

IS Academy

Human Security in Fragile States



Navigating uncertainty

A mosaic of memories of
local authorities in Bukavu

Fons van Overbeek

occasional paper #13



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OCCASIONAL PAPER #13

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in Bukavu

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2014

Table of contents

Preliminary note	7
1 Introduction	9
2 Uncertainty	13
3 Ivan: Personnel Manager of Land Registry (in DRC this institution is known under the name 'Cadastral')	15
4 Juvenal: Head of Administration of the Provincial Division of Planning	21
5 Mushaga: Surveyor of the Division of Habitat seconded to work at the communal office of Bagira	25
6 François: Deputy Neighbourhood Chief of an urbanized area in Bagira	29
7 Jacques: Suspended Neighborhood Chief in an Area in Kadutu	33
8 Patrons are clients	37
9 Entrepreneurs of uncertainty or uncertain entrepreneurs	39
10 Interweaving of institutions and agents	41
References	43

Preliminary note

The IS Academy 'human security in fragile states' aims to understand socio-economic recovery in fragile settings at the intersection of people's strategies to rebuild their lives, institutional change and aid interventions. One of the core interests in the program concerns institutions and governance in fragile settings: How do institutions (state, non-state, established or emerging) change? How does this shape people's livelihood strategies and their access to resources, how does it feed into patterns of in- and exclusion? And how is public authority negotiated at the interfaces between populations and office bearers, and between these and aid agencies?

Our starting point was that fragile states are not ungoverned. Though years of violence may destroy or erode specific governmental and societal institutions, we were concerned to move beyond a perspective of institutional breakdown and consider instead institutional change and the emergence of institutions, governance relations, and ordering processes. Our aim was to study governance and institutions on the ground, unraveling the interplay of institutions of different pedigree and functionality, building on concepts such as hybrid governance and institutional multiplicity.

The IS Academy has invested in both theoretical reflection and in-depth, field-based research to capture complex unfolding realities on the ground. Fons van Overbeek's work makes a significant contribution to this double effort. It provides a rich ethnography, which interweaves theoretical reflection on the nature of the state and the complex, multiple realities on the ground in the Democratic Republic of Congo.

Gemma van der Haar



Introduction

« La terre était la seule et la plus grande richesse de notre planète et la terre reste un grand business les yeux et les oreilles sont tournée vers ça. Toutes les personnes chacun trouve sa part son gain dans l'acquisition et la distribution de la terre. »

'Land is the only and the greatest wealth of our planet and land has become a big business. All eyes and ears turn to the land. Here, everyone finds his profitable share in the acquisition and distribution of land.'

Ivan, Personnel Manager of Land Registry ('Cadaster')

This working paper is a small part of a much larger analysis on 'hybrid governance' in the city of Bukavu in the Democratic Republic of Congo (DRC), conducted in the framework of a PhD research project entitled 'Livelihood practices within hybrid governance: Local negotiations to the threat of land scarcity in expanding urban areas of Bukavu', as part of the IS Academy Human Security in Fragile States¹. Fieldwork for the thesis was conducted during three separate field visits in 2011, 2012 and 2013, for a total duration of 12 months. The PhD research will be published as a monograph, which will contain a modified version of this paper as one of its chapters.

The overall research is located in the current debates on processes of governance in the context of fragile states, processes that have been described as 'hybrid governance'. Little is yet known about the ways in which multiple institutions emerge, evolve, interact, and what role they actually play in governing local resources and social service provision. Hybrid governance debates far too often obscure the local micro mechanisms which actually account for the fluidity and change of governance arrangements. In this paper hybrid political ordering is recognised as a complex process of interactive forms of rule. In this process we can see how local governance institutions form the conduct of local people, and how people's response and conduct changes the local governance institutions and the way they operate. While the examples of hybrid governance provided by renowned scholars like Volker Boege, Christian Lund, Ken Menkhaus, and Kate Meagher provide both a refreshing image of state formation and an interesting kaleidoscope of non-state forms of governance, knowledge of the more concealed 'duality', the focus of the overall research, is often under-represented.

¹ I owe gratitude to current and former staff of the Humanitarian Aid and Stabilisation Department of the Dutch Ministry of Foreign Affairs. This paper has been made possible through the financial support of the Dutch Ministry of Foreign Affairs.

This paper is not complete, nor final, and needs to be seen in the context of the forthcoming book on access to land and housing in the hybridity of Bukavu. This particular paper draws attention to local authorities who find themselves operating through the demands of various people and institutions. By means of a somehow unorthodox methodology, namely, the use of personal diaries, this paper evaluates the authorities' interpretation of their own behaviour and the uncertain environment in which they work. In this paper, we can catch a glimpse of how local authorities in Bukavu strategically speak and write to an outsider (a PhD researcher) in explaining their everyday struggles within hybrid governance arrangements.

The methodology used for acquiring the data for this paper is based on the realization that researchers carry with them a certain identity when doing research. It is not possible to step out of that. It helps as much as it hinders in gathering information. Asking other people to do interviews is one way of getting different perspectives, different answers. Asking informants to keep a small diary was another attempt to try to get a different vantage point on competing institutions. Five authorities, from four different institutions, were asked to write about their daily lives as an authority. I told them I was interested in the problems they encounter in their jobs and how they are able to keep their heads above water in their offices. I asked them to talk about the uncertainties of their employment. The paper is entirely based on the stories that I received through the methodology of diaries.

Eventually I received back three out of five diaries. Two informants said that they could not find the time to finish the diaries. Based on what they already wrote I did several follow up interviews with them. These authorities are from the Cadaster, the Provincial Division of Planning, and the Communal Office in Bagira. The other two authorities are both neighborhood chiefs, one in the commune of Bagira, the other in the commune called Kadutu.

I purposely waited to do this exercise until the end of my fieldwork. I wanted my informants to trust me. But I also wanted to know as much about the situation in Bukavu as possible. I wanted to show my informants that I already knew quite a few things about their work and what is asked from them. You could say that I exaggerated my expertise, however little that may have been, in order for them to understand that I wanted to go more deeply into their situation. My understanding of their position is that they also understood that they either could not or should not uphold appearances for one hundred percent.

Every author of the journals wrote their notes knowing that it would be for me, an outsider. This might have influenced the narratives in their writing. They might have given me a particular version of their reality, omitting things that would make them look bad and emphasizing things that they think I would find important or things that may help them. I do, however, also like to believe that these authorities wrote things because they trusted me. They wrote about phenomenon they normally would not easily reveal in a conversation.

