

## THE STATE OF SIEGE IN NORTH KIVU: AN EXCEPTIONAL SECURITY SYSTEM IN THE FACE OF THE RESURGENCE AND TERRITORIAL EXPANSION OF THE M23

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### ABSTRACT

This study critically examines the effectiveness of the state of siege declared in North Kivu province of the Democratic Republic of the Congo (DRC) in May 2021 as an exceptional security regime intended to curb armed violence and restore state authority. Despite the expansion of military and judicial powers and the militarization of civilian administration, the period of implementation coincided with the resurgence and rapid territorial expansion of the March 23 Movement (M23), culminating in the capture of strategic urban centers, including Goma in 2025. Drawing on strategic analysis and qualitative content analysis of official documents, institutional reports, and scholarly literature, the research identifies four interrelated factors explaining the failure of the state of siege: structural and institutional weaknesses of the state, marginalization of local civilian authorities, deficiencies in operational coordination among loyalist forces, and the neglect of local socio-political dynamics. Anchored in the theory of the exceptional regime as articulated by Giorgio Agamben, the study argues that prolonged emergency governance, when applied in contexts of state fragility, can paradoxically weaken institutional legitimacy and create governance vacuums exploitable by armed non-state actors. The findings suggest that a predominantly militarized approach, disconnected from local conflict dynamics and regional geopolitical realities, is insufficient to achieve sustainable stabilization. The paper concludes that durable peace in North Kivu requires an integrated security framework combining institutional reform, inclusive local governance, and coordinated regional engagement beyond purely coercive measures.

**Keywords:** State of siege; North Kivu; M23; exceptional regime; security governance; armed conflict; Democratic Republic of the Congo; institutional fragility; militarization; conflict stabilization.

### 1.0 INTRODUCTION

For more than two decades, the eastern part of the Democratic Republic of Congo (DRC) has been one of the areas most marked by the persistence of internal armed conflicts on the African continent. The province of North Kivu, in particular, crystallizes a complex combination of factors of instability, including violent competition over natural resources, the fragility of local state institutions, the direct or indirect involvement of regional actors, and the proliferation of local and foreign armed groups. A study conducted in 2023 by the "Disarmament, Demobilization, Community Recovery and Stabilization Program (P-DDRCS)", notes the existence of 252-armed groups, including 14 strange armed groups operating in the east of the country; 2 in Ituri, 7 in North Kivu, 5 in South Kivu. On this east, 20 national armed groups

operate in Ituri, 64 in North Kivu, 136 in South Kivu, 13 in Maniema and 19 in Tanganyika<sup>1</sup>. This configuration has gradually eroded the Congolese state's ability to exercise effective control over its territory and ensure the security of civilian populations, challenging the state's monopoly on legitimate violence.

Faced with the aggravation of this chronic insecurity and the multiplicity of armed groups, the Congolese government decreed, on May 3, 2021, a state of siege in the provinces of North Kivu and Ituri<sup>2</sup>, in accordance with the constitutional provisions relating to emergency regimes<sup>3</sup>. This security system was based on a logic of militarization of the public administration, the substitution of civilian authorities by military and police authorities, as well as the granting of expanded powers to the defense and security forces, both at the operational and judicial levels. The implicit assumption of this measure was that an exceptional strengthening of the coercive apparatus of the State would make it possible to quickly neutralize armed groups, restore public authority and stabilize territories under threat of insecurity in the long term.

However, the evolution of the security situation in North Kivu has highlighted a major contradiction between the stated objectives of the state of siege and its concrete effects on the ground. Far from containing insecurity, the period of application of this exceptional regime coincided with the resurgence of the March 23 Movement (M23) from 2022, followed by its rapid territorial expansion and the gradual occupation of strategic areas, until the capture of the city of Goma in 2025. This dynamic occurred even though the Congolese armed forces had extensive prerogatives and benefited from the support of local (wazalendo), regional<sup>4</sup> and international<sup>5</sup> forces, as well as the support of Romanian mercenaries.

