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in the periphery of post-conflict Bukavu, DRC

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# **Autochthony and Insecure Land Tenure: The Spatiality of Ethnicized Hybridity in the Periphery of Post-Conflict Bukavu**

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## **Autochthony and Insecure Land Tenure: The Spatiality of Ethnicized Hybridity in the Periphery of Post-Conflict Bukavu**

### **ABSTRACT**

This article analyzes the interaction of the traces of war with institutional hybridity in shaping the use of space in the periphery of Bukavu, in the eastern Democratic Republic of Congo. In peri-urban Bukavu, the urbanization of previously rural areas has created an uncertain mixture of land allocation mechanisms that are not adequately explained by representation in terms of a clash or mixture of statutory and customary law. This hybridity has created uncertainty for both newcomers and early settlers in which the othering and violence required to justify both encroachment on and the protection of land are supported within discourses of autochthony. Large parts of peri-urban Bukavu, in particular the area of Kasha, are gradually being balkanized by quasi-voluntary socio-spatial practices of segregation by ethnicities whose existence and salience are constantly, and at times forcibly, re-negotiated. While initially perceived as a safe haven, the city's periphery is becoming an area of dooming insecurity.

**Keywords:** urbanization, autochthony, hybridity, post-conflict, migration, DR Congo.

### **Introduction: urban land scarcity and violent references to ethnicity and belonging**

Over the last two decades violent conflict has shaped the Kivu provinces in the East of the Democratic Republic of Congo (DRC). The first Congolese war of 1996-1997 immediately spawned the second Congo War from 1998-2003 and the Lusaka accord, signed in 1999 to terminate this conflict, has not ended the violence. The Kivu provinces remain host to occasionally violent rebel groups. Fighting, looting, raping and endured hardship in the Kivus continue to force entire villages to flee. Vast numbers have come to the relatively calm city of Bukavu in search of protection and a better life. Compared to its neighboring city Goma, Bukavu has mostly, but not entirely, been spared violent rebel occupation and suffered significantly less during the regional conflicts. From a context of rural violence, Bukavu is seen

as a safe haven and, as found elsewhere by Beall and Goodfellow<sup>1</sup> as well as Büscher,<sup>2</sup> cities like Bukavu have and continue to experience rapid urban growth precisely due to this perception.

These waves of migrants have strained Bukavu. In addition to the severe inadequacy of basic services, such as water and electricity, land availability and tenure security are acutely problematic.<sup>3</sup> According to statements of the city's office of Land Registry, there are no plots available anymore.<sup>4</sup> Still people arrive to compete for a place to live with the already burgeoning local population.

Discussion of land allocation and tenure security, in most contexts, starts with the law. The Congolese state has, as observed by Vlassenroot and Huggins,<sup>5</sup> never been able to successfully implement its 1973 Modern Property Law (Based on the 1966 Bakajika law): the state has been unable to describe the legal position of traditionally distributed land and state offices lack the capacity required to manage the distribution of land. Partial state failure and rampant corruption have further contributed to spotty statutory administration of land.<sup>6</sup> Currently, with the immense urban growth of Bukavu, the encroachment of urbanization into the rural periphery brings statutory land allocation practices into areas dominated by customary practices that arise within and constitute ethnic boundaries.<sup>7</sup>

Ethnic differentiation is not new to the DRC. During colonial times and under the reign of Mobutu ethnicity figured in socio-political mobilization.<sup>8</sup> Vlassenroot argues similarly that “one of the key dynamics behind the proliferation of armed groups in South Kivu is the direct connection between identity and territory, and between ethnic citizenship and political representation.”<sup>9</sup> In the introduction of this special issue Büscher argued that practices constituting and the effects of wars, fighting, insecurity, and uncertainty have only intensified the salience of ‘othering’, leaving its impact on urban identities.<sup>10</sup> Today, contemporary

grievances surrounding urban land scarcity are, also in Bukavu, saturated with references to ethnicity and belonging.

Beall and Goodfellow hold “that when sovereign and civil wars come to an end, urban-based violence in the form of civic conflict often increases.”<sup>11</sup> Newcomers to Bukavu are regularly beaten up, financially extorted, socially excluded, chased from their newly acquired land and occasionally even killed.

In Bukavu’s periphery, which absorbs the brunt of migrant arrivals, tensions between and within Congolese ethnic groups are expressed through the concept and privileges of ‘autochthony’, of having been there first. On the very local, neighborhood, level, claims to autochthony permeate civic conflicts. This paper examines how narratives of autochthony and belonging figure in and reconstruct land allocation mechanisms in a particular peripheral area in Bukavu called Kasha. It explores how the idioms used by both newcomers and autochthones draw boundaries affecting identity, access to urban land, and land governance. It also traces some features of the emergent and increasingly common ethnically homogenous urban clusters found in the city’s periphery, which are often seen as a necessary protection against uncertain tenure and intimidation. With the framework of institutional hybridity, this paper then challenges analytically convenient binaries such as statutory-customary and formal-informal governance arrangements.

This paper uses the terms migrants and newcomers interchangeably to describe people who were recently forcefully displaced or (temporarily) migrated from particularly rural to urban areas within South Kivu. This definition is not sensitive to international borders.

### **Institutional hybridity and the leakage of meaning**

In this paper practices relevant to urban land are represented through the framework of institutional hybridity. Description of the resource management and processes of urbanization

in the Great Lakes region increasingly rely on hybridity constructs like “fluidity,”<sup>12</sup> “mediated land access,”<sup>13</sup> “multiplicity of stakeholders,”<sup>14</sup> “hybrid governance,”<sup>15</sup> and “hybrid political orders”<sup>16</sup> to explain the diversity of venues through which land is managed and claimed. The framework has been developed by scholars specifically to support description of complex, everyday governance processes in often post-conflict or fragile state<sup>17</sup> contexts as more normative and functionalist frameworks encourage research and representations that are inappropriately binary, and compartmentalizing.<sup>18</sup> As mentioned by Büscher in the introduction of this special issue hybridity might help us to move beyond state-centrist accounts of political order.<sup>19</sup> It enables studies to overcome linear and essentialist features characteristic of political realist<sup>20</sup> governance analyses by encouraging researchers to identify the interweaving of state/formal and non-state/informal actors, mechanisms, and institutions.<sup>21</sup>

Rather than a mere multiplicity of more traditionally conceived coherent institutions,<sup>22</sup> within the frame provided by hybridity institutions are understood in the first instance as the combination of different sets of rules of the game, often at odds with one another, coexisting in the same landscape.<sup>23</sup> Instead of being the exception, regime fluidity, contradicting power relations in which the state “waxes and wanes,”<sup>24</sup> and citizens’ negotiation of their position in pursuit of their goals is the norm. We, therefore, look at both institutions, the rules of the game, and the people who are making use of it. It is only in the interaction of people that we see institutional hybridity: both authorities as well as urban dwellers continuously influence the logic and use of (hybrid) institutions. The hybrid institutional landscape, then, differs depending on interaction and perceived identity of subjects (as we will see with land governance in Kasha).

