which was for example used to construct a football stadium and co-finance a local school. Although its realisations remained limited, they were nevertheless perceived as major contributions to the area – contrary to the different periods of control by the national state. In other words, the predatory behaviour of rebels (rebel leaders) does not necessarily run against the interests of the population, which might receive some benefits from this – these benefits, together with the lowered prices, might be relatively minor compared with those of the rebels, but are nevertheless perceived as important benefits. (Cooper 946). Important to understand is that there was the overall perception that the border, and particularly the different taxes, were not profiting the distant capital Kinshasa, but rather the local community, i.e. the 'tax mediated social contract' was perceived to be strongly legitimate, adding to the legitimacy of the rebel regime: as a taxi driver summarized "During Jérome's time, the border was finally profiting us!"[17]. In other words, the 'tax mediated social contract' between the traders and the rebel movement had strong spillover effects on the relationship between the population and the rebel movement: the population was receiving 'windfall rents', and in doing so, the rebel movement – which was not organising major public services – received 'windfall legitimacy'. The post-conflict situation is perceived to be radically different, as the central government is perceived to be taking away the profit of 'their' (i.e. the population of Aru/Ariwara) border through high levels of taxation. and therefore slows down the development of the area, adding to the perception of marginalisation in the area.

During the war, the FAPC had successfully carved out its own autonomous territory, with its own rules and regulations, which were beneficial to a number of actors. Abolition of these rules and regulations and integration in the central state project is not presumed to happen easily, as this places major demands on the people by cutting down on certain benefits. Similar to the rebels, the government actors have to take into account the power position of the other actors within this figuration, and particularly of the traders. This has a clear impact on the day-to-day governance of the area, which has to be seen as a compromise between the 'old' (FAPC-based) rules and regulations (i.e. the 'rebel regime') and the 'new', state-based rules and regulations (i.e. the 'state regime'). The lower tax rate is an example of this. However, it also shows that this compromise – and the underlying negotiations – has a dynamic character: taxes are increasing over the years. They are doing so slowly, but they are nevertheless increasing. For example, up to mid-2006 the customs agencies were still using the FAPC tax rates.[18] In other words, the state institutions did not have the power to

[16] This option also leaves room for personal financial benefit, as there are no fixed amounts for these 'lower' taxes (i.e. they can report the collection of a lower amount to their higher-level authorities, and keep the difference for personal profit).

[17] Interview taxi driver, Ariwara, 02-08-09.

[18] This was because of the following reason: at the end of the FAPC regime, many traders still had money pending with the FAPC. They had contributed strongly to the prefinancing arrangement, but were not reimbursed the money (in form of tax entries). FEC Ariwara therefore demanded outstanding reimbursements of $ 2,002,750 from the Congolese state (a dossier the current FEC president is still handling). However, interviews with

resist pressures from the figuration in which it was embedded. This started changing from mid-2006 onwards, since when taxes have been increasing gradually. In other words, the government was slowly gaining power. However, it remains to be seen whether it will ever be possible to implement 'official' government rates, as the local traders still wield considerable power.

5.2 From a war economy to a criminalised peace economy?

It has been argued above how an essential element of the FAPC regime was its control over cross-border trading networks, which the UN panel of experts described as a 'tightly-knit smuggling system' (UN 2005a § 70). This section will describe how the core of this regional complex – consisting of Congolese traders (FEC members), Ugandan businessmen, Ugandan officials and ex-FAPC officers – is still functional: the key-actors of this smuggling system are still dealing in highly profitable illegal commodities.

After the end of the FAPC regime, this illegal regional trade became more difficult, for the simple reason that the trade can no longer being conducted in the open: overt protection of the contraband trade by the authorities on both sides of the border (i.e. the large presence of Ugandan army officers and FAPC) is no longer possible. But, the smuggling network still is very much functional: firstly, these smuggling practices relied on the historical embedded shadow economy and therefore continue to exist. Moreover, the war period served as a 'capacity-building' or 'matchmaking' exercise for the actors involved, and particularly between Ugandan and Congolese traders: before the rebellion, cooperation between both sides was limited, as Ugandan traders would conduct this 'return operation' *('operation retour)* individually, which involved bigger risks.[19] This changed during and after the rebellion, as there is a close cooperation between Ugandan and Congolese traders, making their smuggling practices more efficient.

Secondly, government officials on both sides of the Ugandan-Congolese border still participate in these smuggling activities: whenever a trade encounters problems, a certain number of key-officials intervene to protect this trade. A report of the UN panel of experts describe how Ugandan military officials intervened to protect the smuggling trade after the signing of the peace agreement (UN 2005b §74-75). Ongoing field research (Titeca forthcoming a and b) demonstrates how individual Ugandan and Congolese government officials intervene to protect the regional informal trade in certain commodities such as cigarettes and fuel. The engagement of these government officials goes further than this: government officials on both sides of the border protect the trading position of a number of Ugandan traders, which played an important role during the FAPC regime. Whenever a 'new player' tries to enter this trade, the governmental authorities intervene to push this new player out of this trade. For example, in 2007 one of the main smugglers of Eastern Uganda tried to import smuggled Supermatch cigarettes into this border region. He wanted to conduct *'operation retour'* by

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various local authorities (tax authorities, governmental representatives and traders) revealed that local traders have been given major tax exemptions for to the above amount: for a year and a half after the FAPC ceased to exist (i.e. until mid-2006), customs agencies were still using the FAPC tax rates instead of the official governmental ones.

[19] Ugandan traders import export goods into the DRC with papers of Congolese (Aru/Ariwara) traders, because of which no Ugandan taxes have to be paid. Ugandan traders then 'buy' the goods from these Congolese traders and bring them back into Uganda. In reality, these goods are however owned by the Ugandan traders; the involvement of the Congolese traders only serves as a cover-up for the smuggling practices of the Ugandan traders, who receives most profits. As a Congolese trader summarizes "The Congolese traders are the form, the Ugandan traders are the content!" (*"Les Congolais, c'est la forme; les Ougandais, c'est la fond".)* The details of this system are described in Titeca (forthcoming b).

bringing the goods on transit to Aru/Ariwara, and smuggling them back into Uganda. However, the existing 'regional complex' was informed about this, after which the Congolese officials impounded his goods. This forced the eastern Ugandan trader to work through the existing regional complex, if he wanted to enter the contraband business in the region. Similarly, Ugandan officials intervene to protect the ongoing trade. (Titeca forthcoming a and b).

In other words, a generalized war economy has transformed itself into a criminalized peace economy. A practical manifestation of this is the fact that all the major traders which were identified as being at the heart of the FAPC's war economy (UN 2005a, b, HRW 2005), still are the principal players of the regional smuggling economy. A good example of this is the biggest Ugandan gold trader, who worked closely with the FAPC in buying and selling gold, and who featured prominently in the international reports on this (UN 2005a, b, HRW 2005). Similar to the other cross-border traders, and similar to the situation during the war, his smuggling activities still function according to the blueprint of the shadow economy which started in the beginning of '80s: this particular gold trader buys gold in Eastern Congo (in former FAPC territory), sells it in Nairobi or further (Hong Kong or Dubai). With the profits of this trade, he buys manufactured goods, destined for Congo. Once these goods reach Congo, they are smuggled back into Uganda, where they are sold with higher profits. According to several local sources (on both sides of the border)[20], he conducts his trade in close collaboration with Ugandan army officials, who protect his activities whenever necessary. In other words, in comparison with the situation during the war, these trading activities are conducted less openly, and also the turnover of his business must have declined, but the basic trading dynamics remain the same**.** This goes for traders on both the Ugandan and Congolese side of the border.[21]

On top of this, a small number of ex-FAPC commanders are still involved in this trade. It has been described above how the FAPC cooperated closely with Ugandan and Congolese traders in this cross-border trade. Concretely, this meant that the major FAPC officers became shareholders of their trading activities. They did not stop being so after the signing of the peace-agreement. According to local sources[22], this involvement is still the case up to today: a number of traders are still working with capital of these commanders, and share a percentage of their profits with them. For example, commander Jerôme still owns a hotel in Ariwara, which is now run by his family members. More importantly, he still is involved in the business of major traders of the area. For example, he still has a share in the business of the biggest Ariwara trader, who featured prominently in the different UN and NGO reports (although this trader deceased in late 2008, his family members are still running the business according to the same arrangement). Also other ex-FAPC commanders still wield influence over a number of businesses, and regularly visit traders with whom they cooperate.[23] The main difference is the finality of this trade: whereas during the war, these activities did not only serve

[20] Interviews customs officials, traders and civil society representatives 2006-2010 Arua (Uganda), Aru/Ariwara (DRC).

