

IS Academy

Human Security in Fragile States



Studying ‘the state’ in Bukavu

A system, an idea, and a process

Fons van Overbeek

occasional paper #12



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OCCASIONAL PAPER #12

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Fons van Overbeek

2014

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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

“The extraordinary growth in the number of governments in the last two decades has prompted a wide variety of scholarly efforts toward description, analysis and theorizing. The literature generated through these efforts is voluminous and dispersed. (...) A great phalanx of scholars have now been able to familiarize themselves with the intricacies of these many cases of state formation.” | Stein Rokkan

“Until recently the state has been strangely neglected as a field of analysis. This is as true of theories that presuppose an active role for the state as of those that entail a more limited role. It is only in the last ten years that the state has been rediscovered as a problem in political economy. (...) We are now seeking to understand the substantive writings on the state that flowed in ever greater abundance during this last decade.” |

Bob Jessop

“A sudden upsurge of interest in the ‘the state’ has occurred in comparative social science in the past decade. The state as an actor or an institution has been highlighted in an extraordinary outpouring of studies by scholars of diverse theoretical proclivities from all the major disciplines.” | Theda Skocpol

“Historians, anthropologists, and sociologists have now begun to reconstitute the appropriate paradigm for studying ‘The State’.” | Philip Corrigan

“It is safe to say that the state has recently been rediscovered as an object of inquiry by a broad range of scholars.” | Thomas Hansen and Finn Stepputat

About this research

This occasional paper is part of a much larger introduction to an analysis on access to land and housing in the hybridity of Bukavu, in the Democratic Republic of Congo (DRC). It is 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 paper should therefore not be seen as a distinct analysis. The aim of this paper is to evaluate state formation theories as well as the diverse use of the ideas of state as it is relevant to the study in Bukavu. Using literature as well as fieldwork data, this paper takes a comprehensive approach to the idea of the state or ‘stateness’. This paper sets out concepts and indicates dilemmas, which will be further developed in the remaining chapters of the thesis. This implies that more encompassing analyses, solely based on this occasional paper, can therefore not be made and also far-reaching conclusions about the nature and working of the state in DRC should not be drawn on the basis of this paper alone.

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.

1

Introduction

The state has resurfaced as a central concern in the social sciences. Present-day scholars demonstrate the indispensable value of researching the workings of the state. They show that after perpetual beating by globalization, market mechanisms and supranational organizations as well as local threats and rebellions, the state has acquired particular poignancy and is now back on the radar of both scholars and practitioners. The range of topics regarding the state is very wide and replicates no boundary. Reflecting the revived vitality of the concept in several disciplines, 'the state' presents both a theoretical and a practical problem of extraordinary contemporary relevance. We can see something eminently different in how social scientists have now started to treat 'the state', which could clearly benefit the socio-political challenges of our time regarding state building, peace building and the international 'war on terror'.

Okay, wait! I do not intend to deceive anyone. The start of this paper could, indeed, be a very convincing argument to look further at the workings of the state and at everyday forms of state formation. The state seems to be at the heart of our academic as well as political inquiries. Yet, the scholars quoted above are not all from recent years. In fact they are all from different decades. The first quote from Stein Rokkan comes from his work dating back to the spring of 1969 titled, 'Models and Methods in the Comparative Study of Nation-Building.' British Academic Bob Jessop's work from which quote number two is derived is from his article, 'Recent Theories of The Capitalist State' and was published in 1977. 'Bringing the State Back In: Strategies of Analysis in Current Research' is the fitting and renowned title of American Sociologist Theda Skocpol's chapter and article which she wrote in 1985 from which I quoted two sentences. Quote number four can be found in Philip Corrigan's introductory chapter 'State Formation' published in 1994. Thomas Blom Hansen and Finn Stepputat's explanation about the importance of 'the state' was published in 2001. More importantly, these scholars were not working in the margins of their fields. They have been, and many still are, leading scholars in their disciplines.

Poor old state! A central organising concept of several disciplines for so long. It has again been polished, for some beyond recognition, for others it finally appeared in its true form. It has been revised, redefined, rethought and re-examined, re-analysed and reconceptualised. Following the first paragraph, I tried to convince you that the state was finally put back on the agenda and that by analysing the state, and state formation processes, we could finally solve problems of international significance. The theoretical interest of modern academia in the eminence of the state goes back as far as Hobbes's explanation of the State of Nature in the 17th century. The way we treat it has differed depending not only on academic discipline

but also on time, political events (success of the Marshall plan, end of the Cold War, or 9/11), and the related condition of the global economy (international oil crises or globalization). However we treat the concept of state, from whatever discipline, the state has never disappeared.

Why do influential scholars note that we are rediscovering the state while in fact state formation theories have never gone away? Perhaps we are still not able to agree on how to investigate the state. It could be a result of a battle of disciplines. We might have been accustomed to a certain set of received ways of thinking about questions of state formation. Previous paradigms might have fostered inquiries that led toward new concerns with phenomena they had originally de-emphasized conceptually. Maybe the state is rediscovered but perhaps in different, forgotten, places. The use of 'the state' seems to gradually change within disciplines as well. Yet, it has already been like that for decades and will probably continue to be so for many decades to come.

2

Outline of the paper

The strategy of the evaluation that I seek to employ in this paper is to identify tendencies and assumptions regarding the characteristics of the state in both state theory literature and donor programmes aimed at the Congolese state. The evaluation then builds on the assumption that our traditional ways of looking at the state are too rigid if we are to understand current state formation processes at the local level of African states. Subsequently I aim to find an appropriate way to analyse state formation processes in post-colonial African states.

In this paper, my contribution is threefold. The first line of argumentation that will wend its way through the course of this paper concerns the inherent consequences of using an idealised concept of state when analysing post-colonial African states. I will treat the typical characteristics of the state as well as the significance of these envisioned features for donor policies in the Democratic Republic of Congo. We will, furthermore, come to discover that in donor policies there are two separate images of territories that need to be governed and catered for by the state: the rural areas and the modernized city. In the first part of this paper we perceive the state as being a system, working with different parts, domains and functions.

In the second part of the paper I will turn to local images and ideas of the state as portrayed by inhabitants of the city of Bukavu in order to build into the possibility that there might be a disconnect between ideal-type state models and local practices in the African state. At this point I seek to build on an anthropological theme running through the state formation literature which sees states as powerful sites of symbolic and cultural production that are themselves always represented and understood in particular local ways (Ferguson and Gupta, 2002). In this body of the paper we will aim to take the measure of the state as an idea.

A third, and last, line of argumentation which will recur in this paper concerns the quest to bridge the discrepancy between state theory and practice. I will argue that an analytical lens of hybrid governance might provide us with tools to demonstrate how local forms of state formation work through mundane practices. In this last part of the paper I will envision the state to be a set of governance processes. This paper does not, however, seek to find a better alternative to the rational legal state model. It is more part of an exercise in trying to find a more appropriate way to analyse local forms of state formation rather than an attempt to replace the model of the state altogether.

Considering the wealth of research in the field of state formation and governance the

following discussion of the literature is necessarily somewhat eclectic and may appear overly simplistic at times. The literature that I appraise here is a great deal more nuanced and subtle than occasionally displayed. However, just as one can use Weberian ideal types to simplify and sharpen the analysis of complex governance phenomena, then certain forms of caricature can serve a useful purpose if they help to refine our faculties for studying state formation on the African continent. I intend to sketch out the contours and history of the larger state formation debates. The theoretical and practical arguments and implications of the alternative analytical tools will be pursued in more detail in the thesis that follows.

Starting with state formation theories I will, thus, subsequently come to evaluate the state as a system, an idea, and as a set of processes. I seek to do so with a range of different examples of both groups of people and categories of states but ultimately with the overall goal of this study which is to assess governance and local, everyday forms of state formation in Bukavu, in the province of South Kivu in the Democratic Republic of Congo.

3

The philosophical start

It was during my years as a student in human geography at Utrecht University that I took courses in Conflict Studies. It was then that I first came in touch with the seventeenth and eighteenth century political philosophers like Thomas Hobbes, John Locke and Jean-Jacques Rousseau, who wrote about the socio-political order in the world. Their starting point was typically some form of 'natural state' in which a common government did not exist, and their aim was to describe the circumstances in which a social order, characterized by justice, peace, and prosperity, might emerge. Hobbes, Locke and Rousseau sought to understand the consent of the governed to be governed: the social contract. For Hobbes, the state of nature is a war of all against all, from which death was the inevitable escape. For Locke it is a place where the non-productive steal the fruits of the labour of the productive. Individuals in these circumstances would be directed by reason to seek peace through the establishment of a government with authority to maintain peace among them. This power, to enforce the peace, is only justified, however, if all individuals tacitly consent to relinquish their absolute liberties to make war on each other. This 'social contract,' then, justified government authority and the obligation to obey it because such authority enforces the universal consent it entails, thereby securing the peace (Henderson, 2006:200-201). While the approaches differ, these theories argue that political authority derives from the decision of humans to become a collective, give up hypothetical 'natural rights' and create, in political terms, a government, in sociological terms, a society (Rubin, 2012:329). All three men believed that domestic peace presupposed the existence of governmental institutions capable of defending society against internal and external threats (Paris, 2004:47).

These writers essentially validate a process that achieved formal recognition and was greatly facilitated by the Peace of Westphalia in 1648. Sociological histories of state formation have shown that, in Europe for many centuries, economic activity was regulated, order was maintained, laws were promulgated and enforced, assistance was provided for the sick and needy, morality was inculcated, if at all, through practices that had little to do with the state (Miller and Rose, 2008:55-56). History has been combined with sociological analysis to show that modernization is accompanied by a process that leads to the emergence of a political centre (Badie and Birnbaum, 1983:65). It was only in the eighteenth century that states began to transform from limited and circumscribed central apparatuses to embed themselves within an ensemble of institutions and procedures of rule over a national territory (Poggi, 1978; Tilly, 1975).

Now, what to do with the contemporary state? How can we analyse the state and the relationship between state and society? What is 'the state'? One could even claim it almost redundant in the sense that the clearly understood and original concept introduced by Max Weber is now almost gone, leaving several competing and often openly normative definitions. Yet, the state, however self-evident or even observable through its presence, might still mean so many different things in so many different contexts for so many different people.

If we take only the state in the Netherlands, in which I was born, and compare it with the state of the Democratic Republic of Congo, there will be readily observable differences. Scholars have taken over three hundred years to analyse 'the state'. And even within the fields of sociology and anthropology there is no conformity on what the state is, neither in Europe, nor in Africa. The concept is widely deployed, very difficult to define and continuously contested (Hay and Lister, 2006). We not only have different definitions for the state, there is also a long list of different categories of states. Let us first take a look at the history of state formation and how the modern state is defined before we turn to conceptions of the state in Africa.

4

The narratives on state formation

Throughout the last century several authors have tried to explain the path of development of the modern state, each with their own background, assumptions and school of thinking. These accounts are not necessarily contradictory. They even have a clear influence on each other. However, the elements on which authors like Max Weber, Karl Marx and also Charles Tilly put emphasis could be put under the heading of three different themes or narratives: the military narrative, the managerial narrative and the economic narrative. These narratives are derived from the more contemporary works of Gianfranco Poggi (2004), Thomas Ertman (2005) and Ramon Blanco (2013), who all try to set out the fundamental ideas of what is a modern state. Also according to Blanco (2013) these narratives should not be seen as isolated approaches, rather they can be viewed as reciprocally influential and interdependent narratives of different authors which, collectively, make a refined account of the state formation process in Western Europe.

The military narrative is essentially concerned with the role of violence and struggle in European state formation processes. It sees this process as the organization, and consequently institutionalization, of the internal and external use of violence. The former relates to the suppression of threats to the internal public order through the police and law enforcement. The latter relates to the influence of war, and the preparation for it, on the process of state formation (Blanco, 2013). A great contribution to this perspective is the book 'The Formation of National States in Western Europe' by Charles Tilly (1975). For him, clearly, the preparation for war was the key state formation activity (Tilly, 1975; Tilly, 1985). The process of constructing an effective military machine produced arrangements, processes and institutions that remained over time and could be used for other state purposes. This is the source of Tilly's well-known quotation that "War made the state and the state made the war" (Tilly, 1975:42).

With regard to the managerial narrative, it is clear that Max Weber had a pivotal influence. According to others (see Poggi, 2004) Weber could also be placed in the military narrative of state formation. Max Weber has often been referred to when talking about the state's monopoly of violence. Nevertheless, he has almost mistakenly been reified with this particular notion. Weber's explanation of state formation processes is much more nuanced. A closer reading of his work reveals that the emphasis on the use of force is on its legitimate use. Weber anchors legitimacy in traditional authority, charisma, or legality by virtue of the belief in the validity of legal statute and functional competence based on rationally created rules (Ghani and Lockhart, 2008:116). Weber articulates a functional view of the state,

describing its function as the legislature, the police, the judiciary, and the various branches of civil and administration (Weber, 1978:369). The managerial narrative of state formation focuses on the development of practices and processes concerned with the effective modes of management and political administration (Blanco, 2013). We can also see that in the managerial narrative 'law' or establishing a 'rule of law' plays a crucial role in forming and controlling the state (Berman, 1983).