With the two informants that could not or did not want to finish their diaries I was aware of the fact that it would be better to take them out of their offices in order to do the interviews. I met Juvenal of the Planning Division first in his office and later we went to a restaurant to talk away from the public. The interviews I had with Jacques, a suspended neighborhood chief,

all took place in his house. I did what I thought was best to make my informants comfortable. Furthermore, for obvious reasons I am not using their real names.

I value the authenticity of these written and oral accounts and so will try to let the authorities present themselves in this paper. However, I took the liberty of selecting the chunks of the diaries that I found most interesting for the purpose of this paper. Therefore, without changing the stories of my informants, I am guiding the paper to a certain direction. The pieces of their diaries or interviews were selected on the basis of three criteria which, before writing, had been explained to the respondents. First, I wanted their stories to tell me about their jobs. What is it they think they are expected to do according to the law? Many of the informants talked in great detail about what their jobs entail and of which bureaucratic mechanism they are a part. I have, however, decided to only use small parts of their explanations (the story of Ivan, who works for the Cadaster, is an exception). Secondly, I particularly designated the parts in the journals where the informants talk about pressure and the demands put on them by different people. I was particularly interested in the parts where they try to explain why certain things happen. I was looking for their ways of giving meaning to these events. And lastly, I purposely selected the parts of their records where they write or speak about behaviour that would, according to their own recognition, go beyond their legal job description. When I asked my informants to write their journals for me I also asked them to mention or keep a list of daily conflicts. However, most of the conflicts and consultations they described are not mentioned in this paper.

Whenever I add information I will make sure to emphasize that the addition comes from my hand by putting the annotations in square brackets. Sometimes I have changed the order of our informants' exposé so as to make their stories easier to read. I did this in the case of Mustafa, who works at the Communal office, and to a lesser extent with the story of François, the other neighborhood chief. I did not change any of their content. Note, however, that I do not state that these stories are necessarily true or a perfect depiction of their reality. Once again: these are stories that they wrote or elucidated for me. Nor do I want to create sympathy for the situation they are in. A few of the authorities wrote in an apparent victim discourse. I strongly believe this is but one aspect of their identity of being a local authority in Bukavu.

Despite their limitations, I believe that these stories are a welcome addition to the legitimating narratives we normally encounter in similar studies. The journals of the authorities will provide us with astute observations of their uncertain situations and the responses they try to find in order to cope with uncertainty.

2

Uncertainty

During the decades of former president Mobutu's reign, but especially through his last years in power, a typical social behavior asserted itself and could be seen by authorities and ordinary people themselves. This behavior is perfectly summarized by the formula of 'Article 15': 'debrouillez-vous'. This Article, never written and created in the popular imagination, was added to the fourteen real Articles of the Constitution and represents the essence of thirty-two years of Mobutu's dictatorship (Jourdan, 2004: 171). 'Debrouillez-vous' is often translated as 'fend for yourself'. According to Achille Mbembe, when referring to Cameroon, 'se débrouiller' means precisely that you do not know what will happen when you start the day, so you try to navigate. You try to find your way through all the obstacles. Thus the idea of 'se débrouiller' is to wage a war against uncertainty. People are soldiers in that war. One can be a captive of that war, one can be a victim of that war, too (Mbembe, 2000: 271).

In a general sense, uncertainty refers to a situation in which an actor lacks explanation of the forces that determine his or her destiny (Hyden, 2000:29). Living with uncertainty means living in a time of instabilities, fluctuations, and ruptures of all sorts. The fact that these are taking place at a very rapid pace implies a need to move constantly from one instability to another and that the whole practice of everyday life becomes a practice of coping (Mbembe, 2000:266). In a place that can be characterized by hybrid governance, local authorities in Bukavu also experience different sources of imposed authority determining their everyday practices of coping and adapting to their volatile environments.

Authorities also take steps aimed at reducing or eliminating uncertainty. Navigating uncertainty in an environment that is highly unpredictable becomes meaningful only when authorities and ordinary people can interpret their reality in comprehensible terms. To navigate supposes that people build up a system of meaning to which they can refer in order to explain the causes and effects of various phenomena: to give shape to the realities they face and to act accordingly. This implies a certain notion of envisioned causality; people try to look for reasons for phenomena and for the things that happen to them in order to give meaning to their uncertainty.

We can reconstruct this during field work when we make people speak about themselves. Through the diaries of local authorities I hope to be able to identify their own ideas of perceived causality, their understanding of why things happen and why they happen to them, a system of giving reasons to things to which people can refer in order to determine what is possible and feasible (Mbembe, 2000). Navigating uncertainty does not mean, however, that

all rules are set. The rules of the game are never definite and navigating therefore implies deliberation, reflection and emerging strategies (Berner, 2000:277). This dynamic might be exacerbated by the multiple governance arrangements in situations of hybrid governance.

Examining the ways in which authorities navigate uncertainty can provide insight into in-state or authority-authority relations (as opposed to state-society) relations and may further our understanding of different aspects of the legitimacy of state authority in the context of hybrid governance in Bukavu.

3

Ivan: Personnel Manager of Land Registry (in DRC this institution is known under the name ‘Cadaster’)

Apart from individuals like the President of the Republic or perhaps ministers, politicians and extremely rich and influential businessmen (a politician in Bukavu is often both) the Cadaster is generally considered, by the people of Bukavu, to be the ‘highest’ institution regarding land management in Bukavu. Officials of the Cadaster had told me that once you have the papers from the Cadaster your land is safe and you cannot lose it anymore. But many urban dwellers living in the periphery of Bukavu talked about the Cadaster as threat to their livelihood strategies. People fear that the Cadaster can make them lose their land. The Cadaster, for many people in the periphery of Bukavu is an institution of the city, one that is far away, but simultaneously one that can come dangerously close if they do not possess the ‘right’ land title deeds. Whether this threat is real, or not, is something we will delve into in another paper. However, based on the fear through which people expressed their feelings about the Cadaster I was also very curious to learn how people within this institution actually work.