[21] Certain of these traders, who have been mentioned in the UN report and are on the list of wanted persons by the Tripartite Plus Joint Commission (a platform for negotiations between the D.R.Congo, Uganda, Rwanda and Burundi), do no longer enter the DRC, but conduct their activities through intermediaries (e.g. they work through Congolese traders and have changed the name of their company).

[22] Interviews customs officials, traders and civil society representatives 2006-2010 Arua (Uganda), Aru/Ariwara (DRC).

[23] There are a number of ex-FAPC commanders who received political asylum in Uganda, they visit Ariwara covertly; the others (e.g. the ones who are reintegrated in the FARDC) do so more openly. Their presence mainly gets noticed in case of any incidents. For example, in 2008 an ex-FAPC commander (now integrated in the FARDC) was beaten up for dealing in counterfeit dollars; while another ex-FAPC (integrated in the FARDC) commander took a trader to court in November 2008 for swindling part of the money of a trade deal. An Ariwara trader – who was/is implicated in the regional shadow economy - was briefly arrested in late 2008 for hosting an ex-FAPC commander who is suspected of engagement in rebel activities. This trader is locally known for still handling part of the ex-FAPC's commander's capital (fieldwork data 2009-2010).

individual profit, but also the sustenance of the rebel movement, they now seem to serve strict individual profit.

6. Conclusion:

This paper has shown how different transitions between war and peace can be characterised by a large degree of continuity of particular economic conditions, which have a profound impact both on the 'real economy of war' and on post-conflict state-building. In analysing this, the social setting in which the rebels embed themselves (Vlassenroot and Raeymaekers 2004) plays an important role. In the case of Aru/Ariwara, border markets in the Ugandan/Congolese borderlands, it particularly was the regional shadow economy which was a continuous and important factor: it was shown how this economy provided an important basis of financing – both in extracting rents and enforcing taxation – for the FAPC. However, it also pushed forward the local trading community as an important 'power-broker': as a gatekeeper to this shadow economy and a source of taxation, the local traders had a close relationship with the FAPC. This had a double effect on post-conflict reconstruction: firstly, as the war period served as a period of 'capacity-building' for the shadow economy, these illegal trading network continue to exist in the post-conflict period – the difference being that this is mostly for the benefit of the local traders rather than a rebel group. In other words, the war economy has transformed itself in a criminalised peace economy – which it already was before the war, the difference being the increased strength of the networks. Secondly, the war period for the traders was not only a period of socio-economic mobility, but also of political empowerment. This has a profound effect on post-conflict state-building, which was clearly demonstrated in the field of taxation. In sum, changes in the 'no-war-no-peace transition' (Richards 2005) or 'peace-war-peace economy' (Cramer 2008: 6) therefore have to be considered gradual rather than radical, and the shadow economy played an important role in this: it was in place before the war, was empowered by the war and has a profound impact on post-conflict state-building.

The importance of this shadow economy also has important implications for the relationship between taxation and legitimacy, as it alters the parameters in which interactions with political institutions, such as rebel groups or states, are valued. As explained above, in the situation of a 'formal' economy, the taxation of this economy is perceived legitimate in case sufficient public services are provided. A shadow economy considers taxation per definition illegitimate, as it acts outside of the state framework. Although the rebel movement introduced taxation, its presence was nevertheless considered legitimate: taxes were lower and 'flexible' and contributed to the general development of the area (more traders were attracted and prices were lower), as there was a feeling that - as the above quote from the taxi driver illustrated - 'their border was finally profiting them'. In these circumstances, the turnover and capacity of the trading networks also became much stronger. In other words, although there were taxes, they were considered a fair deal, both by the traders and the population. During this period, there was therefore the realisation that organising political entities are not necessarily in opposition to shadow economies. This in turn further altered these parameters, or 'rules of the game' of the tax-mediated social contract in the context of a shadow economy, as the shadow economy further gained power as a 'moral' and legitimate basis for economic interaction: the shadow economy became further embedded and was legitimized by the organizing political power. Consequently, the post-conflict efforts of the national government to implement higher taxation and herein finishing the attractive conditions created by the 'war economy' are seen as strongly illegitimate: the efforts of re-integrating the state and introduce

taxation are seen as unnecessary and intruding efforts of the central state to increase control over 'their' area. This is a potentially dangerous situation, as both traders and former rebels have little incentives in maintaining peace, creating an inherent tension between state-building and peace (Cramer 2008: 6-7). As mentioned above, there is the impression that 'peace impedes development'. It is in this context that the decision of local state representatives to limit the national taxation has to be understood: it chooses to establish a certain degree of legitimacy, to limit the risk of renewed rebel activity; instead of sticking to strict technical state-building activities. As highlighted above, this situation is not unique: Raeymaekers (2007) showed how traders in Butembo had a profound influence on the rebel movement, and he also gives hints of the limited authority of the national government in the light of these powerful traders. This further highlights the importance of understanding the 'real economy of war' for post-conflict reconstruction: these cases shows the importance of power-brokers in the fragile exercise of post-conflict reconstruction and the high degree of continuity in different phases of war and peace.

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Military entrepreneurialism in the Ugandan-Congolese borderland

Koen Vlassenroot and Sandrine Perrot

Summary

Early August 1998, Ugandan troops re-entered the Democratic Republic of Congo, as part of a joint strategy with Rwanda to oust the Congolese President Laurent-Désiré Kabila. Even if in May 2003 these troops officially left the DRC, Ugandan politico-military and commercial networks, including Ugandan politico-military leaderships, Ugandan and Congolese business people and Congolese rebel leaders, would continue to play a dominant role in the north-eastern parts of the DRC. This paper wants to illustrate how military intervention and these networks have shaped and reshaped existing patterns of transborder economic exchange and political processes. In most explanations of Uganda's military involvement in the DR Congo conflict, these networks have taken central stage but have hardly been defined. In most accounts, these are considered as predatory forces and socially destructive forms of organisation, undermining political stability, the functioning of state institutions and economic efficiency in Uganda. This paper will argue that the informal political structures and networks linking Uganda's political centre to Congo's war complex can also be important tools for regime consolidation. Even if it can be argued that the military intervention caused a political crisis at the end of Uganda's intervention, that it meant a loss of formal economic revenues and, as the different military confrontations between Ugandan and Rwandan troops in Kisangani reveal, that the state proved to have limited control over the military, on the longer term state authority was hardly affected. To comprehend this seeming paradox, it is crucial to get a better understanding of the particular links between the shadow networks of politico-military and economic control that became visible during the intervention, and the Ugandan regime. This paper therefore wants contextualise these networks from a historical perspective and to evaluate their embedment in localised and transborder networks.

Introduction

Early August 1998, Ugandan troops re-entered the Democratic Republic of Congo, as part of a joint strategy with Rwanda to oust the Congolese President Laurent-Désiré Kabila. Two weeks prior to this military campaign, President Kabila, who had come to power in May 1997 with Rwandan and Ugandan military support, had urged his former allies to leave the Congolese territory as part of an attempt to gain domestic legitimacy and consolidate power. Even if in 1998 security concerns had again been raised as the official reason for Uganda's armed intervention in the DR Congo (Uganda's western border areas witnessed continuous infiltrations and attacks from the Ugandan 'Allied Democratic Forces'), some observers argued that this campaign was mainly inspired by economic incentives[1] (see Clark, 2001a; Reno, 2000). Different perspectives on these economic reasons have been articulated though. For Clark and Reno, economic resources generated in the DR Congo were of crucial relevance for its regime building process and national economy. For Prunier in order to help explain Uganda's intervention, dynamics of regional economic integration should be taken into account (Prunier, 1999). Others have limited their attention to the involvement of Ugandan politico-military elites in the fraudulent exploitation of Congo's resources. This perspective was particularly echoed in the different reports of the UN Panel of Experts, which

[1] For some, Uganda's involvement in the DRC war was proof of an ambition to create a Hima or Tutsi empire in the Great Lakes Region (see Maindo Ngonga, 2003).

in its first report described Presidents Museveni and Kagame as the "godfathers of the illegal exploitation of natural resources and the continuation of conflict in the DRC" (UN, 2001: 41).

