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Setting Fire to Your Own House

Crisis in Kasai: The Manipulation of Customary Power and the Instrumentalization of Disorder



The Congo Research Group (CRG) is an independent, non-profit research project dedicated to understanding the violence that affects millions of Congolese. We carry out rigorous research on different aspects of the conflict in the Democratic Republic of the Congo. All of our research is informed by deep historical and social knowledge of the problem at hand. We are based at the Center on International Cooperation at New York University.

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Glossary

Affranchissement: A process usually undertaken with the consent of a *groupement* chief, who, after coming to an agreement with one of his *kapitas* (subordinate chief) agrees to create a new *groupement* with the *kapita* as its chief. It is usually done when the population of a *groupement* has grown enough that the creation of a new one can be justified. It is at the root of the historical conflict between the Kamuina Nsapu and Ntenda lineages among the Bajila Kasanga. This is a common occurrence in the Kasai region.

Bajila Kasanga (sing. *Mujila Kasanga*): A large Lulua clan that dominates a group of clans collectively referred to as “Mutombo.” It vies for dominance of the Lulua with another group of clans, dominated by the lineage of King Kalamba, referred to collectively as the “Katawa.”

Evariste Boshab: A close ally of President Joseph Kabila who has been involved in the manipulation of customary authority in the Kasai region and who was instrumental in ordering the arrest of Jean-Prince Pandi. His former positions include chief of staff to President Kabila, president of the national assembly, minister of interior, and secretary-general of the *Parti du peuple pour la reconstruction et la démocratie* (PPRD). He is from the Ngende ethnic group of northern Kasai province (a subgroup of the Kuba).

Chefferie: A Congolese administrative unit led by a customary chief who inherits the title from a member of his lineage. Administratively, it is at the same level as a sector. Its position within the hierarchy of Congolese administration is: Province-Territory-Sector/*Chefferie-Groupement-Village*.

Chokwe: An ethnic group that regards its ancestral homeland to be in the southern Kasai region and in northern Angola. Some of the Bana Mura militias that mobilized against the Kamuina Nsapu insurrection recruited in this community.

Dédoublement: In the case of this study, a splitting or doubling of power and the name given to the strategy by the Congolese government to undermine the authority of customary chiefs.

This is sometimes done by refusing to recognize a customary chief named by the ruling family, as in the case of Jean-Prince Pandi, or by legally recognizing one who was not named by the ruling family.

Groupement: A Congolese administrative unit headed by a customary chief. Its position within the hierarchy of Congolese administration is: Province-Territory-Sector/*Chefferie-Groupement-Village*.

Alex Kande: Former governor of Kasai Central from the Lulua ethnic community, accused of preventing Jean-Prince Pandi from obtaining a state decree recognizing him as customary chief in the Bashila Kasanga *groupement*. Head of a *Majorité Présidentielle*-aligned political party named *Congrès des Alliés pour l'Action au Congo* (CAAC).

Clément Kanku: A politician from Dibaya territory of Kasai Central province who allegedly encouraged a Kamuina Nsapu militia in its initial attacks of state institutions. He is a former vice governor of Kasai Occidental province and a national parliamentarian, formerly with the opposition. In December 2016, he was named minister for development cooperation, a position he held for five months.

Lubaphone: An umbrella term used to designate Tshiluba-speaking populations from the Kasai region. The largest groups of these are Lulua and Luba-Lubilanji, but they also include the Bakwa Nyambi in Kasai province.

Lulua: A Tshiluba-speaking group located mainly in Kasai Central and, to a lesser extent, Kasai provinces. It forms part of the larger group of Luba peoples in the Kasai region that also includes the Luba-Lubilanji peoples, who reside mainly in Kasai Oriental and Lomami provinces.

Manga (sing. *buanga*): A Tshiluba term signifying “medicine” or “fetishes,” depending on the context. Used by Kamuina Nsapu groups and militias in Kasai as part of rituals designed to protect them in combat through occult means.

Hubert Mbingho: Vice governor of Kasai province from the Pende ethnic group, accused of complicity in organizing the Bana Mura.

Maker Mwangu Famba: Former minister of primary and secondary education, and former vice governor of Kasai Occidental province from the Pende ethnic group. He is accused of supporting the Bana Mura militias.

Jean-Prince Pandi: A traditional healer (*tradipraticien*) and member of the ruling class of the Bajila Kasanga clan who previously resided in South Africa. Following his uncle's death, he was named customary chief of the *groupement* of Bashila Kasanga (Kasai Central) by the ruling family there in 2012. After being denied a state decree recognizing this nomination, he formed a militia that sought initially to prevent state agents from entering his village, Kamuina Nsapu, the seat of the Bashila Kasanga *groupement*. He was killed after a standoff with state security forces August 12th 2016.

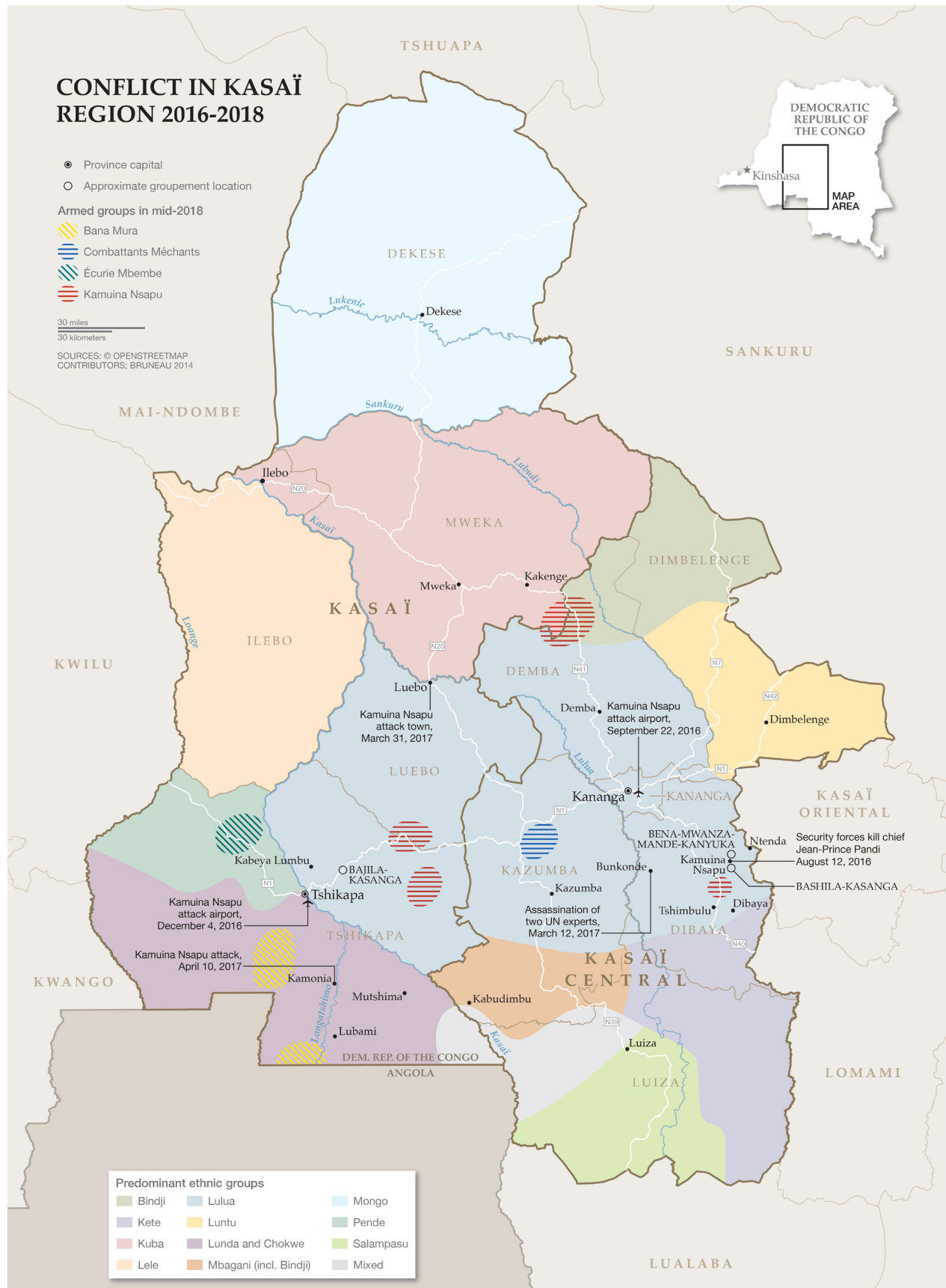
Pende: An ethnic group that regards its ancestral home to be in the provinces of Kasai, Kwilu, and Kwango. Some of the Bana Mura militias that mobilized against the Kamuina Nsapu insurrection recruited in this community.

Tshiluba: The language spoken by the Luba and Lulua people of the Kasai region.

Tshiota: A Tshiluba term meaning "extended family." It traditionally refers to the people who sit together in the evening around a fire, which is both a symbol of unity and a space where problems are resolved. In the Kamuina Nsapu, the *tshiota* became both a site at which new members were "baptized," and an expression of the links created among the new members.

Tshizaba: Traditionally, a clay pot in which medical remedies are prepared. In the context of the Kamuina Nsapu, the term also came to refer to both the pot and the substance within it that were used as part of the baptism of new members.

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Executive Summary and Recommendations

Since August 2016, the Kasai region has seen one of the most dramatic escalations of violence in Congolese history. A localized struggle over customary power quickly spread across four provinces, fueled by resentment over economic and political marginalization, and aggravated by the government's disproportionate use of force in repressing the revolt. Within the space of a year, 1.4 million people were displaced and dozens of armed militias were formed. The Catholic Church counted 3,383 deaths due to conflict in the greater Kasai area between October 13th 2016 and June 17th 2017 alone.

While the insurrection, dubbed Kamuina Nsapu, was extremely brutal, the government's narrow and disproportionate military response compounded the crisis. Instead of seeking a negotiated solution to the grievances of a provocative customary chief, security forces killed him, then used extreme brutality to kill hundreds of ragtag combatants – many of them children armed with crude weapons – and civilians. The army and police then helped set up rival militias, which politicians at the national and provincial level supported. In contrast, there have been almost no sincere attempts by the government to address the root causes of the conflict or to seek its peaceful resolution.

This crisis challenges a tacit assumption about the Kasais: that widespread anger over political and economic marginalization could not lead to armed conflict. The rapid spread of the Kamuina Nsapu rebellion should cause policymakers to re-evaluate how they assess political dynamics in the Congo more generally. The main factors that caused the crisis are prevalent across much of the country in differing degrees: the political manipulation of customary power, social marginalization, and elites who, in the current climate of political uncertainty, either escalate or are indifferent to mass violence.

While the conflict in the Kasais has diminished, levels of humanitarian suffering are still extremely high, and the potential for further violence, especially in Kasai province, remains. It is difficult to envisage a comprehensive solution to these

challenges, or to prevent further violence, without addressing national dynamics. The Congolese government will need to set up initiatives, backed by donors, to address customary conflicts and to reform traditional power structures. Efforts to break the economic isolation of the Kasai provinces, and to promote inclusive dialogue should continue. Perhaps most importantly, government officials, including army officers, must be held accountable for fostering violence or using disproportionate force to quell it.

Recommendations

Congolese government

- Depoliticize and render more transparent the procedures for recognizing customary chiefs by creating an independent state commission tasked with resolving customary conflicts, as stipulated by the 2015 Law on the Status of Customary Chiefs.
- Prosecute abuses committed by members of the police and army, including by acting on existing cases and evidence provided the United Nations Human Rights Commission's team of international experts, by providing greater resources and power to military prosecutors.
- Investigate the involvement of provincial and national authorities in the backing of militias.
- Undertake good faith efforts to collaborate with UN envoy Robert Petit in establishing responsibility for murder of two UN experts in Kasai Central in 2017, including providing access to witnesses.
- Reinvigorate the national demobilization commission by allocating funding for operations in Kasai and taking steps to reassure combatants that they will not be mistreated.
- Undertake genuine efforts to promote reconciliation between communities in the Kasais by creating public forums where victims and local leaders can express their grievances and debate solutions.

Congolese national and provincial parliaments

- Set up commissions to investigate customary conflicts and, together with the government and local civil society, to help promote their peaceful resolution.
- Invigorate the defense and security commission to effectively oversee and investigate the operations of the Congolese army, intelligence services, and police.

MONUSCO

- Take a bold stance on human rights abuses by the government, including by publishing human rights reports and issuing press statements.
- Continue to create space for political dialogue locally and nationally. This should include outreach to customary chiefs and civil society organizations working on customary conflict, in order to ensure that localized conflicts over resources and customary political power are addressed quickly.
- Maintain a presence in Kasai, in order to monitor developments there and safeguard against future violent conflict.
- Maintain pressure on the Congolese government to prosecute the political manipulation of local conflicts by its officials.

United Nations Security Council

- Maintain pressure on the Congolese government to conduct a transparent investigation into the murders of the UN experts in the Kasai region.
- Encourage the UN Group of Experts on the DR Congo to also focus on the Kasai region, and augment their staff with an expert on the Kasais.
- Issue clear statements on progress made by the Congolese justice system, with support of UN officials, into the assassination of two UN experts in Kasai in March 2017.
- Request the United Nations Department of Peacekeeping Operations, through its Best Practices Unit, to review the actions taken by MONUSCO to address the escalation of violence in the Kasai region.

- Draw on the report of the UN Human Rights Commission's Team of International Experts to inform new sanctions of those responsible for the violence.

