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SCALES OF GREY

The complex geography of transnational cross-border trade in the African Great Lakes region

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Border economies

Borderlands are productive of social spaces at multiple scales.¹ This productiveness results from a particular power-geometry of territorial borders: in border spaces, the difference between what is considered inside and outside, above and below, bottom-up and top-down, legitimate and illegitimate is object of a constant negotiation among agencies placed in multiple geographic locations. Think, for example, of the complex infrastructures that channel and regulate the transnational trade in commodities across boundaries every day: it is easy to imagine that these are not fixed in place but span vast networks of policies, and of human and non- (or more-than-human) relations. At the same time, the assertion of state territoriality has important consequences for the manner in which such infrastructures take shape on the border (wherever we imagine this border to be located), because it is exactly here that claims about national belonging, about power and legitimacy are actively being written into political space. This insight is important for our understanding of the practices of smuggling, or, more widely, of the vast volumes of informal and illegal trade that remain unrecorded in state records, because, apart from taking place in the shadow of official state regulations, such practices have been observed to be capable of subverting, moulding and even transforming state power in the margins. A good example of the latter is the drug economy, which has been shown to transform power relations across the globe's borderlands (for a discussion see Goodhand, 2020). The transformative effects of transborder exchange are not limited to such illicit commodities, however, but they also include the more common aspects of our mobile the global economy. Rather than considering state sovereignty at the border as a legal state of exception, which draws a sharp boundary between what lies outside and inside, on bottom and on top, within or beyond the realm of legitimate agency and interaction (Ferguson and Gupta, 2002; Agamben, 2003; Chatterjee, 2004), this chapter takes a slightly different viewpoint towards the relation between smuggling and state territoriality. It considers the territorial border rather as a grey zone, a space that actively partakes in *making* territorial rule operational in a larger web of interconnections. In this sense, I insist once again on the productiveness of smuggling and contraband, rather than merely highlighting their "illegal" or "criminal" character. In sum, this chapter invites scholars to take serious the concrete ways in which unrecorded trade activities contribute to state territoriality across borders; in other words, how unrecorded trade practices recalibrate political

authority through their operations in the margins of sovereign state laws. After a short overview of the dominant schools of thought on smuggling in the borderlands I will illustrate my view with a case study from Central Africa.

A dominant perspective on borderlands is to depict these as spaces of anti-state resistance. Inspired by the work of James Scott, who rewrites the history of Southeast Asia's border areas as "shatter zones," or "zones of refuge" inhabited by people who have been fleeing historical waves of state oppression (Baud and van Schendel, 1997; for a critique see Lieberman, 2010; Brass, 2012), for example, scholars of Asia and Africa have been able to point out persistent frictions among populations whose freedom of movement and subsistence are constantly threatened by the centralizing projects of modern states (e.g., De Bruijn et al., 2001; Dereje and Hoehne, 2010; Graetz, 2010; Turner, 2010, 2013; Doevenspeck, 2011; Ryzhova, 2018; Brenner, 2019). From this perspective, cross-border trade assumes the aura of a silent rebellion against state regulations that are considered to be intrusive, illegitimate and oppressive (Shelley and Metz, 2017; Endres, 2019).

Other scholars emphasize instead the creative and innovative potential of economic activities that are officially designated as informal, clandestine or criminal in the borderlands. While they may be formally casted as a corruption of institutional norms, their hybrid relationality may in fact become a platform for radically transforming public authority – particularly in so-called weak states or contexts where state sovereignty is fundamentally contested, like zones of protracted armed conflict (Menkhaus, 2007; Raeymaekers et al., 2008; Boege et al., 2009; Bagayoko et al., 2016; Rolandsen, 2019; Goodhand, 2020).