In the case of the UPDF, after the beginning of the second war, security governance in eastern DRC was mainly aimed at nourishing networks of military commercialism. As part of UPDF's presence in the DR Congo, these patterns evolved from a parasitic structure of military businessmen and petty thieves already active in Northern Uganda for example, to a paroxysmal entrepreneurial logic of conflict economy linked with international illegal and criminal networks (Perrot 1999). The existence of these networks of "military entrepreneurs" for the first time was brought to light with the accident of a little Tropical Airways Cesna plane close to Beni (North Kivu) on September 25, 1998. On board was Lt. Col. Jet Mwebaze, who was the head of the reserve force of the Ugandan People's Defence Forces (Prunier, 1999: 55). Mwebaze was the brother of the head of the Ugandan expeditionary corps in the DRC (Gen. James Kazini) and the First Lady Janet Museveni's nephew. Businessmen specialised in gold exploitation, civil representatives and kin of other Ugandan military officers were also aboard. More than a million dollars in cash was lost in the crash, money that was supposedly aimed to buy fraudulently exploited gold under control of UPDF officers based in the DR Congo. Two years later, senior UPDF officers, linked to Congolese militias and international commercial networks were mentioned by a UN Panel of Experts report on the illegal exploitation of resources as key players of what was referred to as an elite network. Among them were General James Kazini, the Chief of Military Intelligence Colonel Noble Mayombo, Uganda's presidential adviser on Congo Col. Kahinda Otafiire, President Museveni's brother and UPDF Lieutenant General (Ret) Salim Saleh and his wife Jovia Akandwanaho, UPDF Colonel Kahinda Otafiire and Colonel Peter Karim (UN, 2002)[2]. The existence of this network (which involved Congolese, Rwandese and Ugandan political leaders, military commanders, businessmen, leaders of armed groups, local administrators and international commercialisation networks) would be presented as an illustration of a new type of warfare aimed at maximising profit through military control over resources and based on a new type of partnership between military commanders and businessmen. Through the control of the pre-war chain of transactions and intermediaries between mining centres and urban trading posts, or through direct exploitation of mining centres, top-ranking officers from Rwanda and Uganda could lay their hands on most of the local mining production. Price-fixing, forced monopoly, and the direct or indirect control over customs helped to consolidate a total control of the exploitation of resources. Different financial networks had to back this system and to guarantee the financing of the war efforts, while new networks of transportation, increasingly based on air transport, eased the exchange of goods with the Congolese interior.

In this paper we do not want to question the validity of the different motives of Uganda's second intervention in the DR Congo. Rather we want to document the role played by different transborder networks and how military intervention has shaped and reshaped existing patterns of transborder economic exchange and political processes. In most explanations of Uganda's military involvement in the DR Congo conflict, these networks

[2] Interestingly, James Kazini, former head of the 4th division and accused of corruption and embezzlement, was promoted to general in 1997 and then Chief of Staff. At the time of writing the UN Report, he was the field commander of the expeditionary troops in the DRC. In March 1998, he was deployed to command Operation Mountain Sweep against the ADF, a Ugandan rebel movement that operated in the Ruwenzori Mountains and used the Congolese territory as a rear base. As several reports would illustrate, after the start of the second Congolese war in 1998, Kazini would play a pivotal role in an elite network that was involved in the exploitation of natural resources in eastern DRC. In November 2009, Kazini was killed by his girlfriend.

have taken central stage but have hardly been defined. Political scientists tend to see these economic and political networks though as non-state forms of organisation or informal institutions, and usually focus on the 'informal', 'illicit' or 'criminal' behaviour of those involved. Networks are considered as predatory forces and socially destructive forms of organisation, undermining political stability, the functioning of state institutions, and economic efficiency (Reno, 2000; Bayart et al, 1999). Based on his research in Uganda, Reno also introduced the term 'shadow state', which relates to the informal commercial networks that operate parallel to state bureaucracies and undermine formal governance. Even if state agents are involved, according to Reno, these networks have their own channels of exploitation and commercialisation outside of the state (Reno, 2000). Other authors have argued though that these networks, which in most cases are understood as very centralized structures of control and regulation, can shape political processes and political authority (Lund, 2007; Roitman, 2004; Callaghy et al, 2001), particularly in Africa's war-torn societies or fragile states. This perspective on transborder networks as 'loci of power and authority' is the starting point of our evaluation of the informal political structures and networks linking Uganda's political centre to Congo's war complex. It will be argued that these networks do not necessarily lead to further state fragmentation but can be an important tool for regime consolidation and even state strengthening. Wrong-footing dominant literature, the seminal research of Janet Roitman described these emergent forms of economic regulation as a 'productive moment' that does not blur the functioning of the state. According to her, militarised shadow networks may not undermine state power but take part to the reconstitution of its authority through informal actors emerging in the interstices of the state system (Roitman, 2004).

In the case of the Ugandan military networks indeed, it can be questioned if this intervention indeed weakened Museveni's regime. In the longer term the state authority was hardly affected even if it can be argued that it caused a political crisis at the end of Uganda's intervention, that it meant a loss of formal economic revenues and, that the state proved to have limited control over the military as was revealed by the different military confrontations between Ugandan and Rwandan troops in Kisangani. To comprehend this seeming paradox, it is crucial to get a better understanding of the particular links between the shadow networks of politico-military and economic control that became visible during the intervention and the Ugandan regime. Therefore we want to contextualise these networks from a historical perspective, to evaluate its embedment in localised and transborder networks, and to analyse and illustrate the "military-commercial nexus" (Roitman, 2004) that has developed along the Ugandan-Congolese border as part of UPDF's involvement in the Congolese wars. Key to the success of this nexus is the historical process of informalisation of both Uganda's and Congo's borderlands and the existence of pre-war transborder networks of economic and social exchange that could be mobilised and exploited by new coalitions of army commanders, rebel leaders, traders and local authorities. It will be illustrated how UPDF commanders increasingly traded protection and security for economic gain with local politico-military elites, smugglers and traders. Existing transborder networks were continuously manipulated. These 'structures of opportunity' included formal and informal elements and could best be described as militarised shadow networks with a clear interconnectedness between public and private logics. In this sense, the manipulation of the Congolese-Ugandan borderland during the Congolese wars offers an interesting example of how unregulated economic activities can be moments of reconfiguration of local regulation and reconstitution of public authority and state power. While political scientists and historians have paid a lot of attention to how states have tried to deal with their borderlands, far less attention has been given to how these borderlands deal with states (Van Schendel, 2005) and

how they reshape state authority. Nevertheless, as is illustrated by recent developments in the Ugandan-Congolese borderland, these zones can also be understood as regions of inventiveness, creating their own institutional arrangements and regulatory regimes that eventually (re)define their relationship with the central state (Raeymaekers, 2009). Here, at least one paradox can be observed. While the further development of these transborder networks during the Congolese wars hardly affected regime stability in Uganda, the survival of some of these networks in the DR Congo after the start of the peace process overshadows the functioning of the re-instituted state administration and turns the state into a very weak centre of power (Vlassenroot, 2008).