International donor community

- Back initiatives by the Congolese government to resolve disputes over customary power and to depoliticize the formal recognition of traditional chiefs.
- Target additional funds for the development and economic opening of the Kasai region.
- Link the transformation of violent conflict to the resolution of the political crisis in Kinshasa, and the fostering of greater accountability of political elites through elections.

International Criminal Court

- If Congolese authorities do not pursue good faith prosecutions of those responsible for the violence, announce an investigation into those crimes.

Introduction

In August 2016, the Congolese region of Kasai, which had not seen serious conflict in decades, became front page news.ⁱ A rogue customary chief had begun erecting roadblocks that were manned by young men and children, who were apparently under the influence of drugs and *manga*, magico-religious fetishes.ⁱⁱ These roadblocks were designed to prevent state agents from entering the chief's village, Kamuina Nsapu.¹ On August 12, Jean-Prince Pandi, the chief responsible for the roadblocks, also called Kamuina Nsapu, was killed by state security forces.

Events quickly escalated, and the conflict in the Kasai region went from being localized in and around Kamuina Nsapu to a provincial, then regional conflict. Within a year, 1.4 million people were displaced as fighting spread across four provinces. Local armed groups proliferated, especially in the southern parts of Kasai and Kasai-Central provinces, and the national army reacted disproportionately, killing thousands of civilians and militia members, most of whom were armed with no more than sticks and machetes.² According to a UN investigation, both the government and their opponents committed war crimes.³

Three cleavages fueled the conflict, all interlinked. The first were struggles over customary authority – Pandi's quarrel was only one of many – in the region, often exacerbated or even initiated by the government. These conflicts resulted in armed mobilization by disaffected local chiefs and leaders against the state, which reacted with disproportionate force. Finally, as these militias proliferated and fragmented, moving into Kasai province, other local militias, formed partly at the behest of national and provincial politicians,

mobilized against them on an ethnic basis in defense of the Chokwe, Pende, and, to a lesser degree, Tetela populations, often in alliance with the national army and police. At the same time, political considerations within the ruling coalition, the *Majorité Présidentielle*, in Kinshasa became prominent.

The result was the expansion of a conflict that began as a dispute over customary authority and became, ultimately, an inter-ethnic one whose link to Pandi and his original movement was tangential.

This report is based on 53 interviews. Unless indicated otherwise, they took place between November 2017 and May 2018 in Kananga, Tshikapa, and Kinshasa. In order to protect the confidentiality of those interviewed and the security of the researchers, we have not provided their names or the dates of the interviews.

ⁱ The Kasai region is composed of five provinces that were created following the division (*découpage*) of the provinces of Kasai Occidental and Kasai Oriental in 2015 per the 2006 constitution. While the Kasaiian conflict has affected the entire region, its effects have been disproportionately felt in Kasai and Kasai Central. This report focuses on those two provinces.

ⁱⁱ *Manga* in Tshiluba means medicine and refers in this context to fetishes that are believed to confer magical powers on those that wear, possess, or ingest them. For the Kamuina Nsapu, these included drinking a potion from a clay pot called a *tshizaba* (a term which also came to refer to the potion itself in the context of this conflict), and ingesting live red ants (*mankenene*).

History of the Conflict and its Escalation

The “Pandi Affair”

Jean-Prince Pandi,ⁱⁱⁱ known by his chiefly title Kamuina Nsapu Pandi, was named chief by the ruling family of Kamuina Nsapu on September 20th 2013, becoming both the head of an administrative entity, the Bashila Kasanga *groupement*, as well as the chief of his clan. He succeeded his uncle, Kamuina Nsapu Ntumba Mupala, shortly after the latter’s death on March 25th 2012.^{iv} The Bajila Kasanga (sing. Mujila Kasanga) chiefs who attended the coronation pledged their allegiance to Pandi as the clan’s head chief (*grand chef*). This is likely the result of trips that Pandi took beginning in late 2012 across the Kasai region, where he visited other Bajila Kasanga chiefs, with a view to garnering support for himself as the clan’s head chief and asserting his position more broadly among customary chiefs in the province (see Annex A). Following the ceremony, Pandi left the village of Kamuina Nsapu and reportedly returned to South Africa, although he is also said to have been in Lubumbashi during this period.⁴

Between 2013 and 2016, Pandi languished in a form of administrative limbo that has become increasingly common in the Congo. Although he was selected by the ruling family of his clan to succeed his uncle, and even though the relevant administrative authority – the *chef de secteur* – had reportedly confirmed this in a written report, Pandi never received his official decree (*arrêté*) from the Congolese state. Most likely, since Pandi was someone who was thought to be sympathetic to the opposition, like the uncle he succeeded, the government did not want to give him a decree.

Pandi’s predicament suggests that he was the victim of a common political tactic used by the Congolese government, referred to as *dédoublement* – a splitting or doubling of power. *Dédoublement* is designed to weaken a customary chief seen to be sympathetic to the political opposition, either by refusing to give him a decree, or by recognizing a rival claimant to his title. The tactic of *dédoublement* has been especially prevalent in the Kasai region, and is used as a means of undermining authorities perceived by the government as favorable to the opposition. Evariste Boshab, the former minister of the interior, was reported by many of CRG’s interlocutors to be an important instigator of *dédoublement* in the Kasai region, as both an influential member of the ruling coalition and prominent Kasaiian politician, although it dates to before his term as minister of the interior (December 2014 – November 2016).

In Pandi’s case, it was the provincial governor at the time, Alex Kande, who prevented him from obtaining the official state decree.⁵ Pandi tried to meet with Kande on several occasions in order to plead his case, but the latter refused to see him.⁶ The central government and Kande, however, claim that Pandi never initiated the necessary administrative procedures in order to obtain formal recognition of his chiefship.⁷ Kande backed Pandi’s rival Jacques Ntenda Tshiambi Mata Mupikudi^{vi} in their battle for leadership among the Bajila Kasanga. Ntenda, the chief of a neighboring *groupement*, even went so far as to become a member of Kande’s small political party, the *Congrès des alliés pour l’action au Congo* (CAAC).

ⁱⁱⁱ He is often also referred to as Jean-Pierre Pandi

^{iv} Bajila Kasanga (also written Bashila Kasanga) is both the name of a *groupement* as well as an important clan among the Lulua people who are spread across numerous *groupements* in Kasai Central and Kasai provinces. The Kamuina Nsapu is both the chief of the Bashila Kasanga *groupement* as well as the head chief (*grand chef*) of all the Bashila Kasanga people.

^v Kande was supported in this endeavor by the provincial minister of health, Innocente Bakanseka, a Mujila Kasanga cousin of Pandi.

^{vi} This is his chiefly name. He is also known as Elie Tshiaba Mujangi.

On April 3rd 2016, the provincial government sent a delegation composed of the national army (FARDC), the police (PNC), and the national intelligence agency (ANR) to Pandi's house in Kamuina Nsapu with a search warrant. This action was taken based on a tip off from Pandi's cousin, a demobilized soldier, that he was hiding weapons.^{vii} The search party allegedly included "Rwandans," likely an epithet to describe soldiers from the Congolese Hutu and Tutsi communities, whose presence in the area became a rallying cry for Kamuina Nsapu groups, who often shouted "*buloba buikala buenu*" ("may the land be yours") – a rallying cry for "foreigners" to leave their land.

By all accounts – including that of the national government, as well as the provincial security council – the operation did not find any weapons.⁸ Apparently unbeknown to state authorities, Pandi was in South Africa when the raid occurred. During the operation, there were two important affronts to Pandi and his customary power, which are among the events that triggered the conflict: first, security officials handled sacred objects associated with Pandi's customary authority, thereby violating an important taboo.^{viii} Second, Pandi's wife was allegedly assaulted or raped.⁹

Pandi returned to Kamuina Nsapu on April 23rd 2016. On May 5th, he began to erect roadblocks preventing access to his village in response to the aggression of the security forces. He said that his safety was in danger, and wanted to protect himself and his *groupement*. These roadblocks were staffed principally by young men and children who had been initiated by Pandi at a *tshiota*, a ritual fire where the head of each extended family offers sacrifices to ancestors on special occasions, during a ceremony in which they had drunk a potion called *tshizaba* out of a sacred clay pot of the same name.¹⁰ In the meantime,

Pandi continued to initiate new members into his group, who called themselves his *éléments*. Pandi's group had a degree of hierarchy and organization, including a governing council called the 12 Apostles. They were his first disciples, who subsequently assisted in spreading the movement beyond the village of Kamuina Nsapu.

Pandi was increasingly perceived by the provincial government and army as a threat. On July 10th 2016, Kande sent a memorandum to Kinshasa, acknowledging that the April search party had not found any weapons in Pandi's house. But it also declared that Pandi was hostile to the government, and that he was seeking "hegemony" over the nine chiefs of the *groupements* surrounding his own, noting that they did not accept Pandi's leadership. The memorandum listed a number of attacks committed by Pandi's militia against representatives of the state, before concluding by requesting the central government's help in arresting Pandi.¹¹ At the same time, the commander of the 21st military region also asked Kande to arrest the rebellious chief, stating in a government report that he was "not convinced by the conclusions from the search warrant," and that he had "new information in his possession" that justified an arrest. However, it is likely that the initiative to arrest Pandi came from Kande himself, as his memorandum suggests.¹²

Less than a week later, Evariste Boshab, then national minister of the interior, arrived in Kananga. He was joined the following day by President Joseph Kabila. The official reason for the president's visit was to open the Megatron solar power station, as well as to launch Kananga's new public transportation company, Transkac.¹³ The president's visit to open the solar power station, however, had been cancelled several times, suggesting that this trip to Kananga was also in

^{vii} The government claims that Pandi approached his cousin, Ngalamulume Dieumerici, and asked him to lead a new militia he was creating, in March 2016, and that he had given Ngalamulume weapons that he intended to distribute to militiamen. *Op.cit.*, "Éléments d'information liés..." p.6. In another version of this story, related to CRG by a civil society activist in Kananga, Pandi actually gave Ngalamulume two weapons samples which the latter took to the Kasai Central *Conseil Provincial de Sécurité* (Provincial Security Council) as proof of his cousin's desire to start a militia.

^{viii} These are known in Tshiluba as *biawu bia bukallenge bia kabukulu* (objects of chiefly power). Some sources explain that the conflict was triggered by a revolt by the ancestors/spirits against the soldiers and the state, who had broken the taboo.

response to Kande's memorandum and mounting tensions in Kamuina Nsapu. A prominent politician in Kananga reported that during his visit, Kabila met with security forces and provincial politicians to address the conflict, instructing them to limit harm to civilians during their operations.¹⁴

On July 25th, Kande sent a delegation to Kamuina Nsapu to negotiate with Pandi. It was led by the now-deceased provincial minister of the interior, Simon Pierre Tshibuyi Kayembe.^{ix} The minister's report, dated July 28th, paints a different picture than that of Kande earlier that month. Whereas Kande's memorandum requested Pandi's arrest for his rebellion against the state, Tshibuyi's report emphasized that Pandi was upset that the provincial authorities had not acted on his request for official recognition of his customary title, and rejected the notion that he was forming a militia.¹⁵

Two days after this report, on July 30th, the conflict escalated dramatically. Youth from the villages of Mubikayi and Kamuina Nsapu attacked the nearby village of Ntenda, burning down approximately 100 houses. The conflict between these two chiefs – Kamuina Nsapu and Ntenda – dates back decades, but it had been amplified due to Ntenda's proximity to the ruling coalition and Pandi's opposition to it, as well as alleged tensions over the control of diamond deposits in Ntenda's *groupement* (see below). The attack, which was undertaken by Pandi, or at least with his blessing was the precursor to a larger attack by Pandi's forces on the town of Tshimbulu on August 8th, which targeted official buildings and killed at least nine people.¹⁶ The Tshimbulu police headquarters was burned down, as were the offices of the electoral commission, the mayor's residence, and the public prosecutor's office.

At this point the crisis was already becoming politicized. The opposition parliamentarian Clément Kanku Bukasa was implicated in the escalation of attacks.¹⁷ Part of the evidence for this was a recording of a telephone conversation in which a person who appears to be Kanku congratulates a contact reporting back to him

about the attacks on Tshimbulu. Even though the government knew about this support, and accused him of it during a provincial security meeting, Kanku was named national minister of development in December 2016. After his nomination, Kanku began to support Ntenda as chief of the Bajila Kasanga, suggesting that he may have been given the ministerial post in exchange for assisting the government in quelling Pandi's movement. Kanku denies these allegations and says he promoted the peaceful resolution of the crisis since its beginning.¹⁸

The rise of the Kamuina Nsapu militia and the government reaction

As the Kamuina Nsapu militia spread, it became guilty of grave abuses, targeting state officials and civilians deemed to be linked to the state. The militias that carried out these attacks represented a new phenomenon in a region where there had been no large-scale violent conflict for many decades. Recruits were overwhelmingly young people: at least 60 percent of its members were children, which points to the responsibility of both the militia leaders as well as that of the FARDC, which killed many dozens of these children.¹⁹ Recruits were bound to the militia through custom and ritual; inductions almost always took place after the lighting of a *tshiota* and through an initiation that included drinking a potion out of the *tshizaba*, designed to give them supernatural powers that would prevent them from being killed during combat. These potions sometimes contained alcohol and ground human bones, while recruits were also sometimes forced to eat human flesh or insects.²⁰ The most common weapons possessed by the Kamuina Nsapu militia members have been slingshots and wooden sticks, often carved to look like AK-47s, that they believe transform into real AK-47s more powerful than the weaponry of the state security forces. There have also, however, been reports that over time the Kamuina Nsapu militias have obtained more sophisticated weaponry following their clashes with security forces.