In the first narrative we exposed a basic rationale in a phenomenon we all know as war. The second interpretation seeks a less violent, law making and bureaucratic aspect to control a territory. The next interpretation shifts the focus to a different sphere: the economy. A sphere where the processes of production and distribution of material wealth take place. This particular narrative advocates that the social changes associated with the rise of the state were themselves consequences of specific changes in the economy, particularly the development of mercantile capitalism toward the end of the Middle Ages (Badie and Birnbaum, 1983:69). This line of thinking has as its main proponents Karl Marx and various thinkers chiefly inspired by him (Poggi, 2004:102). The economic narrative emphasizes the role played by class struggle in the process of the formation and consolidation of the state (Goetze and Guzina, 2008). Marx's focus on class structures, its strategies and alliances on the process of state formation provides for a convincing explanation of the political development of states. The 1970s can be marked by a 'hegemony' of Marxist influences. According to Poggi (2004) much of what went under the name of 'state theory' was in fact a more or less sophisticated exercise in advanced Marxology. Wallerstein (1974), an influential Marxist scholar, argues that "the development of strong states in the core areas of the European world was an essential component of the development of modern capitalism" (Wallerstein, 1974). Writers in the Marxist tradition have also stressed the importance of the state as organized violence but for them this is primarily an expression of the intense antagonisms generated by a society divided into classes (Pierson, 2011).

I find it particularly useful to be aware of these three different narratives in state formation theories. In many of today's studies of state formation processes we can derive assumptions that go back to one of these three narratives: war making (with the role of violence), law making (with the bureaucracy), and money making (with the role of the economy). Recognizing these assumptions will help us understand the use of the concept of state, within different theories. Later in this paper we return to contemporary analyses on state formation in Africa which could be considered to have their roots in more Tillyan analysis of the state.

The core of the three, heavily generalized, narratives of modern state formation do seem to share an overlapping agreement of what the functions of the state entail: the state seems to be built around a flexible institutional and impersonal architecture which is needed to enter into a dynamic and collaborative partnership with the citizenry and the market (Ghani and Lockhart, 2008:122). It might be useful to further delve into the envisioned characteristics of the state.

5

The functions of a state system: territoriality, sovereignty and legitimacy

When defining the state we are faced with a bewildering range of options. According to Christopher Pierson, 'a one-line definition of the state is not always useful when commenting on it, but neither is it necessary to have a watertight definition as a precondition to discussing it' (Pierson, 2011:2).

The German sociologist and political economist Max Weber has generally been considered as the founding father of contemporary state formation theories. Weber's briefest definition of the state has often been coined as a model for the modern state: 'a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory' (Weber, 1970:78). But, perhaps ironically, it was Weber who argued that the state could not be defined in terms of its goals or functions, but had rather to be understood in terms of its distinctive means (Weber, 1978). It is within the vision of the Weberian state, that the state has the main role of facilitator for collective problems. This does not only include the formulation and execution of administrative law, it is also epitomized in the state's monopoly of violence: the legal state. Implicit in the Weberian state is the idea of a distinctive public realm and a strong direct consultation of citizens and local civil societies.

Although there is no uniform agreement about how states evolve nor about the definition of state, I would like to present a cluster of characteristics or functions around which many scholars have articulated their concepts of the state. These characteristics and explanation of functions will furthermore help us as a sort of umbrella to explain the state on the African continent. Pierson (2011) derives, from the work of Weber, eight important (and contested) characteristics of the modern state, and adds a ninth category himself. These are: control of the means of violence, territoriality, sovereignty, constitutionality, impersonal power, the public bureaucracy, authority/legitimacy, citizenship, and his own addition: taxation. Pierson's extension to Weber's characteristics of the state is not particularly irrelevant. In fact, taxation or resource extraction can be considered one of the most important functions of the state, and basic for its survival. Also Ashraf Ghani and Clare Lockhart (2008) opt for a universal framework containing ten functions of the state. According to them these functions are: rule of law, a monopoly on the legitimate means of violence, administrative control, sound management of public finances, investment in human capital, creation of citizenship rights through social policy, provision of infrastructure services, formation of market, management of public assets, and effective public borrowing. The World Bank's

1997 World Development Report (World Bank, 1997) also provides a list of state functions. It differentiates three categories that range from 'minimal' to 'intermediate' to 'activist' functions. The functions that are considered to be 'minimal' for a state to operate are: providing pure public goods, defence, law and order, property rights, macroeconomic management, public health, improving equity, and protecting the poor.

From these several, often overlapping, frameworks I would like to take out three envisioned characteristics of the modern state in order to briefly determine what they actually mean in the context of a Weberian state. These functions might be mentioned separately but are highly intertwined; one does not go without the other. These characteristics are territoriality, sovereignty and legitimacy.

Territoriality

A seemingly straightforward feature of the state is that it is a geographic entity. In theory at least, states occupy a clearly defined physical space over which they characteristically claim sole legitimate authority (Pierson, 2011). Pierson argues that territoriality is a feature of statehood which is recognized by a wide range of writers (from Hobbes through Weber to contemporary theorists such as Anthony Giddens). It is a clearly defined territoriality which is one of the things that mark off the state from earlier political forms, such as pre-modern empires (Pierson, 2011).

Sovereignty

Ghani and Lockhart have defined a sovereign state quite vaguely as one that 'earns legitimacy at home and abroad by performing its critical functions in an aligned manner' (Ghani and Lockhart, 2008:178). In this regard Francis Hinsley (1986), in his book titled 'Sovereignty', comes up with a much more workable definition. He defines sovereignty as 'the idea that there is a final and absolute authority in the political community', with the condition that 'no final and absolute authority exists elsewhere' (Hinsley, 1986:26). Hans Morgenthau defines sovereignty in legal terms as the appearance of a centralized power that legitimately exercises its lawmaking and law-enforcing authority within a certain territory (Morgenthau, 1967:299). The essence of sovereignty is not that a state can do whatever it pleases. Rather it is the idea that, within the limits of its jurisdiction, no other actor may gainsay the will of the sovereign state (Pierson, 2011:11). Sovereignty is a concept that works both internally and externally. On the one hand sovereignty can be considered a political entity's externally recognized right to exercise final authority over its affairs. On the other hand sovereignty can be seen as the ultimate authority reigning over a particular domain (Biersteker and Weber, 1996:2). Territory, population, and authority, in addition to legitimacy, are important aspects of state sovereignty.

Here I would like to come back on another reading of Hobbes. Michel Foucault suggests that the social contract theory can be understood as an attempt to connect government with sovereignty (Foucault, 2007:103). Quentin Skinner (1989:118-121) confirms this interpretation by noting how sovereignty arises from the contracts of particular persons but remains irreducible to the rights of citizens either individually or collectively. In his renowned work *De Cive* Hobbes argues with regard to the social contract that the 'right that every man had before to use his faculties to his own advantage, is now wholly translated on some certain man, or council, for the common benefit' (Hobbes, 1983:105).

Legitimacy

Issues of legitimacy are absolutely at the heart of the assessment of the state. It might be worthwhile to turn to Weber's work 'Economy and Society', in which he offers the following definitions of legitimacy and legitimate authority: legitimacy delineates 'the prestige of being considered binding'. Legitimate authority defines an authority which is obeyed at least in part 'because it is in some appreciable way regarded by the (subordinate) actor as in some way obligatory or exemplary for him' (Weber, 1978:53). Pierson sets out his argument regarding the state's function of legitimacy by illustrating that authority and legitimacy imply that, under normal circumstances and for most people, the actions of the state and its demands upon its population will be accepted or, at least, not actively resisted. Without a level of legitimacy it is hard to see that any state could be sustained (Pierson, 2011:18). According to John Schaar, a claim to political power is legitimate only when the claimant can invoke some source of authority beyond or above himself (Schaar, 1981:17). Ghani and Lockhart (2008) contribute their mite by claiming that legitimacy is not static. Rather, it is an ongoing process of public discussion and the formulation of alternative policies and actions. What is characteristic of the contemporary state is not only the weight given to legal authority, but also to the idea that the state embodies and expresses the (sovereign) will of the people.

6

Oversimplification

I confine myself here to one supplementary point concerning the fragmentary critiques on the oversimplification of the Weberian state. It is, undeniably, gratuitous to oversimplify, especially when several disciplines are working with a similar concept. But 'in general' I do concur with the critique that the modern state is no longer solely seen as a sovereign body that claims a monopoly of independent territorial power and means of violence, that inheres in but lies behind the apparatuses or institutions or formal political authority, and that is separate from the rules and the ruled. Many have even recognized that the philosophical and constitutional characteristics of the sovereign state are somewhat misleading (Miller and Rose, 2008). After a period of new appreciation for Weber's theory of state in the late 1960s, early 1970s we are now in a time where there is almost a habitual condemnation of the limited concept of the Weberian state. This condemnation is frequently followed by a counter argument that presents the revised version of more ideal state formation theory or definition of the state (cf. Nettl, 1968). Hence, it seems to be popular to start inquiries of the state by affirming what the state is not.

We can also find this condemnation in the domain of international development policies, but this is merely directed to 'the other' state. Of course, state functions may change over time, and the range of those considered necessary at a particular point is subject to the consensus at that point (Ghani and Lockhart, 2008:124). But despite the recognition of an oversimplification of the state based on Max Weber's ideas the core elements of the state have remained largely untouched by neorealist critics. Irrespective of whether the state is supposed to dominate national (economic) development, or whether its main task has been limited to providing a secure environment for investment, apart from the Marxist school a total dissolution of the state is not seen to be very likely by any major school of thinking (besides perhaps from social anthropologist A.R. Radcliffe-Brown (1940), who found it a source of mystification and argued that the concepts of government and politics were all that was needed for an adequate conceptual grasp of the political).

I have tried to briefly unveil what is to be understood as the Weberian notion of state or 'Westphalian modernity.' Most of all, the Weberian state theories stand as a symbol for the driving force behind representative democracy at all levels and is by definition state-centred. With this general understanding of the concept of state and its main functions, I would now like to look at how this image of the state echoes back into donor policies on the state in Africa, particularly to the case of the Democratic Republic of Congo.

7

Donor perceptions of the state

Today, the international order is increasingly recognized as one consisting of nation states. This is, in both theory and practice, an extremely contentious and confused area (Pierson, 2011:10). The ubiquity of the nation-state is nicely captured by Anthony Smith:

'In the modern world only one form of political community is recognized and permitted. This is the form we call the 'nation-state'. It is easy enough to discover. Nation-states have frontiers, capitals, flags, anthems, passports, currencies, military parades, national museums, embassies and usually a seat at the United Nations. They also have one government for the territory of the nation-state, a single education system, a single economy and occupational system, and usually one set of legal rights for all citizens.'

Smith, 1986:228

In policy headquarters in Washington and New York the nation-state is accepted to be the ultimate and impersonal arbiter of secular dispute (Nnoli, 1994:28-29). That the nation-state has implicitly been given an important role in international policies can also be found in the fact that Francis Fukuyama (2004) has been using the terms 'state building' (Fukuyama, 2004:xviii) and 'nation building' (ibid:51) interchangeably in order to refer to the same act: creating or strengthening institutions which will have self-sustaining state capacity once foreign aid is withdrawn.

Mainstream development debate has increasingly come to assume that development is contingent on this Weberian state, or nation-state, which also includes liberal economic policies. When major donor countries and their associations like the Organisation for Economic Co-operational and Development (OECD), multilateral institutions like the International Monetary Fund, the World Bank, and the United Nations engage in state building this is (implicitly) measured against a notion, a hope or an expectation of a state as it should function (Wulf, 2007:4). The absence of the aforementioned characteristics of the Weberian state is seen to constitute state failure in developmental terms.

Major donor countries squarely address the role of the state and concentrate their intervention and aid efforts on state building. Nonetheless, explicit definitions of 'the state' remain rare in today's policy papers of international development organizations. The World Bank's definition matches Weber's characterization in describing the state as 'a set of institutions that possess the means of legitimate coercion, exercised over a defined

territory and its population, referred to as society' (World Bank, 1997:20). The range of concepts used in the donor community have, indeed, emerged to describe how other states deviate from an ideal-type state. They are meant to describe states which do not live up to the common understanding of how states should work, ranging from collapsed, failed and failing states, to fragile, crisis, rogue and poorly performing states, difficult partnerships and low-income countries under stress (Stepputat and Engberg-Pedersen, 2008:2). While the various terms signal differences in analysis or approaches for 'fixing' the functioning of the state (Ghani and Lockhart, 2008) or rebuilding it, they thus have in common that the state is malfunctioning, not functioning at all or has even collapsed. Consequently, the use of this state imagery might further reinforce the donors' attempt to 'correct state trajectories' (Faria, 2011:18).