Intervening in the DR Congo: The rise of the entrepreneurs of insecurity

The Ugandan-Congolese borderland has always been a territory of contestation and armed activity, with rebel groups operating from the other side of the border often with support of the local authorities, be it the autonomist Ruwenzururu Movement (Doornbos, 1970), the Ugandan 'National Movement for the Liberation of Uganda' (NALU), the Uganda Freedom Fighters Movement (Vlassenroot & Titeca, forthcoming), the Allied Democratic Forces (ADF) (Prunier, 2004) or the Congolese 'Parti de la Libération Congolais' (PLC)[3]. This is also from the Ugandan-Congolese borderland that Kabila's 'Alliance des Forces Démocratiques pour la Liberation du Congo/Zaïre' (AFDL) started its military campaign with Rwandan support in October 1996. Already during the military campaign against Mobutu in 1996-1997, UPDF commanders discovered a veritable 'Mini Eldorado' in the eastern parts of Zaire (Vlassenroot and Raeymaekers, 2004). In Kisangani and Ituri, both flourishing centres of informal diamond or gold trade, UPDF officers started exploiting Congolese minerals for their own benefit. Initially, smuggling activities of the UPDF were mainly organized on an individual basis[4]. UPDF commanders quickly learned though how to turn their military control into a profitable enterprise by developing a lucrative 'modus vivendi' with Congolese business communities in Orientale Province. The result was that local Congolese traders, even if they did not benefit directly from the war, could continue their economic activity or could even profit from it if they were able to reach a position in the military trade mechanisms. But also Ugandan traders took advantage of UPDF's presence in the DR Congo and were offered free passage to sell goods such as soap, metal roof sheeting, fuel, canned food and clothing to the Congolese consumer market in exchange for natural resources and agricultural produce. The fact that UPDF's military intervention in 1997 was a lucrative enterprise also for the Ugandan economy was illustrated by the country's gold exports, which in 1997 became the second largest source of export income (Clark, 2001a)[5]. After Kabila took power in May 1997, economic relations between both countries intensified and bilateral agreements signed on a number of development projects. Both countries also concluded an agreement on military cooperation. In April 1998, an arrangement that allowed the UPDF to conduct operations in eastern DR Congo against several Ugandan militias was formalised with a Protocol on Security along the Common Border. As a result, on the eve of the second Congolese war, the UPDF presence in DR Congo had already increased to three battalions (Fahey, 2009).

[3] These armed groups were mostly made up of remnants of former rebel groups.

[4] An example was the case of the Col. Peter Kerim, who was caught stealing two pick-up trucks loaded with fuel from a Zairian businessman. Following this incident, Kerim was forced to go on leave. Nevertheless, he managed to reappear as a trainer for Jean-Pierre Bemba's MLC and commander in Mahagi District in Ituri during the second war in 1998 (United Nations, 2002).

[5] In 1997, gold exports amounted USD 81 million, compared to 12.4 million in 1994-1995 and 35 million in 1995-1996 (Clark, 2001; Reno, 2002).

In spring 1998, the Ugandan-Congolese relationship started to deteriorate with Congolese officials accusing Ugandan and Rwandan high ranking officers of warlord practices (Ayebare, 1998) and rumors of a Rwandan-Ugandan plot to assassinate the Congolese president. Inspired by the fears of a Rwanda led coup d'état and in search for a local power bases, on July 27, 1998, the Kabila regime urged all foreign troops to leave the country within two weeks. This decision was the final trigger to a second Rwandan-Ugandan military adventure in the DR Congo. During this second Ugandan intervention (1998-2003), the exploitation of Congolese resources became much more systematic, and trading networks, linking mining centres in Congo's hinterland to international traders, drastically expanded. The gap between the Ugandan production of mineral and strategic resources and its exports in 1997 and 1998 was a clear sign of the fraudulent re-exportation of Congolese resources via Kampala. Uganda had become a diamond exporter without producing a single carat; in 1998 more than 11,000 carats were exported for a total value of about 1.5 million dollars (PANA, 28 September 1999). The exports of nobium, which was nonexistent before 1997, had a value of 782,000 dollars in 1999 (UN, 2001, 19). In addition to the export of natural resources, the Ugandan military controlled imports and distribution of goods from Entebbe (beer, cigarettes, sodas, toilet papers, etc.) around Gbadolite (northern DR Congo) and Bunia (Ituri)[6].

This economic production was largely generated through individuals closely linked to the Ugandan regime, sometimes via straw societies or dummy companies (examples include the Victoria Group, Trinity Investment, CONMET and Sagricof). Particularly the careers of Salim Saleh and James Kazini are symbolic for the rise of a new class of 'entrepreneurs of insecurity' (which included military senior officers closely linked to the regime but also with a considerable stake in business activities in Uganda and elsewhere) and for the economic dimensions of Uganda's second intervention in the DR Congo. The economic benefits of these military entrepreneurs brought into light the lucrative dynamic of the Congolese conflict. It could be argued that these individuals, assured of their political position at home, continuously exploited a context of insecurity in the DR Congo as a source of private income. For several observers, these strategies point at an informalisation of politics and the military in Uganda (Reno, 2000; Clark, 2001a). Ericksen even states that "because the regime is politically dependent on support from the army, it has been unable or unwilling to control the behaviour of its armed forces in Congo and to prevent private profiteering" (Ericksen, 2005: 1106). Realities on the ground suggest a more sophisticated reading though. As will be illustrated in the next section, the UPDF developed a larger strategy of politico-economic and military control in the DR Congo. This strategy did generate resources for the somehow paradoxical strengthening of the domestic state regime, even if it can be argued that the private agendas of individual UPDF commanders eventually inflicted with this objective. Also, UPDF commanders were dependant upon the local realities (including existing trading networks, local political agendas, etc.) yet they were not able to fully control them. Before evaluating this merging of local and regional agendas in the DR Congo, the dynamics of military entrepreneurialism of the UPDF need some further illustration.

The dynamics of military entrepreneurialism

At their arrival in the DR Congo, the Ugandan military tried to take power over trade and business in the territories they controlled. A main target was the exploitation of natural and strategic resources (gold, coltan, diamonds, and cassiterite) but also timber, coffee, copper, cobalt, ivory, and vanilla. To consolidate control and guarantee continuous production, several alternative structures were put in place. In the Kilo Moto area (Ituri District), the old

[6] In Kisangani, Bukavu and Goma, consumer goods were imported from Rwanda and Burundi (UN, 2001, 12).

mining guards of the Zairian state company were replaced by UPDF controlled elements, while individual recruits started monitoring access to the mining sites by guarding bridges and strategic roadblocks and by levying taxes from local miners and traders. The reports by the UN Panel of Experts and human rights organisations were particularly critical about UPDF's role in the exploitation of natural resources in the DR Congo. At the end of August 1998, General James Kazini was pointed out as "the master in the field: the orchestrator, organizer and manager of most illegal activities related to the UPDF presence in north and north-eastern DRC" (UN, 2001, 89). He was the principal holder of timber looted from the stockpiles of Amex-bois and La Forestiere. In January 1999, Kazini confiscated hundreds of tons of coffee stocks from Bumba, Lisala, Bosonzo, Binga and Mindembo (UN, 2001, 8). This traffic required large redistribution and network offshoots, including international commercialisation channels, 'comptoirs d'achat' and intermediaries[7]. In Equateur and Province Orientale, James Kazini constituted the link between UPDF officers and the Congolese leaders of armed groups. As UPDF Overall Commander in the DR Congo from 1998 to 2000, he became a close collaborator of Congolese rebel leaders — Mbusa Nyamwisi, John Tibasiima (RCD-ML), Roger Lumbala (RCD-National) and Jean-Pierre Bemba (MLC) — all of whom facilitated his illegal dealings in diamonds, coltan, timber, counterfeit currency, gold and coffee.

A key role was also played by Salim Saleh (President Museveni's brother) and between 1996 and 1998 by then a senior advisor on defence and security as well as commander in the reserve force. Saleh is one of the most famous representatives of these military entrepreneurs. Endlessly diversifying his activities from security to natural resources exploitation, he developed a resource accumulation strategy that skilfully mixed civilian and military business, charity and 'legitimate corruption', as well as national development and international capitalism[8]. In 1999-2000, Salim Saleh opened a trading post for the commercialisation of gold and diamonds in Kisangani, as well as a number of aviation companies that operated commercial flights from Uganda to the DR Congo. At least two Ugandan airlines claimed a quasi-monopoly on the flights to Equateur and Oriental province: Air Alexander belonging to Salim Saleh's wife (Jovia Akandwanaho), and Uganda Air Cargo that operated in Gemena, Basankasu, Isiro and Buta. A third company that is often mentioned is Air Navette, which was hired regularly by Salim Saleh and the leader of MLC (Jean-Pierre Bemba), and operated in Gbadolite, Gemena, Kisangani and Bunia. The Saleh couple, together with Kazini, was also linked to Trinity Investment, a company that transported among others agricultural products, wood and cattle on behalf of the Gegere families from Bunia to Kampala exempt of UPDF toll barriers and export taxes.