^{ix} The delegation included Daniel Mbayi, a provincial PPRD deputy and Mujila Kasanga; a local journalist from Radio Full Contact, Simon Mulowa Kale; and two police bodyguards.

The militias are deeply gendered. Boys are used as normal combatants (*éléments*) and spies. They are also used as initiators at the *tshiota* sites, initiating new members under the supervision of adults, the so-called “camp chiefs” (*chefs de campement*). Girls are also used in the militias, but almost always in roles subservient to men, such as conjugal partners to combatants. Others become *ya mamas*: young women who are put on the front lines because it is believed that they can stop bullets through mystical means, by sweeping them up in their red dresses – red being the color of the Kamuina Nsapu. Some of the videos that appeared in early 2017 of FARDC attacks against Kamuina Nsapu groups show that a considerable number of the casualties may have been these kinds of girls. Accounts differ about the criteria for selection of these girls as *ya mamas*: one source reported that they were selected because they were virgins, while another stated they were chosen to act in this capacity only when they were menstruating.²¹ Both versions reflect a cultural understanding of purity and pollution, in which the militia groups sought to mobilize the girls’ potency either through the “purity” of their virginity, or through their temporary state of “pollution” while menstruating.

From the beginning, the government decided to privilege military force to deal with the Kamuina Nsapu militias. Despite the initial recommendation by the provincial minister of the interior to negotiate with Pandi, the government quickly decided to treat the Kamuina Nsapu as terrorists. General Richard Kasonga, the army spokesperson, said, “These are no altar boys (*enfants de chœur*) but insurgent terrorists thirsty for blood, they are killing people.”²² While international humanitarian organizations, initially argued that the Kamuina Nsapu was a popular revolt, the June 2018 report by the UN Team of International Experts – mandated by the Human Rights Council – concluded that the Kamuina Nsapu was a relatively structured group, making this a non-international armed conflict in legal terms.²³

On August 8th 2016, FARDC reinforcements arrived in Kananga from Kinshasa, as did a high-

level government delegation: Evariste Boshab (deputy prime minister and minister of the interior), General Didier Etumba (chief of the general staff, FARDC), General Jean-Claude Kifwa (commander of the second defense zone, FARDC), General Delphin Kahimbi (head of military intelligence, FARDC), Charles Bisengimana (national police commissioner), Kalev Mutond (head of National Intelligence Agency), and François Beya Kasonga (head of the national migration agency). The mobilization of such an important delegation attests to the seriousness with which the government viewed Pandi’s movement. For example, such a large delegation of high-ranking officials had never visited Beni, during the period of massacres there that claimed the lives of almost 1,000 civilians between 2014 and 2018. This suggests that the government was deeply alarmed about the prospect of a conflict zone emerging in the center of the country.

On August 9th, another delegation arrived in Kananga, this time composed from the national association of customary chiefs.^x Somewhat controversially, the delegation included Senator Mbueshi Mulenda from Mweka, the head chief (*grand chef*) of the Bakete people. Mbueshi had reportedly benefited from Boshab’s support in order to become not only a *groupement* chief, but also the head of the Kasai branch of the national association of chiefs, angering many Lulua chiefs. His presence in this delegation is probably one of the reasons it failed to convince Pandi to surrender.

On August 10th, Boshab gave Pandi an ultimatum: surrender, or face an FARDC attack. Boshab allegedly told him: “I am tired of your nonsense. I have come [here] with full authorization.”²⁴ The government delegation told a group of national parliamentarians from Kasai that Pandi had 24 hours to surrender or he would be killed.²⁵ When he asked for the UN peacekeeping mission (MONUSCO) to come and guarantee his safety, a parliamentarian told him that it would not be possible, as MONUSCO does not have a base there.²⁶ Two days later, on August 12th, Pandi was killed in Kamuina Nsapu by the FARDC. While the

^x The *Alliance nationale des autorités traditionnelles du Congo* (ANATC). The delegation was led by Mwami Mwenda-Bantu Godefroid Munongo Jr.

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circumstances of his death are not clear, several sources report that he was killed without putting up much resistance.

The governor publicly announced Pandi's death, and his body was brought to Kananga. He had originally intended to display the body publicly. This move was designed, it seems, to demonstrate to the public that Pandi's fetishes were powerless against state security forces. However, other customary chiefs argued that doing so would amount to an abuse of tradition. In the end, the bodies of seven members of his militia and 12 police officers were shown to the public in the stadium, while Pandi's body remained in the locker room. Boshab publicly declared the end of the rebellion, but in fact, Pandi's death triggered an escalation of the conflict.

For Pandi's supporters, the fact that his body was prevented from having a proper customary burial further enraged them, highlighting the important role of tradition in local moral discourse. Ordinarily, customary chiefs are buried in secret, at night time, often in the bed of a river or stream, with only a handful of family members and other customary chiefs present. The fact that his body was removed from the village and, although not displayed publicly, viewed by many people, was an outrage to his supporters and to other Bajila Kasanga chiefs. For the most hardened among his supporters, only Pandi's body died. Even today, recalcitrant Kamuina Nsapu groups believe he is still giving them instructions through the spirit world.

Expansion and disintegration

In the wake of Pandi's death, the Kamuina Nsapu militia began to fragment into different factions and proliferated across several provinces. Many civil society members and politicians in Kasai Central distinguish between the "original" Kamuina Nsapu militia, and those that came afterwards.^{xi} As brutal as it was, the original group was characterized by a certain amount of discipline inculcated through a set of prohibitions, including a ban on consuming meat and not engaging in sexual activity. They were relatively limited in

their targeting, attacking state authorities and associated buildings. The later "Kamuina Nsapu" groups that emerged after Pandi's death often did not practice the same self-restraint, engaging in vicious attacks against the civilian population.

The spread of the militia began with the burial. One civil society activist described how the first Kamuina Nsapu group to enter Kananga came to retrieve Pandi's body and bring it back to the village for burial. A second group that came from Dibaya territory began with members of the "original" militia, but as they were en route to Kananga – a distance of approximately 140 kilometers from Kamuina Nsapu – they were joined by others with some experience in violent or illegal activities. They included demobilized soldiers, amnestied former prisoners, and wrestlers (*catcheurs*). As this group grew, its ambitions took on new dimensions. This took place in a climate of great political instability across the country, as it was not clear whether President Kabila would step down before the end of his constitutionally mandated term on December 19th 2016.

From September 22nd to 24th 2016, militia members entered the city of Kananga, seeking to reclaim their chief's body, and attacked the airport. They settled in Nganza commune, where a large majority of inhabitants and customary chiefs are from Dibaya territory, including many Bajila Kasanga clan. This identification of the Kamuina Nsapu insurrection by the state with a particular clan created the conditions for an escalation.

As the Kamuina Nsapu arrived in Kananga, some of those originally initiated by Pandi began to set up their own *tshiota* sites, and began to initiate people there, without authorization from any centralized structure. The authority of the original "12 Apostles," Pandi's governing council, was severely weakened by that point. The expansion of the militia also led to its fragmentation, such that none of the various groups recognized anyone as their overarching leader. For example, at one point, Guelord Tshimanga, a Kamuina Nsapu member from a relatively well-off family in Nganza who was related to Pandi, claimed to be the head of

^{xi} A list of the various militia active today can be found in Annex B.

Kamuina Nsapu, but he was immediately rebuked by other chiefs and individuals who had *tshiota* in their own compounds in Nganza.^{xii} This lack of overarching hierarchy frustrated state authorities, including the FARDC, since it was impossible to negotiate with Kamuina Nsapu groups as a collective, or even to figure out who purported militia leaders were representing.

This attack on Kananga, one of the region's largest cities with hundreds of thousands of inhabitants, was a clear sign that the insurgency was a serious matter. Whatever the Kamuina Nsapu's original intentions, it was becoming transformed into a broad-based, violent, and decentralized expression of outrage against the state.

While the Congo Research Group (CRG) was unable to fully ascertain the number and internal structure of the various groups, it is clear that the Kamuina Nsapu groups expanded rapidly, taking at least three main directions: by December 2016, the United Nations was reporting fighting affecting 154 villages to the west of Kananga, along the road toward Tshikapa. Other groups attacked the town of Luebo, some 250 kilometers northwest of Kananga, destroying the offices of the electoral commission on December 19th 2016, the day that President Kabila was supposed to step down from office. And in February 2017, there were reports of an attack on government buildings in Nguema, 150 kilometers to the south of Kananga.²⁷ It is almost impossible that such a wildfire expansion was centrally coordinated, or even carried out by individual commanders. Instead, what happened is more likely as several civil society sources suggested: that local leaders and disgruntled youths mobilized on their own accord, inspired by reports of revolt elsewhere, and obtaining ritualistic blessings from local *féticheurs* (traditional healers), some of whom had been initiated by Pandi or his disciples.

One example is the case of Maurice Kashinda, a carpenter from the Bindi ethnic group in Kazumba territory in southern Kasai province. On his own initiative, Maurice traveled northwards to Mfwamba, where the Bajila Kasanga chief initiated him into the

Kamuina Nsapu militia. He then returned home to start a militia, attacking government buildings in Tshitadi in February 2017. But Maurice also illustrates the layered complexity of the Kamuina Nsapu phenomenon – he is reportedly a cousin of Ambroise Kamukunyi, a national parliamentarian who is part of the ruling coalition, and both leaders had been involved in local struggles over nominations of chiefs, dividing the Bindi community in Kazumba. According to an internal UN report, much of the violence there could be explained by this feuding, as other Bindi sought support from Kamuina Nsapu militia close to Jacques Ntenda, Pandi's rival. The presence of a local diamond mine in Bonkala also pitted Maurice against another local militias, resulting in additional fighting.

The Kamuina Nsapu combatants could be extremely brutal. They often attacked government employees, including civilian administrators, mutilating and decapitating some. For example, on March 24th 2017, a convoy of 42 policemen was ambushed on the Tshikapa-Kananga road by a local Kamuina Nsapu group. It killed 36, allowing six Lubaphone policemen to escape.²⁸ According to the United Nations Team of International Experts on the Kasai Region, the militia also engaged in cannibalism, mutilation, and massacres of the civilian population, especially later in the rebellion and in areas inhabited by other ethnic groups.²⁹

The government reacted with dramatically disproportionate force to the insurgency. In August 2016, the FARDC reorganized its deployments to Kasai provinces, replacing existing units with others, often led by Kinyarwanda-speaking commanders from eastern Congo. At least four of the commanders deployed there were accused by Congolese military justice for a massacre of civilians in Kitchanga, North Kivu province, in 2015 – including François Muhire, the commander of the 2101st regiment that was involved in many of the abuses in Kasai Central – but the army had not complied with a request to have them transferred to Goma for trial.³⁰ The commander of operations against the Kamuina Nsapu insurrection, General Eric Ruhorimbere, is alleged to have participated in several massacres in the eastern Congo as well.³¹

^{xii} Tshimanga was recently incorporated into current Kasai Central Governor, Denis Kambayi's close protection unit.

A United Nations humanitarian report from January 2017 tallied more than 600 deaths, dozens of health centers and schools burned down, and over 1,300 houses destroyed. It concluded:

“The majority of these abuses were reportedly committed by the armed forces [...]. The police have also been violent in the context of searching households suspected of harboring militia members. [...] The population is in a state of generalized shock and seems to have lost all faith in the armed forces and the state.”³²

Some of the FARDC abuses were captured on camera, as soldiers filmed the aftermath of their attacks, showing dead Kamuina Nsapu combatants, some children, lying sprawled next to their sticks and machetes. Some of the worst government massacres took place in Nganza commune of Kananga between March 27th -29th 2017, as special FARDC units brought in from outside probably killed hundreds of people in a relatively indiscriminate fashion as a way of trying to root out the Kamuina Nsapu sympathizers there.³³ According to two separate sources, as well as a European Union report, a leader of the Bakata Katanga militia from former Katanga province, Gédéon Kyungu, was also involved in this episode of violence.³⁴ In May 2017, he was sanctioned by the European Union for this involvement.

In part, the brutality of the government response may be due to the magico-religious nature of the revolt. Members of the security forces and the United Nations have described scenes of well-armed FARDC fleeing when confronted by a bunch of children with red headbands, ritual amulets, and sticks.³⁵ “The government called in new troops because the ones there couldn’t manage,” one former FARDC officer reported, “they got scared of the *gri-gri*.”³⁶ Other sources within the security services, however, suggest that the brutality was supposed to send a message, that the government would not tolerate insurrection in an area traditionally seen as beholden to the opposition, so close to major cities.³⁷ However, it appears that instead of deterring further mobilization, the repression triggered a proliferation of militias, as the population formed self-defense groups.

The killing of two UN investigators

On March 12th 2017, two members of the UN Group of Experts on the Congo – a special body mandated by the UN Security Council to report on sanctions violations in the Congo – were killed on their way between Kananga and Bunkonde. The assassinations of Michael Sharp and Zaida Catalán, the first of UN sanctions investigators in the history of the institution, showcased the ambiguities surrounding violence in the Kasais. Was this an example of the brutality of the Kamuina Nsapu or proof that the government was trying to cover up its abuses?

Much of what we know today about the murders comes from the investigations conducted by Radio France International (RFI) and Reuters, who in turn obtained information from United Nations police and the Congolese military justice.³⁸ There is also a United Nations investigation underway – but stymied by the Congolese government – led by former Canadian prosecutor Robert Petit.