With the lens of institutional hybridity we also seek to emphasize the discursive aspects of hybridity. In processes of hybridity boundaries do not only get blurred, but also meaning leaks from one institutional constellation to another. Lund makes the important remark that “the deluge of meaning underscores that many institutions are multi-purpose, and different

institutions with different purposes overlap, intersect and become one another in different situations.”<sup>25</sup> When using the concept of institutional hybridity we can, for instance, see how discourses of both statutory land laws and customary practices permeate interactions between urban dwellers competing over scarce land. Authorities, institutions, relationships, and identities are all continuously constructed and reconstructed in the imagination, expectation, and everyday practices of urban dwellers seeking to protect their access to and control over urban land. Resorting to discourse as an explanatory tool of hybridity is one particular strategy in stepping out of essentializing, realist claims. Examples of this kind of work can also be found with Bayart,<sup>26</sup> Schatzberg,<sup>27</sup> and Albrecht and Moe.<sup>28</sup>

In this paper we trace the workings and (spatial) effects of the inflammatory, but equally flexible discourse of autochthony in justifying claims when securing land through a variety of dynamic institutions and loosely constructed governance arrangements.

### **Methodological considerations and obstacles**

The data supporting this paper arose during ethnographic fieldwork conducted in three separate periods between 2011 and 2014. Data were gathered through one-off and sequential in-depth interviews with key authorities within Bukavu’s state institutions as well as with current and former neighborhood chiefs and the customary leader of Kabare. In addition, data were gathered from approximately one hundred land occupants, both newcomers and original settlers living in Kasha, who were engaged both individually and then through the small groups that frequently appeared spontaneously to form around interviews irrespective of the privacy of their setting.

Interviews ranged from semi-structured to open conversations that, as appropriate, involved respondents’ creation of graphic, cartographic, and artistic representations in the interview and having them interpret visual prompts brought to the interview by the researcher. When groups were involved, particularly to identify shared and divergent understandings,

researchers encouraged and made note of individual contributions and joint conclusions. In addition, researchers undertook participant observation within one of the city's land brigade (in which urban land disputes were evaluated and mediated), invited and secured personal diaries from urban chiefs, and had research assistants with locally relevant identities attempt to purchase land in order to better understand *de facto* procedures and discrimination.

Studies on land and access to land, especially in conflict settings, always touch on sensitive topics. They may produce disputes and certainly yield results that may be contested. At the time of fieldwork, the region was burdened by the M23 crisis. Neighboring city Goma was under attack and was even briefly occupied.<sup>29</sup> This context of violence and uncertainty was referenced in the context of ethnic marking. In order to learn about the importance given to 'autochthony' and belonging in a manner that did not exacerbate existing grievances with regards to land and ethnicity, the study made use of three research assistants each of whom had a different ethnic background. These assistants never asked questions about ethnicity, they never used the term 'autochthony', and they did not actively follow-up ethnicizing responses in a manner that might encourage further polarization. In all cases the relevance of ethnicity was determined in analysis.

### **Linking territory and identity in South Kivu**

In what we now call South Kivu, the most centralized pre-colonial political structure was the Shi chiefdom, headed by the customary king, the Mwami.<sup>30</sup> The Shi, or the Bashi community is still the largest ethnic group living in and around Bukavu. The city is surrounded by a territory called Kabare, which is traditionally administrated and inhabited mostly by sometimes mutually antagonistic Shi sub-clans, such as the Bashebeshe, the Banyamocha and the Bashinjahavu.

Vlassenroot argues that the most important aspect of the "Mwami's power was his control over access to productive land, which was regulated by a variety of social and political



relations based on identity.”<sup>31</sup> The Shi chiefdom was already organized around clan identity before the arrival of colonial authorities. During Belgian rule, existing customary power structures of the Shi were integrated and reorganized into administrative structures of the colony, which further consolidated the Mwami’s dominance over land.<sup>32</sup>

Other ethnic communities in South Kivu, such as the Lega, Tembo, Havu, Bembe, Vira, and Fulero had a less hierarchical and much more flexible social organization, and consisted of loosely connected clan structures.<sup>33</sup> But also with these groups, the identity of the colonized was used by the colonial administration to insert its authority through the reformation of customary chiefdoms. While ethnic spaces originally had elastic boundaries, ethnic groups became spatially marked upon colonization<sup>34</sup> .

Today we find all these and other ethnicities crowded into Bukavu, including the Rwandaphone Banyamulenge and other ethnic minorities (e.g. the pygmies). In a context of endemic corruption and partial state failure ethnicity and belonging are often very prevalent rationalities of governance. For instance, (sub-)clan identity continues to shape appointment to positions within the city’s administration. Similar structures as well as ethnic tensions can be found in the governance of land in North Kivu, as explained in this special issue by Mathys and Büscher.<sup>35</sup>

### **The history and socio-political context of Kasha**

Bukavu is comprised of three administrative communes: Ibanda, Kadutu and Bagira. The area most inundated by newcomers is an area of the Bagira commune called Kasha. Within Bukavu, Kasha is significant for geographic and administrative reasons. Relative to Bukavu, Kasha is big and it is now encircled by other more densely urbanized areas. Kasha has a particularly rugged landscape with many hills. It is exactly these hills that figure so prominently in today’s socio-political constellation of this area in Bukavu.

Kasha has, furthermore, a very complex history of resistance. At the beginning of the previous century, Kasha still fell under customary rule of the Mwami, who controlled hierarchal government of this area. Kasha, though part of *chefferie* Kabare, was a small autonomous 'kingdom'. Before the establishment of Costermansville (the former name of Bukavu) in 1901, the Mwami of Kabare had granted Kasha to one of his sons in order to prevent political strife within his family.<sup>36</sup>

The first chief of Kasha was called Tebura. Within his administration of Kasha there were four *groupements*, which each had their own *chefs de groupement* who were accountable to the Mwami. Today, the names of these *groupements* are still significant as they are now administrative neighborhoods of Kasha, being Ciriri, Kanoshe, Mulwa, and Cikera (see also figure 1 for a map of Kasha's neighborhoods).<sup>37</sup>

The old *groupements* of Kasha each encompass separate hills. The Mwami of Kabare had granted specific family members (sons and cousins) the position of the customary *chef de groupement* in Kasha. With this position also came non-alienable user rights to work and live on their own hills. The *groupements* were, however, gradually established at different moments in time. The position of customary leaders, including that of the more local *chef de groupement* in Kasha, was regularly given from father to son. We can still see hills in Kasha with large representations of particular families of (former) customary chiefs.

