# ALL AUTHORITIES HAVE EATEN

A HISTORY AND POLITICAL ECONOMY OF URBAN LAND IN BUKAVU



Michel Thill and Godefroid Muzalia with Alice Mugoli, Eric Batumike, Prudence Nshokano



# ALL AUTHORITIES HAVE EATEN

A HISTORY AND POLITICAL ECONOMY OF URBAN LAND IN BUKAVU

MICHEL THILL AND GODEFROID MUZALIA
WITH ALICE MUGOLI, ERIC BATUMIKE, PRUDENCE NSHOKANO



#### The authors

Michel Thill is a freelance researcher interested in everyday security, policing, governance and the urban in the Democratic Republic of Congo. His PhD thesis is the first comprehensive, fieldwork-based account of the Congolese police, their everyday work and reform.

Godefroid Muzalia is Professor at the Institut Supérieur Pédagogique (ISP) in Bukavu, Director of the Centre de Recherche Universitaire du Kivu (CERUKI), co-founder and head of the Groupe d'Études sur les Conflits et la Sécurité Humaine (GEC-SH) as well as co-founder of the Congolese Network for Research on Peace and Security (ResCongo).

### Acknowledgments

Special thanks to the research assistants Alice Mugoli, Eric Batumike and Prudence Nshokano, and their GEC-SH colleagues Vianney Muderhwa, César Tungali and Francine Mudunga. Thank you also to the two peer-reviewers for their valuable comments. Neither bear any responsibility for the contents of the report.

# Cover image

A view of Bukavu's Ruzizi cemetery encroached by surrounding neighbourhoods @ 2022, Vianney Muderhwa Cubaka.

# **CONTENTS**

Maps	5
Summary	9
Introduction	11
A History of Urban Land in Congo	14
The colonial urban-rural divide (1885 - 1960)	14
A crumbling divide: Land and the city in Zaire (1965 - 1990s)	22
A toppled divide: The urban land economies of war (1990s - present)	25
Living with urban land conflict	32
Poverty, insecurity and an absent state	32
The spoils of land conflict	35
The price of (no) justice: Dealing with urban land conflict	41
Buying justice	41
Forum-shopping and its limits	43
Weapons of the Weak: Auto-prise en charge	45
Considerations for Urban Land Reform	49
Considerations from below	49
Policy considerations from donors	51
Glossary	56
Bibliography	58

# MAP 1: THE CITY OF BUKAVU



© MAPgrafix 2022

Base map data source: OpenStreetMap

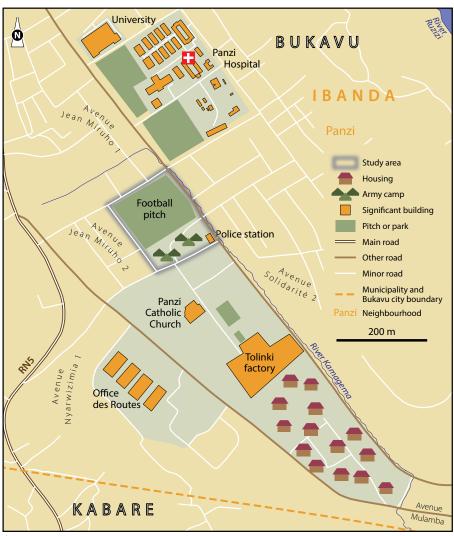
# MAP 2: THE VILLAGE OF MBOBERO, BORDERING ON BUKAVU'S NORTHERN OUTSKIRTS



© MAPgrafix 2022

Base map data source: OpenStreetMap

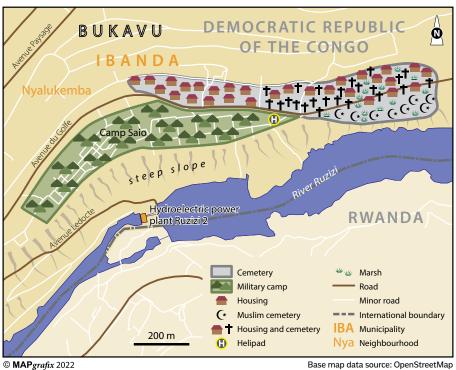
# MAP 3: AN AREA IN BUKAVU'S SOUTHERN NEIGHBOURHOOD OF PANZI



© MAPgrafix 2022

Base map data source: OpenStreetMap

# MAP 4: THE RUZIZI CEMETERY IN EASTERN BUKAVU



# **SUMMARY**

In the Democratic Republic of Congo (DRC, Congo), the opaque land governance framework, known to be at the bottom of countless conflicts ranging from disagreements between neighbours to violent clashes between armed groups, has been undergoing reform for more than ten years. Much policy attention in these debates around land and conflict is given to the Congo countryside but stakes in the city are just as high.