On the theoretical level, this situation is in line with the analyses developed by Giorgio Agamben<sup>6</sup>, for whom the state of emergency, when prolonged and trivialized, tends to become a mode of government that weakens the ordinary legal order without strengthening the effectiveness of state action. According to this perspective, the long-term suspension of civilian governance and control mechanisms promotes arbitrariness, undermines the legitimacy of the state, and creates spaces for power vacuums that can be occupied by armed non-state actors. In North Kivu, this framework allows us to understand how the state of siege may have contributed to the erosion of the bond of trust between the state and the local populations, while weakening the civil institutions that are supposed to embody public authority. This idea is

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<sup>1</sup> PDDRCS, State of play, communication from the national coordinator, Kinshasa, July 2023, unpublished, p.29.

<sup>2</sup> Ordinance-Law No. 21/015 of May 03, 2021 proclaiming the state of siege on part of the territory of the Democratic Republic of Congo.

<sup>3</sup> 85 of the Constitution of 18 February 2006 (as revised), which gives the President of the Republic the power to proclaim a state of emergency or a state of siege when serious circumstances threaten the independence or integrity of the national territory.

<sup>4</sup> The strengths of the East African Community (EAC) and the Southern African Development Community (SADC).

<sup>5</sup> The Brigades of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

<sup>6</sup> Agamben, Giorgio. *Homo sacer*. Vol. II1: State of Exception. Paris: Éditions du Seuil, 2003.

supported by Martin Ziakwau Lembisa<sup>7</sup> who notes that "no initiative taken by the Congolese government takes into account, beforehand, dialogue with the local communities, from which several armed groups have come, often operating in connivance with foreign factions". This lack of consultation greatly complicates the neutralization, or even the eradication of armed groups, such as the M23 and the AFDC.

In addition, Séverine Autesserre<sup>8</sup> highlights the recurrent failure of security approaches focused exclusively on the military tool. According to this author, the persistence of armed violence can be explained in large part by the inability of state and international strategies to integrate local conflict dynamics, such as community rivalries, land issues, informal economic networks and the logic of population survival. In this context, the state of siege appears to be a security response disconnected from local socio-political realities, incapable of addressing the root causes of the resurgence of the M23 and its territorial roots. This situation adds to the remark of the Security Council which had indicated that "the solution to this problem cannot be purely military"<sup>9</sup>, however, since 2019, all the security strategies (Operations "Sokola1" and "Sokola2",<sup>10</sup> state of siege, the SADC regional force, operations of the FARDC and the Burundian army, Operation Spingbok, adopted by the Congolese government have been purely warlike in nature).

Therefore, the central issue of this research is part of a broader questioning of security governance in fragile states and in situations of protracted conflict. On the one hand, it creates tension between the use of emergency regimes as an instrument for restoring state authority and, on the other hand, their potentially counterproductive effects in contexts marked by institutional weakness, mistrust among populations and the regionalization of armed conflicts. The failure of the state of siege in North Kivu cannot therefore be seen solely as an operational or military deficit, but as a symptom of a deeper crisis of the state, its capacity for governance and its legitimacy in peripheral areas.

It is in this perspective that this research proposes to critically examine the structural, institutional and strategic causes of the failure of the state of siege in North Kivu, in order to understand the mechanisms that have favored the resurgence and territorial expansion of the M23 under a regime that is nevertheless endowed with exceptional powers. The central question guiding this study is the following:

- Why has the state of siege, despite having expanded military and judicial powers, failed to prevent the resurgence and territorial expansion of the M23 in North Kivu province?

By way of hypothesis, the state of siege would not have prevented the resurgence and territorial expansion of the M23 in the province of North Kivu due to structural and institutional failures of the state, the marginalization of local civilian authorities, the weakness of the operational

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<sup>7</sup> Martin Ziakwau Lembisa, Plurality of Military Initiatives and the Deterioration of the Security Crisis in DR Congo. Sketches for a national peace program beyond the cessation of hostilities, in MES-RIDS, n°139, vol 1., March-April 2025.