8

Donor views on the Congolese state

The dominant idea of the Weberian state also has its consequences on country-specific donor programmes and policies. The state imagery of the aforementioned World Bank's development report, for instance, implies that there is a division between state, as an institutional apparatus, and society as the population that needs to be serviced. Many state building programmes are currently directed to service delivery and improvement of the state-society relationship. We can also hear the echoes of the ideal-type state through the donor policies that are specifically directing the Democratic Republic of Congo. Be aware that a topic such as this can have strong political implications. However, the main objective here is to highlight certain visible assumptions and argumentation on the idea of state and state formation in international policy directed towards the Democratic Republic of Congo. I do not have the intention to evaluate the capacities or outcomes of current state building or governance programmes nor is this relevant for the arguments in this paper.

The OECD argues that the processes of state formation are largely domestically driven and international state building assistance has a limited role to play (OECD, 2008). Nevertheless, state building has become one of the priorities of many donors around the world, making it a process which ought to be influenced from the outside. The work of bilateral donors active in the Democratic Republic of Congo is no exception. The question, however, is how these donors portray the Congolese state, especially in the eastern regions of the country. The aforementioned functions or characteristics of the modern state are reflected in today's policies and strategy papers on the DRC.

The DRC is emerging from a long period of conflict and mismanagement which have had devastating impacts on the economy, the institutions, and the social fabric. The World Bank strategy of 2013-2016 clearly states that they believe that years of conflict and neglect by the central government have led to the near-total collapse of state authority and services in the Eastern region, allowing armed groups and criminal elements to operate with impunity. At the same time, years of conflict have destroyed most state-owned infrastructure, while continued insecurity impedes the restoration and deployment of state services beyond provincial capitals (World Bank, 2013). Also the British Development Agency, DFID, sees the Congolese state as being unable to provide security or ensure protection for the whole population. The upsurge in violence has brought into sharp focus the on-going fragility of the region and the significant challenges to promoting effective stabilization as a foundation for long-term recovery and development (DFID, 2013). One of DFID's six principle areas in their work in DR Congo is 'Strengthening the rule of law and tackling the root causes of conflict.'

DFID argues that international evidence indicates that progress in these areas is critical to achieve meaningful transformation of the institutions of the state (DFID, 2013). In line with DFID, the World Bank's report of late 2013 notes that improved security is a precondition for development in the region. It quite convincingly states that 'the persistent instability in the East is the obvious manifestation of crumbling state institutions. Dysfunctional institutions that are not held accountable have diminished the country's resilience to both internal and external shocks' (World Bank, 2013). This multilateral organization concurrently contends that strengthening these institutions could 'unlock the economic potential of DRC overall and of the Eastern provinces in particular' (World Bank, 2013).

Donors state clearly that it is important for the Congolese state to monopolize violence and, consequently, that this process is a driving force in state 'making'. The modern Congolese state ought to protect its citizens. It needs to be able to guarantee their security by establishing the rule of law and a working security sector, like the military, and an effective police force. We can see here again the so-called territorial sovereignty of the state. This neatly resembles our aforementioned characteristics of states. Other common features in the donors' assessment of the Congolese state are 'the representation of its population' through institutions as well as the provision of welfare, in order to be seen as a 'legitimate actor.'

'State institutions are captured to prey on the poor, and there is little investment in public goods and services, severely limiting the population's access to basic services,' is what the World Bank unmistakably argues in its mission statement for DR Congo 2013-2016 (World Bank, 2013). Here, the state is seen as a device hovering above society that can be used for good or for bad ('to prey on the poor'), depending in what hands it falls. They also argue that delivering public services are the prerequisites for addressing the underlying structural causes of conflict, violence and underdevelopment. Also the 2010 context analysis on DRC conducted by a partnership of Dutch NGOs and the Dutch embassy in DRC notes that the lack of services in Eastern Congo is caused by the absence of a functioning state (Cordaid, 2010). Similarly, DFID demonstrates in its white paper that it believes it is necessary to build national capabilities to deliver services and promote economic growth. Wherever possible, they will seek to improve public service institutions and accountability (DFID, 2013). The World Bank also sees 'upgrading the delivery of social services' as an important necessity for Congolese society and that accelerating the delivery of basic services might bring the state closer to the population. The general conviction that is behind many of these white papers is that state legitimacy is founded on the government's ability to provide for an equitable distribution of certain identified basic needs such as security, health, education, availability of food, and so on. Service delivery breeds legitimacy.

Delivering equitable, inclusive and quality services in security, health, education and other sectors saves lives and is believed to transform governance structures by 'empowering people to participate in decisions that affect their lives and strengthens the state-citizen relationship' (DFID, 2013). 'Fostering positive state-citizen relations,' is what DFID believes is necessary in DR Congo (DFID, 2013). Here we come to another important envisioned aspect of state and state formation: state-society relationship, which we have previously seen in the concept of the social contract. Concepts such as accountability and empowerment are related to this. By means of dialogue and specifically directed programmes, donor countries

like the Netherlands aim to promote the political process between citizens and the state and the capacity of the government (DGIS, 2008; DGIS, 2013). Since these state structures are absent, a lack of (good) governance is also an impediment to development according to the context analysis of the Dutch NGO consortium (Cordaid, 2010). The general idea behind this is that the absence of state structures generates an increasing distrust between population and government and creates a further weakening of societal cohesion. The underlying problem is that 'sweeping corruption subverts the social contract between the state and its citizens' (Cordaid, 2010) and it is argued that this will furthermore undermine the authority of the state. Inherent in the idea of state is, thus, the divide between the domain of state and the domain of civil society, which work together in a social contract, a sort of memorandum of understanding. This is not necessarily written in laws or taught in schools, but it is believed to develop through interaction and might ultimately be epitomized in the sovereignty of the state.

After evaluating several donor policies related to the Congolese state, we can argue that also in the policy domain the idea of a state is intrinsically linked to territorial sovereignty and the guarantor of social services. What can, furthermore, be derived from current state building programmes of these organizations is that legitimacy is believed to be essential for the survival of the state as we know it and crucial in attaining sustainable security and territorial sovereignty. Following the OECD's concept of state formation processes, donors cannot impose legitimacy nor can they easily maintain it once it exists (OECD, 2010). However, donors seem to want to support the enhancement of the legitimacy of the state in two ways. First, the state is seen to gain output legitimacy through the provision of public goods and services (including security). This hypothesis dominates the intervention strategies of all major donors active in Eastern DRC. Secondly, input legitimacy is gained when citizens participate in and believe that it is 'right' that the state is there. Input legitimacy is realized through representation and participation and therefore requires responsive government units that embrace accountability and which foster civil empowerment. If output and input legitimacy are not present, 'governance', so stated, 'becomes really difficult' (see Cordaid, 2010). What is more, the state is, despite the aforementioned statement of the OECD, believed to be malleable by exogenous factors like military and development aid (international control is required to nurture local ownership) and outside intervention is used to foster self-government (see Paris and Sisk, 2009, on the dilemmas and contradictions of state building). Hence, donor policies on the DRC seem to unequivocally use the image of the Weberian state as their point of reference. In order to foster a responsive state through service delivery and civil empowerment the Congolese state is, in policy papers at least, steered towards a trajectory that resembles the imaginary state of Weberian state formation.

Policy papers are informed by local practices but still written in policy headquarters like Washington, New York, London, and also The Hague. In my young adult life I have read far too many policy papers: more than I am willing to admit. At one point they all started to look the same, but that is not the point. The point is that there frequently is a difference between the vision of actual problems between people that formulate policy and people who execute policy in the field. In order to get an idea of the practitioners' vision of the Congolese state I went to talk to NGO workers and staff of multilateral organizations which were based in Bukavu during the time of my fieldwork.

9

State and the city in the DRC

Starting fieldwork in the city of Bukavu felt to me like finding the physical entrance to a maze which was made up exactly of these concepts of state and its right ingredients and characteristics. With my theoretical preconceptions and less academically sound hunches about where to find my appropriate governance dynamics and local forms of state formation I went in search of concrete examples. Where could I find everyday practices of state formation which would not only give me ample examples of the mundane relationship between state and society but which would also provide me with accessible stories and cases of competing institutions - stories that could perhaps put our accepted view of governance and state into a different perspective.

Before arriving in the east of Congo, my understanding was that land management in peri-urban Bukavu could be an excellent entry point into governance practices between authorities and their constituencies. Literature review on land management in Africa as well as on larger disputes convinced me that 'land' and 'governance' could reveal an interesting dynamic. However, most literature that was available to me at the time talked about land in rural Congo, not much was written about land and the city in eastern Congo. Upon arrival, I was not convinced that I would be able to find what I was looking for: a diversity of competing governance practices related to land management in the city of Bukavu.

I spent the first two weeks of my fieldwork in Bukavu trying to get a grasp of the NGOs' concepts of the Congolese state as well as that of competing institutions in South Kivu. First and foremost these meetings were intended to help me understand what it was these national and international organizations were involved in, but also to understand their concepts of the state and governance in general and, occasionally, land governance in particular. I visited several international NGOs, two local NGOs, and the offices of MONUSCO and UNOCHA in Bukavu. Interesting as these discussions were, they also started to confuse me while looking for the entrance to that said maze. The message that I got from them is that we need to help the DRC because the state is absent, but that this does not hold true for the city of Bukavu. In the city, the state is everywhere we look. 'Bukavu is the state.'

Bold statements and generalizing arguments often work well in policy circles and they had an impact on me too. Almost all the organizations told me or advised me, with a lot of respect and with the best intentions, to travel to the rural areas as I would be more successful in finding cases of competing institutions and disputes, especially when talking about land

management. When commencing the meetings at the offices, the advice which I got was quite similar. 'Land disputes are not that common in Bukavu', 'Of course there might be disputes about land in the city. I think they happen everywhere, also in the city, but here in the centre I do not know of any. Things are pretty much modernized now in Bukavu.', 'If you are interested in land governance then there is only one place you should go: to the Mwami (traditional king) in the territoire'. The conversations that I had, turned out to circle around four different, but interrelated themes which all involved the idea of the state. These were: modernization, weak or absent state, competing laws (modern versus traditional), and lastly ethnicity and identity. I do want to make one caveat, however, which is that not all the staff I talked to were experts on land and governance. I use these examples because they reflect the general idea of the state and the city in Eastern Congo. It is not meant to discredit any of the people I talked to and who were so helpful in making time for me.

The conceived notion around modernization is that Bukavu has already developed beyond the more traditional phase. Currently, Bukavu is urbanized and it is also the seat of provincial parliament. Laws and legislation have been written and can be executed by the present government and its civil servants who are visibly present in the city. One of the informants told me that they 'worked together with the World Bank, the provincial office of the Land Registry (locally known under the name the 'Cadaster') and the division of (urban) Planning to help formulating state policies that are more up to the task of the 21st century.' He later added that 'the city and its local government have been able to modernize its land management policies. Real land problems and contests are no longer prevalent within the city'. At one of the Dutch NGOs that I visited, a fieldworker told me in a similar vein that state institutions in the city have been rapidly modernized and they do not foresee development and deprivation questions in the city related to land. A lawyer working for one of the local organizations that I spoke with told me that the need to work on land issues in the rural areas is far greater, precisely because of so-called 'modernization.' 'Modernizing the rural areas, will come with many clashes and conflicts'. The general view of the city of Bukavu is in line with Achille Mbembe and Sarah Nuttall's work. They state that the 'ways of seeing and reading contemporary African cities are still dominated by the meta narrative of urbanization and modernization (Mbembe and Nuttall, 2004:353). Maren Kraushaar and Daniel Lambach explain that modernization theories describe situations such as that in Bukavu as one in which modern institutions slowly supplant traditional ones, leading to the eventual emergence of Western, Weberian-style states across the globe (Kraushaar and Lambach, 2009). According to this view, societal institutions based on tradition and customs are remnants of pre-colonial pasts, which must be overcome to achieve the modernization into a state.

In addition, a fundamental aspect of the idea of the state locates the state in the city. The city can be considered as the location where 'state density' is higher compared to 'ungoverned' rural areas where tradition is still prevalent. The (provincial) city's core, where the state is located and concentrated, is the 'integrated locus of authority' from which the state is supposed to be able to extend its authority to the greater territory (Migdal, 2001:9). States and cities have not only surprising proximate delimitations they also stand symbol for a perceived trajectory to modernization. This could perhaps be the reason that there was no direct priority to focus on the city as the state seems to be omnipresent in that area. Yet,

when asking about modernization a staff member of one of the multilateral organizations told me that 'modern' does not mean the same thing in Bukavu as in Europe or the United States, but that modern needs to be seen as a stage in the development of the city. In line with such thinking, James Ferguson argues that the application of a language of alternative modernities to the most impoverished regions of the globe has, simultaneously, become a way of turning away from the question of a radically worsening inequality and its consequences (Ferguson, 2005). This point could further delineate that seeing the city of Bukavu as steadily modernizing, inherently means that there is a risk of being blind to other problems in the city. Or perhaps it might entail Bukavu becoming a new type of city or changing into an alternative type of modernity (cf. Myers, 2010).