The most striking structure of exploitation was the Victoria Group. Salim Saleh, with his wife Jovia Akandwanaho and his nephew Muhoozi Kainerugabe, was the major shareholder of this group, which in reality was an unregistered company. This group was managed by a Lebanese long-term diamond trader based in Kisangani and Gbadolite that was also associated to two other Lebanese traders linked to the MLC and UPDF officers for the control of diamond business. Based in Kampala and founded in 1999, this export company was well-established in Bunia, Beni and Butembo. Through the military control of production areas, the Victoria

[7] The UN report (2002, 31) names Belgium, France, China, Germany, India, Israel, Japan, Kazakhstan, Lebanon, Malaysia, Netherlands, Russia, Switzerland, Thailand, Arab emirates, Great Britain and the US as transit points of this traffic. For more information on these offshoots, see the different reports of the UN Panel of Experts.

[8] Dismissed from the military in 1989 for "indiscipline", he made a fortune buying shares in various firms. He was at the head of a financial holding exploiting natural resources (Branch Energy), a private security company (Saracen), several local airlines, among other things.

Group had specialized in the export of gold, timber and diamond and the re-exportation from Kampala to international markets. It was Gen. Kazini, who was associated with Congolese rebel groups and some administrative officials that in July 1999 issued a safe conduit for the Victoria Group to export diamond, coffee and gold from the DR Congo (La Lettre de l'Océan Indien, 11 September 1999). He wrote a letter to the tactical headquarters of MLC and UDPF in north-eastern Congo, in which he authorised Victoria to trade in coffee, diamond and gold in their territories of control. This safe conduit proved also to be an interesting tool for several Congolese businessmen who were operating under the UPDF's cover to freely expand their commercial enterprise.

Altogether these societies ran a wide range of activities including tax-exempted import and export, counterfeit currency, and arms trafficking. They became crucial elements in militarised transborder trading networks that were based on a complex system of protection and exploitation and that linked mining sites to international networks through rebel forces and military officers, who had replaced pre-war intermediaries. Each of these companies concentrated its activities on a number of commercial niches, which often changed, but always had to secure the control over trading activities between Uganda and the DR Congo. At the same time, they consolidated the links between local business elites and their Ugandan patrons: "These networks (…) have enabled local warlords to forge a shadow economy that cuts right through the national level. By linking up local and global economic networks, the participants in this war economy are increasingly successful in blurring and dissolving the conventional distinctions between people, armies, and governments" (Raeymaekers, 2002: 10).

This phenomenon questions the political economy of conflict in eastern DR Congo and induces a paradox of instability (Perrot, 1997). "This brings politics, economics and hard security (such as the military) together into one system" (Utas, 2007). The vacuum left by pre-war local authorities to regulate economic activities and competition conditioned the use of violence and the "militarization of economic activities" (Vlassenroot, 2003: 355). As will be illustrated in the next part, local actors played a crucial role in these power games, in which protection was increasingly traded for economic gain. These particular protection arrangements did not merely lead to the informalisation of security governance but also redefined regulatory authority in the Ugandan-Congolese borderland.

The local dimension

A closer look into these arrangements reveals that Uganda's military presence in the DR Congo was largely based and depended on close collaboration between UPDF commanders and Congolese rebel leaders, traders and political elites. It also suggests that this intervention included a political project, which increasingly operated « beyond conventional forms of territorial, bureaucratic or juridical authority » (Duffield, 2001: 163). In order to consolidate its military position, the Ugandan regime concluded security arrangements with local elites that went much further than territorial and border control but also comprised private business deals. The different networks that evolved around senior UPDF commanders were successful in providing "the modes of legitimacy, redistribution and the rights to wealth" to local elites and their popular basis mostly because they had both "the authority and ability to mobilise resources" through transborder shadow networks (Duffield, 2001: 163). New arrangements have restructured or replaced pre-war networks and instigated a new process of regional economic integration, with businessmen, traders, local bureaucracies, tax administrations and military leaderships as its main actors. The outcomes of these arrangements caused additional

contestation on a local level though, while the UPDF never had the capacity to fully control local power struggles. This forced its commanders to continuously adapt to changing contexts and identify alternative partners and alternative strategies to protect their business interests.

Developments in the Ituri district (Orientale Province) during DR Congo's second war offer a good example of the merging of local and regional interests and the occurrence of alternative security arrangements (Vlassenroot & Raeymaekers, 2004). This district, which shares borders with Uganda and Sudan, between 1999 and 2003 witnessed one of the most severe episodes of the Congolese war as a result of the exploitation, by local and regional actors, of a deeply rooted local conflict over access to land, economic opportunity and political power. Local antagonism, which in origin centred on control over vital livelihoods including land, was skilfully manipulated by UPDF commanders for the development of alternative transborder networks. One of the key players was Gen. James Kazini, who understood the benefits of an alliance with the local Hema (Gegere) community. In 1999, a number of Hema landowners threatened to evict Lendu farmers from their land, based on fraudulently acquired property titles. Revenge acts by local Lendu leaders led to a first series of violent clashes. Hema landowners started recruiting defence groups that soon acquired the support of some UPDF units, who started acting as private security guards for Hema elites. This security arrangement became the backbone of an emerging Hema politico-economic power base. Hema traders started operating under the protection of the UPDF and succeeded in expanding their commercial enterprise, which ultimately connected local markets to Ugandan and international traders. One of the beneficiaries was the Savo family, which was generally considered as one of the instigators of the illegal appropriation of land. Its agricultural products, wood and cattle could be carried from Bunia to Kampala exempt from toll barriers and export taxes (United Nations, 2001). The issuing of the letter by Kazini, which granted the Victoria Group a monopoly over transborder commerce, clearly was also advantageous to Hema interests.

This economic partnership was further consolidated on the politico-administrative level with the appointment by Gen. Kazini of Adèle Lotsove Mugisa, a Hema-Gegere, as the governor of the newly created province Kabale-Ituri. Kazini's decision met with fierce resistance from the governor of Orientale province, who technically still had control over Ituri (the creation of a separate province was a personal decision taken by Kazini as part of a larger strategy to install an alternative power structure under his protection). For non-Hema communities, this was a clear move to exclude them from the local decision-making process and transborder trading networks, and consequently this led to the formation of additional militias to the defence of these communities' interests and further complicated the local politico-military landscape. For the Gegere, the alliance with the UPDF proved to be essential for the creation of an alternative power structure. Relying on existing bonds of kinship and trust, the Hema-Gegere families became very successful in fostering new and flexible relations with regional and global markets and in consolidating political and military dominance. In Mahagi, Bunia and Aru, where traders of Nande origin had for a long time been trading goods with Sudan and Uganda, the combination of a favourable administration and a foreign military back-up made it possible for Hema-Gegere traders to undercut these existing links. Control over illegal trade in gold, diamonds and other resources served as a financial basis for a new generation of local ethnic leaderships. The monopoly claim over the local economy was also protected by the UPC, a Gegere dominated militia that served the interests of the Gegere elite and community. This structure of control had to prevent traders from other ethnic communities to access their trading activities.