This is the story of Ivan. A tall, slim man to whom I never spoke inside of his office. I first met him in a dubious, dark hotel wearing a plaid suit and an old fashioned hat similar to one which my grandfather used to wear. He was fluent in French and spoke reasonable English, which he liked to practice with me. That day we talked more about him and his family and he seemed to be very fond of his wife, which can never be a bad character trait. He even insisted that I had dinner with him and his wife on another occasion. After getting to know him a bit better I asked him to keep a journal for me in order to understand his real work. ‘My real work?’ he asked me. I responded by asking if that was possible. ‘Well, then we will not be needing this’, is what he said, pointing to the ‘Code Foncier’ (book with land laws) in his briefcase. When asking an informant to keep a diary you are never sure whether you will ever get something back. In the case of Ivan, who definitely had a certain air about him, I was even less certain. The content of his diary follows.

My name is Ivan. I am ‘Chef de Bureau’ of the Cadaster in Bukavu. My official title is ‘Chef du Personnel.’ I am the Personnel Manager of the Cadaster. I am happily married, you have seen that, since you have also met my wife. My wife and I currently have eight children.

If you want to know about the problems of my job you first need to know what we do at the Cadaster. There is a difference between what we should do in 'theory' and what we actually do at the office. As you know there are no plots available in Bukavu. The city is saturated. Land is business. Everyone wants to make money, including myself. But we do not always know what to expect. My boss, 'le titulaire,' is sentenced to a long time in prison.

If one wants to have a piece of land they have to fill out a document called: 'Demande de Terre', this is an application form for land. The applicant has to pay for this. For me this could be 1 USD, but for you it might be 20 USD. It completely depends on who you are. The state does not pay us, so this money will end up in our own pockets. If the state was organized, we might have had a set price. But this does not exist today. Even though there is no plot available in Bukavu everybody in my office has these application documents on their desks or in their drawer. This is how we make extra money. We complete it, sign it, put a date on it, and file it. When someone comes to ask for land they also need to ask for a 'demande de travaux'. This is another document. This document states what the state should do in order to release the land. You get this second document at Property Registration.

Land Affairs consists of two divisions: Property Registration (Domaine Foncier) and the Cadaster. These are separate departments, but they are ought to complement each other. The two documents will be put into two different folders, one for the Property Registration and the other for the Cadaster. For the creation of these folders, applicants also need to pay, but this is often not more than 1 USD, maybe 5 USD tops. Afterwards, the Head of Office will open a dossier. This dossier is called B2. This is an official name for the application for land (which contains of the two application documents). Since the Belgians were here, the dossier always starts with B2, e.g. B2/10051. The Chef de Bureau signs and opens this dossier and he will accordingly decide what work needs to be done before one can receive the land from the state. From Property Registration, the documents will be sent back to the Cadaster. Concurrently, the Cadaster will send an engineer and his assistants in order to see and study the land. Normally, an official 'Ordre de Mission' will be written for this. This order will again cost around 3 USD. The surveyors measure the land, they create demarcations on the land and they also have to analyze the soil. Then they come to the office to draw, calculate the area and map the area, and give the land a plot number - a 'numero cadastral' including a SU (Section Urbaine), or SR (Section Rurale). Even in villages the commercial centre will receive the code SU. In order for technicians to come to the field to measure the land money needs to be paid again. This can never be less than 20 USD, but this depends again on the applicant and the person who visits the field. Also the secretary lives off the money that we get from the applications. The secretary also does not receive a salary. He receives money for every stamp he puts on the documents. Sometimes he puts even three stamps on one document. Every stamp can be 5, 10 or sometimes even 20 USD.

I believe it is important for you to understand this process first. Right now we have a dossier and a cadastral number which will now go to the office of documentation.

It needs to be dated and checked for incongruities: is the reality in the field the same as in our cadastral plan? Afterwards we will write a so-called PV (Procès Verbale). At the office of the surveyor we will see what all the elements of the dossier are. Are there already demarcations, is the plot for which one applies empty or is there already a house built on it? We now send the document to the Property Registration again. If they conclude that there is already a building on this land then they will have to send the application to the taxation office. Only after paying this office, can the file be sent back to the Cadaster.

If the land is empty one will have to look for a 'Contrat de Location' [a lease contract for land]. With a lease contract you are obliged to build a house within 36 months otherwise you will, in theory, run the risk of losing your land again. When there is already a building on the land that you would like to acquire then you need to pay for a 'Certificat d'Enregistrement' [ownership certificate]. The land you buy is never entirely yours.

When the Mwami gives you a document, you give him only a goat or a cow. When the 'bourgmestre' [the Executive Head of the Commune] gives you a document, you give him money. These documents have no value. But people can come with these documents to the Cadaster in order to get the right document. Even the Mwami should do that. The law says that all land belongs to the state represented by the Ministry that is dealing with land. Property Registration and the Cadaster are part of this Ministry. Nevertheless, the application of the law is not clear because people misbehave. [The Mwami is the traditional king who is still considered to be the custodian of the land in the rural areas of the provinces. These days people can also pay him with money, but as part of the tradition, or because of a lack of money, people pay the Mwami with what they call Kalinzi. This is a certain amount of cattle and often also a few beers.]

People impose their power. This is what we call in French: Traffic d'Influence. I told you before: land is money and everyone wants money. It is easy money. I do not know why people are not punished. In 1993 a governor wrote a law stating that no one should intervene in land management. But all the documents at the office have become poto poto. And we will not be able to retrieve this law of 1993 [Ivan uses the Swahili word poto poto, which means mud or chaos, in order to refer to the confusion of existing laws and his inability to find this law. The laws are, however, not so difficult to find, including the one he seems to refer to. When looking for it I saw it immediately listed in the the 'Code Foncier', the land law text].

Now we can come to my particular role. Property Registration and the Cadaster complement each other. I have also shown you that in the previous example. But there is also competition between the two. The Cadaster is the operating arm of Land Affairs, we provide our expertise to Property Registration. Property Registration is the administrative arm. If we do not go to the field, they will not be able to complete the documents.

As you may understand now the whole procedure of applying for a plot in the city is one that takes painstakingly long. The documents go back and forth to the different divisions. And everyone who gets his hands on your documents also needs to be paid. However, with the right connection and with money these procedures can be shorter and with far less people involved and with far fewer checks and balances. This is what I mean by the competition.

Everyone at Property Registration wants to run to the field to get money, but they are rarely competent enough to do their task correctly. They carry out a survey but are not authorized to sign these surveys. Even if people in the office want to make extra money by means of field visits, they still need to come to me. Then they tell me what they saw, what they surveyed. In these cases I have to go to the field to double check their work, but with the right incentive I can sign these documents for them. This is how we work in practice. To you, I will not make a secret of this.