<sup>8</sup> Autesserre, S., *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding*. New York : Cambridge University Press, 2010.

<sup>9</sup> Item 14 of resolution 2556, New York, 18 December 2020.

<sup>10</sup> It is one of the terms in Lingala, one of the Congolese national languages, which refers to the verb to clean.

coordination of loyalist forces and the failure to take into account the local socio-political dynamics that would favor the entrenchment of armed groups.

The purpose of this study is to understand why the state of siege, despite the expanded military and judicial powers conferred on it, has failed to prevent the resurgence and territorial expansion of the M23 in North Kivu province.

## **2.0 METHODOLOGICAL FRAMEWORK**

This study used strategic analysis. It seeks to understand and explain the interactions between actors, territories and resources in a conflict context, by assessing political and military decisions as well as their impacts on security and governance. Applied to the case of the state of siege in North Kivu, the strategic analysis examines the relationship between the centralization of military powers, the marginalization of civilian authorities, and the territorial expansion of the M23, while taking into account the regional and geopolitical factors influencing the dynamics of the conflict.

To collect the data, this study used documentary techniques. This made it possible to analyse the content of reports by international and national organisations, documents relating to the state of siege and scientific publications (articles, books, unpublished works).

As for data processing, this research used qualitative content analysis. The latter made it possible to identify the recurring themes, the causes of operational failure and the strategic logics underlying the implementation of the state of siege.

This study is part of the theory of the exceptional regime, as formulated by Giorgio Agamben<sup>11</sup>. It postulates that the state, faced with a major crisis or a perceived exceptional threat, temporarily suspends the ordinary legal order and concentrates power in the hands of the military or executive authorities in order to restore order and security; applied to the study of the state of siege in North Kivu, this theory allows us to understand that, although military and judicial powers have been expanded to contain the armed groups, such as the M23, the centralization of power and the partial suspension of civilian governance mechanisms have paradoxically weakened the authority of the state, reduced its local legitimacy and created an operational environment conducive to the territorial expansion of the rebel movement.

## **3.0 DATA PRESENTATION**

Several factors can explain the failure of the state of siege in the face of the resurgence and expansion of the March 23 Movement. However, this study only retained the following factors: the structural and institutional failures of the State, the marginalization of local civil authorities, the weakness of the operational coordination of loyalist forces and the failure to take into account local socio-political dynamics.

### **3.1 Structural and institutional failures of the State**

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<sup>11</sup> Agamben, Giorgio, op.cit.,

The structural failures of the Congolese state are the first obstacle to the effectiveness of the state of siege. Despite exceptional powers granted to the military and judicial authorities, the State has not been able to maintain effective territorial control. The capture of Goma by the M23 in January 2025 illustrates this inability to protect even strategic areas, a sign of deep institutional weakness. According to Jean-François Bayart<sup>12</sup>, fragile African states are often characterized by patrimonial governance and weak central administrative capacity, which makes them unable to exercise effective control over their territories. In the case of North Kivu, the extension of the M23 was done more quickly in areas where state institutions were limited or non-existent (Bunagana).

Institutional fragmentation is another determining factor. Local administrative infrastructure, already weakened before the state of siege, has been marginalized in favor of a centralized militarized administration. This rupture limited coordination between the national and local levels and created areas of institutional vacuum that the M23 exploited to consolidate its territorial influence. Bruno Losch<sup>13</sup> stresses that the effectiveness of a state depends on the ability of local institutions to translate national policies into concrete actions; their weakening reduces the impact of security measures.

The state's inability to protect the population is corroborated by UN data. The UN Joint Human Rights Office reports that serious human rights violations, summary executions, abductions and recruitment of children have been committed in areas controlled by the M23, showing that even an emergency regime does not guarantee security if state structures are insufficient<sup>14</sup>.

### 3.2 Marginalization of local civil authorities

The marginalization of local civilian authorities is a key structural factor in the ineffectiveness of the state of siege in North Kivu. By replacing civilian political and administrative authorities with military governors and administrators, the emergency regime profoundly modified the local governance architecture. This substitution, although oriented towards the objective of rapid restoration of public order, has broken the traditional mechanisms of social mediation and weakened local institutional relays.