Without denying the important political and economic inequalities that these borderland economies evidently entail at different scales (for a discussion see Meagher, 2014), one needs to be careful to recognize the proximity between economic entrepreneurship and state-making projects at territorial borders. Rather than stealing away resources and legitimacy, in many instances, cross-border trade, even if clandestine, has been observed to contribute significantly to state treasuries and vice versa, be it not through the established legal, official channels. The very meaning of smuggling or contraband, therefore – which may range from informal trade in household commodities to outright illegal trade in drugs and arms – should be viewed from the perspective of a frontier: an oscillating, dynamic space, in which what can be considered as legal and legitimate wealth is the outcome of a complex and active "border work" (Reeves, 2014) across multiple geographic scales (Cunningham and Heyman, 2004; Roitman, 2005; Raeymaekers, 2009, 2014; Chalfin, 2010; Chu, 2010; Goodhand, 2012; Titeca, 2012; Korf and Raeymaekers, 2013; Wilson, 2017; Kean, 2018).

In other words: geography matters, particularly in the way in which capitalist supply chains interconnect with territorial authority across borders. Rather than assuming their marginality, criminality or illegality, we should consider the potential contribution of borderland economies to capitalist development more broadly.

In my own research in the Congolese-Ugandan borderland between 2003 and 2008, I have been trying to find out how the political economy of borderland trade is at once productive of the territorial state, but at the same time redefines and repurposes political order through direct everyday connections and relations across geographic scales. My ethnography of contraband trade in this area builds at once on the excellent work of several colleagues (e.g., Meagher, 1990, 2003; Roitman, 1998, 2005; Titeca, 2012), as well as border studies (e.g., Newman and Paasi, 1998; Donnan and Wilson, 1999; Wilson and Donnan, 1998) and political anthropology (Nugent, 2002; Lund, 2006; Klute and Bellagamba, 2008; Arnaut, Hojbjerg, and Raeymaekers 2008; Hagmann and Péclard, 2010).

For a long time, the African Rift Valley, which runs through the current Cong–Ugandan borderscape, figured as a shifting African frontier among several, adjacent communities like the BaYira and BaHema, whose trade in salt, fish, ivory and artefacts constituted the foundations of intense interactions (particularly between Bunyoro and Kasese and the Congolese Mitumba Mountains: Kopytoff, 1987; Packard, 1987). These pre-colonial trade patterns contributed to an intense cross-border trade in post-colonial times: in a context of rampant economic decline and institutional crisis in the 1970s and 1980s, the smuggling of minerals and commodities formed an alternative livelihood opportunity there where previous occupations in plantation agriculture and mining had been gradually ruined (Mirembé, 2005; Kaparay, 2006; Raeymaekers, 2014). In this context, an emerging class of BaNande (BaYira) entrepreneurs was able to transmit some of its capital and knowledge into this transboundary economy. In Kisangani, for example, around a thousand kilometres from the border, Janet MacGaffey discovered a “thriving business centre,” where “all sorts of people are running successful and substantial enterprises, despite the shortages of goods, the deterioration of infrastructure and the rampant bribery and corruption so amply documented in the social science literature and the local press.” Echoing the predominant optimism about informal entrepreneurship at the time, she concluded that “in the midst of irrationality and unpredictability,” some people were capable to make things work in an organized and efficient way and engage in “rational” economic enterprise (MacGaffey, 1987, p. 1). Yet it would be wrong to assume the BaNande’s political autonomy: tradesman and –women maintained close connections with exponents of the Zairian and Ugandan state. During the 1990s, these connections intensified in a lucrative commodities trade: while producers in North Kivu and Ituri exported almost all their timber and mineral resources into Uganda, Ugandan army generals, exported US\$ millions worth of timber, gold and other valuable resources from Congo during the two Congolese wars of 1996–1997 and 1998–2003 with the tacit support of President Museveni (Reno, 2000; Fahey, 2009). During this period, traders also maintained close relations with non-state armed forces, whose activities contributed significantly to transboundary economic developments.