The recommendation to focus more on the rural area was also related to rights and the competition between laws and rights which people simultaneously try to use. Legal ambiguity is not as much a problem in the city as it is in the villages, was the general conviction. A local organization told me that they 'are now working with partners in the rural areas, in the territoires, outside of the urbanized city of Bukavu. Here we can see the use of different laws: traditional versus modern. As well as different practices: heritage, local traditional courts looking for public justice and payments done through other means than cash.' The confusion over what law to use is immense. In the city people can go to the Land Registry to get the papers. 'The reality in rural areas is too chaotic, depriving the poorest.' 'Based on the law of the state people might not have rights to land, but according to the laws and customs of the traditional chiefs, families might all have the right to live on that land', is what another big NGO in Bukavu added to this argument. Moreover, the lawyer of one of the NGOs argued that 'the personalized management of chiefdoms by customary authority makes land governance in rural areas a more pressing issue than in the city.'

According to a staff member of one of the multilateral organizations it is also a matter of legitimacy. In the city the state enjoys enough legitimacy. 'Bukavu is the state.' The state does not work perfectly, but in Bukavu people cannot avoid the state because of a much higher state density. The director of a local NGO explained to me that the state is better represented in the city of Bukavu. 'We can see all the offices, the cars of the ministers, but also electricity and water. The state might not always be effective, but is present nonetheless. In the urbanized centre the state is not threatened by any other organs. In the territoire, we do have potential conflicts of legitimacy between organs. If we are not careful land governance in the territoire will continue to be characterized by antagonisms and ongoing political conflicts and turf battles between the Chefferie council enjoying public confidence and the Chief Executive, the Mwami, designated according to local custom, therefore not benefiting from the consent of the local population.' There is still an ambiguity of roles, according to the Director of this local NGO, which will make the planned decentralization process extremely problematic.

One of the NGOs which had a programme on land governance in rural areas to tackle women's deprivation due to a lack of access to land, argued that the rights of people in the city seem to be far better protected, 'if not by the government, then definitely by community-based organizations located in the city.' This understanding of urban centres correlates closely to Bourdieu's definition of the state as the site of concentration of violent, informative, symbolic and economic capital (Bourdieu, 1994). These spatial geographies

locate the state in the city, or the city-state (Hunt, 2006:94). In the city, the state is the legitimate sovereign authority.

As we have already seen in the policy papers of bilateral and multilateral donor agencies, the absence or weakness of the state is a real threat to development and security. Also for the NGO staff it was an important reason to focus specifically on the rural areas of South Kivu. One of the arguments used was that 'Bukavu is the capital of the province. And although people remain poor, the capital provides for more economic opportunities and there is much more security, both physically and socially. In the rural areas, the state's presence is far less evident and traditional customs may prevail and rebel groups might also be further weakening the state.' A staff member of a multilateral organization told me that 'if we do not focus on the rural areas the security threats to the more populated city will detrimentally increase'. The other side of the coin regarding this argument was used by one of the local NGOs stating that chances of success in strengthening local administration and local conflict resolution mechanisms are considered to be higher in the rural areas, since 'the state is almost absent in the territoires'. A local NGO which receives financial and material support from three international NGOs told me that it might also be a matter of triage. They choose the rural area over the urban area. Especially in remote areas the capacity of the state is believed to be very weak. 'And no state, means no protection or development to many of the NGOs.'

This points towards a broader perception of the modern state as located in cities and towns, while the population in rural areas is represented as living under a different set of conditions. In the past 20 years several rebel groups have tried to occupy the two capital cities of North and South Kivu, namely Goma and Bukavu. This was done with different degrees of success, depending on time and faction. During my fieldwork it also seemed important to the rebel group M23 to conquer the urban centre of Goma. Eastern Congo is home to an abundance of rebel groups even though the UN's largest mandate exists in the region. Only when these groups come close to one of the urban centres do security forces force them back. The city thus represents the 'state' and is the spatial language of the 'state' (Hunt, 2006:97); attacking the city means attacking the state.

The presence of different ethnic groups and identities was another point that came up during the discussions. One of the lawyers of a local NGO noted that ethnicity and identity have also been used in the competition over and occupation of land, leading to disenfranchisement and conflicts. However, ethnicity and identity problems around land are not common in the urbanized city, she assured me. 'We can see ethnicity and identity problems in the rural areas of the province, between cattle holders and farmers, between ethnic groups in North Kivu fighting over land rights. In Bukavu we do not have these problems.'

The different academic theories on state formation as discussed at the beginning of this paper have already given us a preconception of the state. In addition to these theories of state we have seen how international development policies have built their assumptions of state and state formation on the Westphalian idea of the state; but the Congolese state is identified by its weaknesses and failures. I also learned that the idea of state used by people in field offices of multilateral organizations and NGOs was constructed on concepts of 'the

haves' and 'the have-nots'. The 'haves' are the ones who have access to water and land or who have (modern) rights. The 'haves' are believed to live in the city. The 'have-nots' can be found in the rural areas. Concomitantly, the policies of the major donors have stated the need to focus on rural areas because 'insecurity impedes the restoration and deployment of state services beyond provincial capitals' (World Bank, 2013). The provincial capital, Bukavu, has thus been categorized as an exception to severe and immediate service delivery problems due to marginalization by the state, since the provincial capital is as often seen as 'the state.'

The rural, 'voided,' areas and the city are thus perceived as being two separate images of territories that need to be governed concurrently by the state. In the explanation of many of the staff members I spoke to, this seems to hide a geographical assumption. If there are indeed two images of territories then we came to see the modern city versus the traditional rural areas as separate entities that need to be catered for in different ways. Among practitioners in Bukavu, the city, like the state, is mainly seen as already 'modernized'. The state in the city is therefore no longer a fractured whole, but a unified block in the eyes of the people I have talked to. The rural areas are, however, seen as being heterogeneous, almost anarchistic regions which are characterized by the absence of 'state', or a 'lack of governance,' which also implies insecurity.

10

The state as an idea: images of 'stateness'

Once more we can say that among practitioners the image of the state as an expression of effective territorial sovereignty and legitimate authority capable of protecting and nurturing population and economy has become the dominant view on how the state in the DRC is ought to function. Given the universal acceptance of this notion of the state, all states are compelled to struggle to approach this ideal, or at least to pretend to be striving to establish it. The idea of the state, therefore, has become what Gopal Balakrishnan calls 'an objectively operative fiction': an idea that forms the basis for the design of formal institutions, even if the states in question are far from corresponding to it (Balakrishnan, 2004). The myth of the state as a sublime image consisting of absolute control over both territory and violence, is an image to which the state must subscribe in order to remain legitimate not only at home, but also in the eyes of the international community (Hunt, 2006).

Fundamentally, the state is, indeed, an idea. We came to see this in the policy papers, but also in the explanations by staff of donor agencies in Bukavu. This is again saliently manifested in the widely held conflation of state and nation (Connor, 1994:92). As we have already seen, the nation state is supposed to be a representation of the will and interests of its citizens. Through the discussions that I had with staff members of NGOs and multilateral organization in Bukavu, we could also argue that international organizations can equally be considered to be transmitters of this image of the state. And clearly, diffusion of this idea has been established through international development aid and military interventions.

Long ago, Philip Abrams pointed out that by positing a mystifying separation of the political and the social, scholars have objectified and personified the state. As an alternative, Abrams proposes that we study the state apparatus, with all its characteristics and functions, as well as the state idea (Abrams, 1988:81). Philip Corrigan and Derek Sayer demonstrate that the idea of the state can be discovered in daily practices. They highlight how everyday state routines, rituals, activities, and policies, constitute and regulate the social making of meaning (Corrigan & Sayer, 1985:191).

According to Pierre Bourdieu the state condenses four types of capital: violence, economic capital, informational capital, and symbolic capital. I already briefly mentioned these aspects. Together they constitute, so argues Bourdieu, capital étatique, state capital, the (meta)authority to validate or invalidate other forms of authority, that is, to have the last

word in a territory, to have the last judgment (Bourdieu, 1994). Here, the 'last judgment' can be considered a concept that comes close to territorial sovereignty. Bourdieu speaks of symbolic capital 'as any property when it is perceived by social agents endowed with categories of perception which cause them to know it and to recognize it, to give it value' (Bourdieu, 1994:8). Bourdieu builds on the concepts of Cassirer's 'symbolic forms' and Durkheim's 'forms of classification' when stating that social agents construct the social world through cognitive structures that may be applied to all things of the world and in particular to social structures, like perceptions of the state and its power relations. Bourdieu, furthermore, shows that through framing practices carried out by the state, the state imposes upon practices common forms and categories of perception and appreciation and of understanding or of memory (Bourdieu, 1994:13). The symbolic capital, coined by Bourdieu, can be explained through the language of 'stateness' appropriated by state institutions. The state not only attempts to be a state for its citizens, it also strives to be a state for itself and is expected by populations, politicians, and bureaucrats to employ 'proper' languages of 'stateness' in its practices and symbolic gestures (Hansen and Stepputat, 2001:6). Bourdieu is not so much interested in how the state governs but rather how specific authority of the state, its 'stateness', and its hegemonic location at the centre of society is produced through symbols and rituals.

Symbolic languages of the state aim at reproducing the imagination of the state as that specific authoritative centre of a society which is, in principle, capable of issuing what Bourdieu calls the 'last judgment'. Hansen and Stepputat (2001) differentiate three different forms of symbolic languages deployed by authorities: I) the institutionalisation of law and legal discourse as the authoritative language of the state and the medium through which the state acquires discursive presence and authority to authorize; II) the materialisation of the state in a series of permanent signs and rituals: buildings, monuments, letterheads, uniforms, road signs, fences; and III) the nationalisation of the territory and the institutions of the state through inscription of a history and a shared community on landscapes and cultural practices (Hansen and Stepputat, 2001:8). Crawford Young has also stressed that the state is an 'ensemble of affective orientations, images, and expectations imprinted in the minds of the subjects' (Young, 1994:33).

Finn Stepputat gives us a short anecdote on how one of his former colleagues talked to a villager in Guatemala about the city and the state. When they were talking about rights the villager supposedly told him that rights was something he has heard of. 'Rights' were apparently present in a city on the other side of the valley. Perhaps they could also bring something like that to the place he lived, is what the villager told him. Stepputat argues in turn that the universality of the rights of the citizen wherever he or she may roam is one of the hallmarks of the modern nation state (Stepputat, 2000:284). Rights, which was also used as an argument by some of the NGOs in Bukavu when talking about the 'reach' of the state, are seen as part of a consequence of living in a sovereign state. It stands symbol for the state as a locus and arbiter of justice. The spatially differentiated representation of state and citizenship poses the question of how the state is territorialized but also of how different segments of the population relate to the state as an idea and a set of institutions (Abrams, 1988).

What happens when 'the state' does not enjoy the Weberian notion of sovereignty, what if the state does not reach to all the areas in the country as, supposedly, is the case in Eastern Congo or like in the example given by Stepputat? When the state is weak or not present or when there are other organizations competing with the state authorities what happens then with the state's symbolic capital and consequently with the idea of 'stateness'? Does this unavoidably lead to the production of local ideas of state as 'amoral' and 'vacuous' (as portrayed by Chabal and Daloz, 1999)? To answer these questions it might be interesting to look at how inhabitants of Bukavu perceive the state. Is there a difference between images of the state used in policies and by practitioners and those that are held by ordinary people in Bukavu (based on envisioned practices of the state)? Delving into this query might help us further understand local expectations as well as explanations of mechanisms of the Congolese state.

11

A Congolese image of the state

Before starting my fieldwork in Bukavu, I had the idea to ask inhabitants of the city to take pictures of what they believe symbolises the Congolese state. For my first period of fieldwork I therefore bought around twenty disposable cameras. The simple idea behind this was that by giving Bukaviens a camera they could take pictures whenever they felt comfortable and without my presence. My assumption would be that my presence alone would direct my informants to a certain answer. Although this methodology was never a big aspect of my research it sure was an exercise I was looking forward to. Taking pictures in Bukavu, however, turned out to be more difficult than anticipated and I consequently changed my inquiry to more acceptable terms. The first alteration was discarding the cameras and the second, more drastic, change meant that I would not be present during the inquiry: I would leave these questions to my research assistant. My interpretation of the situation was that people were too sceptical, occasionally even afraid, to answer these questions. Perhaps, due to a form of distrust, people would politely tell me that they do not know anything about the state or that they are not the right person to say anything about it. Other more concrete responses which people gave me was that they did not want to get involved in politics or that I should go to the mayor or to politicians to discuss the matter. My assumption was that most of the distrust could be taken away if someone from the area would ask the questions instead. During my fieldwork I was assisted by Pascal Birhindwa during the first period and Innocent Ntabarusha Birhalya during the second and third period of fieldwork, both of whom provided invaluable input.