I can always go to the field whenever I feel like getting some extra money. You can also give me extra money to finalize your application a bit faster, if you want us to skip some checks. I will visit all the officials, all the desks, and get their signatures without even going to the field. It goes faster like this.

But be aware, my dear friend. It is not as easy as I describe to you. There are many people who are not only trying to do my job, there are also people who try to steal my job. At the office we have many ghost workers. These are people who never worked for the Cadaster, but who have become friends with the people in the office. You could call them 'facilitators'. They are present in the office, looking for money, looking for applicants. When you pay those people money they will try to speed up the process, get you the documents, stamps and signatures. They are trying to do my job, but they definitely do not work for the Cadaster.

We prepare the plots so people can live there. Our primary work is to visit the field, to survey and to investigate everything. These facilitators do not know how to do this. They are interested in money and money only. Sure we want to make extra money, but we do interpret the law, the Code Foncier. Often we see that there is politics involved. People lose their plots even though they have the right documents. There is nothing we can do about that. There are politicians and other people who are just more powerful than us. We also have to be careful with that.

There is so much 'Traffic d'Influence' in Bukavu these days. This is our biggest threat. Our jobs are not safe anymore. I will give you a very common example; a situation which I have to deal with on a regular basis. Nowadays, people of Bukavu can go and see a minister or a wealthy and connected business man to get a piece of land in the city. Such a person can do this with a signature from someone in our capital, Kinshasa. But may I remind you again, that there are no longer any plots available in Bukavu. Yet, I cannot say no to this request for land even though I will harm the family that is already living on the plot and even though I may destroy the area which was not appropriate for development. If I deny the request then the chances

are high that I will lose my job and someone else will approve the request anyway. I have seen this many times before. You will then get a letter that someone else has taken your place as Head of Office or Head of the Division. You will still get 72,000FC salary, but you will lose the right to issue or sign any documents. You can no longer do your job as usual. In this letter, in which they announce the new Head of Division, you will not find your name. You will not be mentioned. You and your colleagues will just know that your days are over. In this case you will become a facilitator, like many others in the office. You will become a commissioner. You know how to do your job but you are just not allowed to do it anymore. Despite the remaining right to salary, you have lost your source of income. And perhaps even worse, you have made enemies at a higher level.

My dear white friend, this is why I am the Head of Personnel. In this role, you cannot ask me for an official service which is related to land. I am dealing with people. However, I do not desire to deal with the staff of the Cadaster. The state thinks I do not get much 'chai', because of my position [Chai is Swahili for tea, but is used to refer to bribes]. They do not envy me. That is why people do not remove me. They do not believe my position is a profitable one. There is no competition, nor jealousy. How else would I be able to work for the office for more than 20 years? I also need to think about my wife and children. If I need some extra money, for instance around my daughter's birthday, I can just go to the field as many times as I see fit. I can even be there the whole day. That is how I earn money.

Still, it is a double-edged sword. I can go to the field for extra money, since people need papers from the Cadaster and they will have to pay me. But if powerful people want me to do something I am wise enough to know that I cannot refuse. That is part and parcel of working for the state in this country. Now you might be able to figure out for yourself why my boss is in prison.

I would like to give you another example of my work. I believe you are interested in this, since you have been talking to these people in Bagira. In the offices of our three communes in Bukavu we have a team called the Land Brigade. This team is our decentralized office at the level of the commune. It represents the Cadaster and Property Registration. People only complain about their work, but what many do not see is that these team members are also in a difficult position. Administratively, I am their boss, but technically they depend on the 'bourgmestre' [the Executive Head of the Commune]. When they are working, they need to give me a report. If not they might be punished by me. And I will make sure I will do that. I can suspend them. However, when my demands are at variance with the demands of their local superior, the bourgmestre, they find themselves in quite a predicament. If they do not listen to me I can suspend them. But if they do not listen to the bourgmestre they can be sent back to the central office in the city. In practice it means that a team member can make far less money in the office as compared to the field. So to whom will you listen if you were one of them? Their loyalty is fragmented. The people of the Land Brigade go to the field and they sell documents. They are paid as per document. They do not have a steady salary and

thus depend on assignments. This makes them more susceptible to the person who directs them to their assignments, the bourgmestre.

We also have a commission that deals with land disputes at the Cadaster. They are supposed to reconcile conflicting parties. This means providing the right documents to the right people. It hurts to admit it but this commission is also corrupt. It is like any other part of our office. Unfortunately, members of this commission have become members out of self-interest. Problems are solved by personal preferences and clientelism. Our system is sick, but also the people of this commission do everything they can to survive. There have been occasions when I have given 'justice' to the party that should not have received it. There are cases which I can clearly remember: it brought me money, but left a bad conscience.

4

Juvenal: Head of Administration of the Provincial Division of Planning

Juvenal is a young, ambitious and always very talkative official of the Provincial Division of Planning in the city of Bukavu. He is always in and out of office to 'make arrangements with his clients.' His story resembles the situation of Ivan at the Cadaster. At his office, people keep application papers in their drawers and suitcases in case someone walks in asking for a building permit. Juvenal, however, is clearer about his personal goals: he wants to get higher up as fast as possible.

Juvenal was one of the two informants who did not find the time to finish his diary. During my fieldwork I met him several times before visiting him in the office, but these were all on personal occasions. The next story is derived from three interviews, two of which took place in his office and another was conducted in a quiet restaurant close to where I lived. The office of the Provincial Division is located in a building which, like many others in Bukavu, is in severe decay. During the first interview that I had with Juvenal, people came walking in and out of the office to negotiate prices and permits with him and his boss. Tempers would occasionally flare up during these suspicious meetings which apparently, could just take place in my presence.

The following text comes mostly from my own notebooks. A small part of it is derived from his own journal. I had recorded the interviews with Juvenal from the perception of the informant, my normal practice. I have tried to remain as close to his words as possible. During our last meeting I had shown him how I understood and wrote down his story, so that he could make adjustments if necessary. The following is Juvenal's explanation of his situation.

In our office we can gradually climb up the professional ladder. I think I will be a Chef de Division in a short period of time or maybe the Director of the whole Province. But we will have to be patient. Me and my friend, we are here not even two years and I am already Head of Office and my friend is Head of the Division. This proves that young people can have a chance to make a career in Bukavu. When I was nominated for this position, my predecessor was not happy at all. He was never fired from his job. He works here somewhere, looking for his share. But in the course of time he started to understand that he is no longer the active Head of Office.