In contexts of armed conflict, state legitimacy is not based exclusively on coercive capacity, but also on the social anchoring of institutions. Achille Mbembe<sup>15</sup> points out that the African postcolonial state, when it favours a strictly security logic to the detriment of the inclusion of civil and community actors, tends to produce a political distance with the populations. This disconnect weakens citizen support and reduces the effectiveness of stabilization mechanisms.

In North Kivu, the militarization of the administration has often been perceived by the population as a vertical imposing, far removed from their daily concerns. The priority expectations of effective protection of civilians, access to basic social services, land tenure security and freedom of movement remained largely unmet. Jean-Claude Willame<sup>16</sup> observes

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<sup>12</sup> Bayart, J.-F., *L'État en Afrique. The politics of the belly*. Paris: Fayard, 2009.

<sup>13</sup> Losch, B., *Governance and Local Development*. Paris: Karthala, 2014.

<sup>14</sup> UN, *Reports of Experts on the DRC, 2025*.

<sup>15</sup> Mbembe, A., *De la postcolonie*. Paris: Karthala, 2001.

<sup>16</sup> Willame, J.-C., *Patrimonialism and Political Transition in the Congo*. New York : Palgrave, 1998.

that the exclusion of local elites and intermediary civil structures weakens the chains of territorial governance and encourages the emergence of lawless spaces. These areas of institutional uncertainty become environments conducive to the establishment or resurgence of armed groups.

Amnesty International's reports confirm that, despite the establishment of military rule, the M23 has continued to commit serious and systematic human rights violations, including summary executions, forced recruitment and violations of fundamental freedoms. The ineffectiveness of civil protection has accentuated the feeling of emptiness of public authority in certain areas.

In addition, the marginalization of local civilian authorities has had a direct impact on the quality of strategic intelligence. Human intelligence (HUMINT), based on trust and cooperation with communities, is an essential lever in the fight against armed groups operating according to asymmetrical logics. By weakening community relays and mechanisms for local participation, the state of siege has reduced the capacity to gather detailed information on the movements, alliances and strategies of the M23. This information deficit has enabled the movement to consolidate its networks of influence, to optimize its territorial presence and to anticipate the actions of loyalist forces.

Thus, the marginalization of civil authorities is not only an administrative choice; it reveals a centralised and militarised conception of conflict management, the effects of which have paradoxically contributed to weakening the authority of the state and strengthening the resilience of the M23.

### **3.3 Weakness in the operational coordination of loyalist forces**

One of the key factors in the ineffectiveness of the state of siege in North Kivu is the weakness of operational coordination between loyalist forces, including the Armed Forces of the Democratic Republic of the Congo (FARDC), the Congolese National Police (PNC) and associated specialized units. Despite the expansion of military and judicial prerogatives conferred by the emergency regime, inter-service integration remained incomplete, both at the strategic and tactical levels.

The lack of a fully unified chain of command and integrated operational planning has led to disjointed, sometimes concurrent, responses, characterized by a lack of intelligence-sharing, insufficient logistical coordination and overlapping responsibilities. In contexts of armed conflict, the effectiveness of operations depends on the centralization of decision-making, doctrinal coherence and the synchronization of manoeuvres. Jean-Pierre Chrétien<sup>17</sup> stresses, with regard to the security dynamics in the Great Lakes region, that the fragmentation of the military apparatus weakens the state's ability to restore public authority and opens up spaces of opportunity for armed non-state actors.

In the case of North Kivu, this institutional disarticulation has allowed the M23 to exploit security gaps, circumvent defence mechanisms and gradually consolidate its territorial gains.

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<sup>17</sup> Chrétien, J.-P., *L'Afrique des Grands Lacs : Deux mille ans d'histoire*. Aubier, 2000.

Uncoordinated strategic retreats and insufficient anticipation have favoured the long-term establishment of the movement in several urban centres and strategic axes.