In order to better understand how Bukaviens see 'the state' in general and the Congolese state in particular my research assistant asked over a hundred people in Bukavu three questions. The first, more general question involved people's view of the state: 'What do you see as 'the state'?' The second question, which I wanted to ask by letting people take pictures themselves was formulated as follows 'If you were to take a picture of something that resembles the Congolese state, what would that be?' Although there was no camera involved we received many drawings made by the informants. Instead of taking a picture, they made sketches of certain situations or impersonations of the state including an explanation of what they had drawn. And lastly, in order to get an idea what the inhabitants of Bukavu believe the Congolese state is doing we asked the question 'Does the Congolese state help you? If yes, how does it help? If no, how could it help?' Perhaps this last question could be seen as a bit suggestive but the main intention was to get people to talk about their own experiences and to take out the politics as much as possible. The first question is an object type question. The last question is a procedural enquiry. By switching from a highly nominal approach to

a procedural enquiry I was thus hoping to get people to elaborate more on what the state means to them.

I wanted to do this methodological exercise not to make any generalizing statements about the idea of 'stateness' in Bukavu. A sample of just over a hundred people is far from a representative group. Nor did I want to focus primarily on 'the state' during my research. My first objective here was to see how I could use different interview techniques during my fieldwork period. And secondly, I wanted to get an impression whether the idea of the state was different among Congolese as compared to Western conceptions and subsequently whether I should use that in order to change the way I asked my informants questions about governance in which I touch upon matters of the state. Another premise, was that there might be potential value in exploring the place of seemingly trivial objects, images and experiences in people's construction of their ideas of the state and their place in it. Hence, the idea of taking pictures or making drawings.

My research assistant and I decided that at least one fourth of the respondents should be working for the state in order to compare their answers to those of 'citizens'. Bukavu is administratively divided into three communes, namely Ibanda, Kadutu and Bagira. The total of our respondents had been equally divided over these three communes. Asking authorities about their vision of 'the state', was definitely not an easy task. I, but especially my research assistant, had regularly been threatened by higher-ranked authorities. Several times he was asked to apologize for asking questions about the state. Often he was not given an answer. And in the best case he was given an explanation of the workings of parliament. Because of the, sometimes hostile, situation that we encountered at provincial ministries and with members of the provincial parliament I decided to limit our enquires to people of the lower tiers of government, people working for the local government (*maison de la commune* or *maison communale*) or those working as a chief in the neighbourhoods.

12

Perceived absence of the Congolese state

In order to get a notion of the perceived presence of the state in Bukavu, I would first like to delve into the answers to the third question: 'Does the Congolese state help you? If yes, how does it help? If no, how could it help?' In this query there is the aspect of the presence of the state, 'Does the state help', but instantaneously the question refers to envisioned functions of the state 'how does it help?' or 'how could it help?'

There was only a handful of authorities that answered this question positively. The affirmative answers alluded to a situation of peace and a general sense of safety. And most of these positive responses came from higher-placed officials in the local government. The majority of the interviewed authorities spoke, however, with great discontent about their state and the help they received from it. There seemed to be a pronounced disgruntlement with their superiors. A recurring answer given by authorities was that the 'state only helps itself', or 'it helps some, but not others'. In most cases authorities referred to the fact that they were either very underpaid or did not receive any salary at all. The argument about being underpaid is nevertheless an account that is present in all tiers of government, both higher and lower echelon bureaucrats. Many civil servants and neighbourhood chiefs, who, on certain occasions, seem to identify themselves with the state, declared that the state was either absent or corrupt.

When state authorities themselves do not speak highly of the state, then the population at large will probably not be very enthusiastic about the Congolese state either. There was, however, a small, but significant group of people who spoke positively about the state. Their perception of aid received from the state all seemed to revolve around one mutual theme: security. If the Congolese state was to help its population, then this was done through protection of its citizens. This was the answer of a few respondents. The state helps people simply because they are now living in peace: the absence of war was proof of the existence of a Congolese state that is working somehow. The monopoly on legitimate violence in order to protect its citizens was an important aspect of the state and for a few of our respondents when speaking of their own state. Whether they agreed about the present form of security or not, creating security was mentioned by the informants as a main task of the Congolese state.

Yet, the vast majority of answers that we received were crushingly negative. The verbal accounts on the lack of help from the state centred especially around the matter of corruption. The rampant spread of corruption made many respondents believe that there is no such thing as a functioning state or that there is complete disorder in the country. In many accounts we found the recurring belief that 'Congolese leaders are selfish', or that the state is very selective in helping people, since 'they only help themselves' or 'the state is at the service to those in power.' Another aspect that made people believe that there is no state in Congo is because there is no justice. Over a dozen informants spoke about the fact that whoever has money, will also receive 'justice'. 'It is money that speaks and controls the country.'

Despite the ranting accounts of the lack of the state's help we were able to take a few other things from the given explanations. When the informants spoke about the state and their own experiences, the examples were not only very articulated and colourful, but their stories also revealed functions of the state which they believed needed to be present - functions which became visible only through their absence. People mentioned the state as a service provider. Yet, since many services are not delivered, many informants did not see the state in Bukavu. The state is not helping the population because it is not providing access to medical care, schools, electricity and water. It does not create jobs and does not pay or educate good teachers - was all part of the general retort. Several informants explained that they turn to the church and local associations for help and exhibited the hope that NGOs might be willing to help them and their state.

13

What is a 'state' according to Bukaviens

Our informants displayed a clear image of what they believe the state ought to be despite their contempt of, and great disappointment in the state and the perceived lack of support provided. The answers given and the ideas they reflected are highly rationalized, articulated and surprisingly consensual.

When asking, 'What is a 'state'?', more than half of the authorities told us that they see the state as a collective of everyone in the country. 'There is no state without the population and there is no population without the state.' 'State is you and me. We are all the state'. 'The state is the people, because it is the state that solves the people's problems.' A smaller, but still a large number of the government workers referred to themselves, the authorities, as being the state. 'The state is the power or the people who run the country,' they subsequently made a division between the state and society. 'The state is the organization of politicians', was another answer. The phrase used by the 17th century French monarch Louis XIV, 'L'État c'est moi' ('I am the State') and which embodied the reign of former president Mobutu, was adopted by several respondents. Sometimes this was literally said and at other times it was implied by the informant. Another characteristic of 'stateness' that came back in the views of the authorities of Bukavu was that a state also has legal responsibilities in order to protect its citizens. Often the words 'laws' and 'legal' were used in combination with 'protection.'

The division between 'the state is everyone' versus 'the state is the authorities or politicians' could also be found in the answers of those not in authority. There was not much difference between the number of respondents that considered the state as being 'the authorities' compared with the people who categorized the state as being 'everyone' or 'the whole population.' The answers referring to the state as an entity being above society were, however, much richer and more specific. Besides the state as 'a legal person' or 'protector of the people' the non-authority informants generally gave us a more elaborate explanation of what a state should be. The people of Bukavu of whom we asked the question, 'what is a state?', gave us the following characteristics: 'The state is a provider of peace'. 'The state protects the population', 'The state provides justice', 'The state manages the population', 'The state controls the people', and 'The state also acts as an 'adviser' to its population'. These functions of the state can thus be added to 'The state as a service provider', which was already given in response to the other question.

Regardless of the perception that the state is disengaging from the delivery of social services like water and electricity but especially the repeatedly mentioned education, people continue

to express the idea of the state as the ultimate provider of social or public services. The local discourse on the hypothetical state is relatively stable and apparently homogeneously produced. As Nielsen has argued in the case of a relocation process in Maputo, Mozambique, people continue to invest in the idea of the state even in the relative absence of the state and the failure of the authorities to regularize and equip the neighbourhood (Nielsen 2007).

The population has often a clear image of what they believe the state should be, but they have come to the conclusion that the state is not working, or at least is not working for them. What we see here are ideas of the state related to a similar range of functions, functions that are not that different from what Max Weber understood to be the state. Many people in Bukavu demonstrated to us that the state is not functionally present in the city but the idea of state seems to exist quite strongly in Bukavu. Morten Nielsen also argues that there is not necessarily any causality between encounters with a dysfunctional state apparatus and people's ideas and beliefs. He illustrates the point that we cannot 'a priori determine that incoherent and partial state practices necessarily lead individuals to perceive the state as devoid of legitimate moral value' (Nielsen, 2007:697).

While NGO staff in Bukavu believe that the state is present in the city, inhabitants of the city believe otherwise. And if its presence can be seen then it is through acts of corruption. This is the vision of the majority of our group of informants. However, what stands out the most are the informants' ideas of the state in general, their ideas of what the state ought to be. What we have encountered here is that the normative use of the Weberian state idea is not limited only to social scientists and practitioners, but has also been appropriated by local people in Bukavu. With this methodological exercise we have come to see that, at least for this small sample of Bukaviens, ideas associated with the state are used to define entitlements and create standards for evaluating state actions. To summarise the answers provided to us, people in Bukavu believe they have the right to medical care, jobs after graduation, access to water, electricity and land, and especially justice. I think it is imperative to understand that weak and inefficient state administrations do not automatically cause a total rejection of the state as a productive construct serving local citizens in their daily lives (cf. Nielsen, 2007). On the one hand, many informants made use of what we would call the idea of the Weberian state and the resulting normative expectations. On the other hand, they simultaneously separated their idea of an envisioned, hypothetical state from their image of current state practices. What they believe the state ought to be resembles what we earlier faced as a Weberian-style state. What the informants believe are the practices of their Congolese state, seems to be far removed from their desired idea of state. We will see many more of their ideas of practices of the Congolese state when looking at the explanations of their drawings.

14

I am the state, but the state is absent

In the face of the apparent absence of the state in some areas of 'modernized' Bukavu, authorities still seem to be able to use the discourse of 'being state' with a variety of successes. It became apparent, out of the replies of the informants, that the word 'l'État' is commonly used for all authority figures: the mayor, the local chiefs or the administrative workers. 'You can ask l'État, I see him walking there.' It seems that, at least in their verbal accounts, the state is still present. It is walking around, either through the work of their neighbourhood chief 'chef de quartier', or virtually by its absence.

There might be a hidden paradox here. While a large number of the local authorities told us that they are, in fact, the state, their answers on the question about whether the state helps them, is rather deleterious. On the one hand, I believe this could be explained by the fact that they do not receive (sufficient) salary, but on the other hand their responses contained unmistakable wording about the state: 'the state is absent', 'the state only helps itself', 'the state is shattered and on the ground' or 'the Congolese state does not count on its civil servants.' Concurrently, many authorities who declared the state as being the people similarly noted that the state is either absent or corrupt. It seems that the local authorities, the chiefs of the neighbourhoods are both directed as 'the state' (by themselves and others) and as 'non-state' (by themselves and others), depending on the situation. The state seems to 'wax and wane', in the words of Christian Lund (2006), depending on the service provided or needed.

While the idea of the state is powerful, it is also employed to depict its opposition, or 'what we are not', 'what we do not have', even by the local authorities in Bukavu who exercise some degree of public authority. As illustrated by the methodological exercise on the idea of the state in Bukavu, the state might have a supposed hegemonic competence on security issues in the city, while at the same time their authority on service delivery and justice is strongly disputed. Christian Lund (2006:686) notes that in such case it is difficult to ascribe exercised authority to the 'state' as a coherent institution, 'rather, public authority becomes the amalgamated result of the exercise of power by a variety of local institutions and the imposition of external institutions, conjugated with the idea of the state.' But I will come back to that later on in this paper.

15

State fatherhood and other personifications of the Congolese state

The responses to the image or photo question were fascinating to me. We have seen discontent and to a much lesser extent pride, when people picture their state. About half of the drawings that we got back from the authorities were pictures of the Congolese map, the Congolese flag and depictions of an organisation chart explaining how the state formally works. These pictures are a perfect example of the second symbolic representation given by Hansen and Steputtat (2001:8) 'the materialization of the state in series of permanent signs and rituals.' They also depict what we earlier called 'typical symbols of the nation state'.

It is difficult to categorize all the images and drawings given by the people in Bukavu. They went from the state being a football to the state as a garbage dump, from a car without brakes to a corn field where everyone wears a beard. I will try to do justice to the intentions of the creators of the images, but for the sake of argumentation and clarity I will categorize the explanations and drawings which we received from them. Note, once again, that the depictions of the Congolese state through drawings and explanations are clearly different from the idea of an ideal-type state often also portrayed by the same informants.