My case study shows that when we study unrecorded trade in borderlands, globally, it makes sense to differentiate more carefully between what is meant by “legal” and “illegal,” “formal,” and “informal,” rather than assuming such categories as a given. Unofficial transborder trade is by definition difficult to detect, and what is usually described as “informal,” “hidden,” “parallel,” or “underground” economic activity may indeed involve a wide range of degrees of formality and illegality. According to Ellis and MacGaffey (1996), a useful way to distinguish between trade patterns is between trade that is explained as wholly or partially legal on the one hand, and wholly illegal on the other hand. Of the second type on the Congo–Uganda border, one could mention for example the trade in *marijuana* from plantations in South Lubero to Uganda and Kenya, or the smuggling of protected animal species and ivory from the Congolese bush to Western consumers. Although it is formally prohibited by Congolese law, the drug is commonly tolerated even though it potentially finances violent militia activity. A similar permissive regime applies to the trade in ivory which, although formally illegal, can be found openly outside Congo’s national parks: when strolling the streets of Goma and Kinshasa, it is not unusual to meet businessmen offering carved ivory statues or entire tusks to buyers in plain daylight. Next to ivory, one can find a whole range of forest produce openly or less openly on sale on regional markets, going from tropical charcoal, to protected animal species (birds, monkeys), bush meat and occasionally also “traditional” medicine.

Different degrees of (il)legality reveal the hybrid norms and relations that have characterized this trade since colonial independence. While considering this heterogeneity, it becomes clear that very little transboundary trade in this African borderland can actually be characterized as

entirely illegal (Englebert and Mungongo, 2016). Rather than assuming their anti-state resistance or complicity with public authorities, it is important to consider its contribution to mediated state authority, not only at a local but at different geographic scales. Many of the border entrepreneurs owe their position and prestige to the simultaneous connections they are able to forge to both anti-state forces and to exponents of state administrations (Raeymaekers, 2014; Titeca, 2012). As I argued elsewhere (Raeymaekers, 2009), the political authority that emerges from one's involvement in this borderland economy cannot simply be categorized along a binary axis of engagement and disengagement with the state. Instead, one needs to consider the intricate networks of relations between legal state authorities and *de facto* sovereign bodies that determine the concrete ways in which norms and rules are implemented along commercial value chains. Whereas state administrations are continuously engaged in the attempt to govern citizens within predefined territorial limits, *de facto* sovereignty in the borderland remains characterized by a continuous pattern of negotiation and mediation of regulatory authority along a hierarchy of scales (see also Hansen and Stepputat, 2001; Humphrey, 2004).

Over the years I have observed how cross-border traders have been able to “jump scales” (Swyngedouw, 1997) while they mediate the regulation of their activities with multiple sovereign bodies along established commodity chains. Controlling the nodes of an increasingly globalized trade in commodities has given such mobile actors a comparative advantage over state agencies with less space of manoeuvre.² While they still need the state to smoothen cross-border connections, this transboundary engagement has contributed to a growing political legitimacy of Congolese and Ugandan border entrepreneurs, as they assure beneficiaries low import prices and capital gains. Deliberately highlighting the contributions of cross-border trade to local “development” has thus become a central strategy for maintaining and consolidating power in the borderlands: in a context where state authority remains evidently contested, the ideology of marginal development has probably been a key factor of success of these border traders as political power brokers.³

What determines the regulation of this Central African cross border economy is not necessarily the level of engagement or disengagement from the state, therefore, but the complex relational infrastructures that underpin public authority over current trade arrangements. These arrangements appear to produce a specific power-geometry (Massey, 1992) that not necessarily *inverts* global-local relations but is able to *subvert* existing webs of domination and subordination, solidarity and cooperation in a wider regional environment. Through their operations, borderland entrepreneurs show that, far from being passive victims and receivers of development, they are also capable of creating their life worlds “as places” (Escobar, 2001, p. 15), with possibly far-reaching consequences for the definition of public authority across borders. Rather than being passively crushed by the anonymous forces of capitalism and globalisation, they demonstrate a capability to actively mould the political space in which their operations take place. This observation confirms the argument that transboundary markets constitute more than a simple economic mechanism; they are a political arena that regulates important facets of social life (Roitman, 1998). Following this line of argument, I opt for a more contingent notion of political power in the borderlands that emerges in concentric circles and in intersecting geographical scales. What distinguishes this perspective is its insistence on the *immanence* and *simultaneity* of social relations on the border and the way these relations come to actively construct the space of public authority across borders.