In addition, coordination between the national forces and the United Nations Organization Stabilization Mission in the DRC (MONUSCO) has been marked by significant operational constraints. The mission's successive mandates, while normatively robust, have been hampered by logistical limitations, mobility restrictions imposed by insecurity, and sometimes ambivalent cooperation with national authorities. A report by the Office of the United Nations High Commissioner for Human Rights (OHCHR)<sup>18</sup> highlights that the occupation of some areas by the M23 has severely hampered the ability to protect civilians, revealing structural deficiencies in the coordination and responsiveness of loyalist forces.

This operational fragmentation has had significant political and institutional effects. In the absence of a coherent and visible security response, the M23 has been able to establish parallel governance mechanisms: local administrative control, informal tax collection, regulation of trade flows and security supervision of the population. This process of institutional substitution has contributed to further weakening the authority of the state and strengthening, at least pragmatically, the local legitimacy of the movement in the areas under its control.

Thus, the weakness of operational coordination is not only a technical malfunction; It reflects the structural vulnerability of the Congolese security apparatus in the management of an asymmetric conflict, where speed, coherence and inter-institutional integration are decisive.

### **3.4 Failure to take into account local socio-political dynamics**

The state of siege established in North Kivu was mainly based on a coercive and military-administrative approach, without any substantial integration of local socio-political dynamics, which were nevertheless decisive in the configuration of the conflict. However, the conflict in this province is part of a complex web combining inter-community rivalries, land conflicts, identity issues, competition for access to natural resources and the structuring of informal economies of violence.

Séverine Autesserre's work shows that security interventions based exclusively on a macro-security reading tend to fail when they neglect local micro-dynamics. According to her, the lack of understanding of social logics, fluctuating alliances and informal governance systems promotes the resilience of armed groups, which exploit community frustrations and institutional flaws to consolidate their territorial anchoring. In the case of North Kivu, the lack of a detailed mapping of local tensions and an inclusive dialogue with customary authorities, community leaders and civil society has weakened the legitimacy of state intervention.

This strategic gap has provided the M23 with an environment conducive to its long-term establishment in several conquered territories. The movement has been able to exploit existing cleavages, insert itself into parallel economic circuits and take advantage of the administrative disorganization induced by the state of siege. In addition, the restriction of humanitarian access

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<sup>18</sup> UN, Reports, op. cit.

in some occupied areas has contributed to the further deterioration of the situation of the civilian population.

Reports by Amnesty International and Human Rights Watch<sup>19</sup> document serious violations of international humanitarian law, including attacks on health facilities, targeted abductions and systematic torture. These abuses have not only worsened the humanitarian crisis, but also deepened social fragmentation and mistrust of public institutions.

The state's inability to integrate local socio-political dimensions into the design and implementation of the state of siege has limited the effectiveness of the security system. The strictly militarized approach, lacking a structured political and social component, has contributed to reinforcing the structural vulnerabilities of the community fabric and prolonging the conflict dynamic.

#### 4.0 DISCUSSION

The failure of the state of siege in North Kivu, despite the expanded military and judicial powers granted to it, highlights the limits of emergency regimes applied in contexts of state fragility and protracted conflict. Well beyond a simple observation of operational inefficiency, this situation reveals a structural inability of the Congolese state to bring together coercive power, local governance and the protection of civilian populations. In this logic, the analysis of the results shows that institutional, organizational and socio-political factors combine to strengthen the resilience dynamics of the M23, which contradicts the hypothesis that the state of siege, which is essentially militarized, should make it possible to neutralize a structured rebel movement in the long term.

First, from an institutional and structural point of view, the state of siege came up against the structural weakness of the state in its ability to exercise a monopoly on legitimate violence. As Bayart<sup>20</sup> and Losch<sup>21</sup> point out in their analyses of governance in Africa, a fragile state cannot be satisfied with a concentration of formal power if its local institutions are ineffective or disjointed. This weakness was manifested in North Kivu province by the inability of loyalist forces to restore and maintain order in areas where the M23 has advanced. Reports from the United Nations Joint Human Rights Office (UNJHRO) indicate that the M23 is responsible for the majority of serious human rights violations, including forced recruitment and summary executions, with 69% of documented abuses against children attributed to this movement in 2025.