You have seen that there are not that many people in our offices during the day. Many of us go to the field to raise taxes. When we catch people without documents we negotiate with them a tax. The proceeds are then for us, the agents of the office. This is how we compensate for our lousy salary. The state of our office is not very good. There are no documents and there is no equipment. We have just a few laptops. And we do not even have maps of the town. We are the Division of Planning and we do not have maps available in our office. Nor do we have any vehicles to go to the terrain. This does not look good for us.

When money arrives in our office we share it among the present workers. First, we take one quarter of it for the administration and operations of the office. The other three quarters we divide evenly. We are at the provincial division of planning and housing. We do not share anything with the officials of the division that works at the mayor's office. They get their share from their own work. I think the same goes for the agents that have been decentralized to the offices of the three 'bourgmestres'.

People who built their houses without the right papers run the risk of losing their house. In case their houses get demolished they will not receive any compensation for that since they have been building illegally. This is why we also want to convince people to pay us and get the right building permits from us. However, when we find dubious constructions we do not always want to report this to our bosses. We often opt for a different way out. If we make a report, the building runs the risk of being destroyed and we will not receive anything. We try to find a solution with the owners of the house.

Be aware, however, that we cannot just try to make a deal with anyone nor can we try to make a report on just anyone. The difficulty for people who have built illegally is that they often have relatives or friends who are really powerful. We do not always know who has those connections, nor do we always know who these connections are. We do have to tread carefully. This is an obstruction in our work. Whenever we come across these problems we do not fight them. We inform our boss so the decision can come from him. When there is resistance we go up higher in the hierarchy.

*The laws exist for a reason and it is forbidden to take *chai*, but I have to make arrangements myself too. My work provides me with these arrangements and it is generally accepted that I ask people 40 percent more for documents than our laws dictate. When a document costs 10 USD, people will have to give me at least 14 USD.*

*When I work, I feel strong. I feel that people will listen to me. But when it is 15h30 my working day is over. Whatever I see after that hour is not through the eyes of a *Chef de Bureau* of the Provincial Planning Division. After that hour I will not stop anyone from what they are doing.*

Currently, Bukavu is the second city in Africa where plots cost the most money. The advantage for the leaders of the city is that it is easier for them to get money through

land. But this is also a weakness of the city. Many authorities remind people in the city that they live in illegal constructions, but this is often to intimidate and receive money from them.

The real problem is that we also allow people to build in inappropriate locations. But that is the result of the exchange of favours. A city gets born, grows extremely fast and then dies. Right now, our city has already died. The way people disrespect our city has killed it. You can find the problem at the top. It is there at the top. They set the example for us. We follow their instructions. In Bukavu you cannot go straight from A to B. You have to take detours, sometimes you have to be a snake. We are fighting a problem that we helped creating. But we often do not have a choice. We need to follow orders. And I do cherish my job. I want to go higher.

5

Mushaga: Surveyor of the Division of Habitat seconded to work at the communal office of Bagira

Mushaga is the representative of the Division of Habitat working in the commune of Bagira. He is seconded by the division to work there. Through the years I grew fond of Mushaga; he would take a real interest in me. When he heard I was suffering from malaria he made the effort to visit me. We then talked about his greatest passion, premier league football, and about how it is to live in Europe. But every time I saw him at the communal office he seemed to avoid my gaze. I got the feeling he did not want to be seen with me at the office. Perhaps because of what other people thought of him. Perhaps because he was ashamed of what he was doing. I think it was a little bit of both.

Mushaga was the first person in authority whom I asked to keep a diary for me. I occasionally saw him writing his diary but he always told me that someone would steal it from him. He seemed to be genuinely afraid that people would find out what he was doing by reading his diary. On the very last day of my stay in Bukavu, he came to visit me at my house in order to say goodbye and to hand me his journal. Mushaga's story is particularly complicated.

As a civil servant of the state I must present myself at the workplace every day from Monday to Saturday from 8 am to 3 pm. In order to get to my office, which is at the communal office of Bagira I have to travel 9 kilometres, back and forth. Sometimes I go on foot. When I have money, I can take several busses in order to get there. The atmosphere at the office is nice, but one that is drenched with poverty. A few of my colleagues are actually occupied by work, but many have nothing to do. They are just sitting outside the office.

The money that I receive in order to do my job is not enough. The salary given to me by the state is 57,000 Congolese Francs per month, or 62 USD. I work without having received training or the ability to visit seminars or workshops. The material that I use is archaic and will never be renewed. Like many of my colleagues I cannot feed my family. Nevertheless, we have to promise the central government that we will do our job correctly. When I go home at night I am really tired because of the stress of my job.

I have a problem. My boss of the Division of Housing forbids me to issue the documents that I am normally delivering. He has told people no longer to accept our ownership statements. He even broadcasted it over the radio. If I continue, I can get suspended or I risk getting fired. Someone even told me that it would be better for me to leave town. Yet, my boss at the Commune, the 'Bourgmestre' of Bagira insists that I continue because he needs the money. A small share of that money is for me. Instead of taking advantage of this situation I feel uncomfortable and extremely stressed.

The problem that we encounter at the commune is the overlap of roles between the 'bourgmestre' and the Head of Division of Planning and Housing. There is a bye-law that allows the 'bourgmestre' to issue ownership statements and building permits, and there is another bye-law which allows the Head of the Provincial Division to do the same.

During my work I receive different kinds of clients: rich, poor, soldiers, police, students, traders, old and young, men and women, servants and jobless, politicians, and religious figures who all ask for my services. Everyone is interested in land.

These people come to talk to me about their land problems. It mostly concerns complaints and land disputes or land limitation problems. Many of my clients demand an instant solution to their land disputes. They generally seek a resolution by paying me money right away. When I am not able to provide a solution, which is generally the case, they either propose to give me more money or they pressure or threaten me.

Higher authorities try to influence my job, especially when it concerns conflict resolution. The complaints and threats do not leave me unbowed. I receive threats by phone, my wife is mistreated when she goes out to sell her products at the market. I am not able to resolve conflicts fairly. My direct leaders, military officers, political and administrative authorities, they all try to intervene when one of their brothers or family members have problems or land disputes with any third party in Bagira. Even when they are obviously guilty, they ask me to divert the decision or force me that the complaint will be withdrawn by the other party.