To better understand the land governance framework, it is insightful to explore the history and political economy of urban land in the eastern city of Bukavu. Three specific land conflicts are of particular interest: 1) the Ruzizi cemetery, where some people have been building homes ever since the Congo wars (1996–2003); 2) a wide open former parade ground in the Panzi neighbourhood, supposedly a public space home to both a football pitch and a contested army camp; and 3) Mbobero, a village on the outskirts of Bukavu that was drawn into the spotlight when the former president's family acquired large tracts of land there. Policy considerations formulated in relation to these land conflict can serve to stimulate current donor discussions around land interventions and reform by offering unique angles and perspectives, from the ground up.

The research upon which this report is based points to two key patterns that shape current practices around urban land access and tenure. First, colonial land law and administration have created an urban sphere that is separate from the rural world. While land in Bukavu has remained at least legally distinct on paper, practices of land access and tenure have changed over the decades, at times rendering urban land law meaningless. Second, in the patronage-driven logics that began to permeate all state institutions in the Congo from the 1970s onwards, politics and business have become inherently intertwined. Wealthy political entrepreneurs are given favoured access to state institutions and resources in return for their loyalty. At the same time, low-level state administrators leverage their positions to secure their own income and provide kickbacks to those superiors on whom their jobs depend. In this context, urban land and property have become highly lucrative resources for all of them.

The experiences of those living and coping with land conflict in Bukavu speak volumes about the challenges these patterns create in their everyday lives. When asked how to address these challenges, what is most apparent in their responses is their loss of trust in the formal justice system, their preference for alternatively mediated agreements and their call for the state to take their side instead of that of the rich and powerful. These responses are couched in an overarching imperative to acknowledge people's pursuit of dignity as reflected in their everyday struggles to make a home in Bukavu.

What does this mean for donors supporting land reform in Congo? In November 2021, ten years after the launch of land reform, the Congolese government validated a new land policy. Three of its considerations seem to be especially relevant when it comes to reforming urban land and finding peaceful solutions to land-related conflicts.

- Considering the city as a site for land reform. The new land policy distinguishes between rural and urban land, with the latter to be exclusively governed by statutory law. This opens new opportunities for donors. They may want to consider shifting their focus and funding from the countryside (where tensions between customary and statutory law may well prevail for some time) to the city, where needs are just as high. In the city, legal clarity—together with autonomy on land matters thanks to its administrative status as decentralized entity—may make tangible reform results more achievable.
- Taking the pressure off urban land. Land policy in the Congo invites customary authorities to yield land to growing cities. While prone to create new and potentially violent conflict, in major cities such as Bukavu, these proposals may offer ways forward to reduce the intense pressures on urban land that underpin conflicts. Donors could support efforts that aim to facilitate the negotiation between urban and customary authorities of a long-term mutually beneficial compromise for urban expansion. Any such land could be jointly governed by both authorities, along with representatives of the new residents, to ensure fair and sustainable management. Moreover, such a committee could represent an important bridge between the city and the countryside.
- Institutionalizing inclusive urban land reconciliation forums. In the context of a heavily
  overstretched justice system, Congolese land policy proposes to institutionalize an
  alternative land conflict reconciliation mechanism. The suggestion of leaving the
  establishment of such a mechanism to state authorities, however, may well defeat
  its purpose and turn it into yet another organ of extraction. The conceptualization,
  organization and functioning of such a forum has to meaningfully include those
  who stand to benefit from them. In the city of Bukavu, existing and new urban land
  conflict resolution mechanisms could be connected to form a coherent, integrated and
  inclusive model.