Based on call logs and interviews, we know that shortly after their arrival in Kananga in March 2017, the UN experts met with Colonel Jean de Dieu Mambweni, a Congolese army commander in charge of public relations. Mambweni then got in touch with Betu Tshintela, a local interpreter who went on to help organize the fatal trip of the UN investigators. Shortly after that call, Catalán called Betu, suggesting that Mambweni had put Betu in touch with the investigators. For the following 48 hours, almost every time the UN investigators called Betu, he called Colonel Mambweni.

On March 11th, the day before the two investigators left Kananga to venture into Kamuina Nsapu territory, Betu came to visit Sharp and Catalán at the hotel with his cousin, José Tshibuabua, and François Mwamba, a local healer who had been involved in peace talks with the government. Catalán recorded the meeting on a hidden microphone. During the conversation, Mwamba warned the investigators against going to Bunkonde, saying he does not control the militia there. This warning was not relayed by the interpreter and his cousin, who instead said that it was safe there. Tshibuabua then organized

for three motorcycle drivers to take them the following day, with Betu accompanying them as their interpreter.

We now know that both Tshintela and Tshibuabua are previous informers for the national intelligence agency (ANR). Kalev Mutond, the ANR director, confirmed that Tshibuabua had worked for them, but insisted that Tshibuabua was never an employee. Nonetheless, Tshibuabua was in frequent telephone contact with the provincial ANR director, as well as the provincial head of the migration agency (DGM), throughout this period. Several weeks after the assassination, Tshibuabua was given a job at the DGM. Then, in November, just before Robert Petit, the UN investigator, was due to arrive in the region, Tshibuabua was arrested and taken to Kinshasa. In a confidential note to the United Nations, Petit complained that several key witnesses had been removed by the government, which refused to give him access – this includes the customary chief the government accuses of organizing the murder, Constantin Tshidime, and a key witness, Jean Bosco Mukanda.³⁹

A video of the assassination was found in April 2017 and made its way onto social media. On it, one can see how Sharp and Catalán are shot by youths wearing red headbands, like Kamuina Nsapu combatants. Several anomalies, however, appear on the video: first, two members of the group of assassins appear to speak poor Tshiluba, the local language, according to analysis by a linguist. This is strange, as outsiders did not participate in what was quintessentially a local militia. Also, the assassins reference a meeting that they had attended, possibly to plan the killing, in Bunkonde – a village that had been controlled by the army since February 2017.⁴⁰

The killing was then almost immediately reported by a local teacher, Jean Bosco Mukanda. The last sign of life from Catalán comes in a phone call at 16:49 on March 12th - a mere 26 minutes later, Mukanda placed a series of calls to journalists and politicians, informing them that two white people

had been killed by Kamuina Nsapu combatants. On March 18th, Mukanda led UN blue helmets to the gravesite, where the bodies of Sharp and Catalán were buried. He then became the lead witness in the murder trial, which began in June 2017. However, court documents show that Mukanda himself had been a militia leader, and that he had subsequently become an informer for the Congolese army. Mukanda was also transferred to Kinshasa in November 2017 before the arrival of the UN investigator Robert Petit.

None of this is proof that senior government officials were involved in the killing of Sharp and Catalán. However, it raises very serious questions and points to the complicated relations between government officials and local militias during this period.

Kasai Province: The ethnicization of the conflict

Even as violence peaked in Kasai Central, conflict dynamics began to shift westward toward Kasai province. Whereas the insurrection was, initially, a conflict within one clan, exacerbated by state officials, once it reached Kasai province it sparked violence between ethnic groups. In Kasai, unlike Kasai Central, no ethnic group has a demographic majority (see Annex C). As the conflict reached areas in which Lulua and other Lubaphone populations lived in proximity with Chokwe and Pende ones, these other two ethnic groups associated the Kamuina Nsapu phenomenon with Lubaphones. These other communities then mobilized their own militia, thus escalating the conflict. While political elites in the provinces had often used ethnic rhetoric to vie for power, this was the first episode of large-scale violence between these communities.⁴¹ The mobilization along ethnic lines did not occur due to “age old hatreds,” but was the result of the instrumentalization of ethnic identity for political ends.

The entry of Kamuina Nsapu militia into Kasai province also occurred due to conflicts over customary power. It took place in the Bajila Kasanga *groupement* (not to be confused with Pandi's Bashila Kasanga *groupement*), a few dozen

kilometers north of the town of Tshikapa.^{xiii} The *groupement* was the scene of a power struggle between two rival chiefs: Mbawu Nkanka and his nephew, Mbawu Mutela. The conflict started when the latter began to receive his uncle's salary as customary chief. Mutela is the first alternate (*premier suppléant*) of François Madila Kalamba, the president of the Provincial Assembly of Kasai.^{xiv} It is allegedly Madila who engineered the switch between Nkanka and Mutela on the state payroll – effectively giving Mutela a form of recognition as the new customary chief instead of his uncle.

Having heard about Pandi's activities, and the power of the initiations at the *tshiota*, Mbawu Nkanka traveled to Kamuina Nsapu around June 2016 in order to be baptized by Pandi himself, bring the *manga* (fetishes) back to his village, and fight back against his nephew. On November 28th 2016, two police officers, who were bringing a man accused of rape from the Bajila Kasanga *groupement* (in Kasai province) to Tshikapa to be tried, were killed by supporters of Mbawu Nkanka, accusing them of being supporters of his nephew. The police commander who was accompanying them to Tshikapa managed to escape and alert the provincial authorities.

On December 1st, the provincial authorities in Tshikapa sent police to restore order and arrest those responsible for the killings of the two policemen. They were ambushed by Mbawu Nkanka's militia, and 13 people were killed. Two days later, Mbawu Nkanka's militia members entered the city of Tshikapa. The clashes between Mbawu's forces and the state security forces left 36 dead, according to the provincial government. More importantly, Mbawu's militia entered Tshikapa via the Mabondo Commune, which is inhabited mainly by Lubaphones. Many in this community were sympathetic to Mbawu's forces, which they saw as giving expression to their own

grievances with the government. The militia burned down two police stations and pushed the security forces back to the other side of the Kasai river bridge.

December 4th 2016 was a decisive day for the clashes in Tshikapa. Mbawu's forces entered into the center of Tshikapa town, reaching the airport. By late morning, Mbawu Nkanka's militia decided to retreat from the airport and city center. Later that day, Republican Guard units were flown in from Kinshasa and launched operations against Mbawu's group. Much like in Kananga, these operations were marred with abuses against the broader community associated with the militia, in this case the Lubaphone population. Mbawu's militia finally retreated back to its rural bases.

The Bana Mura

As news spread about Kamuina Nsapu's abuses in Kasai Central and the power of their *manga*, people became worried about what could happen if they arrived in Kasai. As described above, perceptions of the violence were linked to particular group identities. Pandi's rebellion was initially associated with the Bajila Kasanga, and people from Dibaya territory more broadly, until it spread to other parts of Kasai Central and began to spill over into the Bindi community. The history of Kasai province's precursor, the Unité Kasaienne (see Annex C), as a political unit designed to unite non-Lubaphone populations meant that the arrival of Kamuina Nsapu groups there from Kasai Central was bound to be associated with Lubaphones.

The result of the entry of Kamuina Nsapu militia in Kasai was the constitution of so-called "self-defense groups" which became known as the Bana Mura.^{xv} They were drawn mainly from Chokwe and Pende, and to a lesser extent, Tetela

^{xiii} This is a testament to the history of migrations in the Kasai region, such that the Bajila Kasanga clan obtained their own *groupement* in an area far from their supposed place of origin in Dibaya territory.

^{xiv} If an elected official is named to a different position – for example, as minister in the governor's cabinet – his alternate replaces him.

^{xv} The origin of the name suggests that these groups were trained by, or associated with the Republican Guard, who are known in common parlance as Bana Mura, or "the boys from Mura." Mura is a training center for Republican Guards in Haut-Katanga province.

populations in the southern part of the province, especially Kamonia territory. The Bana Mura were allegedly constituted in order to compensate for the state's delayed reaction in sending security forces to combat the Kamuina Nsapu militia.⁴² The fear felt by those who adhered to the Bana Mura was genuine: customary chiefs were aware that some of their peers had been beheaded or brutally killed, and the population had heard reports of Kamuina Nsapu abuses through word of mouth. And yet, at the same time, the Bana Mura then engaged in a brutal campaign of massacring Luba and Lulua, killing hundreds.⁴³ In some instances, roadblocks were set up to check for Lubaphones who were often derogatorily called "Kasapo" in reference to the Kamuina Nsapu.

The creation of the first Bana Mura militia illustrates this interaction between local communities and political elites.

By early 2017, Maurice Kashinda (also see above), a Kamuina Nsapu leader from the Bindi community, had established a *tshiota* in the village of Kabudimbu, in Kasai Central province. This village is close to Kasai province, and there are villages inhabited by Bindi on both sides of the border. Kashinda then sent other Bindi to establish a Kamuina Nsapu *tshiota* and position 25 kilometers away, in the village of Mutshima in Kasai. The majority of inhabitants of Mutshima are Chokwe, and they became fearful in seeing a *tshiota* created there. Moreover, the establishment of a *tshiota* in Mutshima occurred in the midst of an ongoing conflict over the chiefship of the *groupement*. The conflict was originally between Muahindi Shamuena (better known by his nickname, Koseka Moninga Te), a Chokwe who is part of the *groupement's* ruling family, and the *groupement* chief Mutshima Musumbula, who was half Chokwe and half Lulua.⁴⁴ Koseka Moninga Te, who is also a wealthy diamond dealer, wanted to become customary chief: he sought both to leverage his economic power and delegitimize Mutshima Musumbula due to his mixed parentage. When Chief Mutshima Musumbula died on October 8th 2012, his son, Mutshima Tshibi, inherited both the chiefship and the conflict with Koseka Moninga Te. The Kamuina Nsapu forces under Maurice's command were

brought to Mutshima by diamond dealers from Tshikapa who were upset with their treatment by Koseka Moninga Te. At the time, Mutshima Tshibi had fled the village for Tshikapa. The diamond dealers brought him back to Mutshima in order to legitimize the *tshiota* there, in opposition to his rival, Koseka Moninga Te, at which point Mutshima Tshibi also became a Kamuina Nsapu supporter. Here again the familiar pattern of the Kamuina Nsapu phenomenon being incorporated into existing, local conflicts over customary authority appears.

After the *tshiota* was established in Mutshima, many Chokwe from there and surrounding areas fled due to the reported brutality of Kamuina Nsapu combatants. They relocated to Lubami, a village approximately 40 kilometers southwest of Mutshima. There they began to organize what became the Bana Mura militia. But the Bana Mura was not only the spontaneous, organic result of local communities taking their safety into their own hands. Mobilization was allegedly bolstered by Chokwe and Pende politicians based in Kinshasa.⁴⁵ For example, shortly after the initial mobilization in Lubami, an arms distribution took place, reportedly at the behest of national and provincial politicians. Around the same time, Kasai Vice-Governor Hubert Mbingho, who is Pende, held a meeting with Chokwe and Pende customary chiefs in Tshikapa, in which he implored them to organize to protect themselves against the Kamuina Nsapu militia.⁴⁶

Numerous sources in Tshikapa report that Maker Mwangi, one of the highest-profile Pende politicians in the country, supported the militia.⁴⁷ While CRG was unable to confirm this support, which Mwangi denies, we received credible eyewitness reports of an arms transfer that his personal secretary (*secrétaire particulier*) facilitated in early 2017.⁴⁸

According to interviews by UN investigators with dozens of survivors of attacks, the Bana Mura were often supported by local traditional and administrative officials and collaborated with state security forces. For example, in Kamonia *cité*, it was the local police commander, Colonel Polydor Omokoko, a Tetela, who organized the

Bana Mura.⁴⁹ One observer witnessed Omokoko distributing arms to Bana Mura in Kamonia.⁵⁰ In Muyeji village, the seat of the Kamba Shatshionga Muyeji *groupement* of Kasai province, it was the Chokwe customary chief Kayumba Muyeji who was involved in mobilization.⁵¹ The Bana Mura were also involved in joint operations with the security services, including the Republican Guard (GR), as their name suggests.⁵² While in some cases this involved direct cooperation, in others it meant that young Chokwe simply assisted the GR in identifying and locating Kamuina Nsapu groups or members.⁵³

While the Bana Mura are the largest pro-government militia in the region, others have emerged as well. In the Luilu territory of Lomami province, a militia was formed by leaders of the Kanyok ethnic group, which became involved in abuses against the Lubaphone community there. Led by Stanislas Matanda Manji, it was also allegedly supported by senior politicians in Lomami province. Similarly, the FARDC have been accused of backing a militia called Combattants Méchants Méchants in the Kazumba territory of Kasai Central. This militia recruits among local Lubaphones and has been an ally of the FARDC in its operations against the Kamuina Nsapu. Finally, the Écurie Mbembe is a militia that emerged during the 2011 elections around the town of Tshikapa and in Kamonia territory. It is made up of Pende youth and has also allegedly received support from politicians.

Current situation in the Kasais

The crisis in Kasai Central province peaked in early 2017, then ebbed before ramping up again in late 2017. Overall levels of displacement have declined considerably, although pockets of serious violence remain and broader conflict dynamics show little sign of abating.

The initial decline in violence was not due to any serious grappling with the dynamics that had given rise to the conflict. There have been no official demobilization programs, no examination of the manipulation of customary authority, and almost no prosecutions of abuses by security forces. Instead, the government succeeded in

combining brutal repression and the co-option of many – probably most – of the Kamuina Nsapu factions.