According to the Mwami of Kabare we can see representations of the Mushagasha family in Ciriri, in Kanoshe the Baliana, in Mulwa the Nzongero and in Cikera the Lushombo. All these families were of the Banyamocha clan of the Mwami of Kabare,<sup>38</sup> except from the Baliana family in Kanoshe who identify themselves as Bashebeshe.<sup>39</sup> While the accounts given by (former) chiefs are valuable and point to the importance given to their ethnicity, tracking ethnic belonging and origin to the hills of Kasha is complex and defies any such easy categorization as either strictly familial or ethnic.

In 1975, the rural *chefferie*, which was, officially, still part of the administrative Kabare territory, became managerially attached to the Bagira commune and thus the city of Bukavu. Although incorporated into the city on paper, Kasha still fell under the rule and the customary law of the Mwami. Kasha had a *status aparte* officially called a ‘scheduled area,’<sup>40</sup> an area that would be incorporated into the city’s administration. But also in 1975, Kasha still had its customary *chefs de groupement* instead of the urban *chefs de quartier* (neighborhood chiefs), like all the other neighborhoods in Bukavu.

Neither the urban leaders of the communal office in Bagira nor those of the mayor’s office had much influence in this rural area of town. Kasha’s legal status changed half way through the 1990s. In 1996, under rebel rule, the new leaders of the city decided that Kasha should immediately become part of the city. No more *status aparte* and no more political influence of the Mwami. It took until 1998, under the rule of a new national government, for Kasha to become completely incorporated into the city. From that time onwards inhabitants of Kasha no longer lived in a ‘scheduled area’, but under the rule of the city. In this special issue Mathys and Büscher report on the demonstrations of a particular strand of inhabitants of Kitchanga, in North Kivu, who fought for a recognized ‘city’ status.<sup>41</sup> The populations of Kasha had, however, long tried to resist any form of formal inclusion into the city administration.

During the second Congo War, from 1998 to 2003, Kasha was a separate commune, referred to as ‘urbano-rurale,’ and had its own bourgmestre, the executive head of the commune, who was a great grandson of the first customary chief of Kasha.<sup>42</sup> Today, Kasha is, however, administratively attached to the Bagira commune.

While legally part of the city, the question of who governs Kasha remains valid. Kasha now has eight *chefs de quartiers* instead of four royal *chefs de groupement*, which was the case at the beginning of the previous century. During interviews the current Mwami of Kabare still referred to half of the *chefs de quartiers* in Kasha, as his *chefs de groupement*.<sup>43</sup> These

customary *chefs de groupement*, and their families, already owned large tracts on their hills in Kasha. While the chiefs have changed their title to *chefs de quartier*, also many ‘original’ residents of Kasha still refer to them as *chef de groupement*. Sons or grandsons of these customary *chefs de groupement* are now also working on a lower administrative level as *chef de cellule* or *chef d’avenue* and are still regularly referred to as *chef de village*. The other ‘new’ four neighborhoods are run by chiefs officially appointed by the administration of Bukavu. However, also the newly installed *chef de quartiers* were nominated by the Mwami of Kabare. These neighborhoods are called Chikonyi, Buholo, Chai (also written as Cahi), and Mulambula. Except for the heavily urbanized area of Chai all other neighborhoods are led by chiefs who are related to the Mwami’s royal family, consolidating ties with the Kabare chiefdom.

### **Kasha’s institutional landscape**

During interviews, former customary chiefs stated that the Mwami still manages Kasha. The *chef de quartier* of Cikonyi strikingly explained that: “*administratively we depend on the urban commune of Bagira, but customarily we are still part of the hierarchy of the Mwami of Kabare.*”<sup>44</sup> Not everyone agrees with that statement. Two newly appointed *chefs de quartier* in Kasha (of Mulambula and Chai) repeatedly denied any influence of the Mwami in their area.