Concentric circles

More concretely, I imagine the system of relationships that regulates cross border trade in the Congo-Ugandan border space in three specific, interconnected scales. In the largest, trans-regional orbit, the trade is organized along a more or less stable commodity chain that connects some of the world's leading markets to remote villages in the rural areas of Uganda and Eastern DRC. Commonly, goods are imported by container from China or the Far East through big shipping companies such as CMC and AGETRAV. Previous to such transports, Congolese traders have spent months and years looking for the right business contacts on the Asian continent. Though some firms work through direct business representations (Coloma, 2010) most commercial transactions take place orally, without contracts and on the simple basis of trust. Chinese and Congolese small businesses have a lot in common from this perspective, traders told me, as they commonly value such trust more than contractual backing and the respect for legal requirements (Raeymaekers, 2014).

Once commodities arrive in Africa (usually in some of East Africa's big ports like Mombassa), a number of private agencies immediately transform their label to goods with a lower tax regime (for example, if one sends electric generators, they become "bicycle parts," clothes become "rags" and so on). Customs agents refer to such infrastructures as 'laboratoires' or 'agences pirates,' because they "fabricate" false labels to transit commodities across territorial borders. The legitimacy of such agencies is not so straightforward as it may seem though, because their insertion into official state records depends on an active negotiation with the state. Lists of private customs intermediaries circulate frequently in the Ministries, therefore, as clients are included and excluded from such government favours. At the next node in the commercial network, Malaba (on the Kenya-Uganda border) functions as an offload and re-loadpoint for commodities from standard containers onto several, smaller trucks with canvas sheeting (called '*bachiers*'), which can carry 1½ containers each. Not unsurprisingly, traders use this transit to obfuscate customs control: a '*déclarant*' – the agent who declares transiting goods in name of the private businessman – will do all he can to mix goods of several owners together and benefit from the complex paper trails and lack of facilities that customs agencies have to deal with on the border. Most commonly, therefore, this negotiation results in an unwritten agreement: in return for a small fee, Ugandan and Congolese customs agree to facilitate the crossing of goods and adapt the declaration form according to the notification of the *déclarant*. On the Congolese side, a '*vérificateur*' then inspects this declaration form and sometimes does a virtual check "to avoid being completely arbitrary" (interview with customs agent, January 2008). Goods are never controlled physically though, because there is neither the time nor a designated place to do this. If the '*déclarant*' agrees on this virtual check, the goods pass onto the provincial authorities who demand a supplementary tax of a few hundred dollars to settle the final import. Next to these official services, different agencies intervene in this taxation "informally" (without legal backing). They include the Congolese civil and military intelligence (ANR and DEMIAP), hygiene and environmental services, national police (PNC), several customs brigades, and a range of territorial and provincial agencies and authorities. Besides these "informal" taxes, the official customs board may charge up to US\$15000 per truck. The final import document ('*déclaration d'importation définitive*') then gets delivered at the point of arrival after yet another virtual check by the agencies in the administrative centres of Beni or Butembo.