# INTRODUCTION

In March 2021, a Congolese civil society organization (CSO) raised awareness about the spoliation –the illicit sale of public estates to private individuals – of 12 state-owned buildings and parcels in the South Kivu capital city of Bukavu in eastern Democratic Republic of Congo (DRC, Congo). The CSO report outlines how these properties were re-appropriated through partly illegal and partly dubious means that include forging official government decrees and entering into self-interested public–private partnerships in complicity with national and provincial government officials and politicians. An official commission set up in 2019 by the then newly elected provincial governor investigated several of these cases and submitted a mid-term report to the governor's office in April 2020. According to the CSO, some of whose members were part of the Commission, none of its recommendations had so far been implemented or followed up on. In fact, several of the dispossessions seem to have continued not just under the eyes of the authorities but with their explicit approval.

This recent report on spoliations is only the tip of the iceberg of the opaque world of land access, acquisition and tenure in the DRC. Over the past decades, this situation has resulted in a severe land crisis in the most densely populated areas of the country, with both Kivu provinces sitting at the forefront of these developments.<sup>2</sup> Much of the existing research on land in Congo is focused on rural areas despite the fact that the eastern cities from Bunia via Goma and Bukavu, down south to Uvira and Kalemie continue to grow at a rapid pace. These cities record a constant influx of migrants and displaced people who seek better services and opportunities, as well as safety from violent conflict.<sup>3</sup> Acquiring and securing scarce and expensive land that

- 1 Collectif Amka, 'Contrôle citoyen sur la gestion des maisons et parcelles de l'État spoliées dans la ville de Bukavu au Sud-Kivu', Preliminary report. Bukavu : Collectif Amka, 2021 (on file with author).
- Emery Mushagalusa Mudinga and Claude Iguma Wakenge, 2021. 'Land Crisis and Stakeholders' Responses in the Democratic Republic of the Congo', Congo Research Briefs 9, Ghent: Governance in Conflict Network, 2021. Accessed 24 August 2022, https://www.gicnetwork.be/land-crisis-and-stakeholders-responses-in-the-democratic-republic-of-the-congo-2/; Séverin Mugangu Matabaro, 'La crise foncière à l'est de la RDC', in L'Afrique des Grands Lacs: Annuaire 2007-2008, eds. Filip Reyntjens, An Ansoms and Stef Vandeginste, Antwerp: University of Antwerp, 2008; Koen Vlassenroot and Chris Huggins, 'Land, Migration and Conflict in Eastern DRC', in From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, eds. Chris Huggins and Jenny Clover, Pretoria: Institute for Security Studies, 2005.
- World Bank Group, 'Democratic Republic of Congo Urbanization Review. Productive and Inclusive Cities for an Emerging Democratic Republic of Congo', Washington DC: World Bank Group, 2018. Accessed 24 August 2022, https://openknowledge.worldbank.org/bitstream/handle/10986/28931/9781464812033. pdf?sequence=2&isAllowed=y.

is in high demand in cities that have barely funded and often derelict public services and infrastructure is a central part of migrants and displaced people's journey and indeed of everyday urban life in general. This can be a tense and conflict-prone undertaking in which newcomers, their neighbours and a range of urban administrators compete with and against one another. Recent studies focusing on eastern Congolese cities showcase the numerous challenges urban residents face as they seek to establish and safeguard their homes. All of these studies stress the multi-layered and opaque urban land governance framework that underpins these challenges, whether this is expressed through theoretical concepts such as 'institutional layering's and 'institutional hybridity' or through more emotive terms such as 'constructed anarchy'.

The empirical research that informs this report echoes the findings of many of these studies. This report explores three specific land conflicts: 1) the Ruzizi cemetery, where some people have been building homes since the Congo wars (1996–2003); 2) a wide open former parade ground in the Panzi neighbourhood, supposedly a public space home to both a football pitch and a contested army camp; and 3) Mbobero, a village on the outskirts of Bukavu that was drawn into the spotlight when the former president's family acquired large tracts of land there. These case studies offer insights into the myriad everyday practices that unfold in each context and the convoluted socio-economic relations in which they are embedded. In particular, they reflect the trends of monetization and politicization that have become so ubiquitous in urban land access and tenure, which rarely play out in favour of the marginalized.