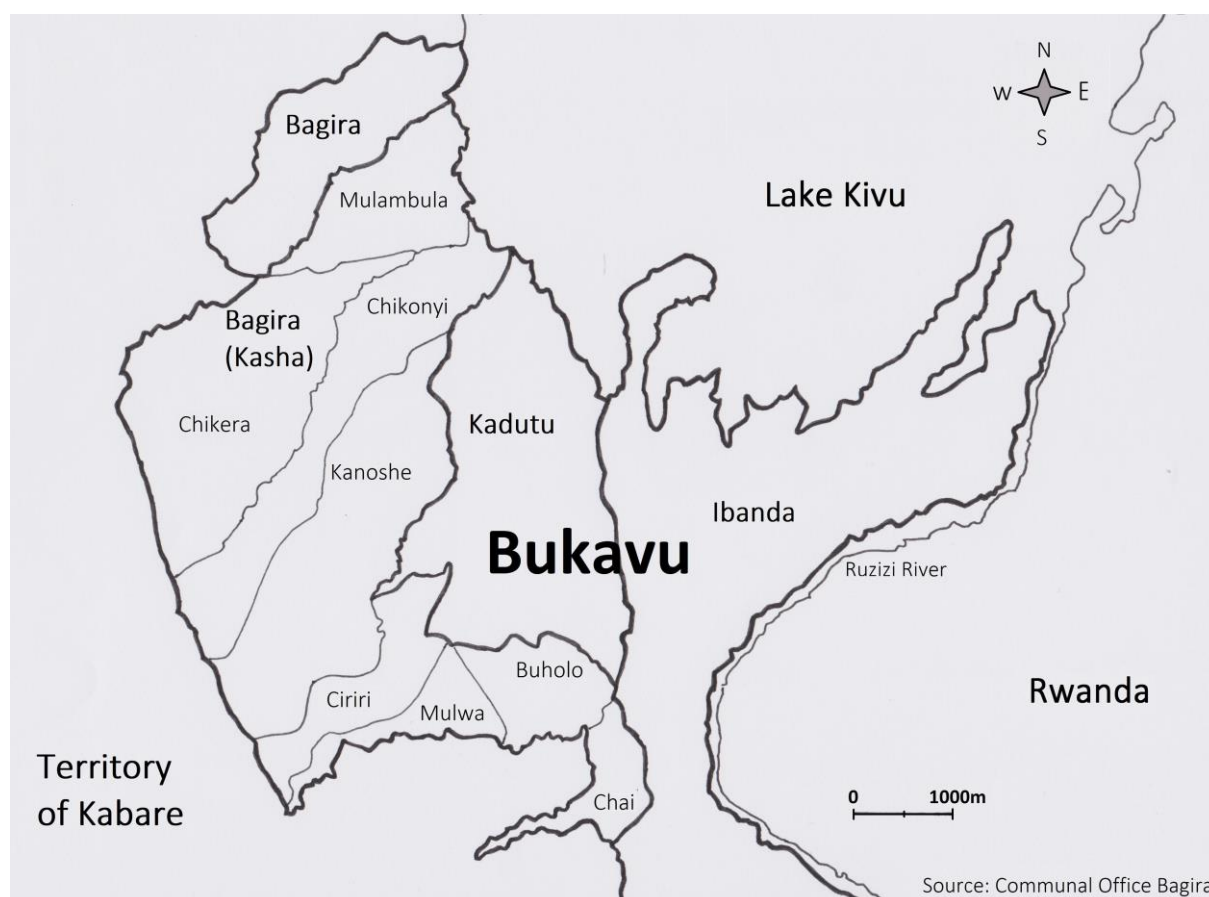


Figure 1: Kasha's neighborhoods in the city of Bukavu

It is only in the last decade that this, once so rural, part of Bukavu has been strained by population growth. This growth became possible when families who had customary inalienable user rights to large tracts on their hills, families of the (former) *chefs de groupement*, sold small pieces of their land without references to civic state institutions like the office of Land Registry or the Communal Office of Bagira. This private partitioning and alienation of traditionally lent land is locally known as '*morcellement*'. Entire hills are now occupied by many migrants all living on small plots, often on very steep slopes that are susceptible to land-slides.

Such transactions are not adequately understood on purely traditional or modern terms. Rather, they appear to be an awkward mixture of the two. Throughout this paper we will see that transactions mix worlds in ways that exclude portions of the modern government apparatus.

### **Buying land in Kasha: hybrid transactions**

In Kasha, the ‘right’ customary identity in the right places secures access to land. Those who seek access to land through state certified title deeds, however, must use cash. But even within the state, access to land in Kasha can still be obtained through a variety of, occasionally, competing mechanisms as several state institutions continue to deliver competing state certified land ownership documents (being the communal offices, the Division of Urban Planning and Housing, and the office of Land Registry).

In Kasha newcomers whose ethnic identity does not secure access to land may be able to buy small pieces of land from ethnic elites. They may, for example, use cash to buy customary land from a *chef de quartier*. This land, customarily, may not be sold as only temporary user-rights are traditionally allocated and the *chef de quartier*, by virtue of their simultaneous position in the civic government, does not have the right to sell that land without intervention of appropriate state institutions. These (im)permissible transactions involve cash or what is called *kalinzi* in the customary Shi law: payment made in livestock.<sup>45</sup> The neighborhood chiefs of Kanoshe and Chikera both, for example, gladly accepted pigs and goats from newcomers in return for land on steep slopes.

Hence, in Kasha new arrivals buy land through impossible transactions using a mixture of statutory and customary (*kalinzi*) currency from a seller who does not always have statutory recognition as an owner.<sup>46</sup> In such situations, the non-autochthonous purchaser who pays on purchase has secured nothing: they are vulnerable to ongoing extortion and eviction as they lack access to both customary and state enforcement.

### **Controlling land through institutional hybridity**

Newcomers mix civic and ethnic means in paying individuals who are simultaneously customary and civic authorities for a semblance of title to unalienable customary land. While

these individuals may receive an 'act of sale' this document is of little value, though they received land from an authority. As recent arrivals from an outside ethnicity, they do not have standing in autochthonous kinship-based systems that regulate control over (urbanizing) land.

The only way for other-ethnic residents to obtain some security for their tenure is through state certification. State certification of ownership requires both an act of sale from the prior owner and assessment by state authorities from central Bukavu. This assessment costs more than many migrants have.<sup>47</sup> Thus, newcomers, who have no option but to pursue statutory tenure security, most often lack the financial means required while autochthonous residents (recent or longstanding) who lack statutory ownership certificates are protected by their socially mediated access to now crumbling customary mechanisms. Autochthones are, however, vulnerable to eviction by new owners who have paid, perhaps over-paid, state authorities for title.

In Kasha, then, there is a mixture of autochthones and allochthones living side by side most of whom do not have secure tenure. These two groups are not treated equally by state authorities in the communal office of Bagira where most state officers are from Kasha or are of similar sub-clans. These autochthone state authorities tend to target migrants by invoking their civic status when seeking extra-legal contributions for state documents (land titles or building permits), state services (access to water or electricity), or any other provision in the name of the state. If newly arrived 'outsiders' do not make these contributions, urban authorities of the communal office of Bagira, as well as disgruntled *chefs de quartier*, may threaten demolition or eviction justified by false reference to state legislation.

What we see here is land governance that is in a state of constant intertwining. In Kasha the encroachment of the urban city in previously rural areas has created an uncertain mixture of land allocation mechanisms whose nuance falsify representation in terms of a clash or mixture of clearly bounded statutory and customary law. This hybridity has created uncertainty

for both newcomers and multi-generational residents. In a city burdened by the consequences of war and endemic corruption, where there is fierce competition over land, where there are officially no new plots available, and where all tenure is violable, increased importance is given to a discourse that naturalizes claims to land: autochthony.

### **Autochthony and territory: the use of a flexible marker**

In several neighborhoods of Kasha the Bashi community are at risk of losing their dominant position. The population is now enormously diverse. One urban chief in Kanoshe argued that in Kasha the autochthone population has now become a minority. According to him, the newcomers are there in much larger numbers.<sup>48</sup>

For self-proclaimed autochthones, migrants are a source of concern as they are perceived to harm their communities, further exacerbating their sense of tenure insecurity. Migrants are regularly accused of building in inappropriate places, blamed for the inflation that has put the price of land beyond the reach of most autochthonous citizens, and for disrupting the intergenerational transfer of land. In these and other arguments, the language of autochthony links identity and place in a manner that produces a speaker, a son of the soil, whose preferential claim to land is both natural and inalienable.<sup>49</sup> The use of autochthony by any group is linked to naturalized differential inclusion with attendant rights and obligations.