One example of this was how the government dealt with the initial insurgency of Jean-Prince Pandi. On April 15th 2017, Pandi's remains were finally handed over to the ruling family in Kamuina Nsapu by the Minister of the Interior, Emmanuel Shadary. The following day, Jacques Kabeya Ntumba, a relatively unknown civil servant residing in Kinshasa, was named Kamuina Nsapu by the ruling family. On April 19th, Ntumba traveled to Kananga from Kinshasa. Despite his nomination, tensions remain within the ruling family. He currently does not live in the village of Kamuina Nsapu, but resides instead in Kananga under police protection at the PNC Guest House.

Since the end of 2017, there has been evidence of renewed militia activity, especially in the Mweka territory of Kasai province, and in the Dibaya and Luiza territories of Kasai Central. According to humanitarian officials, 50,000 people were displaced from Mweka territory in February and March 2018, while 5,000 fled Dibaya in May. Militia activity is, however, largely divorced from the state, as both Kamuina Nsapu and Bana Mura militia have become further entrenched in local dynamics, and many FARDC units have deployed out of the Kasais. While the scale of violence is lower, armed groups show signs of becoming more structured and entrenched in local conflicts and taxation rackets, with the possibility that they could persist for years to come.

Kakenge, in Mweka territory, is one such epicenter of violence. On November 15th 2017, men armed with hunting rifles and machetes wearing red bandanas typical of the Kamuina Nsapu attacked the Catholic mission, where they killed one person and injured six members of an ANR agent's family. On January 10th 2018, approximately ten armed men went to Kakenge, where they decapitated an ANR agent, taking his head with them. They also set fire to approximately ten houses, which caused some of the inhabitants to flee the town. Several months later, between March and May 2018, approximately 35 people were then killed in attacks there by members of a militia headed

by Moise Beya Tshiombe, whose headquarters is in Lombelu sector in Demba territory. Here, too conflicts over customary power are central to the fighting: Tshiombe providing support to a local customary chief, Kalamba Dilondo, who is in conflict with another chief, Justin Shakobe Mayimunene.⁵⁴ Violence appears to be becoming a frequent means of political contestation.

There have also been several recent attacks around the airport in Kananga. On December 31st 2017, a boy, allegedly a member of a militia group that was planning to attack the airport, was killed by the FARDC. On January 2nd, four other people were killed in an attack against an FARDC position near the airport, and several days later four others were killed in Kananga. On January 14th 2018, four Congolese soldiers died in an attack near the Kananga airport.

Probably the most important recent event came in early May 2018. One of Pandi's former lieutenants, Kanku Nkata Muenansanku, was sent to the village of Kamuina Nsapu on May 1st. Nkata had been hired as part of Kasai Central Governor, Denis Kambayi's security detail, although the latter denied this.⁵⁵ He was sent to Kamuina Nsapu to help prepare for the arrival of the new Kamuina

Nsapu, Jacques Kabeya Ntumba. Nkata and three of his men were ambushed and killed en route by members of the Kamuina Nsapu militia, headed by Ndaye Nsabanga. A police deserter who was arrested at the site where the murders happened, Muenyapale Kapo, testified during his trial in Kananga that Ndaye Nsabanga was in contact with certain political authorities, after which the court ordered a closed hearing. Muenyapale's phone, which had been seized by judicial authorities, was discovered to be missing a memory card that reportedly contained audio recordings of some of the conversations between Nsabanga and political authorities. An FARDC officer accused of having hidden the card was sentenced to 20 years in prison.

While the militia-based killings in the Kasais have decreased since their peak in early 2017, recent events should be a cause for concern, for two reasons. First, as the situation in Kakenge demonstrates, the logic of armed violence as a way to settle customary conflicts has persisted. Second, the killing of Kanku Nkata after his incorporation into the Governor's security detail, and the revelations by Muenyapale Kapo, suggest that connections between militia groups and political authorities may have also continued.

Analysis

Many different factors combined to produce this dramatic outbreak of violence in the Kasaï. While there are important structural conditions – poverty, political marginalization, and the lack of economic opportunities – these are pervasive across the Congo, even if they are acute in Kasaï. Here we focus on the main political and social dynamics that have formed the proximate drivers of violence in the Kasaï region since 2016.

Despite the complexity of the violence, a common theme emerges: the manipulation of the conflict by elites in order to position themselves. This often involves mobilizing local resources in a bid to secure favor from the powerful members of government in Kinshasa. Instead of acting quickly to solve a relatively minor dispute over customary power, most provincial and national politicians either did nothing or escalated the violence. As in other parts of the country, fomenting violent rebellion was perceived by some as a means of playing to an ethnic base while bolstering their power at the provincial and national level. As the movement that Pandi created spread, and ultimately evolved into a number of disparate groups, new actors entered the scene, accentuating the crisis.

The uncertainty generated by the battle over President Kabila's succession has contributed to these dynamics. While it is difficult to parse politicians' motivations, interviews with a range of local stakeholders suggest that local and national strongmen (very few women play powerful roles in Kasaïan politics) – from all sides of the political spectrum – are attempting to demonstrate that they are indispensable to whomever is in power, in order to benefit from government patronage. A politician's desire to remain in power, or advance in political status, can require him or her to demonstrate their capacity to become a privileged broker through which the ruling coalition can either create chaos or stabilize the region.

As a result, the conflict in Kasaï (as in the conflict in the Kivus as well) has seen numerous politicians – including Evariste Boshab, Hubert Mbingho, Maker Mwangu, and Alex Kande – jockeying for positions of brokerage between “local” conflicts and “national” political power. Below is an analysis of three dimensions of conflict, each of which involves local, provincial, and national actors.

Layered, entwined conflicts

a. The dispute over the leadership of the Bajila Kasanga

The conflict between Jean-Prince Pandi and Jacques Ntenda reflected longstanding tensions between two lineages that have contested the Bajila Kasanga chiefship for several decades. The conflict began with the splitting of their original chiefdom, or *groupement*, likely probably in the 1970s, into two, neighboring entities/*groupements*: Bashila Kasanga (led by Pandi, the Kamuina Nsapu) and Bena Mwanza Mande Kanyuka (led by Jacques Ntenda, also called the Ntenda).

The conflict between the two chiefs is mired in a long, contested history. Ntenda and Kamuina Nsapu are both part of the ruling family (*famille régnante*) of the Bajila Kasanga. According to some, including a report by the local civil society umbrella group,⁵⁶ Kamuina Nsapu had initiated this splitting with several subchiefs, making them *groupement* chiefs in their own right. In so doing, Kamuina Nsapu became the chief of the entire Dibataie Sector (this is no longer the case), which he hoped to transform into a chiefdom (*chefferie*).^{xvi}

According to members of the Ntenda lineage, however, they have always been the true head chiefs of the Bajila Kasanga. They relate that towards the end of the colonial period, in the late 1950s, Ntenda decided to move to Ntambue St-

^{xvi} A chiefdom is, administratively, at the same level as a sector; however, it differs in that the designation of a sector as a chiefdom constitutes an administrative recognition of the chiefdom head (*chef de chefferie*) as the legal and customary head of all the *groupement* chiefs in the chiefdom, and their respective *kapitas*. Usually a chiefdom is composed of a single ethnic group or clan, whereas a sector is made up of multiple clans or ethnic groups.

Bernard, a mission station just outside Kananga, in order to be closer to the seat of colonial power. In his absence, Ntenda left the Kamuina Nsapu chief as his regent, in order to rule over the Bajila Kasanga who remained in Dibaya, but with the understanding that Ntenda was still the head chief of the clan. In this version of the story, when the Belgian colonial authorities decided to enumerate the head chiefs of various clans, they recognized Kamuina Nsapu rather than Ntenda for the Bajila Kasanga. After Ntenda learned of this, he complained to the colonial administration; recognizing their error, they made Ntambue St-Bernard into a *groupement*, rather than reinstating Ntenda as the Bajila Kasanga head chief. Today, however, Ntambue St-Bernard is not a *groupement*, but a neighborhood in Nganza commune where the Ntenda chief lives, even though he is recognized as the titular head of the Bena Mwanza Mande Kanyoka *groupement* in Dibaya.^{xvii}

The recent escalation of this customary conflict, however, was also influenced by battles over political power and economic interests at the provincial level. According to several sources, part of what sparked the conflict between Kamuina Nsapu Pandi and Ntenda was a deal concerning diamond deposits located within Ntenda's *groupement* of Bena Mwanza Mande Kanyoka.⁵⁷ Ntenda's *groupement* is situated along the border of Kasai Central and Kasai Oriental provinces. The current governor of Kasai Oriental, Alphonse Ngoyi Kasanji, has allegedly been trying to obtain access to the diamond deposits just across the border from his province for a number of years. Before the creation of new provinces in 2015, the Governor of Kasai Occidental, Tresor Kapuku, had allegedly stymied these advances.⁵⁸ However, Kande agreed to help Ngoyi Kasanji mine the diamonds in Ntenda's *groupement*. This arrangement was opposed by Pandi, who tried to contest it. This placed him in conflict with Kande and forged an alliance between Ntenda and Kande against Pandi, just as the latter

was trying to obtain official confirmation of his customary title.

The conflict over leadership of the Bajila Kasanga is one of a myriad of local conflicts over customary power in the Congo, which are often created or exacerbated by government officials. According to a government report, between 2014-2016 alone there were 538 such conflicts in the Congo. A Kasai Central government report reported 74 conflicts over customary authority in the province in 2017.⁵⁹ As in the case of Jean-Prince Pandi, the central government has frequently involved itself to undermine chiefs deemed troublesome or favorable to the opposition, with Evariste Boshab, who is himself from Kasai province, often cited as a key instigator in this regard. A report published by the minister for decentralization and customary affairs laments the manipulation of these conflicts by national and provincial politicians who become involved in the settling of these disputes. In 2015, the Congolese parliament passed law on the status of customary chiefs that further politicized the institution, formalizing state control over customary chiefs, who became state officials subject to sanction, and making chiefs require a government decree for their nomination.

This manipulation can take various forms. The Kasais, for example, have seen the proliferation of *groupements de fait*, entities that are not recognized according to custom, but who have nevertheless received a decree from the government. This phenomenon could be particularly problematic during the local elections, currently slated for September 2019, during which *groupements* will serve as electoral districts; the elections commission has complained that there are almost 600 *groupements de fait* in Kasai Central.⁶⁰ Other conflicts ensue because the customary chiefs deemed favorable to the ruling coalition are recognized against the wishes of the ruling family of a given *groupement* during a succession battle.

^{xvii} Yet another source, however, relates that the Ntenda line became customary chiefs sometime in the 1880s thanks to one of the first Europeans to reach the Kasais, the German explorer Herman von Wissman. In this version, Kamuina Nsapu, the true head chief of the "southern region" Bajila Kasanga, gave a daughter from Ntenda's family to von Wissman as a wife, who "thanked" Ntenda by recognizing him as a customary chief. Muenia Kapangi wa Lukunyi, 1985. *Bajila Kasanga et autres descendants de Kole*, Kananga: Katoka, pp.134-139

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The conflict over the leadership of Bashila Kasanga *groupement* has not ended. The current ruler, Jacques Kabeya Ntumba Mupala, received a decree from the central government but has not yet ventured to Kamuina Nsapu itself. He is currently represented in Kamuina Nsapu by a regent. In March 2018, the regent's house was attacked by unknown people at night, and some of the objects of customary authority were stolen. This incident was viewed by observers as a reflection of the contested nature of his authority within the Kamuina Nsapu ruling family and the *groupement* more broadly.

b. The perceived marginalization of the Luba

Almost all of the people interviewed by CRG in the Kasais emphasized the importance of hostility among Luba and Lulua communities toward the state in general, and in particular toward President Kabila's government, in the spread of the Kamuina Nsapu revolt. This antagonism has deep roots. Before the creation of the Congo Free State, Luba-speakers had suffered enormously due to slave raids by people from the Chokwe and Tetela communities. As a result, they sought protection in the first mission stations, and were among the region's first converts to Christianity. Given their disproportionate numbers among those educated in mission schools, the colonizers began to view the Luba as superior to other ethnic groups, forging persistent stereotypes about how hardworking and intelligent they were. They began to constitute a domestic diaspora within the colony, being sent to work for the colonial state in the administration, on the Bas Congo-Katanga railway, and in the mines of southern Katanga.

This is the context in which the designation "Luba," "Lubaphone," and "Kasaian" has become a relevant political category in the region and the country more generally. The perception of these Luba-speaking populations is often one of resentment: like groups elsewhere in Africa who benefited in a similar fashion from colonial occupation, the Luba and Lulua communities are perceived as outsiders who dominate trade and are disproportionately represented among economic and intellectual elites.

This identity was further molded under Mobutu's government, especially since the creation of the *Union pour le démocratie et le progrès social* (UDPS) opposition party in 1982, which has been closely identified with Luba-speaking politicians from the Kasais, in particular Etienne Tshisekedi. In the 2011 elections, over 70 percent of the region – which includes other significant ethnic groups – voted for the opposition.