In order to better understand the gradual emergence of these trends, the report findings are tied to a history of the emergence of the 'urban fact' in Congo, the origins of which are rooted in the colonial land law and administration that created separate urban and rural land categories. While land in the city land has remained legally distinct on paper, over time the practices of land access and tenure have become subjected to all-permeating logics of patronage. At times, these logics render the law meaningless. In the case of Bukavu, this history has culminated in an

4 Karen Büscher, 'African cities and violent conflict: the urban dimension of conflict and post conflict

- 4 Karen Büscher, 'African cities and violent conflict: the urban dimension of conflict and post conflict dynamics in Central and Eastern Africa', Journal of Eastern African Studies 12/2 (2018).
- James Mahoney and Kathleen Ann Thelen, 'A Theory of Gradual Institutional Change', in Explaining institutional change: ambiguity, agency, and power, eds. James Mahoney and Kathleen Ann Thelen. Cambridge: Cambridge University Press, 2010.
- 6 Fons van Overbeek and Peter Andrew Tamás, 'Claim-Making through Subjectivation: A Governmentality Analysis of Associational Performance to Claim Land in the Hybridity of Peri-Urban Bukavu', Geoforum 109 (2020).
- 7 Kasper Hoffmann, Mariève Pouliot and Godefroid Muzalia, 'Constructed Anarchy: Governance, Conflict, and Precarious Property Rights in Bukavu, Democratic Republic of the Congo', Congo Research Brief 1. Ghent: Governance in Conflict Network, 2019. Accessed 24 August 2022, https://www.gicnetwork.be/constructed-anarchy-governance-conflict-and-precarious-property-rights-in-bukavu-democratic-republic-of-the-congo/.
- 8 Léon de Saint Moulin, 'Histoire des Villes du Zaïre : Notions et perspectives fondamentales', Études d'Histoire Africaine VI (1974).

opaque and conflict-prone political economy of urban land rigged in favour of wealthy political entrepreneurs and their intermediaries

Focused on formulating policy on evidence-based research, this report aims to stimulate current donor discussions around land interventions and reform. Three central questions guide the research: What does the history of urban land indicate about contemporary realities? How do marginalized social groups such as youth and women cope with and respond to the opaque land governance in Bukavu? And what measures do they think would help cut through this opacity? The answers to these questions most strongly highlight the pursuit of dignity on the part of the respondents, their loss of trust in the justice system, their preference for mediated agreements and their call for the state to take their side instead of that of the rich and powerful.

The report is based on three months of fieldwork conducted between June and August 2021 by a team of six researchers, five of whom are based in Bukavu. The three case studies were selected to offer a variety of forms and aspects of peri-urban land conflicts in Bukavu. Due to the complex and opaque nature of urban land conflicts, however, any generalizations should be made with much caution. Research consisted of a desk-based review of each case study, followed by a total of 31 semi-structured interviews with residents, civil society organizations (CSOs), urban authorities, private lawyers and state prosecutors. It also included seven focus groups with women and youth, whose experiences are the primary focus of the study.

# A HISTORY OF URBAN LAND IN CONGO

To better grasp the myriad ways land access, acquisition and retention are negotiated in Congolese cities, it is necessary to delve into the history of land law and administration. A useful prism through which to read this history is the urban–rural divide that first emerged under colonial rule. This divide offers key insights into the racialized origins of the segregated colonial cities in Congo, the patronage-based rule of the countryside and the progressive spilling of rural residents into decolonized urban centres. The result is a muddled governance framework in which opposed logics of rule as well as market dynamics have spawned a fierce political economy of urban land.

### The colonial urban-rural divide (1885-1960)

While urban agglomerations precede the colonizers, it is during colonization that law and administration separated the urban into a category distinct from the rural. Crucial to the colonial enterprise, this distinction was reflected in its particular modes of governance: direct rule in the European city and indirect rule in the countryside; a white civil society under the rule of law in an otherwise racially segregated urban context, and tribalized chiefdoms—often colonial constructs themselves—in a rural context where custom was law. Land was also subjected to this dualism. From early on, depending where it was located—either in an urban or rural area—land was treated differently in terms of its value, access to it and tenure. The emergence of this rural—urban divide in colonial land law and administration, as well as in the wider colonial governance system in which it was embedded, constitutes the basis for a better understanding of the challenges surrounding urban land at present.