Most recent migrants mentioned, unprompted, in interviews that they suffered discrimination, intimidation, and exclusion at the hands of the autochthone population. Intimidation ranges from name calling, through taking (back) pieces of land and threatening to destroy a migrant's house, to the use of physical and occasionally lethal violence. One appeal of the autochthony discourse may be that the truths formed therein are utterly self-evident to those subjects who invoke it in extending claims.<sup>50</sup> In Bukavu, as anywhere else, ethnicity as a marker needs a history, a language and often a name referring to territory. Autochthony does



not need any of this: merely the claim of being first. Geschiere and Jackson argue that “it is this very emptiness that seems to make it fit so well into constantly changing environments. The ‘Other,’ crucial to any form of identity, but especially to such fuzzy ones, can be easily redefined, precisely because autochthony has hardly any substance.”<sup>51</sup>

Insofar as the truths of autochthony are self-evident and the conditions required to support those truths seem to be plastic, it would be a mistake to argue that ‘autochthony’ is only used to differentiate pre-existing ethnicities. Bøås explains that the protection of rights is argued through tales of origin in the form of story-telling about a collective we. This unit can be anything from the nuclear family to the lineage, the community, the ethnic group or several ethnic groups faced with perceived strangers.<sup>52</sup> A region need not have stable geographic referent such as Kabare, a *groupement*, or Kasha. A region, even given the same name, may mean whatever is required in a context. Similarly, in Kasha, where hills figured prominently in the traditional allocation of land, ‘autochthony’ is invoked in reference to a much smaller social entity: those who originate from one hill. In comparison to ethnicity, which conjures up a meaning and distinct boundary of an ethnic identity, this instance of autochthony relies on nothing but the unverifiable claim to have been in a certain, small space first.<sup>53</sup>

Exemplifying these practices, one recent arrival volunteered that the situation is very clear: “*The autochthone population do not tolerate Bakuyakuya on this hill. They told us that if migrants come to overtake their hill, then we will be chased or killed.*”<sup>54</sup> In conversations with informants the word *Bakuyakuya* (or in singular form: *Mukuyakuya*) regularly surfaced in contrast with the term autochthone. The derogative term *Bakuyakuya* has been used by Shi informants in several contexts referring to different people (it can occasionally even refer to other Shi sub-clans). The Swahili term *Bakuyakuya*, which means “those who keep coming endlessly” is interpreted by the Shi people in Kasha as “*those who do not originate from here.*”<sup>55</sup> The location of ‘here’, as discussed, depends on context.

### **Autochthones' justification of violence and discrimination.**

While the subjective construction of mutual differentiators is far from new to Congolese ethnic groups, within, and perhaps especially among Shi-people, its invocation today, regarding access and control over urban land, solidifies differentiation within and between ethnic groups that may rapidly produce justifications to authorize conflict.

We encountered many reports of violent disputes between early and recent settlers, during which people were threatened with machetes, beaten up with sticks, pushed off steep hills, chased off their land, or found their houses to be destroyed. In a few cases disputes between newcomers and self-proclaimed autochthones ended with death. While the nature and extent of violence varied, the practices were consistently framed in terms of the self-evident right of the autochthone population.<sup>56</sup>

Within autochthone framing, urban violence and practices of exclusion and eviction are not justified solely by reference to first presence. We can see the autochthony rationale prevailing in a variety of social interactions and governance arrangements. In addition to not being sons of the soil, migrants are recognized as engaging in behaviors that are unacceptable merely because they are non-autochthonous.

From the perspective of newcomers, autochthone critiques are at times recognized as specious. For example, two young Tembo female migrants, who knew that their way of dressing was not appreciated, stated “*The autochthones say that we are dirty people, that we are not civilized. They tell us that the women from Kalonge are not properly dressed. And that villagers work together with thieves and bandits.*”<sup>57</sup>

Distrust towards the ‘other’ permeates autochthone representation of migrants. A deputy of a *chef d’avenue* in Ciriri had started a neighborhood watch together with other young men. Recently, there were too many cases of theft in the neighborhood. He was able to gather a team

of young fathers who work during the day, but who want to protect their families at night. He explicitly added that everyone was welcome to join, but that he did not want newcomers or any other strangers.<sup>58</sup> According to him, and many others of this neighborhood watch, migrants are in fact part of the problem of today's insecurity in the entire city.

The conviction among self-proclaimed sons of the soil that migrants are thieves, or at least collaborate with thieves and bandits, is widespread in Kasha and interacts with similar ascriptions with respect to witchcraft and promiscuity. Newcomers, in this mode of representation, have caused land insecurity, physical insecurity, theft, moral corruption and sexual violence. Violence is synthetic to the discourse of autochthony in Kasha. The stories told of the 'Self' and 'Other' overlay representations of autochthone versus stranger and victim versus aggressor.<sup>59</sup> Within this language of autochthony, both those who came first and those who arrived last represent themselves as victims of their other. Both identify their other as liars, aggressive, and selfish. Such ascriptions are startling only for their lack of originality. The exact same patterns and characteristics are reported in Bøås on Liberia,<sup>60</sup> Hilgers on Burkina Faso,<sup>61</sup> and Landau on the city of Johannesburg.<sup>62</sup>

In order to further understand the land governance mechanisms in the periphery of Bukavu we will now further examine the spatial implications of ethnicized hybridity through which this, occasionally violent, discourse propagates.

### **Creating clusters on previously vacant land**

Many newcomers have clustered in the periphery of Bukavu by village of origin. New arrivals look for earlier migrants from their own village. These helpful clusters, concomitantly, emphasize the lines dividing newcomers and self-proclaimed autochthones.

Living in so-called urban clusters is certainly not unique to Kasha. It is an adaptive reflex that can be found throughout the entire city. In the Nguba neighborhood, close to the

Rwandan border in commune Ibanda, there is cluster of the Banyamulenge. In a more southern part of Ibanda, in the Panzi neighborhood the avenues Essence, Majo, Vangu and Bizimana are mostly inhabited by Lega from the Mwenga *collectivité*. In avenue Kantitima, also in Panzi, we find a large group of the Bazibaziba from *collectivité* Kaziba in the Walungu territory. In Kadutu, in quartier Nyakaliba, on avenue de la Clinique there is a cluster of Tembo people. In the Mosala quartier as well as in the Cimpunda neighborhood, both in Kadutu, there are many Bashi residents originating from the Ninja *collectivité*. What is unique to the area of Kasha is that newcomers have started to create clusters on slopes that had previously been vacant. Though not the first owners, they are often those who first built settlements.

Throughout the city, newcomers arrive empty handed so they look for friendly faces, faces from home. Before looking for a house, many migrants reported that they first stayed a few weeks with family members who already lived in Bukavu. While this is entirely reasonable, it also creates visible, high density clusters of newcomers in established neighborhoods. In Kasha, *chefs de quartiers* now keep separate lists of all the inhabitants in their neighborhoods who are not originally from Kasha or the Kabare *chefferie*.

Ethnically homogenous clusters are, however, also a direct response to tenure insecurity. Both autochthones and newcomers argued that living among members of their ethnicity protects them from the vagaries of state authorities and other-ethnic conspirators who seek to take their land. These clusters provide physical security. Several interviewees explained that living next to each other increases their sense of safety since they can protect each other from “*the autochthones*”<sup>63</sup> and their attempts to extort and evict them. The mutual dependence among migrants at times makes it, on the other hand, also difficult to leave.