In the "core" of the borderland, finally, a parallel, interconnected pattern develops across the river Lubiriha that divides Congo from Uganda. Particularly on market days, one can observe lines of people crossing the river either on foot or bathing through the water with various goods on their heads. These porters or '*trafiquants*' offer the service of trafficking undeclared goods once

they have been unloaded on the other side in Mpondwe. After furtively crossing the river, they run to the '*bombeurs*' who re-load the goods on a truck directed to a nearby Congolese town or transit centre. Given the nature of their job, the ability of these '*trafiquants*' is to pass covertly (Swahili: '*kofichika*') in order to make a living and avoid troubles with the Ugandan 'Red Mamba' (custom police) and Congolese police (during the COVID emergency, such Red Mamba arguably have been replaced by army officials). In the border towns, this petty contraband trade is often the activity of female farmers and disabled men and women, who in this way supplement their daily incomes. Benefiting from their double (Congolese and Ugandan) ID-cards which immigration authorities are willing to deliver for a small bribe (*kidogo kidogo*), the function of these smugglers in the cross-border economy is crucial, as they literally outsource the risk associated with the illegal aspects of this transnational trade. Participants in the border economy refer to this risk as '*la coop*,' '*match*,' '*la lutte*,' or '*punguza*' (Swahili: to reduce, get one's share).

Rather than brushing aside such cross-border economic practices as yet another example of Africa's "criminal" economies, a deeper social analysis of these activities may reveal a number of normative and social logics that go beyond legalistic interpretations. The commodity trade between Central Africa and the Far East shows how economic relationships flow through an organized system of relationships that is at once local, regional and global in character. Thanks to this system, for example, traders are able to connect important commercial nodes in China and South-East Asia to rural Africa. Once imported goods arrive in the border towns of Congo and Uganda, they continue their trajectories deep into Congolese territory on the backs of porters, (motor)cyclists and the occasional airplane that travels to the mining areas. As important as this complex economic infrastructure is for local and transboundary development, it depends on a fragile negotiation between public authority and private business that is nonetheless crucial for maintaining the relations of capitalist supply chains in balance in this transboundary context.

The politics of scale

One concept that becomes interesting to explain this process of constantly inverting power relations at the border is that of geographical scale. The concept of scale, which is widely discussed among human geographers, indicates how social relations are themselves productive of geographic spaces; in other words, the scope, speed and reach of relational connections has an impact on the ways power materializes in space (for a discussion see Marston, 2000; Marston et al., 2005; Cox, 2013; Jones et al., 2017). Some geographers use scale to highlight how power relations in contemporary capitalist supply chains has indeed become a highly contingent matter, as there exists no predefined pattern that determines how capital, resources and labour should flow from the centre to the periphery, from top to bottom, or from left to right. In a world where everything is connected permanently, the crux of the problem is not whether the local or the global has theoretical and empirical priority in shaping the conditions of daily life, but rather how the local, the global, and other relevant (although perpetually shifting) geographical scale levels are the result (the product of processes) of sociospatial change. In this sense, it is useful to distinguish between agents who remain fixated in place and others who are able to "jump" scales along such networked connections. Think, for example, of the transnational smugglers-traders and their simultaneous relations to multiple authorities in different geographic locations that I described in detail above. At the same time, the complex geography of their operations also hints at the immanence of political authority along such spatio-temporal scales. Paraphrasing Robert Cox, one could argue that the ultimate interest of participants in the borderland economy appears to lie in mobilizing centers of social power whose power is partially territorial in character, but whose goal is to control the actions and interactions of others" through complex social relations (Cox, 1998, p. 23).

In the case of Congo-Uganda, the system of regulations that is constantly redefined and negotiated at the border has generated important scalar effects that go beyond a simple imposition of global or national processes on local actors. Parallel to the concentric circles described in the first section of this paper, it is illustrative to see the growing dependency of national centres of power on this transboundary complex of relations in terms of taxes and the control over cross-border populations. One can see clearly how the mediation of authority at the border is pushing forward a gradual transformation of regulatory norms pertaining to taxes, economic resources and national revenue at both sides of the territorial border. Starting with the inverted role of local administrative practice, to the “fabrication” of labels and documentation that are projected across regional flows, the border is able temporarily to reverse power relationships between the “national” state and various local agencies as they are performed on a daily, localized basis. In this process, power is not univocally transferred from the state to its perceived anti-form (of anti-systemic resistance, of private agents or of social networks), but its successful mobilization depends on the tactical agency participants’ ability to develop in this constantly shifting network of relations.