#### Lands divided: Colonial land law and administration

Precolonial societies across and beyond the Congo basin differed in terms of their social organization and stratification, and so did the ways in which they perceived, gave meaning to, instrumentalized and managed land. For the societies expanding from the south-western shores of Lake Kivu, land played a predominant sociocultural and economic role. This is particularly the case for the kingdoms referred to as 'Bushi', including the core kingdom of Kabare, the lands upon which Bukavu is situated. In Bushi, the mwami (paramount customary chief) was the supreme custodian of all land. He handed parts of this land to his subjects, some of whom did the same for others, from which emerged a social pyramid with the mwami on top and the bashizi, who were mere users of land with no governing rights, at the bottom. Land was

<sup>9</sup> Mahmood Mamdani, Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism, Princeton: Princeton University Press, 1996.

acquired through a tribute (kalinzi) to those with land governing rights, which commonly consisted of a few cows, the number of which depended on the size and soil quality of the land. Yet, kalinzi was not a purchase price. Rather than conveying landownership, it was a sign of recognition of the authority of the mwami and therefore crucial to his legitimacy. A good king was able to carefully balance the ensuing interdependent relations that stratified society and tied together social groups within the same community. Importantly, the mwami and his vassals could retake allocated lands from their subjects. A fair amount of uncertainty around land tenure was therefore inherent in the Bushi social system, to which the Bashizi were arguably the most exposed.

With the arrival of the colonizers, ways of managing land changed profoundly. In July 1885, one of the very first legislative acts of the Congo Free State (1885-1908) introduced a new land tenure system. It declared that, from then onwards, no land contracts with Congolese would be recognized by the state unless one of its representatives was involved in the process. Crucially, vacant land—largely understood as uninhabited land—could only be occupied if a land title was in hand; if not, it was considered state property.12 Large tracts of this vacant land were leased in the form of private concessions to parastatal companies, the relentless extraction regimes of which, such as those of the red rubber, took a human and social toll felt for generations to come. In the decades following Belgian King Léopold II's reluctant hand-over of his private colony to the Belgian state in 1908, several of these concessions were turned into large-scale plantations and used for export-orientated agriculture. In the Kivu region, known for its rich soil, land scarcity began to make itself felt. Two additional colonial interventions considerably worsened the situation. First, the colonial state turned large swathes of some of the prime land in the region into national parks and expelled communities whose livelihoods depended on it. Second, searching for labour to work on the large plantations in Kivu and seeking to ease even higher population densities in Rwanda and Burundi, the Comité National du Kivu (CNKi, National Committee of Kivu), a parastatal company created in 1928 to invest in and exploit the Kivu region, resettled an estimated 300,000 Rwandan and Burundian labourers in the area in the following decades. As a result, countless small-scale farmers such as the Bashizi were expelled from their plots and turned into precarious wage labourers for large plantations. A general trend of proletarianization and pauperization began that slowly eroded the social fabric

In 2022, kalinzi still influences—and competes with statutory—land tenure in some of the more rural areas of Bukavu, including neighbourhoods of the municipality of Bagira. See: van Overbeek and Tamás, 'Claim-Making'.

Gillian Mathys, 'People on the Move: Frontiers, Borders, Mobility and History in the Lake Kivu Region, 19th–20th century', PhD thesis, Ghent University, Ghent, 2014; David Newbury, Kings and Clans: Ijwi Island and the Lake Kivu Rift, 1780–1840, Madison: University of Wisconsin Press, 1991; Candaciri Njangu, 'La Résistance Shi a la pénétration européenne', PhD thesis, National University of Zaire, Lubumbashi, 1973.

<sup>12</sup> Bulletin Officiel de l'État Indépendant du Congo 1885–1886 : Ordonnance du 1er juillet 1885, Régime Foncier, 30–31.

## of customary polities.13

Nonetheless, chieftaincies remained relatively powerful. The 1885 land decree, for instance, states that land that was not vacant remained governed by customary rules and norms. Furthermore, with the Belgian Congo (1908–1960) shift towards a system of indirect rule, formalized in the 1930s, legitimate or imposed customary chiefs became crucial lynchpins of colonial power at the local level. Their incorporation into the colonial administration assured the survival of customary land tenure in these partly traditional, partly artificial and, in some cases, invented chiefdoms. While dependent on their colonial masters, in their own territories, chiefs were relatively free to rule and could draw on the might of the colonial army in case their subjects voiced objections. The nature of indirect rule may well have contributed to the fact that farmers who were already under pressure began looking for alternative livelihoods, most of which were to be found in the slowly growing urban agglomerations. In the city, however, the manifestation of colonial power took markedly different shapes and forms—and land was at the heart of it.<sup>14</sup>