Autochthones often regard such clustering of ethnic-others with great suspicion. Several autochthones even admitted being jealous of their solidarity. Typical response of autochthones was that, “*The migrants only make friends with neighbors. They do not interact with the people*

*here,*<sup>64</sup> or “*Many migrants live here. Those people are like refugees. I do not really know what they think. Those people will often sit together and have a meeting among ‘villagers’ and none of us will know what they are talking about. They always sit together and share everything.*”<sup>65</sup>

‘Autochthony’ becomes more prominent in conversations when approaching the borders of these clusters. In these areas one can find all manner of problems framed in terms of autochthony.

Migrants became suspicious and defensive when asked how people from the same village got to live so close to each other. This apparently innocuous question abruptly terminated more than one interview. For those that answered, the most common (and equally implausible) answer given was pure coincidence. Such reticence makes sense given respondents’ reasonable fear that any slight irregularity found in their narrative may be used to evict them from land for which they have uncertain tenure. Their reluctance may also, in part, derive from interest in protecting their social protection, their fragile livelihood.

### **Governance of clusters and their safety nets**

The re-constitution of a variety of state institutions by those who recognize autochthonous privilege changes their operation such that only autochthony shapes access. Perhaps in response to reduced access to local state or customary institutions, a patchwork of governance arrangements found in recent migrants’ home villages emerge in clusters in Kasha formed by recent migrants the most basic of which is provision of familiar forms of social protection.

The practices of mutual protection arising in these clusters imbue everyday relations with forms of reciprocity that are negotiated on terms transposed from villages of origin rather than through acceptance of, for instance, the contracts, certified documents, assertion of legal rights, or exercises of financial penalties found in Kasha, their new home.<sup>66</sup> Other examples of

transposed mechanisms arising in such clustering can be found in the city's active associations of newcomers in which membership is also based on origin.

In order to be recognized by (loosely constructed) governance arrangements arising in these clusters, migrants must participate in social meetings such as births, weddings, mourning gatherings, and funerals. These events provide the occasion for sharing useful information, for the acts of respect that constitute all parties and for the provision (as able) and receipt (as needed) of support from fellows. Missing these ostensibly social events comes at considerable social penalty and, at times, such normatively compelled participation imposes costs that border on the extortionate. While the autochthone community may resent these imported governance arrangements, such customary governance is also practiced by the autochthone community of Kasha.

Recent migrants do not simply transplant social safety nets from the village. As explained by a Lega migrant: *“The way people live here is different from the village. The ways of the Bashi are different from the Balega. We have to watch how people live. We need to adjust and live in the way townies do. When fleeing we also had to leave our village behavior. We adapt to our new situations and to new threats and difficulties in the city. That is also why villagers want to live close to each other in town.”*<sup>67</sup> Further highlighting adaptation, a recent Shi migrant from South Kabare explained: *“We are sharing some of the values of the town and some of the values of the village because we are in-between. That is because we have to deal with new problems and the new autochthonous people. We have no choice.”*<sup>68</sup>

One driver explained the emergence of village customs within migrant clusters through reference to felt discrimination by the local authorities (such as urban chiefs). Recent migrants *“... try to help each other because we do not like to go to the local government. They are not there for us, they do not like us.”*<sup>69</sup> Given that one task of the local authority is to resolve disputes, that these authorities expect payment and that recent migrants often do not have the

means to pay or distrust authorities due to preferential treatment of autochthones, it is sensible for clusters of the newcomers to turn to, or create, their own village elder or councilor for advice. As is typical, a recent Lega migrant stated that they would rather draw on their own village elders than the “*Bukavu elite*”, who belong to a different ethnicity as “*there are important influential people from the village who are also known to get much respect here and to whom we turn to when having problems.*”<sup>70</sup>

In clusters of newcomers, the first to have arrived facilitates settling of those who follow. They provide and, with the Mashi saying that “people accept as rulers those who can provide and dispense to them material gains,” those who arrive first are often recognized by those who follow as a leader of their cluster.<sup>71</sup> What we see here is that clustering similarly has an impact on the way newcomers inscribe themselves into forms of urban governance. But, yet again, a form of urban governance which does not necessarily lead to strict and secure statutory land title as interaction with local government is often avoided.

### **Defending clusters from ‘the other’**

There are several levels of authorities in Bukavu. At the neighborhood level there is the *chef de quartier*, the *chef de cellule*, the *chef d’avenue* and lastly, the chief of ten houses or in Swahili: *Nyumba Kumi*. All other chiefs are given a French name except this last one who is generally referred to with its Swahili title. Uniquely, the chief of ten houses is chosen by residents in those houses. When new people arrive they roughly count the houses and choose a new chief of ten houses. In clusters of newcomers they logically select a chief from their own origin. This position is mostly ceremonial but can reduce intimidation and distortion as they talk directly to higher order chiefs and they can help cover new buildings. In this manner new arrivals may patch themselves and their governance arrangements into urban government.

Clusters of newcomers, furthermore, preserve their status through ensuring that when residences in the cluster become empty, that they are filled by people from their own village. In Kasha the same happens within the autochthonous population and, not surprisingly, the sale and rental of houses only rarely happens openly and only rarely involved state authorities (with whom they are legally obliged to register both sales agreements and change in occupation). Such closed transfers have, at times, frustrated *chefs de quartier* and higher state authorities such as the bourgmestre of Bagira, who asserted in interviews that he has the right to receive money from every newcomer and, in particular, those who build a house.

Autochthones are seen to, and, in interviews where it was mentioned often confirm, that they prefer ethnically or clan pure neighborhoods where they can ‘respect’ their customs of land heritage in order to secure their claims to (urbanizing) land and where social relations are not eroded by the presence of ‘others’.<sup>72</sup> Yet autochthone perceptions and claims to land are no longer mirrored in land management practices of the Mwami of Kabare. Currently, the self-proclaimed autochthonous population in urbanizing Kasha is reinterpreting ancestral rights, which are no longer purely practiced as such, as they bear on land title. In many interviews autochthones mentioned, inconsistent with tradition, that land assigned to them by custom was theirs forever.

Finally, local autochthonous authorities’ willingness to sell land that was transferred to them through customary practice on which self-proclaimed autochthones are residing without proper statutory papers has encouraged those whose homes are at risk to activate ethnic links and narratives to individuals who work in civic offices in the center of the city (e.g. the Communal Office or even the Division of Planning and Housing in the center of town). These autochthones are deliberately activating ethnic links to individuals in largely state institutions to require ethnic practice of largely ethnic institutions. The currency used in autochthone residents’ activation of links to central state authorities is largely customary. If non-autochthone



residents whose tenure is threatened by local authorities' interest in selling their land wish to protect their interests, they pay in cash. This dynamic creates wonderful opportunities for autochthones who occupy appropriate positions in higher state institutions in the center of the city to collaborate in extorting non-autochthones.