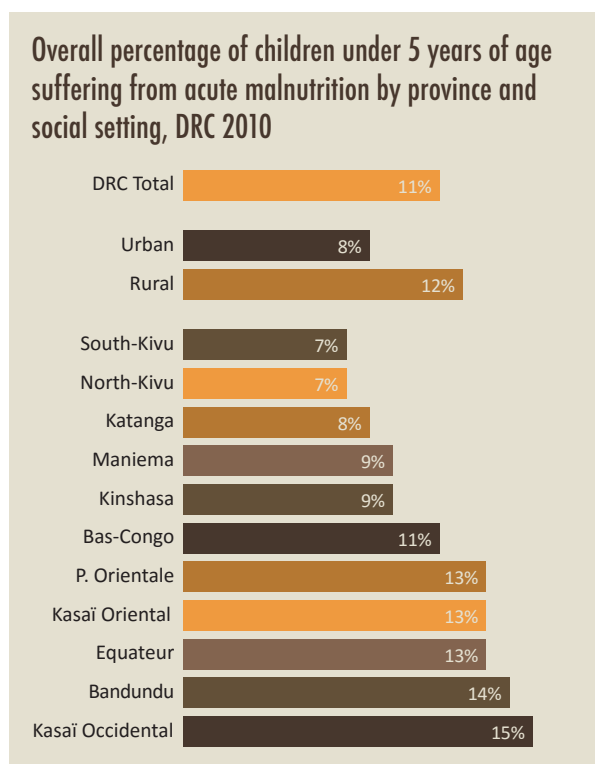
Local resentments against the state have been accentuated by the deep socio-economic marginalization of the region. *Enclavement* (isolation) is the expression most frequently heard in this regard: it can take weeks to reach Kinshasa or Lubumbashi by road from Kananga, and most non-agricultural goods are imported by airplane, raising prices. Even along major axes within the region, transportation is difficult. The UN Logistics Cluster notes that a truck carrying 20 tons of food can take a week to travel the 260 kilometer stretch of road between Kananga and Tshikapa, a route where trucks can sometimes get stuck for up to 15 days.⁶¹ This situation is also reflected in the rates of malnutrition and poverty in the provinces, which are among the highest in the country (see figures below for Kasai Occidental).

These frustrations found expression during the Kamuina Nsapu rebellion. The belief in the power of fetishes gave people courage to confront the state, believing that their magic could overpower the weapons of the security services. For the first time in recent memory, Kasaians unhappy with the state were able to express their political and social grievances in ways that, despite their violence, they experienced as empowering.

Socio-economic indicators for Kasai Occidental

Province	Population lowest economic quintile (%)	Women and girls over 6yrs with no education (%)	Chronically malnourished children (%)
Kinshasa	0	5.3	17.3
Kasai Occidental	31.1	31.5	51.7

Source: Demographic and Health Survey 2013-2014



Source: UNICEF, 2010

c. Conflicts within ruling coalition over leadership in Kasai province

The conflict has exacerbated ethnic cleavages in Kasai province between Lubaphones and other ethnic groups. Regardless of the different cleavages between ethnic groups from the north of the province (Kete, Kuba, Lele) and those from the south (Chokwe, Pende), there is a general sentiment that Lubaphones are “undesirables” and should return to “their” provinces: Kasai Central or Kasai Oriental.

As the Kamuina Nsapu militias spread into Kasai province, tensions among these communities intensified. The entry of Kamuina Nsapu groups into Kasai province coincided with competition within the ruling *majorité présidentielle* coalition over leadership in the province. The conflict between Maker Mwangu and Evariste Boshab offers a case study in how competition between leaders within the ruling coalition has influenced the conflict in Kasai. They are both national politicians from Kasai province and both important members of the *Parti du peuple pour la reconstruction et la démocratie* (PPRD), President Kabila’s main

party. In different ways, they have sought to make themselves into privileged intermediaries between the central government and their home province. In local parlance, each has sought to become *l’incontournable* (the unavoidable person) in all matters related to Kasai.

Boshab is a former secretary-general of the PPRD (2008-2015), president of the national assembly (2009-2012), and minister of interior (2014-2016) who was placed under sanctions by the United States and European Union in 2016 and 2017 respectively, for his role in the repression of peaceful demonstrations in Kinshasa. For many years, he has also occupied an informal role as Kabila’s key person in “managing” the Kasai region. He is from the Ngende clan of the Kuba ethnic group, which is from the north of the province, whereas Mwangu is a Pende. In many ways, it was Boshab who assisted Mwangu to become, first vice-governor of Kasai Occidental, and later national minister of primary and secondary education (2007-2016) – a position in which he has enjoyed a great deal of support from the international community.

In October 2015, PPRD politicians from the future Kasai province met in Kinshasa at the Centre Nganda to decide, among other things, how the province would be run after the splitting of Kasai Occidental province into two separate entities. The key clause in the set of resolutions that emerged from the meeting concerned the distribution of posts in the new province. It reads: “Equitably distribute the positions (special commissioners and their cabinets, division heads, office heads...) among the different communities of the province, while taking their competencies into account.” Part of the current political tension in the province relates to the interpretation of this clause.

The competition for these lucrative and powerful positions has pitted coalitions of ethnic groups from the north of the province against those from the south. With some exceptions, ethnic elites from the north – from, Lele, Kuba, and Kete groups – have allied under Boshab’s umbrella, while the southern Chokwe, Pende, and Nyambi groups have formed a coalition under Mwangu. Both sides have scored points in their favor since this power

struggle broke out in 2015. The decision to make Tshikapa the provincial capital instead of Luebo, for example, constituted a victory for Mwangu. Meanwhile, the decision by the ruling coalition in Kinshasa to make Marc Manyanga, a Lele, the provincial governor was a victory for Boshab. Both decisions have been contested in different ways: Boshab has succeeded in decentralizing the health and education divisions of the province, with Mweka gaining separate offices for each that are responsible for the north of the province, and Tshikapa retaining control only of the southern part. At the same time, Governor Manyanga's position is being openly contested by the vice-governor, Hubert Mbingho, a Pende who is Mwangu's ally. Moreover, the provincial assembly president, François Madila Kalamba, a Mwangu ally, has been hamstrung by the central government's decision to close the assembly. This has been considered a victory for Boshab.

These internecine struggles within the ruling coalition showcase Boshab's and Mwangu's attempts to position themselves as the dominant figure in the province – the *incontournable* upon whom Kabila, or any potential successor, can rely to maintain control there. The decision by Pende and Chokwe leaders to organize and arm the Bana Mura served two possible functions: first, to displace a part of the electorate that was assumed be pro-opposition and to shift the demographic balance in favor of a Chokwe and Pende electorate. This favored both the ruling coalition, as well as any national or provincial legislative candidates from those communities. Second, and more importantly, these militias demonstrate to the president and ruling coalition that whoever can control these conflict dynamics should rightfully be considered the key powerbroker in Kasai: the one who could both start “fires” in his home that would be useful to the regime, and also put them out.

Magic and custom among the Kamuina Nsapu militia

One of the most confounding aspects of the Kasai crisis for outsiders has been the role that magic and custom have played in the conflict. Media coverage, including in the Congo, has focused on

a few sensational aspects of the Kamuina Nsapu groups' tactics. These include the idea that sticks can be magically transformed into guns, that virgins or menstruating girls can stop bullets, and that undergoing a ritual baptism and imbibing a potion called *tshizaba* at the site of a *tshiota* fire can shield combatants from bullets. It is important to remember that for many Congolese, such kinds of magic are simply part of how the world works and not subject to doubt.⁶² In this regard, “belief” in the power of fetishes or magic in the Congo is not any more “irrational” than religious faith elsewhere in the world.

Related to magic is the importance of custom and tradition, especially with regard to customary chiefs. Among the Lulua and other Kasaiian populations, as is the case elsewhere in the region, customary chiefs possess magical powers sometimes called witchcraft (*mupongo* or *buloji*). These powers are fundamentally ambiguous. On the one hand, witchcraft has a negative connotation, because it can be used to harm an individual or group through supernatural means. On the other, customary chiefs must also possess these powers in order to protect their village or people from other supernatural forces. This leaves the Kamuina Nsapu combatants' use and repurposing of magico-religious aspects of Lulua custom (such as the *tshiota* and *tshizaba*) open to controversy. For some, it was a distortion of custom, because it was used to kill, whereas the *tshiota* fire is supposed to do good, traditionally lit in order to resolve a problem of great importance to the village or community.⁶³

For the members of the Kamuina Nsapu militia and their supporters, however, the use of tradition and magic to combat the state – and later, others whom they perceived as enemies – was a form of empowerment that gave them the courage to fight using sticks and slingshots against people armed with machine guns and rocket-propelled grenades. The fact that many soldiers feared the Kamuina Nsapu, despite this firepower differential, is testament to the effectiveness of the fetishes. In some cases, it appears that the Kamuina Nsapu phenomenon spread as people heard of the power of the *manga* and traveled to obtain it – these fetishes became a vector for resistance against the state.

Beyond these supernatural powers, the conflict has also thrown the importance of customary politics in the Kasais into relief. Like other places in the Congo, customary chiefs were historically co-opted and their roles transformed by the colonial government for the purpose of ruling and maintaining order. Customary chiefs were integrated into colonial administration at the bottom of the hierarchy. Today, the situation is largely unchanged: chiefs are part of the state administration and are paid as civil servants (*fonctionnaires*). At the same time, they continue to exercise their role as heads of customary structures linked to kinship, and are designated by the ruling family of a *groupement*. This is the crux of “double recognition” of customary chiefs, who are both designated by a ruling family and recognized by the state. The customary chief is both an administrator and a traditional leader, caught between the exigencies of the state and the need to be responsive to his followers.

All this puts customary chiefs in a complicated position when the interests of his two “masters” diverge. Unlike during the colonial period, the advent of elections in the Congo has added a new wrinkle to a chief’s role: it has been further politicized, used by the government to garner votes for the ruling coalition. The government thus seeks to marginalize chiefs that are not favorable to it, or create new chiefs who are. In the process, however, the state not only creates and exacerbates local feuds among customary elites but also accentuates a crisis of legitimacy within the leadership of the ethnic community.

Attempts at conflict resolution

a. Demobilization and prosecutions

The government has dealt with the crisis as a military matter, investing most of its efforts in deploying troops to put down the Kamuina Nsapu insurrection. Other policy avenues have not been pursued with much vigor or coherence. The government’s heavy-handed approach has ignored the conflict’s underlying factors, reproducing the conditions that led the Kamuina Nsapu groups to spread so quickly.

On April 5th 2017 President Kabila gave a speech announcing the opening of a judicial inquiry into crimes committed in the Kasais, and ordering the military to create an operational zone:

“There is no need to recall that in the past, the Kasai region had experienced the same mistakes and because justice had not been done, these mistakes were repeated. That is why, since March of this year, I demand that justice be done. That no-one responsible to varying degrees, involved in this new tragedy, be spared from accountability.”

There has, however, only been one trial for human rights abuses committed by security forces. In July 2017, seven soldiers, including several officers, were found guilty of murder and wasting of ammunition during FARDC operations in Mwanza Lomba in December 2016.⁶⁴ There have been no arrests or trials of Bana Mura members or leaders to date, despite their well-documented brutality. In contrast, in just 22 months between 2009 and 2011, with support of foreign donors and NGOs, a mobile court in South Kivu province tried 248 cases, including many cases against military personnel.⁶⁵

The courts have been comparatively busy with prosecutions of Kamuina Nsapu members, including 36 accused of insurrection in Kinshasa and 22 in Lualaba province. Several hundred alleged militia members were arrested and jailed in Kananga, including several chiefs, waiting for months for their cases to be heard. Even here, however, the approach has been haphazard: in early June 2018, the provincial minister of justice of Kasai Central offered the Kamuina Nsapu leader, Moise Beya Tshiombe, money to demobilize, leading to negotiations over the exact amount.⁶⁶

The trial for the murder of the two UN experts was suspended in October 2017. Shortly afterwards, the United Nations appointed a team of experts, led by Canadian prosecutor Robert Petit, “to assist with the investigation.” Congolese authorities have arrested 12 alleged Kamuina Nsapu members or sympathizers, and a further 14 are being tried in absentia. The United Nations has, however, complained that, “progress in the investigation continues to be hampered by the continued interference of the security apparatus.”⁶⁷

There has also been no official demobilization process in the Kasais, despite the presence of thousands of combatants. The former vice-governor of the province, Justin Milonga, set up an initiative through his non-profit Action Kasai to offer ex-combatants 100,000 Congolese francs (around \$60) and a bicycle if they demobilize.⁶⁸ The organization claims they have processed around 680 combatants in the program. However, the initiative is not part of a state program and there is little information about any follow up. The state-run demobilization program has not set up any offices in the Kasais and is currently not taking on any new cases.

b. The Peace Forum

In response to international pressure that it was not taking serious action to address the situation in the Kasais, the government announced on May 8th 2017 that it would organize a Peace Forum in Kasai province. Ultimately, the conference was held in Kananga from September 19th – 21st. The forum was a high-profile affair: the president and prime minister were both present, as were many members of the national government, national and provincial politicians, and customary chiefs. For President Kabila, the objective was:

“To establish the truth about what really happened in these provinces in the center of the country, to promote reconciliation between the sons and daughters of the said provinces and to affirm our conviction that any reconciliation necessarily involves justice and that there is no true and lasting peace without justice.”⁶⁹

Two days after the forum, President Kabila gave a speech in front of the UN General Assembly in which he presented himself as the only guarantor for peace in the country.⁷⁰ He stated that the country was the “victim of terrorist attacks led by certain armed groups, notably in the Kasai provinces, and even the capital, whose objective is to destroy the peace that was so dearly obtained, to thwart the dynamics of consensual solutions obtained at the national level and to wear down our development efforts.”⁷¹

During CRG’s research, reactions to the Peace Forum ranged from negative to regret at having

squandered an opportunity. One Kasaiian politician described it as a “PPRD and *majorité présidentielle* congress,” that did not have a great impact on the development of the province.⁷² A community leader in Tshikapa described it as a “*mascarade*,” saying that those responsible for the violence, like Maurice Kashinda, Mbawu Nkanka and others were not present, and that only politicians spoke.