Last week an old widow of the Lumumba neighborhood was trying to sell her plot. Two inspectors of our Land Brigade came to help her. However, in the absence of the old widow, they had falsified the land documents and put it in the name of the new occupant. The woman wanted to sell, but suddenly found out that the land was no longer in her name. These tricks of deceit happen often. And in this case, as the official of the housing department at the commune, these documents need my signature. I signed the documents of the new owner assuming that my colleagues did a good job. They, however, cheated me, the 'bourgmestre', and the neighborhood chief.

Two weeks ago a businessman asked me permission to place a big container next to

the small market of Bagira. I gave an unfavorable verdict. However, this businessman went to see people of his political party, the IPRD who then saw the bourgmestre [who is member of the same party]. The bourgmestre forced me to give the applicant permission. Right now people close to the mayor of the city are attacking me, as well as the local sellers. But it is not my fault, I was doing my job.

My direct boss, whom I consider to be the bourgmestre, constrains my ability to do my job. He speaks to me and gives me orders as if I was in the military service.

Ownership document from the Commune

People feel insecure when it comes to their land. Even the state can be against them. When an official of the Cadaster notices that you do not have the right document, they may decide to sell a portion of your land to a fictitious person. They then put physical limitations around the plot - sticks or stones. Once they have done that you can no longer remove it without running the risk of going to prison.

We have an alternative: an ownership statement delivered by the Commune. This 'attestation de propriété' will help people to secure their land. When you go to the Cadaster to get your 'certificat d'enregistrement' it is better to have an ownership statement from the Commune. People can obtain their title deed from the Cadaster without our ownership statement, but that will take longer. So before taking the step to go to the Cadaster, I always advise our people in Bagira to obtain the document from the Commune first. That is always better.

There is, however a power struggle going on at the commune. Our 'attestation de propriété' has been given to people who did not deserve to have it at all. Land has become a survival strategy for many people within the commune.

Land and house owners in Bukavu are not well protected. It is therefore not unrealistic to remark that we have many land disputes in Bagira. I understood that of all the problems our neighborhood chiefs dealt with, 80 percent were concerned with land and limitation problems. The other 20 percent had to do with rape, sorcery, domestic violence and divorce.

6

François: Deputy Neighbourhood Chief of an urbanized area in Bagira

This local Deputy Chief was one of the informants that I would see almost every day -sometimes to cross check new information but mostly just to greet each other. I was on good terms with him. Occasionally I would take him to a local, improvised restaurant to have a drink, which would always imply milk and dry bread as opposed to beer which I would normally expect from a Chief. He was, however, a poor man. He claimed that he had never received any salary. Yet, he was the only Deputy Chief in Bagira that had his own office. And that office was even in the building of the communal office. That his office and the one of his colleague used to be a lavatory during the time that the Belgium administration used it is, however, a small detail.

During my fieldwork I asked him to keep track of the land disputes in his area and to keep a list for me, including his interpretation of these disputes. This was before I asked him to keep a diary. One afternoon when I came to say a quick goodbye to go back to the city I met him in a very depressed state. He told me that people in the communal office were talking about suspending him. Immediately, I wanted to know more about this status quo. To some extent you could say that I, as a researcher, took advantage of this situation. It was that day that I asked François to start keeping a diary for me in order to help me understand the daily problems someone like him was facing. My own journal entry of that day was revolving around ethics. I was not sure whether I did the right thing. Could I ask him to write about his suffering and fears? Am I not exploiting him? Through the years I started to get to know François a bit better. And even though I would not deny that I took advantage of the situation in order to get valuable data, I made sure that I would check in with my friendly informant on a regular basis. The reason that made me decide to go through with my request, despite ethical concerns, was that this new incident could help me understand how a local chief interprets the threats that he does not see. I wished to find out how he built his reality and how he navigated through it.

Fortunately, five days after François started keeping his diary for me the threat of suspension was cleared. At the same time, his motivation to continue with his diary also vanished. At the beginning of the paper I mentioned a victim discourse. I believe you will find a very strong victim discourse in the story of François. This was triggered by the threat of suspension, but was always present due to the nature of his work. Following is François' story, which he wrote down during his perceived threat of suspension.

I currently work amidst a real power struggle at the communal office. Personally, as Deputy Chief of the neighborhood [I left out the name of his neighborhood], I am frequently falsely accused by the neighborhood Chief and the bourgmestre. The Chief of my area and the bourgmestre are brothers from the same village: Birava [he uses the words brothers, but this does not mean they are relatives. In this case, it means only that they grew up in the same area]. Never, but absolutely never, does our bourgmestre investigate accusations when I am indicted of yet another offense. Never does the bourgmestre speak to me or ask for an explanation of what is going on in our neighborhood. He is now contemplating administrative action against me. I suffer from psychological trauma. My mind does not let me focus on my daily work. I am an innocent victim, like many of us at the Commune are innocent victims of higher games.

A similar conflict went terribly wrong for the Deputy Neighbourhood Chief of Mulambulo. He ended up in Bukavu Central Prison for a week. The Deputy Chief intervened in a dispute on the street. The problem for him was that he stopped the wrong party while he only wanted to stop the fighting. Higher authorities then arrested the Deputy and put him in prison. Ever since that day he is still suspended. Another neighborhood chief also got in trouble last year. He is the chief of the area called 'chai.' In his neighborhood people tapped electricity wires. The electricity company blamed him and he was immediately suspended for good.

People get arrested and released without any real or visible reason. This makes people so afraid. On the 15th of March the bourgmestre arrested someone from our communal office. The bourgmestre did it himself. He did not do it in name of the local secret service, nor the police. But after the intervention of someone unknown this person was released. This unknown person is an authority in Kinshasa.

The reason that I risk suspension lies in our recent past. Last year people built houses on a steep hill close to my neighborhood. One day the governor saw these houses when he was on his way to the airport in Kavumu. The governor demanded that the houses be destroyed. During that time I was already suspended from a previous incident. Still, during my suspension people immediately started to rebuild their houses. However, I did not initiate that nor had any control over it, since I was still out of office. Right now my colleague, my chief of the neighbourhood, is still telling the bourgmestre that he should suspend me because of this. It fell back on my head.

The bourgmestre cannot just suspend me. But I fear him. He can still influence the Mayor or someone close to the Governor. I am really afraid and I live in suspense. The bourgmestre takes everything. He is able to generate extra money through land certificates, but he does not need that. As chiefs of the neighbourhoods we used to be allowed to levy taxes on the small markets in Bagira. Currently, the bourgmestre has taken away that right and has his people doing it for him. All the money ends up in his pocket.