A case in point is the Provincial Division of Housing. A significant number of managerial positions at this office in the center of Bukavu, which issues land ownership documents throughout the entire city, is taken by people originating from one specific hill in peri-urban Bukavu. At the time of fieldwork, the Head of office, the Head of personnel, as well as two seconded surveyors of the Division in two different communes (Bagira and Kadutu) originated from the same Shi sub-group and were born and raised in the same neighborhood in Kadutu. These "agents of the state," who expressed themselves as being autochthonous *Bukaviens*, are, furthermore, members of an active association solely for those who originate from that hill. This form of ethnicized hybridity in the city's land administration makes it impossible to cleanly separate 'state' from 'ethnic' and 'statutory' from 'customary'.

### **State sanctioned autochthony**

To this point self-proclaimed autochthones in Kasha have mostly been presented as being concerned by the pressure on urban land created by migrants. Autochthones also seem to be concerned by the encroachment of statutory land allocation mechanisms. Migrants' occasional use of state institutions, simultaneously, brings agents of those institutions into areas inhabited by a mixture of non-autochthones and autochthones. This makes unregistered land visible to state institutions and state institutions visible to autochthones who hold customary but not statutory title. As such, every time a purchaser registers land at the Office of Land Registry, the Division of Housing, or even the Communal Office in Bagira, the insecurity of tenure of nearby land that has not been registered increases.

Urbanization does not mean that all *Bukaviens* will shift to statutory means to obtain and secure title. The evolving ethnicized hybridity described above is echoed at higher levels. To provide one example we will briefly look at a land dispute which highlights an encounter between state sanctioned and customary claims to land. Three parties were involved in this land dispute. Two Shi men from Walungu, who were already living in town for around a decade but who are not considered autochthones, bought two plots close to the city's brewery, in the northern part of Kasha in Chikonye. They had both asked surveyors of Land Registry to come and measure the land. They resorted to the office of Land Registry in order to inspect their land because they had a conflict with a neighbor who had lived on his adjacent plot for his entire life. The two purchasers claimed that their neighbor was partly living on their land. The neighbor, named Innocent, lived together with his eight children on a relatively large plot of 25 by 40 meters. Innocent had never registered his land at the office of Land Registry nor at the communal office of Bagira. Nevertheless, the office of Land Registry refused the purchasers' attempted registration. Innocent explained that he had used his ties with the Mwami of Kabare to secure his tenure and to reinforce his identity as a traditional dancer for the Mwami's entourage. Innocent stated that he would never fear losing his land so long as he worked for the Mwami in Kabare. When the Mwami of Kabare was asked about this ordeal he stated that "*the office of Land Registry knows that this land was distributed by me.*"<sup>73</sup> However, any document backing this statement was missing. There was, furthermore, no proof of the exact limitations of Innocent's land. Paradoxically, the traditional dancer proudly wore clothes that fit the image of a villager. These clothes were precisely the dirty rags worn by recent arrivals which attracted autochthones' distinction, vilification, and prejudicial treatment. With this it becomes clear that the markers of urban identities that are used to justify distinction and differential treatment are precisely that: markers. They act as signifiers whose social relevance is conditioned by the identity of the individual with whom they are associated. Where rags worn by an outsider

predict tenure insecurity, the same rags worn by an insider of the correct identity predicts tenure security.

In the example of land dispute just discussed, we find that what looks like, from the outside, to be a state institution is ambivalent with respect to its own normative institutional framework.<sup>74</sup> It is not strictly illegal to distribute land under customary law. Yet, this alleged autochthonous land owner did not possess any papers, statutory or customary, linking him to his land. Land allocation can, according to law, not be privileged on the basis of customary positions and their attendant identities (also in court an act of sale with the date of purchase need to be presented when other forms of registration or certified documents are unavailable). State officials in Bukavu act in manners that are not purely civil. Their navigation and negotiation of their own identity and ‘rules’, as found in this and many other examples, evidence constant dialogue with the institutions that attend those who seek access to and control over land. This dialogue is, however, heavily influenced by the narrative of autochthony.

Once more, it turns out to be problematic to draw lines between statutory and customary land mechanisms in peri-urban Bukavu. In Kasha they are variously mixed. There is leakage of meaning between authorities and their practices. And there are, it seems, no static binaries other than those found in analytically convenient representation. Practice is better understood as an ever evolving mixture of land governance mechanisms. That said, the ‘statutory’ – ‘customary’ division constituted within the autochthony narrative ought not be discarded. The pluralism found in Kasha, is complex, contradictory and constantly shifting. While it may, indeed, not be defensible to describe practices in terms of static binaries, the rhetoric of autochthony is pervasive. In Kasha, no one seems to escape the influence of (the idea of) the state nor do they escape influence of (the idea of) tribalism and ethnic lineages. This has sustained or, perhaps, even enforced a situation in Kasha in which state agents are actively involved with, or otherwise provide tacit permission for, self-proclaimed autochthones to abuse their allochthone neighbors.

### **Conclusion: ethnicized hybridity in Kasha's land administration**

Beall and Goodfellow already stated that “there is no simple relationship between civil war and cities in Africa.”<sup>75</sup> The two Congolese wars and the incessant fighting of several rebel groups in the two Kivu provinces certainly had an effect on the urbanization of Bukavu. While conflict should certainly not be mistaken as the ultimate cause of rapid urbanization of Bukavu's periphery, it has contributed to its ethnicized character.<sup>76</sup>

In Kasha, the rapid encroachment of the urban city, accompanied by rampant corruption, partial state failure, as well as the interpenetration, mutual transformation and constant negotiation of ideologies and practices of land allocation mechanisms are both cause and consequence of the reification of ethnic boundaries which are functional to dangerous narratives around autochthony. In this crucible, the local government of Bukavu has been unable to cope with issues that are clearly within its mandate, such as the allocation of tenure, the delivery of services, and the maintenance of some semblance of security.

The “rural exodus” is publicly marked by politicians and administrators as a burden and/or a threat to the city's development, while privately exploited by these same administrators for profit. In this context where notions of ‘statutory’ and ‘customary’ land allocation are, descriptively, little more than quaint anachronisms functional in other discourses, state offices staffed by autochthones compete for the authority to deliver ownership certificates. All of these dynamics, set against a history of war, displacement, state instability and familial bonds, facilitates a dialectic between extortive discrimination and mutual assurance whose only unifying moment may be dangerous reification of ethnically marked social division.