Rather than heal the wounds in Kasai province that had come about as a result of the ethnic violence, the forum appeared to reinforce divisions. The community leader described how provincial politicians from Kasai only returned from the meeting to Tshikapa with a “separatist discourse”: the governor returned and spoke about the forum only to his supporters (from the Lele, Kuba, and Bindi communities), while the president of the provincial assembly only met with his followers (from the Nyambi, Pende, and Chokwe communities).⁷³ The national president of the National Congolese Press Union (UNPC) declared the event a failure.⁷⁴ A civil society member declared that it had been an imposition, rather than a space for genuine dialogue – those who were the worst affected by the conflict are still angry about it, and the forum did not give them an opportunity to truly air their frustrations and grievances.⁷⁵

If some observers had a wholly negative view of the forum’s goals and outcomes, others bemoaned the way it was undertaken. One Chokwe chief expressed regret that many Chokwe and Pende customary chiefs decided not to attend, out of fear that they would be harmed by their Lubaphone counterparts.⁷⁶ A PPRD provincial parliamentarian similarly lamented that while the forum itself was good, and the resolutions taken there were beneficial, they were not adequately popularized (*vulgariser*).⁷⁷

The tepid reactions to the forum and its outcomes suggest that it was an exercise that was, at best, poorly designed, and at worst, a public relations exercise designed to ward off international critics of the government’s inaction. No concrete policy initiatives came out of it, and it does not appear to have attenuated resentments in the region.

c. Local reconciliation initiatives

With the exception of the Peace Forum, the only significant reconciliation initiative was a meeting of customary chiefs and political parties, in Tshikapa in March 2018 hosted by MONUSCO. The initiative, which brought many stakeholders directly implicated in the conflict together, was a positive development. Nevertheless, it also further exposed the faultlines of the conflict: the room was reportedly divided between Lubaphones and Chokwe and Pende. Each group expressed familiar grievances: Lubaphones wanted recognition by Chokwe and Pende that they had undergone ethnic cleansing, while the latter two groups wanted a public apology by Lubaphones for having attacked their villages.⁷⁸

This lack of emphasis on local peacebuilding is worrisome, especially given the importance that customary conflicts had in triggering and escalating the crisis. In Kasai Central, the government did set up a *Commission consultative de règlement des conflits des pouvoirs coutumiers* (CCRCPC) to adjudicate customary disputes, and recently this commission has received support from MONUSCO and the Catholic Church. However, given the politicization of customary authority, it is clear that these matters cannot be adequately examined by the executive branch and the national association of customary chiefs (*Alliance Nationale des Autorités Traditionnelles du Congo*, ANATC) that also has a history of entanglements with the government.⁷⁹

One possible approach is to empower the legislatures at the provincial and national levels by creating commissions to examine customary conflicts. There have already been some tentative moves in this direction, with oral questions put to Minister of the Interior, Emmanuel Shadari, by parliament in January 2017, and a parliamentary mission to the Kasais in August 2016.

d. The United Nations' approach

The United Nations was slow to react to this new conflict emerging at the center of the country.

Preoccupied with dozens of armed groups in the east of the country, and lacking any presence in the Kasais, the peacekeeping mission MONUSCO took over two months to send UN police and experts in conflict resolution, as well as human rights investigators, to Kananga. At the same time, the mission requested additional resources from headquarters in New York, arguing it was stretched too thinly. In December 2016, a hundred UN troops finally arrived in Kananga.

The initial communiqués from MONUSCO on Kasai denounced the violence in broad terms, without singling out who was to blame, and pledging support to the same government that, according to other UN reports at the time, was involved in serious atrocities.^{xviii} The first press statement came in December 2016, following an attack by Kamuina Nsapu groups on Tshikapa. The head of the mission, Mamane Sidikou, stated:

*"MONUSCO strongly condemns violence from whatever quarter, and remains concerned at the increasing levels of violence in the Kasai and Central Kasai provinces and reaffirms its commitment to supporting the authorities in restoring State authority and bringing calm."*⁸⁰

There were notable differences between the statements issued from Sidikou's office, which was under serious pressure from the Congolese government not to interfere in sensitive political matters, and those coming from the human rights division of the mission. On February 20th, the UN High Commissioner for Human Rights, Zeid Ra'ad Al-Husseini, said:

"It is time to stop a brutal military response that does nothing to address the root causes of the conflict between the government and local militias but rather targets civilians on the basis of their alleged links with the militias."

Even UNICEF, the UN agency with the largest presence in the Kasai region at the time, was reluctant to speak out, even though hundreds of children were being recruited into the Kamuina

^{xviii} A MONUSCO investigation from November 2016 documents the summary execution by the FARDC of 37 people in Nkoto village, for example, as well as their looting of numerous schools and health centers.

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Nsapu militia, and a large proportion of the casualties were children. Even though its staff in Kananga were the first to inform the broader UN community of the atrocities in August 2016, its first press statement on the crisis came in April 2017, when it focused on the recruitment of children by militias and did not mention government responsibility.

This slow and deferential reaction by the United Nations – with the exception of the Office of the High Commissioner for Human Rights – did little to push back against the government narrative, which placed blame on the insurgents for the violence. This response, and the competing demands for MONUSCO deployments and efforts by conflicts in Ituri, Tanganyika, and Kivu provinces, also raises the question of how engaged the UN mission will remain in facilitating the durable settlement of these conflicts in the Kasais.

Conclusion

The conflict in Kasai marks a critical milestone. Since the beginning of the Congo wars in 1996, local armed mobilization has been almost entirely confined to the eastern Congo.^{xix} The spread of violent dynamics to the Kasai region demonstrates that violence is not solely linked to features of the eastern Congo—the tensions between communities that see themselves as indigenous and “outsiders” who speak Kinyarwanda, for example; the abundance of natural resources; or interventions by Rwandan and Ugandan neighbors. The Kamuina Nsapu crisis shows how the mismanagement and manipulation of customary conflicts by the central government, along with social marginalization and abusive security forces can create widespread violence. These factors are also present elsewhere in the Congo.

The short-term consequences of the crisis have been thousands of deaths, the displacement of over a million people, and a grave humanitarian crisis that could cost the lives of many thousands more. In the long term, the conflict has provoked dynamics that will be difficult to quell. At the local level, it has created actors and constituencies – combatants, victims, and local chiefs – who are invested in the conflict. Many are angry and resentful over perceived injustices, while others have been empowered by the use of violence, access to national elites and political power, and their involvement in the diamond trade. Meanwhile, several powerful members of the national and provincial government have adopted a logic of fomenting violence as a political strategy. The spread of violence from the relatively ethnically homogenous Kasai Central into Kasai province created an opportunity for politicians to ethnicize the conflict for political gain. This is a worrying sign ahead of tumultuous elections, currently scheduled for December 2018.

The government’s reaction has been disproportionate, favoring repression over more peaceful means of seeking resolution. On the

one hand, the brutality of the FARDC in repressing Kamuina Nsapu groups was uncharacteristically violent, even by Congolese standards. On the other, the only attempt at conflict resolution and reconciliation – the September 2017 Peace Forum held in Kananga – was more show than substance, leaving many participants from all parts of the political spectrum disappointed and frustrated. Both demobilization programs and prosecutions have been essentially non-existent, which has left former Kamuina Nsapu fighters to their own devices and has sent a message that abuse will not be punished. The government is upholding the historical pattern that caused violence to explode, by governing the Kasais through a combination of repression and neglect.

Unlike the myriad conflicts that have affected the eastern part of the DRC for more than two decades, the eruption of violence in the Kasais in 2016 is exclusively homegrown. There has been no evidence of military intervention or support for the conflict by neighboring countries. In this respect, the situation in Kasai can be better compared with the Bundu Dia Kongo movement in Kongo-Central, or the Raia Mutomboki of the Kivu provinces. Both had magico-religious elements, and both were the result of the perceived marginalization of particular groups by the state. All three of these revolts showcase how quickly violence can emerge and escalate in the Congo.

These dynamics have been exacerbated by the current political crisis in the Congo, and by national elites who have little interest in quelling conflict, and at times even actively promote it to further their interests. Without sustained efforts from the Congolese government and international community, the Kasai region runs the risk of falling into cycles of violence that are so familiar elsewhere in the DRC.

^{xix} Important, albeit brief exceptions are the Bundu dia Kongo mobilization in Bas-Congo and the Enyele conflict in Equateur.

ANNEX A:

Kamuina Nsapu and the Lulua⁸¹

The Lulua are one of the Tshiluba-speaking groups who inhabit the Kasai region. The notion of the Lulua as a separate ethnic group – distinguished, in particular, from the Tshiluba-speaking Luba-Lubilanji, also known as the Baluba from Kasai Oriental – is, itself, only approximately 130 years old. The name Lulua, like many contemporary ethnonyms in Africa, stems from a foreign designation. The term Bashilange (another term that is synonymous for the Lulua) also comes from a foreign appellation.

Since the late 19th Century, a strong identification as Lulua developed among the Luba-speaking peoples inhabiting the western part of Kasai. Below the principal unit of the Lulua “tribe” there are multiple clans. Today, two have emerged to rival one another as the dominant Lulua clan: the descendants of Mande Katawa (Katawa), and those of Mutombo-a-Kole (Mutombo). These two clans have their own internal rivalries, and are composed of numerous smaller clans that have aligned themselves with one group of descendants or the other. But each of the two groups collectively identifies as rivals to the status of the dominant Lulua clan. Historically, the Kalamba chiefs and the Katawa have had greater political weight than the Kamuina Nsapu chiefs and the Mutombo. For example, in 1959, Kalamba wrote to the colonial administration, asking to be named king of the Lulua people. That same year, he was sent by the colonial administration to attend the festivities of the tenth anniversary of the military base in Kamina. Among those in his entourage was Kamuina Nsapu. An article on Kalamba’s visit to Kamina in a colonial newspaper described him, for the first time, as the Lulua king – something that was not, in fact, the object of agreement among all the Lulua customary chiefs.⁸²

Most importantly, the Katawa and the Mutombo map onto geographical distance from Kananga, the regional seat of colonial, and subsequently postcolonial state power. The Katawa historically constituted the “center,” and the Mutombo, the

“periphery” – “those clans that have in common a geographical distance from the city of Kananga, and therefore somewhat late access to modernity.”⁸³

The Katawa chiefs are known by the name “Kalamba,” much as the Bajila Kasanga chiefs are called “Kamuina Nsapu.” Emery Kalamba Wafuana, the 5th Chief Kalamba, died on April 1st 2016, in Brussels. Although his son, Emery Kalamba Jr., was designated his successor, he has yet to return to DRC in order to formally succeed his father: the Katawa are thus in disarray, as they do not currently have a chief.

The dominant clan among the descendants of Mutombo are the Bajila Kasanga: their seat of power is the village of Kamuina Nsapu, in the Bashila Kasanga *groupement*. The Kamuina Nsapu chief is the head chief (*grand chef*) of his own clan (Bajila Kasanga), but is also the moral leader of all those clans said to be descendants of Mutombo who collectively contest the Katawa for dominance over all the Lulua people. Indeed, the Belgian colonial authorities recognized Kalamba as the “King of the Lulua,” which effectively cemented the Katawa as the dominant Lulua group.

These two positions are necessarily disputed, and identities are necessarily more fluid than presented here. Most importantly, however, they cross into and overlap with modern political power. Thus, the Mutombo-Katawa conflict took on a greater scope in 1960, when Mukenge Sha Bantu (a descendant of Katawa) was elected governor of Kasai Occidental province. This led to increased competition among the Mutombo and Katawa, and resulted in André Lubaya (the father of the current opposition MP, Claudel Lubaya, also a Mujila Kasanga) becoming governor in 1963. This was an event that instigated the “organization and consolidation of the members of the periphery under a single standard-bearer: Mutombo.”⁸⁴

The advent of a Bajila Kasanga-headed “faction” seeking political power over the Lulua began only in the years following independence. The Bajila

Kasanga, with the Kamuina Nsapu chief as their head, are thus the dominant clan around whom the “peripheral” groups constituted themselves. As the inheritor of the Kamuina Nsapu title, Pandi was therefore also heir to the title of head chief of the Bajila Kasanga, and hence, of the Mutombo group. His importance in customary affairs was much greater, therefore, than that of an ordinary village or *groupement* chief.

Some observers therefore interpreted Pandi’s increasing aggression in July and August 2016 as another episode in the political struggle between the Mutombo and Katawa factions of the Lulua, with Kamuina Nsapu attempting to take advantage of the power vacuum left after Chief Kalamba had passed away.