A group of answers to the second question about what people believe resembles the state resonates with Bayart's 'Politics of the Belly' (1993). With 'Politics of the Belly', Bayart refers to the expectations and ideas of people regarding their authorities. He demonstrates how African politicians are widely expected to use public office to take care of their own families and communities. Related to Bayart's argumentation is the concept coined by Michael Schatzberg (2001) which he calls the 'moral matrix of father, family and food'. Schatzberg refers to the ruler as a 'father chief,' who has the obligation, on the one hand, to nurture and nourish his 'family,' and on the other hand, to punish his 'children' when necessary and pardon them when they truly repent. Schatzberg's point is that the people allow and expect the leader to act in the way that a good father chief should. When he does this, the people approve of him. When the nation, or the community, prospers, his legitimacy will increase (Schatzberg, 2001).

During our enquiry, we came across similar local explanations of the state. In Bukavu, both authorities and non-authorities have used the metaphor of a parent. The Congolese state is taking care or should take care of its family and the community. Whether the state is a good parent hinges on the personal position of the informant, but the state 'fatherhood' seems to

be a characteristic image of the Congolese state. A few of the examples that have been given to us, together with their drawings, are:

'My image for the state is that the state is a parent, because God takes care of us in heaven and the state does that on earth.'

'My picture of the state would be a family in a house. The population is the child in the house. The state are his parents, he feels protected.'

'The family is my representation of the state because there is a dad who also is the Chief, a mom who assists the dad, and children who are managed by papa. You can never find injustice in the state because parents love their children unconditionally.'

'My photograph for our state is a father who puts children on this earth without supporting them.'

'I see the state as a duck with many small ducklings. They all walk behind the duck, but he does not protect them properly.'

'I imagine the Congolese state like a father who works for himself, he does not have an eye for others, or his family.'

Both Bayart (1993) and Schatzberg (2001) have also mentioned 'eating' as an important aspect of being a chief. Schatzberg's father chief has the right 'to eat' a lot, that is, to amass for himself significant material wealth. 'There is thus a close correlation between the language of food and the language of corruption when the leader 'eats' more than he has a right to' (Schatzberg, 2001:41). Several explanations of the state in Bukavu were also directed to corruption. A few of these descriptions were stated as follows:

'I imagine the state as a vicious lion, one that is always hungry and unpredictable.'

'The image I have of our state is 'Pesa mbele' in Swahili this means 'Money First'.'

'I imagine the state as a thief. If you are corrupt, you are right.'

As opposed to abstract notions of an institution and besides the image of the state as a father taking care of his extended family, there were also respondents who referred to their state with the help of local phenomena. Occurrences and unfortunate hallmarks of their city were symbols for the condition of the Congolese state. We saw earlier that among western observers and NGO practitioners based in Bukavu that they located the state inside the centre of the city. Also Bukaviens who experience the state, experience it through local frames of reference:

'If I had to take a picture of the Congolese state I would picture all the mud that we can find in the streets of Bukavu. We use the word poto poto in Swahili, which we

also use by telling that nothings is working, that the situation is really messy.'

'I see the state through what authorities call anarchistic construction. The chaos and disorder in the construction of houses throughout the whole city.'

'When I think about the state I see a violated woman, one of many here in Bukavu. The only thing she owns is the shattered clothes she wears. The Congolese state symbolizes violence against women, insecurity and armed robbery. This is what we experience, this is what the state is.'

'The image of our state is catastrophic. Like all the erosion we experience in Bukavu.'

The responses to what a state should be were surprisingly homogenous. The idea of a hypothetical state could be considered to be a stable idea, almost formulated without the presence of, but alluding to, a working Weberian state. The workings of the Congolese state and its authorities, and the images people have of it are significantly different, but at the same time, extremely rich in their diversity. In his provocative portrayal of the obscenity and farcicality connected with public exercise of state power in the 'post-colony' Achille Mbembe (1992a) identifies the state in Cameroon as an entity manifesting itself in spectacles. According to Mbembe it is impossible to create a single, permanently stable state system with its own symbolic capital from amongst all the signs, images, and markers that exist currently in African states. Mbembe's so-called 'hollow pretense', a regime of unreality, is also an image that echoed in the answers of several of our informants:

'The image I have of our state is a photo that is not clear, a picture that is blurred, a photo that was not properly cleaned. Our state is not clear.'

'I see the Congolese state as a meandering river that has no fixed position.'

'I imagine the state as someone who is kigeugeu. This is a Swahili word, which means someone who does not have a position, someone who has no real friends. It is a chameleon.'

Considering the sample group the answers given have no empirical significance and no grounds on which to generalize but they serve as examples of the myriad ways of viewing the Congolese state. The feature that many of the portrayals had in common was that they tried to explain how state power in Africa is dealt with or, as Achille Mbembe (1992b) said, how one deals with the 'hollowness of state power.'

Mbembe described local attitudes toward the state in Africa which have taken on a mix of resignation and complicity (Mbembe, 1992b). Societal norms on the exercise of power might seep into formal structures, changing and adapting them to societal preferences (Kraushaar and Lambach, 2009). I would argue that these local images of the state in Bukavu have also revealed a different logic of the state, different ideas of state, working according to a different logic. The images of 'stateness', along with the informational and symbolic capital they rely on, are contested and reconfigured by the local population (including local authorities).

We exposed reconfiguration of justice into the idiom of financial transactions (money equals justice), selective patron-client relationships, the role of l'État as a father of a family, and ideas of the hollowness and disorder of the state. This reconfiguration seems to take place outside of the dominant modern, Westphalian, state discourse, but resonates with the daily reality of our sample group in Bukavu. Consequently, ideas of the state might provide its subjects flexible cognitive frames which, to some extent, shape everyday practices in accordance with particular sets of norms and for a variety of ends (Dean, 2010:10). The variety of localized and different ideas of state or 'stateness', used by inhabitants of Bukavu, has not excluded or distorted the idea of an ideal-type state, like the one of the Weberian model.

16

African state theory: neo-patrimonialism

Ideal typical notions of the state as a monopolist of legitimate physical violence, as an autonomous bureaucratic apparatus, as the embodiment of popular sovereignty, and as a spatially and territorially coherent entity enjoy global prominence (Schlichte, 2005:6). The ideal typical notions constitute not only analytical lenses through which some scholars interpret state politics, but we have also found them in the foundations of several aid agencies located in Bukavu and working throughout the whole province of South Kivu of the DRC. We have also encountered them in the local portrayals of the hypothetical state demonstrated by people living in Bukavu. Although the idea might be contested, the typical Weberian notion of state is omnipresent.

While the notion of the Weberian state is very prominent, we have already seen that the African state is considered to be something else. During the last 30 years, there has been a proliferation of opinions discussing the proper role of the African state and where it is heading. Martin Doornbos (2000) puts it quite bluntly when he argues that the African state is seen as a problem, both domestically and internationally. Roxanne Doty also illustrates how modern state-making discourses are primarily driven by 'a desire for order, a desire to overcome ambiguity and uncertainty' (Doty, 2003:74-75). Perhaps this is a reason why the notion of the Weberian state is so dominant; it re-presents order and peace.

In their work 'Negotiating Statehood: Dynamics of Power and Domination in Africa' Tobias Hagmann and Didier Péclard (2010:540) have already demonstrated that many academic works portray African states in virtually pathological categories. When comparing the African state to the Weberian State, they are understood to be threatened by 'weakness' (Jackson and Rosberg, 1982), 'failure' (Helman and Ratner, 1992), 'collapse' (Zartmann, 1995), and 'fragility' (Stewart and Brown, 2009) as they degenerate into terrifying 'shadow' states (Reno, 1999), void of popular legitimacy and administrative capacity. The 'developmental states' (Johnson, 1982; Leftwich, 2008) or 'problematic states' (Hyden, 2006) are also evaluated against the Weberian yardstick.

Yet, when analysing the African state, the Weberian model encounters several conceptual dilemmas, especially because African states generally fail to meet Weber's criteria. Many African states are known for their heterogeneous ethnic structures. There are also plenty of examples of predatory governments: a comment that we also heard in the accounts of

Bukavians. Another distinctive aspect of states in Africa is their inefficient claim to force (Englebert, 2004:74). Bruce Berman equally reveals that 'African states are stalled in a heaving, chaotic pluralism of institutional and cultural elements in which public institutions have little legitimacy and trust of others is low' (1998:339). There is, however, another model used to analyze the African state: the neo-patrimonial state.

According to Berman (1998) the African state is not an impersonal and impartial arbiter of political conflict such as we have seen with the concept of the nation state. According to him, this is due to the arbitrary and authoritarian use of state power to accumulate wealth. Peter Evans (1989) characterizes regimes, like that of Mobutu Sese Seko of the DRC (or in fact Zaïre) as 'predatory' where a large part of society's resources are stolen by a single individual. In others, it merely amounts to rent-seeking, that is, use of the public sector to reallocate property rights to the benefit of a particular interest which is directed toward a single family, tribe, region, or ethnic group (Fukuyama, 2004:22). Van de Walle (2001) points out that regimes of states in Africa, or neo-patrimonial regimes, usually embodied in the office of the president, exist side-by-side with a Weberian bureaucracy. Concurrently, in the words of Patrick Chabal and Jean-Pascal Daloz states in Africa are an amoral domain and a 'vacuous' medium, which, instead of serving as a normative anchor point, merely function in the interest of kin and kith (Chabal & Daloz, 1999:14).

Studies of state formation in Europe, for example by Charles Tilly (1992), have emphasized the ways in which the modern state expropriates the private forces that try to take a personal hold of the administrative power (governmental institutions). A state becomes modern, then, when it puts an end to all patrimonial aspects of office and severs all ties between the performance of civil and military duties for the state and all title to the profits derived from the exercise of office (Badie and Birnbaum 1983:20-21). According to Goran Hyden (2006) a state becomes a distinct institution within society when it ends patrimonialism. 'It differentiates itself from society and becomes institutionalized' (Hyden, 2006:64). According to this argumentation the African state is by definition not modern. As a further elaboration these two dominant typologies derive from Weber's work, patrimonial and legal-rational bureaucratic. Neo-patrimonialism has been introduced as an analytical tool to capture the complexities of African states (see especially Bayart, et al, 1999; and Chabal and Daloz, 1999).

It is not my purpose here to enter into a debate to refute the various claims which the conflation between modern and patrimonial, or strong and weak states, has produced in the various schools of thinking. It seems, nonetheless, that the expanding literature on neo-patrimonialism lacks a consensus as to how far society reaches into the state or the state into society. I would like to point out, however, that the two interweaving types of domination, known from Weber's work, are seen in the neo-patrimonial literature: patrimonial and bureaucratic. Under patrimonialism there seems to be no distinction between public and private spheres. All power relations are believed to be personalized. Morten Nielsen points out, however, that neo-patrimonialism emphasizes at least a formal divide between the public and the private and so reference to legal-rational bureaucratic realms can be made. The fact that two systems of rule constantly permeate each other means that preserving a public domain unaffected by private interests is impossible (Nielsen, 2007).

Daloz (2003:276) repeats the argument that within a neo-patrimonial system the public sector is in reality appropriated by private interests and, as a consequence, public service is personalized by way of clientelism and nepotism. Consequently a division between a formal and informal realm also seems difficult to make. This leads several scholars to argue that the African state is 'no more than a décor, a pseudo-Western façade masking the realities of deeply personalized political relations' (Chabal & Daloz, 1999:16).

The organization of neo-patrimonial governance arrangements has contradictory effects, which can be found in the expansion of state structures and agencies alongside the decline of the effectiveness of these agencies (Chazan, et al, 1999:54). Despite its contradictions neo-patrimonialism is, in its essence, derived from the Weberian notion of the state. Through its emphasis on the personalization of power relations, neo-patrimonialism accentuates the notion that the state is more than 'functional imperatives' used to govern citizens and things. It is also a social construct with morally laden state institutions (Nielsen, 2007:697) which also became evident in the ideas of the state of several people in Bukavu where we saw that the perception of the Weberian state was present alongside a more personal conception of state authorities. From this perspective, the state is simultaneously illusory and substantial. It is illusory because the rule of law is feebly enforced and the ability to implement public policy remains very limited. It is substantial because access to the public institutions is seen as the main means of personal enrichment (Daloz, 2003:276).