While ethnic markers and the discourse of autochthony are certainly not the only aspects influencing the spatiality of Kasha, practices recognized by outsiders as institutional hybridity are increasingly more pliantly mobilized and infused with rhetoric and practices of autochthony

and ethnicity. All of this, combined, augment tensions, facilitate violent dispute, and alter the construction and the use of peri-urban space. Large parts of Kasha are increasingly balkanized by quasi-voluntary socio-spatial practices of segregation, by ethnicities whose existence and salience are constantly, and at times forcibly, negotiated. In this context both newcomers and autochthones engage in practices of constant definition and preservation of their ethnically distinct clusters. These individually reasonable inclinations are not worked out through peaceful means and their collective consequences may not be beneficial to any.

Both autochthones and newcomers in Kasha report increased insecurity in what was previously seen as a safe haven. Their immediately reasonable reactions to tenure insecurity strengthen forms of governance that emerge within and reify their own communities. In turning to their own, either directly or through infestation of state institutions, both locals and newcomers harden lines of division that are functional to conflict and further diminish the legitimacy of the state. For many, Kasha is now an area of uncertainty and dooming insecurity.

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## Notes

1. Beall and Goodfellow, "Post-war Transition," 24.
2. Büscher, this special issue.
3. Muhigwa, "State of Bukavu," 25-29.
4. Head of Personnel, office of Land Registry (*Le cadastre*). Interview by first author. Field notes. Bukavu, 29 November 2013.
5. Vlassenroot and Huggins, "Land, migration and conflict," 131.
6. See also Peyton, this special issue.
7. See also Mathys and Büscher, this special issue.
8. Mugisho, "Situation politique Kivu," 307-333.
9. Vlassenroot, *South Kivu identity*, 13.
10. Büscher, this special issue.
11. Beall and Goodfellow, "Post-war Transition," 21.
12. Claessens, et al., "Competition over soil."
13. Van Acker, "Enclose social struggle;" Vlassenroot and Huggins, "Land migration conflict."
14. Peemans, "Land grabbing."
15. Meagher, "Strength weak states."
16. Atanasijevic, "Natural resource governance."
17. Boege, et al., "Hybrid political orders."
18. Lemay-Hébert and freedman, "Critical Hybridity," 3.
19. Büscher, this special issue.
20. Warrick, "Describing Hybrid," 205.
21. Stepputat, "Cotemporary Governscapes," 32.
22. Goodfellow and Lindemann, "The clash of institutions," 7; Jacob, "tradition du pluralisme institutionnel."
23. Balthasar, "Hybridity to Standardization," 7.
24. Lund, "Twilight Institutions," 686.

25. Ibid, 692.
26. Bayart, *State in Africa*.
27. Schatzberg, *Father, family, food*.
28. Albrecht and Moe, "Simultaneity of authority."
29. See also Peyton, this special issue.
30. Vlassenroot, *South Kivu identity*, 14; Mathys, *People on the move*.
31. Vlassenroot, *South Kivu identity*, 14.
32. Ibid., 15.
33. Ibid., 15.
34. Muchukiwa, *Territoires ethniques*; Hoffmann, *Ethnogovernmentality*.
35. Mathys and Büscher, this special issue.
36. Muderhwa Tebura Damien, former bourgmestre of Kasha. Interview with first author. Ibanda, Bukavu. Field notes. 2 December 2013.
37. Data used for this map were derived from interviews conducted at and maps from the communal office of Bagira.
38. Mwami Désiré Kabare. Interview with first author, Kabare. Field notes. 9 November 2013.
39. Baliana 'le vieux'. Interview with first author. Quartier Kanoshe, Kasha. Field notes. 21 November 2013.
40. Kaluma, "Distribution d'eau potable."
41. Mathys and Büscher, this special issue.
42. Muderhwa Tebura Damien, former bourgmestre Kasha. Interview with first author. Ibanda, Bukavu. Field notes. 2 December 2013.
43. Mwami Désiré Kabare, Interview with first author, Kabare. Field notes. 9 November 2013.
44. Martin Bashirzi Nshagi II, Chef de quartier Cikonyi. Field notes. 7 November 2013.
45. Peyton reports on similar transactions taking place in North Kivu, this special issue.
46. See also Peyton, this special issue.

47. *ibid.*
48. Baliana 'le vieux'. Interview with first author. Quartier Kanoshe, Kasha. Field notes. 21 November 2013.
49. Dunn, "'Sons of the Soil.'"; Jackson, "Sons of which soil?"; Jackson, "Of doubtful nationality."
50. Geschiere and Jackson, "Autochthony crisis citizenship."
51. *Ibid.*, 5-6.
52. Bøås, "'New' Nationalism and Autochthony," 21.
53. Dunn, "Sons of the Soil," 121.
54. Théophile. Interview with first author. Avenue Luganda, quartier Kanoshe. Field notes. 10 November 2013.
55. Baliana 'le vieux'. Interview with first author. Quartier Kanoshe. Field notes. 21 November 2013.
56. Similar accounts of violence against non-autochthonous populations have been reported in this special issue by Mathys and Buscher with regards to the Mungote refugee camp in North Kivu as well as by Cottyn with reference to the urbanizing center of Nyamata in Rwanda.
57. Interview with first author, Quartier Kanoshe. Field notes. 28 October 2013.
58. Chef d'avenue in quartier Ciriri. Interview with first author. Quartier Ciriri. Field notes. 5 May 2011.
59. Dunn, "Sons of the Soil," 123.
60. Bøås, "'New' Nationalism and Autochthony."
61. Hilgers, "L'autochtonie comme capital."
62. Landau, "Idioms belonging and dislocation."
63. Interview with first author. Quartier Cikera. Field notes. 2 November 2013.
64. Interview with first author. Quartier Mulwa. Field notes. 18 November 2013.
65. Interview with first author. Quartier Kanoshe. Field notes. 10 November 2013.
66. See Meagher, et al., "Unravelling public authority"; See Cleaver, "Institutional bricolage."
67. Interview with first author. Quartier Nyakavogo, Bagira. Field notes. 22 May 2011.



68. Interview with first author. Quartier Nyakavogo, Bagira. Field notes. 22 May 2011.
69. Interview with first author. Quartier Kanoshe, Kasha. Field notes. 20 November 2013.
70. Interview with first author. Quartier Kanoshe, Kasha. Field notes. 10 November 2013.
71. Mushi, "Insecurity and Local Governance," 15.
72. Cottyn reports similar sentiments in her analysis of rural growth centers in Rwanda, this special issue.
73. Mwami Désiré Kabare, Interview with first Author, Kabare, 19 November 2013.
74. See Mugangu, "La crise foncière RDC."
75. Beall and Goodfellow, "Post-war Transition," 23.
76. Ibid., 24.

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