ANNEX B:

List of remaining armed groups in Kasai and Kasai Central (July 2018)

Kasai Province			
No.	Names	Location	Observations
Kamuina Nsapu			
01	MUBIAYI DEWAYI	Konyi (Luebo)	Lubaphone
02	MUTEBA LOKONDO LUA KATEBA	Bajila Kapumbu (Luebo)	Lubaphone
03	MUPEMBA NGOMBE MUANA	Bena Tshiadi (Luebo)	Lubaphone
04	NDANGA KAMONA in alliance with KABUE DITUNGA from Kazumba territory, Kasai Central		
05	KALAMBA DILONDO supported by the Kamuina Nsapu of Moïse BEYA TSHIOMBE		
Bana Mura			
06	Roger MPUMBU	Mpumbu/Kamonia (Tshikapa)	Chokwe
07	David PITSHINDAMBI	Kamonia (Tshikapa)	Chokwe, currently based in Kamonia town despite an arrest warrant having been issued
08	MWAMBA BAZAIMI	Senge (Tshikapa)	Chokwe
09	KADEZA	Senge (Tshikapa)	Chokwe
10	KASHITO SHAKIRO	Kamabonzo (Tshikapa)	Pende
11	MBOMBO BOZI	Kamabonzo (Tshikapa)	Tetela
Écurie Mbembe			
12	UNKNOWN	Road Tshikapa-Pont Loange	Pende
Kasai Central Province			
No.	Names	Area of Activity	Ethnic Group
Kamuina Nsapu			
13	TSHIBANGU MUYEJI	Kantole (Dibaya)	Lubaphone
14	TSHIKUKU (aka Tresor MPUTU)	Tshimpidinga, (Dibaya)	Lubaphone
15	David NDAYE NSABANGA	Bena Kayembe and Kamuina Nsapu, (Dibaya)	Lubaphone
16	MWAMBA TATU		Lubaphone
17	TSHIBUABUA KAMBATA	Tshiwu (Dubaya)	Lubaphone
Combattants Méchants Méchants			
18	KAWATA KAZIMU	Bakua Mulume (Kazumba)	Lubaphone
19	Coalition of NTUMBA KAMONA, KAMBA DIBOKO and BATEKEMENAYI BAKINAYI AMAZONE	Bakua Tshuya (Kazumba)	Lubaphone

ANNEX C:

Ethnic Politics in Kasai from the 1960s to the Present

The Luba-speaking populations of Kasai are the dominant ethnic group in the central region of the Congo. In recognition of this, the Belgian colonial authorities decided to make Tshiluba the region's *lingua franca*. This was both a *de facto* recognition of the prevailing trade language of the time, and an imposition: smaller ethnic groups, like the Chokwe, the Kuba, the Pende, and the Kete, were forced to have their children educated in Tshiluba.

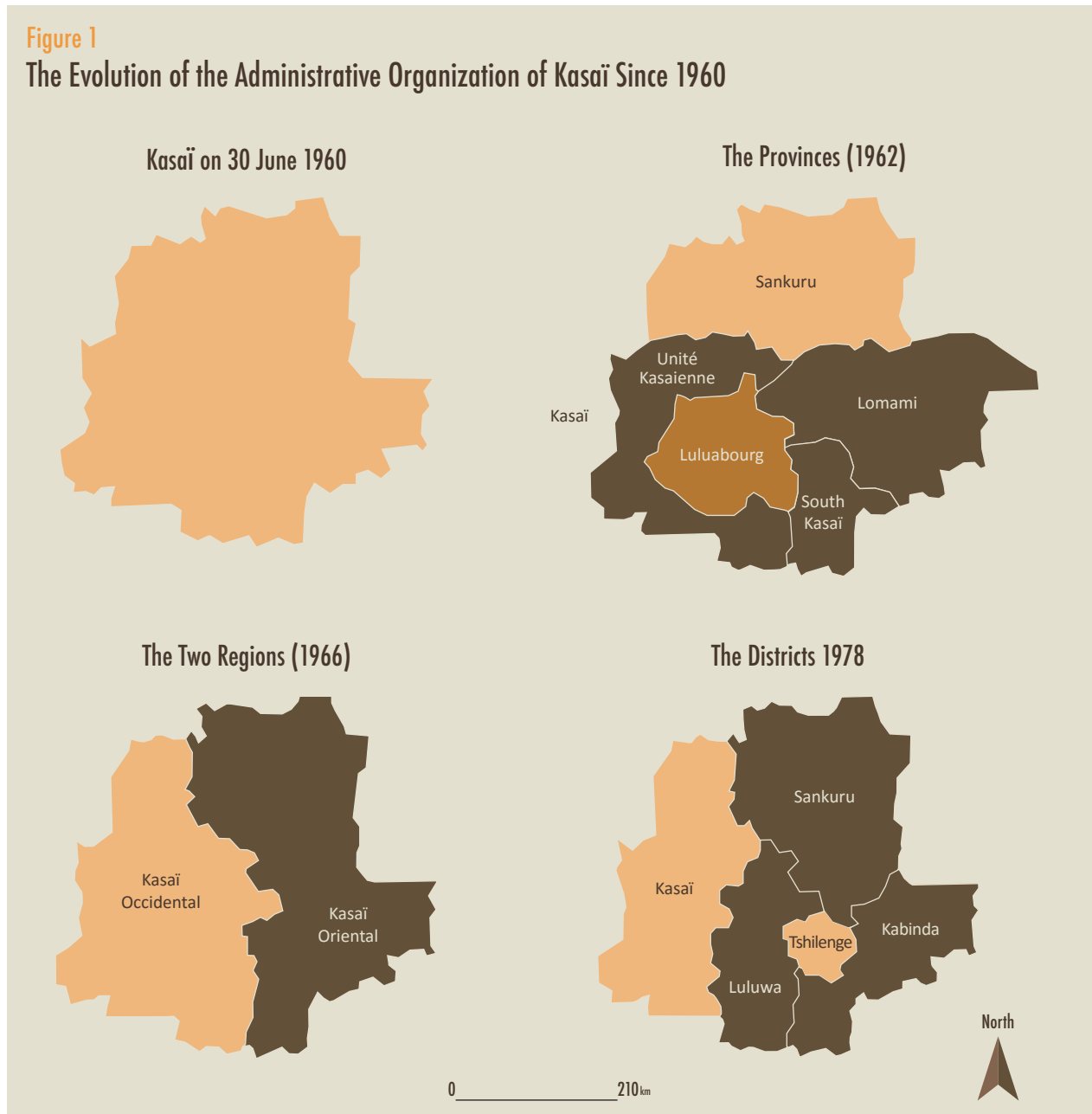
In 1962, the government created 21 new provinces. In Kasai, the subdivision of the region led to the creation of 5 new provinces, not unlike today, although their borders were different (See Figure 1). These provinces varied in terms of their ethnic composition. Three were mono-ethnic: Sud-Kasai (Luba-Kasai), Luluabourg (Luluwa), and Sankuru (Tetela). One (Lomami) was not mono-ethnic, but was dominated by the Songye. The province of Unité Kasaienne was unique because it sought to group together several smaller ethnic groups who had the wish to resist the leadership of the majority tribes. In other words, Unité Kasaienne was designed as a province in which these minority ethnic groups in the western part of the Kasai region would not be dominated by a Tshiluba-speaking majority.

The ambition of some politicians from today's Kasai province was, once again, to reconstitute a province that would not be under Lubaphone domination. The creation in 1966 of the two regions that subsequently became the provinces of Kasai Occidental and Kasai Oriental dissolved the non-Lubaphone hegemony of Unité Kasaienne back into a Luluwa-dominated province, with its capital located in Kananga. This was a longstanding source of frustration for non-Luluwa politicians, particularly since the city of Tshikapa and its surrounding areas generate a substantial amount of money through the diamond trade. It has also created a situation in which Kasai Central and the city of Kananga have become deprived of certain revenues that came from mining around Tshikapa and the port in Ilebo.

The constitution of the new province of Kasai was seen by some political actors as an opportunity to reconstitute the idea, if not the exact territory, of Unité Kasaienne. The difference between Unité Kasaienne and the current Kasai province, however, is that the latter – which corresponds to the borders of the former District of Kasai that was previously part of Kasai Occidental province – also includes a number of Luba-speaking areas. The result has been a situation in which Lubaphones in the new province have largely been sidelined from important political posts, yet still physically present – including as possible voters – in the province. The creation of the Bana Mura and Ecurie Mbembe militia groups composed of Pende, Chokwe, and to a lesser extent, Tetela people, is perceived to have been done in order to drive the Lubaphone electorate out of the province, “back” to Kasai Central. This was done with three goals: first, recreating the ethnic composition of Unité Kasaienne. Second, creating the conditions for electing more pro-MP deputies, since Lubaphones are perceived as being sympathetic to the opposition and the UDPS in particular. And third, creating the possibility for electing more Pende and Chokwe deputies.

Figure 1

The Evolution of the Administrative Organization of Kasai Since 1960



Source: Kabata Kabamba, Op.cit. p.105.

Endnotes

- ¹ Kamuina Nsapu is the capital of the Bashila Kasanga groupement in Dibaya territory, Kasai Central province.
- ² Al Jazeera, "UN: Soldiers Kill 101 in Clashes with Kamwina Nsapu," February 14th 2017.
- ³ UN Human Rights Council, "Rapport de l'Equipe d'experts internationaux sur la situation au Kasai," June 6th 2018.
- ⁴ Interview with Pandi family member.
- ⁵ Interviews with Congolese government official and civil society activist in Kananga.
- ⁶ Interviews with two Congolese civil society activists in Kananga.
- ⁷ See the Congolese government's official report: "Eléments d'information liés au phénomène 'Kamuina Nsapu', Livre Blanc, Tome I," Ministère de l'Intérieur et Sécurité, Ministère de la Justice et Garde des Sceaux, Ministère des Droits Humains, Kinshasa, République Démocratique du Congo, June 12th 2017, pp.4-5. Available online at: <https://www.scribd.com/document/351891527/Livre-Blanc-Special-Tome-1-sur-la-situation-dans-le-Kasai-Gouvernement-de-la-RD-Congo>. See also: Alex Kande Mupompa, "Situation Sécuritaire du Groupement Kamuina Nsapu (Bajila Kasanga), July 10th 2016, p.1.
- ⁸ Op.Cit., "Eléments d'information liés..." p.7. See also Op.Cit., "Situation Sécuritaire... du Groupement Kamuina Nsapu (Bajila Kasanga)," July 10th 2016, p.2.
- ⁹ Interviews with one politician and two civil society activists in Kananga.
- ¹⁰ See also Albert Kalamba-Tshikomo. 2012. *Le culte de Tshiota chez les Bashilange du Kasai Occidental*. Paris: Edilivre.
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- ¹⁶ Radio France Internationale, "La crise au Kasai en 30 dates," June 2017.
- ¹⁷ Kimiko de Freytas-Tamura and Somini Sengupta, "For 2 Experts Killed in Congo, U.N., Provided Little Training and No Protection," *The New York Times*, May 20th 2017. Available online at: <https://www.nytimes.com/2017/05/20/world/africa/congo-zaida-catalan-michael-j-sharp-united-nations-democratic-republic-of-congo.html>.
- ¹⁸ Electronic communication with Clément Kanku and his lawyer, June 2018.
- ¹⁹ UNICEF, "Kasai: A Children's Crisis. Coping with the impact of conflict in the Democratic Republic of the Congo." May 2018, p.20. Available online at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UN0206466.pdf>.
- ²⁰ Ibid.
- ²¹ Interviews with two civil society members in Kananga.
- ²² Radio France Internationale, "Violences meurtrières au Kasai: les FARDC appellent à la reddition des miliciens," May 16th 2017.
- ²³ Telephone interview with international NGO official. UN Human Rights Council, "Rapport de l'Equipe d'experts internationaux sur la situation au Kasai," June 6th 2018.
- ²⁴ Interview with provincial politician in Kananga.
- ²⁵ Radio France Internationale, "RDC: Violences Au Kasai – La mort d'un chef," June 2017.
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- ²⁸ "Central Congo militia decapitates 40 police officers in ambush," Reuters, March 25th 2017; transcript of interview with survivor of attack.
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- ³⁰ UN Human Rights Council, "Rapport de l'Equipe d'experts internationaux sur la situation au Kasai," June 6th 2018, p. 13.
- ³¹ Sonia Rolley, "Violence in Kasai: The Army's Response," June 2017.

- ³² United Nations Office for the Coordination of Humanitarian Affairs, "Update Alerte Kasai, Kasai Oriental, et Kasai Central," January 11th 2017.
- ³³ Kimiko de Freytas-Tamura, "Who's in Congo's Mass Graves? And Why Are Soldiers Guarding Them?" *The New York Times*, July 28th 2017; United Nations High Commission for Human Rights, "DRC: Further mass graves and killings discovered in Kasais, says Zeid," April 19th 2017.
- ³⁴ Electronic communication with UN official, February 2017; "Gédeon Kyungu aurait envoyé sa milice dans le Kasai pour commettre des exactions," *Politico.cd*, May 25th 2017.
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- ³⁶ Telephone interview with former FARDC officer, January 2018.
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- ⁴² Interview with politician from the ruling coalition in Tshikapa.
- ⁴³ United Nations High Commissioner for Human Rights, "Report of a Mission of the UN High Commissioner for Human Rights – Accounts of Congolese fleeing the crisis in the Kasai region, in the DR Congo," August 2017.
- ⁴⁴ The latter had become chief despite his mixed parentage by virtue of having a Chokwe mother, since the Chokwe are matrilineal – they trace descent through the mother.
- ⁴⁵ Interview with provincial politician in Tshikapa.
- ⁴⁶ Interview with customary chief in Tshikapa.
- ⁴⁷ Interviews with: human rights activists (4), PPRD member (1), community leaders (2), Kasai province provincial (opposition) politicians (2), FARDC member (1), Tshikapa.
- ⁴⁸ Interviews with politician (opposition), human rights activist in Tshikapa.
- ⁴⁹ Interviews with human rights activist, civil society member, community leader, and opposition politician in Tshikapa.
- ⁵⁰ Interview with civil society activist in Tshikapa.
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- ⁵⁷ Interviews with a customary chief, a provincial parliamentarian, and an administrative official in Kananga.
- ⁵⁸ Interview with a customary chief in Kananga.
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- ⁶⁰ Radio Okapi, "Kasai-Occidental: la Ceni appelle le gouvernement à harmoniser les listes desgroupements," April 25th 2014.

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- ⁷⁵ Interview with civil society activist in Kananga.
- ⁷⁶ Interview with Chokwe customary chief in Tshikapa.
- ⁷⁷ Interview with provincial deputy in Tshikapa.
- ⁷⁸ Telephone interview with civil society member in Tshikapa.
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