I have never committed fraud in my life as a Deputy Neighbourhood Chief. But I

have seen other colleagues lying about me. The bourgmestre may threaten us with suspension but at the same time he tells us how he appreciates our reports and values the work we are doing for him. The other day he wrote a note for me asking me to go and see a certain family, they are constructing a house illegally. I went there to do my job. Two days later there was another note on my desk, again from the bourgmestre. This time he asked me why I was bothering this family and that I should leave them alone. They already have my permission. What does he want? I have saved these notes. He is a devil who is not interested in the truth and who always lies.

If I get suspended I will not be able to give any food to my family. I will not be able to pay school fees or dress my children. I do not receive any salary. I have 7 children. Normally I am already afraid to come home, because every time I come home my children are asking for food, but I am not able to give them any. We eat once a day. And what we eat is not much. The authorities do not live like us. Maybe I should become a citizen again and have a clear conscience.

I do not know the reason why the Neighbourhood Chief would lie about me. But what I do know is that he has never finished his studies. He is incompetent. And he only has his job because he is from the same region as the bourgmestre. He is from the area of North Kabare. I am from South Kabare. The people from the two areas have never been on good terms. We are from different origins [different sub-clans]. The South is always accused by the North. In the North you will find many sorcerers. But also the people in the North are not very intelligent. They urinate and defecate in the same water that they drink and they eat the fishes that come from that same source. No, tribalism has also found its way to the communal office. That must be the reason why I am accused and why no investigation has followed.

7

Jacques: Suspended Neighborhood Chief in an Area in Kadutu

By chance I met Jacques. He is a Neighbourhood Chief who not only got suspended, but also arrested. Jacques, a tall, strong man in his early forties was not a particularly rich man. But he did have a two storey house which is not very common in the area where he lived. He seemed to have natural authority. Although he was no longer Chief of the Neighbourhood for over a year, people still listened to him on the streets and came to him for advice. He was also educated and spoke beautiful, sophisticated French. Jacques turned out to be a chief of an anomalous type. Jacques is the second informant who did not complete his diary.

Jacques' story is one that is not that common. In a time span of six weeks, I met him three times to talk about him, his work and experiences with the government and also to talk about land disputes and land management in general. We would always meet in the same location - on his old, sagging, but comfortable couch. He graduated from a local university and had studied land conflicts in Bukavu. Jacques knew how to tell stories and I have no doubt that he embellished his stories, but I do want to share his account about the uncertainties of being a chief. I have cross-checked his story with several of his former colleagues as well as with an agent of the secret service. Jacques' experiences demonstrate the risk of navigating uncertainty as a chief and what is behind the fear and uncertainty of many of his colleagues in the lowest tier of government.

He had never explicitly admitted as much, but according to his former colleagues and people of his neighbourhood, Jacques is considered to be the authority who first allowed people to build on a very steep and dangerous hill at the edge of his neighbourhood. The hill is called Kabwa Kashire, which is Mashi, the local language of the Bashi community in South Kivu and can mean 'Mad Dog.' Currently, 20 to 30 families are living on this extremely dangerous hill which is known for its erosion.

He alluded to the problems of a young widow who had nowhere to stay. After finding a place for her where she could stay for a few nights together with her four children he allegedly decided to let her build an improvised house at the top of a steep hill.

Jacques told me, as an excuse or as a fact, that a Neighbourhood Chief in Bukavu is expected to 'make arrangements.' According to him it is impossible to do that job without accepting bribes or initiating deals. I have asked him several times whether it is true that he was

the one who initiated this movement of people to the hill. During one of our encounters he answered: 'Even if I had something to do with it, you should understand that I could never have done that alone. These things always happen in collaboration with people of the commune.'

The neighborhood of Jacques is located in the commune of Kadutu. During the time of the first settlers on the hill the bourgmestre of Kaduta was a woman. Rumour has it that Jacques and the bourgmestre of that time worked together in allocating land on the hill to the poor, not an uncommon practice in any of the communes in Bukavu. But when the first problems of erosion occurred, and people actually died because houses collapsed, the relationship between Jacques and the Bourgmestre soon became troubled to the point where one day, Jacques berated the bourgmestre on the street. According to the Head of the Secret Service in Kaduta to whom I spoke to it was on that day that the Bourgmestre accused Jacques of selling land illegally. She allegedly did this in the office of the governor.

'Ever since I had a fight with her, [the Bourgmestre] people started to bother me and my family. Police came to my house bothering me, asking for money. My children could not go to school by themselves anymore,' Jacques told me. According to Jacques, people from 'higher up' had instructed police, military, even criminals to harass him. This happened for almost a week, he told me. After a week he was arrested. The official charge was, indeed, that he had illegally sold land on a place that was inappropriate for development. After four days in prison he was released. 'They did not have any proof. There was no reason to keep me in prison' was Jacques's explanation. How he was able to get out of prison is a question that he never wanted to answer.

When talking about the prison Jacques claimed that: 'prison was not the hardest part. What they did to my family is more difficult to accept.' The harassments continued when he came back from prison. Jacques remained suspended but he did not get any notice from the commune neither of the provincial government. He was just no longer welcome as a Neighbourhood Chief.

One night, not long after he was released from prison, Jacques saw people in uniforms shining bright flashlights into his house. They started to bang on the door and shouted his name. They asked him to come out of the house and receive his punishment. He did not listen to their request. He had no idea who they were. His family was asleep on the second floor. He had also two nieces sleeping on the couch downstairs. Instead of coming outside he decided to hide under a blanket 'like a small, terrified child'. The people outside did not take no for an answer however. They supposedly started shooting in the air. The shouting and banging on the doors became louder. Until one point when the armed men smashed the window of the front door and came inside the house. Jacques told me that three men pointed guns at him and then started to beat him. He purportedly told them to take him, kill him if they wanted but to leave his family alone. They beat him up badly. At this point he thought he was able to identify the men as Congolese soldiers. While his family was hiding in a room upstairs with the door locked, the intruders kept on threatening Jacques and said they would hurt his family. They then started shooting randomly into the ceiling. You could still see the holes in the walls and ceiling of his living room. He had also saved the gun shells which they left behind.