Another illustration of how the Ugandan intervention in the DR Congo not only created economic opportunities to members of the Ugandan politico-military elite but also allowed actors operating in the Ugandan-Congolese borderland to reposition themselves in local and regional markets is the case of Aru-Mahagi. Based in Ituri's border region with Uganda, this area during part of the war was under control of the 'Forces Armées du Peuple Congolais' (FAPC), which is led by Jérôme Kakwavu and also supported as proxy force by the Ugandan regime. Jérôme had a particular interest in controlling border towns such as Aru and Ariwara, as historically these were the centres of informal transborder trade, connecting West Nile to north-eastern DR Congo (Meagher, 1990). As transit points for gold and timber, these town had a considerable economic value. In collaboration with a number of key businessmen on both sides of the border, Jérôme's rebel organization put in place a sophisticated system that protected the interests of "a closely knit network, including selected officers of FAPC, members of Fédération d'Entreprises du Congo, Ugandan businessmen, Ugandan officials and internationally linked commercial entities" (United Nations, 2004). The border was essential: "a significant number of business partnerships directly allied to FAPC/UCPD and other Ituri armed group leaders have been formed with the intent of using the porosity of the borders, the induced leniency, or complicity, of immigration and customs officials on both sides of the border and the preferential treatment afforded them" (United Nations, 2005). A customs revenue apparatus was installed that had to replace the pre-war state bureaucracy and to guarantee the payment of taxes by all traders importing goods to the DR Congo or exporting resources to Uganda. Close Congolese and Ugandan business associates, however, could profit from a preferential pre-financing system, which in return for the payment of an agreed amount of money exempted them from paying custom duties. The arrangement between the rebels and traders, which was developed in collaboration with the Fédération des Entreprises Congolaises (FEC), included that goods could be imported or exported without the payment of taxes during a specific period of time. This complex system of fraud had several advantages. For the FAPC, the pre-financing system offered a stable source of income that made it possible to regularly pay its soldiers and strengthen its internal cohesion and thus sustain a loyal military force, while also providing a semblance of security in their zones of control. For local traders, the alliance with the rebels made it possible to develop regional business monopolies and to increase their income. In addition, taxes were lower than without this agreement and also were negotiable. For Ugandan traders, aligning with Congolese rebels included similar benefits: "as the rebel forces controlled the Congolese border, and by going into partnership with the rebel forces, the Arua tycoons (key players in the transborder contraband trade) ensured a trading monopoly on both sides of the borders" (Titeca, forthcoming).

The developing politico-economic enterprises in the Ugandan-Congolese borderland soon proved to have their limits though. Firstly, economic stakes generated substantial competition, both within the UPDF and between Ugandan and Rwandan army commanders. It is generally believed that Kazini and Joviah Akandwanaho's decision to take over the informal diamond trade in eastern Congo marked the beginning of the so-called 'Kisangani wars' between the Ugandan and Rwandan armies that would cause a serious blow to Ugandan-Rwandan relations. As part of an attempt to expand its sphere of control in northern and north-eastern DR Congo, the Ugandan regime preferred to mobilise a number of proxies, including Bemba's MLC but also parts of the RCD. This rebel movement eventually split into a number of factions, leading to a military fragmentation and the carving up of the rebel-held territories in different zones of control. In 2000, the UPDF high command unsuccessfully attempted to unite the factions under its influence into the Front de Libération du Congo (FLC). Also between UPDF units, tensions rose mainly because of Kazini's strategic choices. According

to a long-term veteran of the UPDF campaigns in Zaire and the DR Congo, "Kazini has clearly used the UPDF to support the Hema in Ituri. By supporting these individuals, he contributed to an escalation of the conflict."[9] At a certain point, these standing differences even resulted in an open confrontation between two opposing UPDF units in Ituri: while one unit was supporting the Lendu, the other (probably sent by Kazini and Adèle Lotsove) unsuccessfully tried to stage an attack on the Lendu-controlled town of Rety[10].

Secondly, the UPDF was never in control of local realities, partly because of the complexity of the Ituri conflict but also because of a lack of political leadership over the expeditionary corps, which eventually led to an open rift within the UPDF itself. In 2002, Museveni explained to Ugandan journalist Charles Obbo that Uganda was backing different militias in the DR Congo (even if some were hostile to each other) because "a wise hunter always raises many dogs because you never know which one will turn out to be the best hunter" (Obbo, 2002). This strategy has not proven to be as successful as hoped, which is illustrated by the division of the Hema-led militia UPC and the formation of split-offs (PUSIC and FAPC) in the beginning of 2003. Not long after the creation of the province of Kabale-Ituri, Thomas Lubanga – the nephew of administrator Lotsove – established the UPC ('Union des Patriotes Congolais'), which successfully took control over Bunia in August 2002. From there, it instituted its own governance apparatus and structures of control, which forced other ethnic groups to establish their own armed groups. Initially supported by General Kazini in pursuing its exclusivist agenda, the UPC's shift to Rwanda urged other UPDF officers to develop a different military strategy towards the Ituri conflict. Colonel Peter Kerim – who had already expressed his dissatisfaction with Kazini's ethnic tactics in Ituri – created a new alliance between non-Gegere militias (PUSIC, FAPC and FRPI) in the hope of stimulating a dialogue between Ituri's fractioned communities. Meanwhile, Kazini continued to blacken Kerim's name, labelling him the protector of the Lendu in their brutal quest for power in Ituri[11] (Vlassenroot & Raeymaekers, 2004). These tensions also fomented armed clashes between UPDF supported militias in resource-rich areas (particularly for the control over gold mines around Mongbwalu) and further complicated the local politico-military landscape. As MONUC concludes in one of its security reports, the "Ugandan army commanders already present in Ituri, instead of trying to calm the situation, preferred to benefit from the situation and support alternately one side or the other according to their political and financial interests" (MONUC, 2004). After Ugandan troops in May 2003 eventually withdrew from the DR Congo as a result of growing international critics against the UPDF's role in the Congo war, members of the Ugandan regime tried to keep a foot in the door through the creation of additional local proxy forces. In 2005, a new rebel group was instituted in Kampala, which settled in northeast Ituri and could mobilize support from Ugandan sources. Other Ituri-based groups that started operating more recently are believed to get assistance from allies based in Uganda as well, though it is deemed that this support is mainly generated through private networks[12].

[9] Authors' interview with a Ugandan military source in Kampala in June 2003.

[10] It was also suggested that the other UPDF unit might have been motivated by its participation in the Lendu's coffee smuggling practices (Human Rights Watch, 2001).

[11] To prevent a total breakdown of military discipline, president Museveni eventually had no choice but to dismiss Kazini as the Overall Commander of Operation Safe Haven (the official name of the Ugandan intervention in the DRC) and replace him with Colonel Peter Kerim, who was generally considered a more moderate servant on military matters.

[12] Authors' interviews with international observers in Brussels, Nairobi and Ghent in July 2009. In a recent paper, Dan Fahey adds that Uganda also allowed Congolese rebel leaders and Congolese businessmen to stay in exile and took no action against Congolese individuals subjected in 2005 to UN sanctions because of their ties to arms trade in eastern Congo (Fahey, 2009).

Thirdly, the interconnection between military occupation and economic enterprise in eastern DR Congo was fuelled and made possible to a large extent by the existence of pre-war transborder trading networks, yet at the same time has strongly transformed economic regulation at the Ugandan-Congolese borderland. The dramatic increase in cross-border economic transactions, both in volume and in their illicit character, already started during the 1980s and consolidated the emergence of a vast regional network of informal trade that became "the means by which seemingly disastrous national economies managed to keep going" (MacGaffey, 1987: 22). Where official international treaties in the Great Lakes Region failed to create regional economic integration, unrecorded cross-border trade resulted in unofficial market integration beyond the state limits yet with the complicity of state agents. As MacGaffey concludes, "it was partly owing to the ingenuity of local entrepreneurs that (…) Zaire was able to ward off harsh blows of a decade-long flight of foreign capital and cuts in economic assistance". Not only local entrepreneurs profited from these smuggling activities: "private businesses, transportation companies, and tax-collecting bureaucracies throughout the region benefited significantly from the informal sector and the income opportunities it provided" (Mwanasali, 2000: 140). This explains why already prior to the Congolese war, a vast network of trading had taken stage connecting Ugandan and Congolese markets. The Congolese war only further reinforced existing dynamics: "the double opportunity of withering state authority and insecurity at its margins had generated the foundations of a vast network of trading relationships" (Raeymaekers, 2009). It also economically integrated Ituri into the regional markets, with an important stake (some argue quasi-monopoly) of Ugandan traders in local Congolese markets. The vast production of commodities such as gold and timber today is fraudulently exported to Uganda, often in compliance with official state representatives on both sides of the border. As elsewhere in Congo's borderlands, these trading activities are subject to constant negotiation between traders, custom agents, security officials and provincial departments.