17

Critique on the idea of state

We have seen that evaluating that state against a Weberian ideal-type of state, leads to a perspective where all states are deficient to varying degrees. According to Kraushaar and Lambach (2009) it is also unhelpful since it focuses on what is lacking, 'Western or Weberian statehood', instead of what is actually there. In line with Philip Abrams (1988) I would also like to argue that the difficulty we have encountered with the state has sprung partly from the way we have traditionally seen political power and its domination over civil society. We have been trapped in a reification, which obstructs the effective study of a number of problems about state power, governance dynamics, and the evolution of government in Africa. Concomitantly, Hagmann and Péclard (2010:541) argue that it is time to move beyond the 'pathological' approach to an analysis of political order in Africa, in which organizational systems are not judged by what they are, but by what they are not, and to engage in the analysis of alternative systems of order which have often been more successful than 'formal' governance arrangements in the crumbling institutional environments of contemporary Africa (see also Hagmann and Hoehne, 2009).

Moreover, according to Peter Miller and Nikolas Rose (2008) the philosophical and constitutional images of the sovereign state are misleading. To the extent that the modern state 'rules', it does so on the basis of an elaborate network of relations formed amongst the complex of institutions, organizations and apparatuses that make it up, and between state and non-state institutions. This goes for all states around the world, in the 'West' and the 'Global South.' (Miller and Rose, 2008:55). One of the assumptions of traditional state formation theories, as well as most of the international development policies, is that there is a clear distinction between the state and civil society. However, the 'identity as citizens' and the 'idea of state' do not meet much resonance within these African societies because people feel relatively disconnected from the state as we have seen with the perceptions of the Congolese state provided by several people in Bukavu. There do not appear to be many societies in post-colonial Africa that expect much from state institutions, nor are they willing to fulfil obligations towards the state (Lund, 2006).

However, rather than denying authority to the state altogether, it seems prudent to take its organizations and institutions seriously as just some of the many forces striving for an integrated dominion over African societies (Raeymaekers, et al. 2008:10). This does not mean that I propose to use the concept of the neo-patrimonial state in order to replace the Westphalian notion of state. In comparison with the Weberian state, neo-patrimonialism is confined by similar analytical and normative presuppositions. The concept of neo-

patrimonialism takes the dysfunctionality of the state as a premise. Instead of a concept to define the state I would like to approach the state without a preconceived and historically tied concept. Also Nielsen (2007) argues that neo-patrimonialism, as a Weberian-inspired approach 'hinders a thorough understanding of the ways that locally produced ideas of the state ultimately buttress the workings of the latter even in its absence' (Nielsen, 2007:697). In addition, he notes that the widely held neo-patrimonial argument is too rigid if we are to understand current social processes at the local level in weak states (ibid:704). Analysing the state assets and processes of governance through a variety of institutions, would do more justice to 'what is there,' rather than measuring phenomena against the yardstick of an existing, and historically and politically informed, definition of state, which might or might not be relevant to the context.

Debiel and Lambach (2009) also claim that the political reality of states in Africa cannot be captured by the clear functions of state. Instead, social and political structures are characterized by institutional hybridity and a blend of traditional and modern norms and practices. Hence, they do not perceive states, governments and parallel structures as self-perpetuating polities, but rather as evolving political complexes within which political and social changes are driven by evolving interests of local authorities. This resonates with Roxanne Doty's blunt and provocative observation that there is 'no such thing as the state' (Doty, 2003:12). Of course there are governmental bureaucracies, institutions, and men in uniforms acting in the name of a state. But these, neither individually nor collectively, are 'the state'. According to Kevin Dunn, the premise that there is no such thing as 'the state' forces us to stop and examine closely what it is we are actually seeing when we talk about 'the state' (Dunn, 2009:424). The state is not a 'thing' or an object but a process. Consequently, the idea of state, which we have carefully scrutinized before, is a discursively produced structuring effect that relies on constant acts of performativity to call it into being (Dunn, 2009:424).

18

State as a process: hybrid governance

In her article 'Strength of Weak States', Kate Meagher (2012) argues that a shift from Weberian to Tillyan models of state formation has cast the chaotic nature of governance and security arrangements in African states in a new light. A growing body of literature is documenting the creativity of African societies in coping with the limited statehood and political turmoil that has become the hallmark of African politics since the 1990s (Raeymaekers et al., 2008:8). In parallel with the retreat and erosion of the post-colonial state in Africa 'new forms of power and authority have caught our eyes across the continent' (Ferguson, 2006:102). Emerging theoretical perspectives revolving around notions of 'governance without government' (Raeymaekers et al., 2008), 'negotiated' or 'mediated states' (Hagmann and Peclard, 2010; Menkhaus, 2006), 'contested state spaces' or 'fragmented state' (Dunn, 2009; Nielsen, 2007) and 'hybrid political orders' (Boege et al., 2008) suggest that rival forms of order and authority are part of more authentic processes of state formation rather than symptoms of criminality and state failure (Meagher, 2012). Much of this literature has generally been concerned with two issues. On the one hand there are questions about how the interface of formal and informal institutions affects democratization and governance, on the other hand we can find queries about interventions from external actors. These are primarily questions about peace, stability and development programmes (Goodfellow and Lindemann, 2013).

Lund (2007:1) argues that within the complexity of contemporary Africa we can find 'twilight institutions', defined as in-between institutions or organizations that engage in state-like performances. 'They are not the state but they exercise public authority.' This makes it difficult to make clear distinctions between what is state and what is not. These institutions also challenge the state but they do so in the same language of authority and legitimacy and at the same time they use the state's procedural and symbolic forms of legitimacy to obtain legitimacy themselves.

Ken Menkhaus (2006) makes the observation that fragile states themselves find alternatives for the provision of (relative) stability in the hinterlands based on non-state authority structures. After identifying four possible states Menkhaus comes to the notion of the mediated state: a state authority lacking other options 'has no choice but to work through local intermediaries (...) and the state's relationship with local governance structures is negotiated, not purchased or coerced.' According to Menkhaus, the mediated state approach 'is one which combines what is already working locally with what is essential nationally' (Menkhaus, 2006:12). Tobias Hagmann and Didier Péclard (2010) also refer to 'negotiated

statehood' when they propose a framework referring to the dynamic and partly undetermined processes of state formation and failure by a multitude of social actors who compete over the institutionalization of power relations. The objective of their analysis of statehood in Africa is 'to better understand how local, national and transnational actors forge and remake the state through processes of negotiation, contestation and bricolage' in order to study how statehood is negotiated in Africa (Hagmann and Péclard, 2010:544). Kevin Dunn (2009) uses the term 'contested state spaces' to refer to spaces where official state-making practices are openly challenged, resisted, and (in some cases) replaced by alternatives. Dunn also sees the state as an entity which is contested, sometimes more openly than others.

Volker Boege, et al. (2008) emphasize the point that state institutions are not the only institutions that fulfill the functions that in the Western model are reserved for the state. Their observation is that there is a multitude of institutions that influence one another. Traditional structures often still have huge influence on daily practices and also 'infiltrate' and transform state institutions. According to Boege et al. (2008:17) this then leads to 'a situation of a contradictory and dialectic co-existence of forms of socio-political organization that have their roots in both non-state indigenous societal structures and introduced state structures'. In this environment, the state has no privileged monopolistic position as the only agency providing security, welfare, and representation; it has to share authority, legitimacy, and capacity with other institutions' (ibid:17).

Meagher (2012) argues that, building on Tilly's notion of 'state formation as organized crime', advocates of hybrid governance approaches point out the constructive role of struggle and violence in dismissing the image of Africa as a dysfunctional post-colonial state and support a more localized process of state formation from a plurality of locally-embedded systems of authority. 'In this case violence and struggle are associated with 'transformation' and the opening up of political and economic space for local actors to counter state neglect by seizing a measure of regulatory authority' (Meagher, 2012:1076). In addition, Kate Meagher (2012) shows how local governance systems may not be legitimate or accountable to those who live under them. She argues that hybrid governance approaches run the risk of essentialising informal regulatory systems, and disguising coercion as popular legitimacy. While acknowledging the usefulness of this analytical approach, Meagher simultaneously calls for a more nuanced approach to informal governance that distinguishes between constructive and corrosive forms of non-state order (Meagher, 2012).

Albeit with different argumentation, Lund (2007), Nielsen (2007), Menkhaus (2006), Boege et al. (2008), and Dunn (2009) observe that in what is commonly termed the post-colonial state in Africa, there exists a variety of authority structures which take up state roles in the provision of public goods. These authors do not view the state as 'the prima facie superior form of governance, opening up the field for an analysis that goes beyond the prevalent state-centrism', so argue Kraushaar and Lambach (2009).

The concept of hybrid governance, so stipulates Wiuff Moe (2011:146) offers a starting point for comprehending the 'existing, that is, the empirical, formative, processes behind communities within so-called fragile settings.' Boege, et al. (2008) point out that hybrid governance 'is not an ambition,' not a goal to be reached and not a better alternative to

the rational legal state model. Rather, they demonstrate that, 'it is what is the case in many so-called fragile states and situations' (Boege, et al. 2008:88). Hence, the notion of 'hybrid governance' is not used, nor intended to be, an alternative definition for the state. Rather, as opposed to the state-centric and normative state concept, it is more an analytical instrument to describe and reveal the reality on the ground. The concept of hybrid governance, furthermore, helps to emphasize the significance of governance and state formation as an ongoing process.

The term 'hybrid governance' will henceforth be used as a general term to cover the range of contemporary perspectives arguing that states operate alongside different forms of organization in the exercise of public authority and service provision. Hence, we are shifting our focus from the object of state to an analysis of a set of processes of governance which together make up state formation in states around the globe.

19

Monopoly of territoriality, sovereignty, and legitimacy revised

At the beginning of this paper we identified the functions and characteristics of the modern state. It is time to see what these functions mean within the analytical model of hybrid governance. When taking 'hybrid governance' as an analytical tool to assess, among other phenomena, state formation processes, we can see significant incongruities between the hypothesis of the sovereign Weberian state and the practices and de facto performances of governance in many states in Africa. The three frameworks that mentioned characteristics of the modern state earlier in the paper focused on functions and not on processes. These functions are realized through processes. While the object of analysis has not changed, the instrument of evaluation might shed a different light on these characteristics in the context of the post-colonial state in Africa.

Territoriality

I believe that, through forms of hybrid governance we can analyse better the contestation of territoriality through different institutions, both state and non-state and even between different state entities. Since the end of the Cold War, boundaries of so-called nation states have become vaguer with increasing international involvement and the influence of international markets and stakeholders such as the UN and international non-governmental organisations (cf. Kaldor, 2006). Nevertheless, in many post-colonial states we can see the 'waxing and waning' of state institutions, making and unmaking claims on territories and resources. In our analysis of hybrid governance, territoriality of the state is no longer an inherent consequence of governments' claims of sovereignty and rule.

Sovereignty

Scholars working with the notion of hybrid governance as well as the perceptions of the state that the people of Bukavu expressed, attest to the observation that a lack of public service delivery by the state causes people to turn to other social entities for support. State institutions are not necessarily the primary determinant of integration, security, welfare or legitimacy, even assuming that state institutions work. In other words, with the model of hybrid governance, there is no longer a single sovereignty in the territory of the state. Jeffrey Herbst argues that many African states never enjoyed state sovereignty at all. He argues that there is no unquestioned physical control over the defined territory, no administrative presence throughout the country, and no allegiance of the population to the idea of the state (Herbst, 1997). According to Christian Lund (2007), local forms of sovereignty are located

within state forms of sovereignty, where they retain a domain with control over life and death. They occupy a strategic position between state institutions and local populations, a position that, seen in the longer history of colonial and post-colonial encounters, is not new and has emerged under many names. Thus, 'while government institutions are important, the state qualities of governance, that is, being able to define and enforce collectively binding decisions on members of society, are not exclusively nested in these institutions' (Lund, 2007:13).

Also Louise Wiuff Moe (2011:142) states that the 'legitimate state monopoly of violence is the exception rather than the norm and the appeal of rights and obligations associated with being a citizen of the state coexists with other, often stronger, ties of loyalty vis-à-vis local non-state groups (civic, ethnic, tribal, customary, religious, neo-patrimonial, etc.)'. In this view the state monopoly on violence is, thus, punctuated by the presence of dispersed, fragmented and overlapping structures that partly substitute for the legally constituted state (Podder, 2014:215). According to Joel Migdal the different forms of sovereignty result in a weak local consensus on legitimacy as found in many African states and usually implies a 'multiplicity of institutions' (Migdal, 2001:11-2).

The coexistence of multiple authority and governance structures will often inherently imply contradicting logics, images and therefore, clashes. Hinsley (1986) demonstrates that the fiction that states are sovereign, even if they are not, is 'a logical requirement of the fact that the concept involves the assertion or justification of action within the state' (Hinsley, 1986:225). In other words, it is the symbolic capital placed on the population to whom the action pertains which makes the state look misleadingly sovereign. Thus, when there are multiple structures of authorities, there will logically also be competing logics, images of rule and legitimation. This will then automatically imply that there are also multiple and competing 'social contracts.'