Two armed men then got to his niece. They reportedly ripped off her clothes and threatened to rape her. But in the end they did not. How distasteful it may sound, rape and (false) accusations of rape are frequent in Bukavu. But the graphic details of this alleged attempt fully conveyed the feelings of what his family had been through. Jacques explained that 'after struggling with my niece the armed men were called outside, perhaps by their commander.' They then took off. But Jacques told me he was a broken man. Not only his nose and ribs, but also his spirit was broken. He has recently finished his degree at a local university and aspires to work with local NGOs. But never will he work for the government again. He was afraid to report this incident to the police. He suspects that they were involved too. Many people must have heard the shouting and the shooting, but no authority inquired into what went on that day.

When I was strolling through the neighbourhood with Jacques, he was still walking around like a friendly giant, greeting people, inquiring how people were doing. He even tried to solve a small quarrel on the street. But all the time he seemed nervous and was constantly looking over his shoulder. This could be because of my presence but in everything he did you could see that this man was no longer at ease. He did not like what he had become: 'what I am, is not what I would like to be', he said



Patrons are clients

The journal entries are all personal anecdotes: not stories which I personally witnessed, but histories that were recounted by people who experienced them and memories of their professional lives. What they are not is a reflection of an absolute reality per se. What became apparent is that the *modus operandi* of the institutions for which the authorities work are highly personalized. Relationships are by definition personal and clientelistic. Authorities seem to navigate their uncertainty by making patron-client deals. They make 'arrangements,' as they say. By reading these personal accounts we learned that authorities, both high and low ranked, are themselves also clients of (even higher) patrons which limits, to various degrees, their 'arrangements.' They do not always seem to know to what extent they can go 'too far.' The personal interests of the authorities are deterred by the interests of higher-ranked people or people with better connections. This might change our conception of abstract patron – client relationships, and between authorities and their constituency. Local authorities are not only patrons, they are also clients.

An example of this can be found in the different title deeds of Bukavu. Land titles, such as the attestation de propriété of the Commune and the certificate d'enregistrement of the Department of Land Affairs, might secure people from their neighbours but it does not secure them from the practices of the state as owner of the land. The interests of 'the state' (whoever acts in that name) are continuously changing especially because it is so dependent on personal interest. In a similar vein, the arrangements made by authorities are also not secured from the practices of the state (or higher ranked authorities that act in the name of the state). Any arrangement or deal made with an authority is valid or invalid, legitimate or illegitimate for as long as it might take. There are no guarantees. There is always uncertainty.

Local authorities need to act legitimately in the eyes of their superiors even though to some of them, it is not always clear who that 'superior' is. It can change from time to time. This creates the uncertainty in the work of all authorities, no matter where you are positioned in 'the hierarchy.' In line with this, I would argue, that there only seems to be upward accountability. Talking about legitimacy to me, to international development workers, or even to their own constituency is but a role they are playing. It is an identity that they use. The most significant part of the uncertainty of being seen to be legitimate is not coming from below, from the clients, but from their patrons.

9

Entrepreneurs of uncertainty or uncertain entrepreneurs

It has been said by commentators, that in Africa everyone has routine experience with entrepreneurship. Everyone is an entrepreneur - families and authorities alike. Everyone needs to navigate uncertainty. Actively trying different ways to make money is an everyday coping strategy of ordinary families. There is little evidence that Africans are lacking in entrepreneurial spirit or fail to grasp small business opportunities when they are within reach (Elkan, 1988). In the accounts of the local authorities we have seen that all of them wanted to make extra money on the side. Perhaps, 'on the side' is not the right expression as it might also be considered their main source of income. Some said that their jobs allow them to make extra arrangements (see e.g. Juvenal). Almost all of them were of the opinion that they were obliged to accept 'chai' because their salary is never enough. Jean-Pierre Olivier de Sardan (1999:48) argues that in African bureaucracies 'everyone is sincerely in favour of respecting their public domain, and wants the bureaucracy to be at the service of the citizens, but everyone participates by means of everyday actions in the reproduction of the system he denounces.' This argument of Olivier de Sardan can, furthermore, be emphasized by the explanation of Juvenal who stated that: 'We are fighting a problem that we help creating. But we often do not have a choice.'

In this regard, local authorities have developed their own form of entrepreneurship (cf. Médard, 1992). However, where higher ranked authorities like Ivan and Juvenal are better placed to navigate their position and actively make money out of their clients' uncertainty, other authorities, like the neighbourhood chiefs, have been having more problems with the uncertainty of their own position. Depending on their position and their success in exploiting their position, local authorities might be considered entrepreneurs of uncertainty. They can make money out of the uncertainty of others such as the uncertainty of not having the 'right' permits or land titles. Conversely, the personal cases of François and Jacques have shown us that there always looms the danger of not being able to navigate effectively through the everyday uncertainties especially because not all threats or actors are known. One could claim that they became uncertain entrepreneurs instead. A businessman or trader must know the rules of the game before he can enter the market. The rules and the players of the game are, however, constantly subject to change and are regularly imposed on them from different directions.

10

Interweaving of institutions and agents

By way of conclusion I want to turn again to our overarching theme - the dynamics of hybrid governance. We have discovered that local authorities are not only patrons, but also clients of higher-ranked officials or more influential actors. Therefore, their loyalty regularly lies outside of their bureaucratic institutions. We read about Mushaga and the influence of a political party. Juvenal also spoke about the fact that he never knows who he will stumble across in the field when looking at illegal constructions. He is aware of the fact that he needs to take orders from more powerful people, whoever they are. There is also the story of Jacques and the soldiers who allegedly came and disappeared on someone's orders without any official record. And then there was Ivan who seemed to have strategically chosen his position as 'Manager of Personnel' in order not to be bothered too much by power struggles of a higher order.

Through the stories and memoirs of these local authorities we can see once more that state institutions and parallel structures are not self-perpetuating polities, but rather evolving political complexes within which political and social changes are driven by the evolving interests of actors such as the local authorities, but more importantly also by actors outside of their institutions. We discovered how actors with the identity of being an authority of a local state institution need to navigate through demands coming from other institutions or actors (temporarily) representing an institution. These can include actors that we have not seen thus far but who might come from political parties, provincial and national governments, the office of the mayor, provincial ministries, businessmen, the police or the army. Discovering the content of and the rationale behind the interests of these local authorities within the local institutions is fundamental to fashioning our understanding of constantly changing complexes within hybrid governance.

We can see now that decisions made by local authorities, whether from the communal office, the division of Planning or the Cadaster, are rarely stemming from one single source. It is a mosaic of collaborations. This makes analysis of hybrid governance as well as future state building assistance by international donors all the more complicated.

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