Privatised networks and the Ugandan state

One question remains left unanswered so far is what the interconnection between military occupation and economic enterprise means in terms of regime stability and what it tells us about the nature of the Ugandan state. The proliferation of privatised trading networks and the development of military-economic enterprises at the Ugandan-Congolese border suggest an informalisation of security management and political control also on the Ugandan side, with shadow networks weakening "the state control over private patronage" (Giustozzi, 2005: 1). According to Clark, raises the question of whether "President Museveni has been truly in control of the Ugandan national army" (Clark, 2001a: 275). In other words, are we talking about the behaviour of individual and undisciplined officers (a "morale" issue as Prunier suggests, 1999, 58) or do our observations suggest a deliberate strategy of the Ugandan regime or even a state culture of informalisation ? The relationship between the state and these privatised networks is far from being as clear as it may seem. At the end of the 1990's, there were fears that once these informal networks back home, they would threaten Museveni's regime through their autonomisation from the central high military command and that they could potentially ally with the Uganda's political opposition (Prunier, 1999; Perrot, 1999). The increasing autonomy of these informal networks through predation, criminalisation and links to global actors induces questions about the future of these networks. Were the UPDF in the DR Congo becoming a "corps social guerrier" (Geffray), built by war and socially reproduced in war and thus a potential source of domestic destabilisation?

Contrary to what has been stressed after the end of Uganda's military intervention in the DR Congo, we argue that these networks did not act without interference from the political centre in Kampala and (in the longer run) did not fragilise the Ugandan regime, but they do illustrate a strong interconnectedness of parallel networks with formal state structures and with the formal centre of power helping to consolidate the power and resources of the shadow structures and the shadow networks being exploited by the political centre[13].

One element that has been depicted to illustrate the loss of control of the political centre over these shadow networks is the decrease of Ugandan gold and other exports supposedly originating from the DR Congo from 1998 onwards. This would confirm the increased capacity of the mentioned entrepreneurs of insecurity to by-pass the state authority and to grant a degree of autonomisation for their commercial networks. According to Reno, privatised networks had developed their own channels of exploitation and commercialisation outside of the state (Reno, 2002). However, it could also be claimed that this decrease could suggest that the Ugandan regime, under international and internal pressure, purposely prevented to let the profits of the illegal exploitation appear on its accounts. It is now clear that some shadow networks, either the same ones or new ones, perpetuated after the official end of the war and the departure of Ugandan troops from Congolese soil. A November 2009 report to the Security Council discloses the existence in Uganda of illegal private networks of gold exports and commercialisation from the DR Congo (UN, 2009).

Also the clashes between Ugandan and Rwanda troops in Kisangani epitomize how private interests prevailed over public ones and dramatically weakened the Ugandan state, prominently illustrating a privatisation of Uganda's foreign security policy by UPDF commanders. Clark and the International Crisis Group argued that the Kisangani clashes had to be localised within an entrepreneurs network that was trying to extent its control over the local diamond trade and increasingly was out of Ugandan and Rwandan government's control (Clark, 2001a: 282; ICG, 2001). The UN Panel of Experts even accused Jovia Akandwanaho to have played a major role in the clashes for control of the diamond business in Kisangani (UN, 2001, 2002). This argument needs reconsideration, because these clashes were also caused by differences in perceptions of the Congolese conflict, regarding the most suitable strategies to solve it and the issue of profits made from the conflict. For Morten Bøas, the clashes were the result of a long meta-narrative about treason and the victimisation of Rwandese Tutsi dating back to 1989 when the Rwandese officers of the Ugandan military were dismissed (Bøas, 2004). It was revived by the acerb disputes between Ugandan and Rwandese high military officials. The Kisangani wars probably had as much to do with growing disagreement and distrust between Ugandan and Rwandan army commanders as with private business interests. Nevertheless, the Kisangani clashes also caused tensions within the UPDF high command. According to Clark, "It may even be the case that President Museveni 'negotiated with' his own army in some instances, rather than commanded it, as some evidence suggests" (Clark, 2001a: 282). The final withdrawal of the UPDF from the DR Congo depended more on the 'war trade union' conviction that the return to peace and to the barracks in Bombo would not mean a dramatic loss of their profits than on strategic choices.

Another issue is that the privatised commercial activities of UPDF officers in the DR Congo were considered to have weakened the Ugandan regime to such an extent that it became more and more dependent on external aid. Ironically, the positive effects of the economic activities

[13] Interestingly, the Ministry of Water and Forests during the second Congolese war delivered a certificate for imported timber from DR Congo, which highlights the integration of this informal traffic inside the official state economy (UN, 2001, 10-11).

being developed during the first Congolese war on Uganda's national accounts had softened donors' tolerance towards the increasing defence budget. In increasing its GDP (mainly as a result of the export of Congolese natural resources), the government could maintain its defence expenses under 2% of its GDP as recommended by the donors (Reno, 2001: 31). It also allowed the Ugandan government to lighten the debt service (Reno, 2001: 19). But it has to be noted that all state organs did not benefit from this the same way. Even though the Ministry of Defence gained benefits from this externalisation of its revenues (Perrot, 1999), some state organs, such as the *Uganda Internal Revenue* in particular, worried about the impact this would have on their own administration of the tax-exempted imports and exports (UN, 2001: 13).

On the domestic scene, the opposition was counting the human toll of Uganda's intervention in the DR Congo while small traders were complaining about their loss of income. The military itself was divided on the issue of legitimacy of the intervention. The UPDF cadets criticised the unnecessary tension created with Rwanda. The second intervention created dissent and open clashes inside the UPDF between cadets and the "Historicals" (the original members of the NRA which had fought in the bush during the 1981-1985 civil war), but also among the Historicals themselves (see the role of Kiiza Besigye, Museveni's bush doctor who became a fierce political opponent and took part in the presidential race in 2001) (Perrot, 2003).

Moreover, the disappointing economic results (poor performance of coffee industry, lack of transparency in the privatisation process, corruption in the banking system, decrease of the fiscal revenue, etc.), concomitant to the beginning of the second Congolese war irritated donors. The second Congolese war created an unprecedented confidence crisis with Museveni's regime; some donors, including the IMF, suspended their aid in 1999 (Prunier, 1999:55), which was the start of a long-term blow in Uganda's relations with its main donors (only in 2006 could some changes be observed). For the first time in December 1998, the defence expenses (relative to the war in the DR Congo specifically) and corruption were at the heart of discussions of the World Bank consultative group meeting. In February 1999, during a visit IMF representatives decided not to proceed with the disbursement of the allocated aid fund (18 million dollars) due to the overwhelming cost of the defence budget (which had increased by 60 % between 1998 and 1999). The IMF reconsidered its position after an opportune ministerial reshuffle. Likewise both the Netherlands and Finland had frozen part of their aid in September 1999 to protest against Uganda's second intervention in the Congo (*Uganda Newsline*, 1 September 1999; *Marchés Tropicaux et méditerranéens*, 21 may 1999).

In contrast, official US development assistance tripled between 1998 and 2003, mainly in order to support the war against the Lord's Resistance Army in Northern Uganda, which had been added to the US State Department's list of terrorists in December 2001. Even though donors and UN agencies realize the limits of the regime's good governance, they pursued a continued collaborative and concerted approach with the Ugandan government. In 2005, they already expressed their discontent with the undemocratic developments of the regime by partly and temporarily cutting aid, but they were not geared up to cut additional funds for security reasons[14]. After only a few months, and when there was a window of opportunity to

[14] At the end of 2005 again, DFID, Norway, Ireland, and later the Netherlands, Sweden and the UK reduced their financial budget support over concerns about Uganda's political transition, freedom of the press, and public administration expenditure. They partly reallocated the funds to humanitarian relief. DFID had already cut budget support by £5 million in May 2005 to show its concern about the political developments of the regime. In

end the conflict in Northern Uganda through the Juba peace negotiations, they put their short-term threatening and uncoordinated strategy aside to largely support and collaborate with the government. It is clear that the persistence of the vision during the 1990s of Uganda being a success story still impacts the perceptions of the donors. But "fundamentally, the UN and donors shifted back to a pragmatic and realist diplomacy because there is really no other option than conciliating with Museveni. Most of the external aid in Uganda is provided through budget support, therefore linked to the government's willingness to allot and manage it properly. Moreover, the absence of credible political alternatives as a state leader makes any confrontational policy with the incumbent regime vain and pointless. Museveni won the February 2006 presidential elections with more than 60 % of the votes" and his main opponent Kiiza Besigye was discredited by his incapacity to mobilise rural Uganda and to gather the opposition representatives (Perrot, forthcoming).