Authoritative power is to an important extent a social construction that is produced and transformed through everyday relations. This is not to say that power is completely independent of social hierarchies. Whenever state agents have tried to block transboundary trade, for whatever reason, on the Congo-Ugandan border, this invariably resulted in violent protests. Such happened in November–December 2007, for example, when an Ebola outbreak in the Ugandan district of Bundibugyo led custom authorities from Congo and Uganda temporarily to close the border crossing at Mpondwe-Kasindi. In protest, people (petty traders, peasants, angry businessmen, but also ‘*déclarants*’ and local customs officers) threatened to employ local rebel forces until the crossing was re-opened. They did this because, they explained, they depended on the border for their daily living (Raeymaekers, 2009). Rather than assuming a neat boundary between the state and ‘social’ or ‘economic’ actors, therefore, it makes more sense to investigate the social hegemony that emerges in the context of cross-border interaction, or the capacity of a dominant group to impose a series of practices that are to its advantage (Swyngedouw, 1997; Gramsci, 2007). One could argue that the process of negotiation between state and non-state, factual and official authorities in the Congo-Ugandan borderland has *itself* become productive of a political order that is capable of imposing an ideology of capitalist development based on transboundary connectivities and of “making do” (for a deeper discussion see Raeymaekers, 2014).

A future reflection on borderland economies as contingent power assemblages, I argue, therefore, can potentially reveal new modes to tackle their contribution to local development as outcomes of complex patterns of interaction among geographic scales, rather than linear histories of either resistance or liberal self-reliance. On the one hand, this would require a thorough rethinking of the ways participants in such border economies are capable of negotiating authority across complex relational geographies. On the other hand, it would require us to study more deeply the role of transboundary economies in brokering local authority and development. To focus exclusively on the supposedly resistant or liberal character of transnational contraband trade, at least in the Central African context, has proven largely counter-productive, because both perspectives gloss over the intricate relational geographies that set the terms of its regulation across geographic scales. Highlighting the scope, speed, and reach of these geographies instead has the potential to reveal how capitalist operations across borders continue to depend on active linkages among agencies, norms and institutions that may be ontologically depicted as standing in contrast and opposition, but as a matter of fact remain bound through crucial mediations.

Notes

- 1 My definition of borderlands draws on Willem Van Schendel and Michiel Baud, who describe borderlands as “broad scenes of intense interactions in which people from both sides work out everyday accommodations based on face-to-face relationships” (Baud and van Schendel, 1997, p. 216).
- 2 One important factor that contributes to the weakness of customs agents is their lack of local embeddedness. Jostling their local political influence, important cross-border traders encourage customs agents to be “flexible” and “cooperative,” and they do not hesitate to threaten the latter in case of unproductive collaborations. Several agents I interviewed had received death threats during their career, and some decided to change jobs because of these. These dynamics show once again to what an extent cross-border entrepreneurs are able to maintain a certain regime of violence which at once ensures their central role as local capitalists, while keeping together a network of state and non-state agencies involved in cross-border fraud.
- 3 That said, one must not underestimate the regional solidarities that arise from these daily interactions on the border as they take shape in partial opposition to centralizing states. Recent claims to greater autonomy in terms of local development have included demands for a more adequate partition of customs revenues. The issue of local development has also taken centre stage in ongoing debates about state decentralisation and democratic institutional reform – including debates about the role of “traditional” authorities such as the Rwenzururu Kingdom (Raeymaekers, 2009; Titeca and Fahey, 2016). With Paul Nugent, therefore, one could argue that such ethnic affiliations between Congolese and Ugandan communities increasingly serve to *constitute* power on the border, notably by working on state institutions, community relations, and basic concepts of political space (Nugent 2002, p. 232).

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