This situation illustrates not only a technical failure, but a crisis of institutional legitimacy, where the state has not been able to impose a lasting protective presence. The capture of Goma and Bukavu in January–February 2025 by the M23 highlights this inability to control territory despite an exceptional regime that is supposed to strengthen the authority of the state. Evidence from the ground supports the idea that the state of siege has been unable to restore public

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<sup>19</sup> Amnesty International, Report, op.cit.,

<sup>20</sup> Bayart, J.-F., op.cit.,

<sup>21</sup> Losch, op.cit.,

authority in a sustainable manner, in line with Mbembe's observations<sup>22</sup> on the destructive role that bureaucratization of coercion can play when civilian institutions are marginalized.

Second, empirical evidence shows that the state of siege has not reduced violations against civilian populations, but rather coincided with an increase in abuses and mass displacement. A UN report from October 2025 reported that at least 540 civilians had been summarily executed and more than 1,450 people forcibly recruited by the M23 in the North and South Kivu areas, despite ceasefires and international commitments. These figures, corroborated by humanitarian missions, confirm that the rebel expansion has continued under the state of siege, illustrating a contradiction between the proclaimed objective of protection and the actual results observed on the ground.

From an operational point of view, the lack of effective coordination between loyalist forces and international actors has also limited the impact of the system. Peace missions such as MONUSCO have reported reduced capacity to protect civilians and conduct stabilization operations in occupied areas, due to ongoing insecurity and tactical constraints. This operational fragmentation is part of a strategic approach that is insufficiently adapted to the dynamic and complex nature of the conflict. Chrétien<sup>23</sup> stresses that inter-agency coordination is essential to confront adaptive armed movements, but in this case, the lack of a unified chain of command and integrated strategies has allowed the M23 to maintain and expand its territorial influence.

On the socio-political level, the state of siege has neglected the fundamental local dynamics that fuel insecurity. As Autesserre has demonstrated<sup>24</sup>, strictly militarized responses often ignore the social root causes of conflict, including inter-communal rivalries, land tenure issues, and economic incentives for resource exploitation. This strategic omission resulted in an inability to integrate the populations into the stabilization process, creating a vacuum of social legitimacy that the M23 exploited to strengthen its territorial anchoring. Amnesty International's findings on serious abuses by the M23 – hospital raids, abductions of civilians, torture and sexual violence – show how the lack of a socio-political dimension in the defence strategy has deepened the humanitarian and social crisis.

The discussion of the results also reveals a significant geopolitical dimension: the repeated violation of ceasefires and the alleged involvement of external forces have further complicated the implementation of the state of siege. The Congolese government has strongly condemned these violations, including bombings attributed to the M23 and its allies, which have killed dozens of civilians, highlighting the difficulty of separating the local crisis from regional games of influence. This external dimension confirms that the study of emergency regimes cannot be isolated from the regional environment and the interactions between neighbouring States and transnational armed groups.

In short, the state of siege, despite its reinforced prerogatives, has been overtaken by a combination of structural, operational and socio-political factors. Its implementation has

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<sup>22</sup> Mbembe, A., *De la postcolonie: Essai sur l'imagination politique dans l'Afrique contemporaine*. Paris, France: Karthala, 2000.

<sup>23</sup> Chrétien, J.-P., *op.cit.*

<sup>24</sup> Autesserre, S. *op.cit.*

coincided with an intensification of violence, a persistence of humanitarian abuses and a consolidation of rebel positions, which calls into question the effectiveness of legal-military measures lacking strong institutional support and an integrated human security strategy. These findings confirm the validity of theoretical critiques by Agamben, Autesserre, and others about the limits of emergency regimes in fragile states, where the mere extension of coercive powers is not enough to produce lasting peace and security outcomes.

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