Rather than becoming a threat to Uganda's political stability, most of the entrepreneurs of insecurity have been recycled or reintegrated into the state machinery[15]. Apart from a few arrests and lay offs (which was the case for Peter Kerim for example) the main leaders of the shadow networks, who were involved in Congo's resource trade, are still in charge of public affairs. Salim Saleh was first recycled as Minister of State for Micro-Finance (Bonna Baggawale) and later became senior presidential adviser. Kahinda Otafiire was appointed Minister for Local Government. Kahinda Otafiire, as the Minister of Local Government, helped other veterans from the DR Congo to acquire plots of land (LOI, 2007). James Kazini was a clear exception though. Despite strategic mistakes committed by Kazini in Kisangani, he was promoted (Mwenda, 2002) and deployed to Southern Sudan for Operation Iron Fist on return from Eastern Congo. Already accused of perjury by the UN Panel of Experts, he was dismissed after the publication of the Porter Report that accused him of disobedience to President Museveni's order not to help Congolese businesses. Maj. Gen. James Kazini had been on 'katebe' (undeployed) since 2003 and was fired as army commander in June 2003; in March 2008 he was finally convicted and sentenced to jail[16]. This affair seems to prove that Museveni never fully lost control over these entrepreneurs of insecurity. Even more, the arrest of James Kazini was believed to be linked to his political ambitions and not to his role in the shadow economic structure in the Congo.

Finally the shadow networks perpetuated themselves. Interestingly, Col. John Mugyenyi, former commander of a UPDF brigade in Eastern Congo, maintained his business activities in Kampala and bought a large part of the Kisekka market via his firm Rhino Investments. He had been accused in a UN report of plundering gold in Congo and also of contradicting the military code of conduct by not declaring his goods (including several luxurious cars). As a close ally of Museveni and more especially of Salim Saleh, he financed Museveni's

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total, the UK cut its aid of £ 20 million, followed by Norway and Ireland (£2million), the Netherlands (£5million), Sweden around (£7 million) (DFID, 2005).

[15] One reason could be because the juridical threat of the ICC. The arrest of Jean-Pierre Bemba by the ICC created tensions among the circles of Ugandan officers pinned down by the UN reports (LOI, 2008).

[16] A three-man committee (Gen. Tinyefuza, Hon. Mbabazi and Gen. Salim Saleh) investigated him from June to September 2003 over the existence of ghost soldiers on the UPDF payroll, financial loss and embezzlement and the creation of a semi-autonomous military unit (the 409 brigade) in West Nile. He was suspected of plotting a coup against Museveni, together with the former Alpine Brigade Commander Lt. Col. Muhindo (Afedraru, 2009). This three-men commission of inquiry convicted him in March 2008 and sentences him to a three-year jail term for causing financial loss over creating ghost soldiers in the army pay-roll (Wakise and Mukasa, 2008). He was released on bail from the Luzira prison but was accused of disobeying the commander-in-chief in relation to deployment of troops. (Atuhaire, 2008). Kazini has recently petitioned the Constitutional Court to challenge the constitutionality of his trial. He could be jailed for life (Afedraru, 2009).

presidential campaign in 2006 (LOI, 2007). In 2009, rumours circulated that training camps of Ituri militias were based at the Ugandan side of the Albert Lake or on Ugandan islands within the same lake. Also the shipments of arms from Uganda to these militias have been reported, indicating that informal contacts between Ugandan elements and Congolese militias continue to exist even if it could seriously be questioned whether these contacts are part of a deliberate strategy on behalf of the Ugandan regime.

Conclusion

Uganda's interventions in the DR Congo have often been presented as being guided by greedy UPDF commanders who all have tried to develop and consolidate private business interests through transborder networks by connecting Congo's resource rich areas to markets in eastern Africa and therefore largely escaping control of the political centre in Uganda. Even more, these parallel networks are believed to have fragilised the Ugandan regime considerably. For Reno, the Ugandan state was unable to centralize the control over this violent accumulation and failed to organize violence through the central state. He underlines a possible backlash effect, as it "creates violent entrepreneurs within the military and government who will resist institutional efforts to control them and may defy the ruler's personal authority to get what they want" (Reno, 2002). The analysis presented in this paper illustrates that this reading of Uganda's military involvement in the Congolese wars only partially corresponds with realities on the ground. As time goes by, most of these "violent entrepreneurs" have been recycled and reintegrated into the state machinery. Rather than posing a threat to regime stability, the activities of Ugandan military entrepreneurs and the networks under their control became an integral part of Ugandan governance regime. These military shadow networks could not flourish without links to the state machinery (protection, commercialisation networks, resources, etc.). Rather than indicating a criminalisation of the Ugandan state, the established interactions, interlocking and straddling between shadow networks and the political centre have called into question "the segregate nature of the state and mafia spheres and (...) the natural inclination of criminal networks to subvert political order by imposing their own rules. The entrepreneurs of violence often meet the rules of political and economic context in which they operate, including detecting opportunities that will enable them to develop their business"17 (Briquet & Favarel, 2008: 12).

The case of Uganda's intervention in Congo also teaches us that an informalisation of security structures can create additional opportunities for regime consolidation. The paradox here is that while state regulatory authority is constantly undermined by parallel networks, the same forces also seem to contribute to the viability of the state. "Officially relegated to the margins of the legitimate social order, opposed to democratic standards and models of good governance promoted by international organizations, the illegalities and the misuse of violence nonetheless constitute levers of accumulation of economic resources, political, social and territorial control, and *in fine* instruments for the exercise of power" 18 (Jean-Louis Briquet & Gilles Favarel, 2008 :12). Rather than including an often suggested 'privatisation of the state' (Bayart et al, 1999) these processes are characterised by more indirect forms of

[17] "l'étanchéité des secteurs "étatiques" et "mafieux" et (…) la volonté naturelle du milieu criminel de subvertir l'ordre politique en imposant ses propres règles. Les entrepreneurs de violence se satisfont bien souvent des règles du jeu politique et économique dans lequel ils évoluent, en y décelant les opportunités qui leur permettront de développer leur activité

[18] "Officiellement relégués aux marges de l'ordre social légitime, opposés aux standards démocratiques et aux modèles de bonne gouvernance promue par les organisations internationales, les illégalismes et l'usage irrégulier de la violence n'en constituent pas moins des leviers d'accumulation de ressources économiques et politiques, de contrôle social et territorial, *in fine*, des instruments d'exercice du pouvoir »

political control, that drive "the middle-ground between formal and informal, state and non-state spheres of authority and regulation" (Raeymaekers & Vlassenroot, 2008). The question here is if in the case of Uganda (which could arguably be described as a failing state), new governance frameworks are developing that include parallel power structures and institutions (with UPDF officers becoming powerful in the field through private patronage networks and yet who still remain loyal to the Ugandan regime) and that force the political centre into strategies of mediation in order to regain or maintain its authority. The threat of seeing a brutalisation of the military and the development of autonomous 'warlords' within the Ugandan state (as was suggested by Prunier, Reno and others) never materialised. Rather, the continuing straddling of public and private functions helped these entrepreneurs of insecurity to face the transformation of their environment once they left the DR Congo. By simultaneously keeping one foot in the 'bush and border' (Roitman, 2004) and another in the state bureaucracy and national economy, they could thus both consolidate their private economic interests and serve the political centre.

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