Legitimacy

Policy discourse also seems to be slowly moving from the optimistic modernization path towards emphasizing differences. In 2010, the OECD published a report on legitimacy and state 'fragility' which stipulated that 'state-society relations in non-Western states, compared to Western states, are more likely to be influenced by informal, unwritten rules (rooted in custom and traditional social practices) as opposed to formal, written, legal rules (OECD, 2010:17), and that, 'people's ideas about what constitutes legitimate political authority are fundamentally different in formal, rule-based Western states and non-Western states' (ibid:3).

Jung indicates, in line with the OECD report, that there are various shifting sources of legitimacy resulting in a variety of expectations from stakeholders. These expectations cannot always be reconciled (Jung, 2008:). Political elites and authorities might not only draw their legitimacy and authority from the state principle, that is, from their authority or identity of being (part of) the state but they might also derive legitimacy from other social practices, not necessarily linked to the state as the sovereign authority. The envisioned idea of input and output legitimacy, as encountered in donor policies on the DRC, will therefore become highly complicated within the model of hybrid governance. How legitimacy is constructed or undermined, in the context of hybrid governance, remains, however, a largely uncharted issue.

Christian Lund (2006) explicitly asks himself consequential questions following the logic of hybrid governance. 'If the institutional boundaries are blurred, political processes socially and spatially diffused, and meaning not fixed to specific institutions, what are the implications for political legitimacy?' The exercise of authority is intimately linked to the legitimacy of the particular institution not only in the sense that an institution has to be legitimate to exercise authority, but especially because the actual exercise of authority also involves a specific claim to legitimacy (Lund, 2006, 693). Legitimacy and authority are, in other words, constantly shaped, contested and dispersed among a large variety of societal actors. Through the course of my thesis I will try to scrutinize this process from several different angles.

Contingent sovereignty

The debate on the illusion of sovereignty or the contingency of sovereignty, is one that I deliberately left out of the discussion on state and state formation in states in Africa. Nevertheless, I believe it is valuable to briefly make mention of a current interventionist debate. In the context of peace building and state building interventions, African states are examined by Duffield in relation to international governance rather than as a concrete thing (2008:159). In this connection, development initiatives focus 'on the self-reliance of undeveloped life in situations of 'weak' or 'fragile' states' (Duffield, 2008:160). Nowadays, a wide range of demobilization, reintegration and reconstruction activities are part of integrated missions that are implemented by the UN system and a variety of aid and security actors, including NGOs. Duffield argues:

'Sovereignty over life within the world's crisis zones is now internationalized, negotiable and contingent. Post-interventionary society is synonymous with contingent sovereignty and the competition between national and international actors over who controls a population conceived of as self-reproducing. In response to the crisis of containment, and especially as a means of capturing and securing non-insured life, the underdeveloped state has once again moved to the centre of development policy.'

Duffield, 2008:160

In Duffield's view sovereignty has moved from 'territorial sovereignty' to 'contingent sovereignty'. It is no longer the 'modern state' which decides on the core economic welfare functions but it is the 'human security state', where international actors and agencies play a key-role (Duffield, 2007:28). Related to this view, we could argue that the international community has become just another layer of government, another structure of authority, in all states around the globe, including African and aid-dependent states.

20

Finding hybrid governance in 'the everyday'

Thus far, I have argued that, in African states, it might not be useful to see governance stemming from one single source, like the sovereign Weberian state, but rather to focus on how particular issues are governed and which actors are engaged in them. Local frames of meaning are in flux and social institutions are rather fluid. Local institutions might give way to other, or alternatively they may adapt and mutate through encounters with external intervention and so-called local ordering processes. The remaining question is where to find these local ordering processes in hybrid governance?

Richmond (2010) focuses on the hybridity between international and local actors. He finds local ordering processes in hybrid governance by analysing how international donors and agendas interact, contest and merge with local actors and ordering dynamics (Richmond 2010). When looking for what he calls 'contested spaces' Kevin Dunn explicitly refutes the idea of an universal 'core' of the state and suggests that there is much to gain by exploring when, where, why and how it is contested (Dunn, 2009). On the question of where to look for these contestations Dunn refers to the work of Jeffrey Herbst. Herbst uses a core-periphery distinction arguing that the degree of political control in Africa decreases in relation to the distance of the capital city (Herbst, 2000). By accepting Herbst's claim, so argues Dunn, one would assume, once more, that urban centres would be where the dominant state processes are at their strongest (Dunn, 2009). This is also what we saw in the accounts given by NGO workers in Bukavu. Nonetheless, the answers of our sample group in Bukavu, when asked about their ideas of the state, have provided us with the suggestion that, despite their prevailing ideas of the obligations of the Weberian state, the Congolese state is not necessarily functionally present in the city. The presence of an idea of state, does not imply the presence of state practices.

Dunn (2009) also argues that it would be a mistake to assume that state practices are not contested in urban spaces as well. Consequently he provides the example of 'urban youth spaces' as significant contested state spaces, in Africa's urban slums and elsewhere. He uses the example of Filip de Boeck's research on youth culture in Kinshasa, the capital of the DR Congo (De Boeck, 2011). Dunn himself has analysed, in great detail, the natural reserves as contested state spaces. These are spaces in which symbolic representation plays an important role for safari tourists but they are also spaces which, through the absence of the state, have been used for rebel groups to take refuge (Dunn, 2009).

A particular strand of literature on peace building, state building and hybrid governance is increasingly referring to the notion of 'the everyday' (Darby, 2009; Boege, et al. 2008; Roberts, 2011; Wiuff Moe, 2011). Phillip Darby suggests that researchers 'need to go out into the world and to connect with the everyday lived lives' (Darby, 2009). But what is meant by 'everyday life'? Sociology and anthropology scholars have long focused on the role of such practices in compensating for resource shortage among people who rely on them for everyday survival. Wiuff Moe (2011) demonstrates that the concept of the everyday is not new or revolutionary. It dates back to Henri Lefebvre (1971) and also to Michel de Certeau's (1984) analysis of how everyday life is maintained by the numerous socially sanctioned practices and strategies people pursue and generate in order to manage and secure their existence, and to appropriate social space.

Michel de Certeau wrote that 'everyday life' is made up of 'the innumerable practices by means of which users re-appropriate the space organized by techniques of socio-cultural organization', whether that 'socio-cultural organization' stems from local, indigenous structures or from external interventions (de Certeau, 1984). These 'innumerable practices' resonate with hybrid governance in which different sources of authority determine 'the everyday social reality of large parts of the population in developing countries' (Boege, et al., 2009).

When exploring alternative means of governance, Menkhaus (2007:75) draws attention to 'the obvious but often overlooked observation that local communities are not passive in the face of state failure and insecurity, but instead adapt in a variety of ways to minimize risk and increase predictability in their dangerous environments'. Lund argues that the mechanisms through which political power is exercised may be less formalized or consistent, but basic questions of how best to ensure the physical and economic security of oneself and one's dependents do not simply disappear when the institutions of the state break down (Lund, 2007). In line with Menkhaus (2007) and Lund (2007), Roberts strikingly argues that 'vulnerable people will necessarily prioritize solutions to poverty, joblessness and poor health above liberal institutionalization' done by international interventions. Roberts uses the concept as follows:

'The 'everyday' is used here to refer to and illustrate the myriad socially sanctioned ways in which, to secure their being, people outsmart their environmental limitations and manage the gaps between constraints and aspirations in the face of inadequate, disinterested and incompetent authority and power. It refers to the ways people make their lives the best they can, manipulating with whatever tools and tactics are at their disposal: the surrounding natural, social, economic and political structures, local and global, that empower or constrain their lives.'

Roberts, 2011:412-13

Oliver Richmond (2010) argues in favour of 'the everyday', 'especially as it is often connected with hidden agency and with resistance'. He, however, emphasizes that the concept should not 'romanticize the capacity, resistance and agency of the local' (Richmond, 2010:669). The everyday practices of the poor often remain a real struggle.

Thus, ultimately, the sovereignty or hegemony of the state is logically more easily contested or altered when the state is not able to administratively or politically reach functionally into remote areas (e.g. areas of customary chiefs). However, I believe that contestations of state sovereignty are far from limited to geographical locations. Practices in order to ensure the physical and economic security of oneself are just as well an everyday reality for people living in the city as they are in the 'borderlands' (see Duffield, 2008). While the vast majority of the hybrid governance literature focuses on 'hinterlands' (Menkhaus, 2006; Boege, et al, 2008), I do believe that analysing the city will also bring us valuable insights into local state formation processes. Analysis of the tensions and accommodations between different sources of order and authority in the 'everyday' life of people in urbanized centres in Africa, may reveal a range of hitherto little understood governance practices and interdependent, fluctuating and capricious relations between authorities and their constituents in the often taken-for-granted provincial city of South Kivu: Bukavu. It is for exactly this reason that I decided to continue looking for the entrance of my maze in Bukavu. With theoretical conceptions of hybrid governance, I continued looking for people's everyday practices in seeking access to and maintaining control over land in peri-urban Bukavu.

21

Disconnects and consequences of ideal-type state-centred analyses

We started this paper by looking at the different statements on the academic revival of the state, statements which had their origins in five different decades. It would be a distortion if I currently came up with yet another assertion to revive the state or a claim to 'bring the state back.' I do not seek to replace the notion of state, rather I have sought to scrutinize the reasons why an alternative way of analysing the state would be more helpful in the African context where there is an apparent disconnect between the theory of the ideal-type state and the practices experienced on the ground.

Max Weber singled out a human community that (successfully) claims the monopoly of the legitimate means of violence within a given territory as the very definition of state. Few would disagree that, in many respects, most African states fail to meet these criteria. In a provocative manner Pierre Englebert (1997) argued that in African states, 'there is a dubious community of heterogeneous and occasionally clashing linguistic, religious and ethnic identities; their claim to force is rarely effective and much less, monopolistic; their frequent predatory nature fails the test of legitimacy; and their territoriality is generally at best hesitant and contested' (Englebert, 1997:767).

While couched in slightly simplistic ways, the hypotheses and functions of the Weberian state, as encountered in this paper, are generally accepted in large parts of the state formation literature as well as in many policy papers. Mainstream development debate has increasingly come to assume that development is contingent on this Weberian state, or nation state. The absence of the aforementioned characteristics of the Weberian state is seen to constitute state failure in developmental terms. Hence, the abundance of alternative labels to capture the desecration of the African state.

By sticking to these pathologies and the modernization paradigm which we have seen in donor policies, we tend to avoid challenging the state model for analysis and count upon societies and bureaucratic apparatuses to adjust and alter the 'trajectories of state formation'. Problems of security, legal pluralism, governance, modernization, development and state formation are therefore, at least in part, conceptualised in terms of shortcomings of the African state as measured against the yardstick of the Weberian model. This we have observed in the donor's field offices in Bukavu.

I have, furthermore, argued that local images of the state in Bukavu have mainly revealed a different logic of state. The images of 'stateness', along with the informational and symbolic capital they rely on, are contested and reconfigured by the local population. What we have uncovered in a small sample of informants is an existing hypothetical image of the state which surprisingly resembles the highly normative Weberian notion of the state, but which has simultaneously been embedded in local realities, regularizing local expectations of state authorities.

I have tried to demonstrate that a Weberian-inspired approach to the state, as well as a neo-patrimonial focus, hinder a thorough understanding of the production and circulation of locally produced ideas, on the one hand, and of the logics and mechanisms of competing and overlapping governance institutions, on the other. Analysing the state as sets of processes of governance with a variety of institutions, would do more justice to 'what is there,' instead of measuring phenomena against an index of an existing, and historically and politically informed, definition of state zooming in on ideal-type state characteristics that are deficient.

While I will not be as confident as Meagher (2012) stating that the hybrid governance model grew out of discontent, I do believe it grew out of a more Tillyan-informed view of state formation processes, which focuses more on struggles and conflict. The model, furthermore, helps us to analyse state formation processes with a lens that is not as normative as the Weberian ideal-type state model. A language of hybridization, the interweaving of institutional fields, challenges conventional Weberian dichotomies and more productively represents the field in the way that local understandings and practices of governance are not sensitive to or strategically exploit interveners' understandings of the state. Analysing the state through the lens of hybrid governance through every day practices of state formation implies that we need to see the taken-for-granted functions of the state differently. Territoriality, sovereignty and legitimacy consequently have different implications within hybrid governance. This also holds true for the artificial bifurcation between state and society (and formal and informal practices). Through the course of my thesis I will delve into notions of legitimacy, identity and resistance as well as emerging, competing and overlapping institutions. Correspondingly, I will seek to demonstrate what it means for both authorities and urban dwellers, looking for land, to navigate through hybrid governance arrangements. This study will also identify, elaborate and test analytical tools that anticipate and move with contradictions inherent in local state formation processes in areas of hybrid governance. These tools will hopefully increase our ability to develop a more profound understanding of hybrid governance in Bukavu, which will allow us more appropriately to calibrate expectations and target donor interventions in the future.

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