#### Planning and ruling segregated cities

Contrary to common misconceptions, early urbanization in Congo predated the arrival of any colonizers. Indeed, several of the largest cities in 2022 can be traced back to precolonial urban centres, from Kinshasa via Kisangani to settlements on Lake Tanganyika, that were generally situated along long-established trade routes. During the time of the Congo Free State and then the Belgian Congo, the colonial administration did not fundamentally change these urban networks but rather supplanted them, and then reoriented them for their own exclusive benefit.<sup>15</sup>

The seeds of the legal distinction between urban and rural land precedes much of the rising land pressures described above. As an eminent demographer and historian writes, it was in 1893 that 'the urban fact entered the written law of Zaire as a land problem.' Article 10 of a decree

- 13 Pieter Clement, 'The Land Tenure System in the Congo, 1885–1960: Actors, Motivations, and Consequences', in Colonial Exploitation and Economic Development: The Belgian Congo and the Netherlands Indies compared, eds. Ewout Frankema and Frans Buelens, London: Routledge, 2013; Koen Vlassenroot, 'Land tenure, conflict and household strategies in the eastern Democratic Republic of the Congo', in Beyond Relief: Food Security in Protracted Crises, eds. Luca Alinovi, Günter Hemrich and Luca Russo, Bourton on Dunsmore, UK: Practical Action Publishing, 2008.
- 14 Isidore Ndaywel è Nziem, Nouvelle Histoire du Congo: Des origines à la République Démocratique, Brussels: Le Cri Edition, 2008, 353–360; Mamdani, Citizen and Subject; Mathys, 'People on the Move'.
- de Saint Moulin, 'Histoire des Villes'; Jan Vansina, Paths in the Rainforests: Toward a History of Political Tradition in Equatorial Africa, Madison: University of Wisconsin Press, 1990; Valérie Piette, 'La Belgique au Congo ou la volonté d'imposer sa ville? L'exemple de Léopoldville', Revue belge de philologie et d'histoire 89/2(2011); Jacques Ulungu-Kinyamba Usungo, 'Les routes dans l'univers colonial du Kivi-Maniema (1920–1959): Mise en place, imaginaires collectifs et incidences sur la société et l'environnement', PhD thesis, Namur University, Namur, 2014.
- 6 de Saint Moulin, 'Histoire des Villes', 137–138.

on the sale and lease of royal (or colonial state) land points to special tariffs to be paid for parcels situated in as yet ill-defined circonscriptions urbaines (urban conscriptions), thereby indicating the acute awareness on the part of the colonizer of the potential value of urban land and property even before any major European urban centres existed. This decree drew a line between how urban and rural land was to be treated before the law.

Plans on how to administer this 'urban fact' followed suit and added an all-important political dimension to the urban–rural divide. As bastions of colonial power, home to white civil society in the shape of administrations, courts, army and police, as well as European administrators, officers, traders and settlers, urban conscriptions were governed by colonial law, as opposed to the indigenous tribalized lands under customary law that surrounded it. Over the course of the decades, the ever-growing need for Congolese labour to feed industrialization, export-driven agriculture and administration, and to serve colonial European patrons, drove urbanization and thereby threatened this divide. The white colony had to face one of its most-deep seated racist fears; namely, how to keep this much-needed black labour force at bay. This was done in two ways. On the one hand, the colonizers attempted to freeze their subjects in space: Congolese were forced to register in their rural chieftaincies, which they could only leave with official permission. On the other, the colonizers became obsessed with urban planning, in which land naturally played a crucial role.<sup>17</sup>

In areas of European settlement, anxieties of a growing Congolese proletariat and of social intermingling led to intensely guarded racial boundaries and firmly enforced segregation. Numerous legal texts regulated how urban conscriptions should be planned and managed, and the ways in which Congolese labour was to be settled. Already in 1898, a decree stipulates that all urban centres were to be divided into 'agglomerated neighbourhoods', one for 'construction and houses erected in wood or iron, and another reserved for huts [huttes, paillotes et chimbèques] used by coloured people [sic]'.<sup>18</sup> In 1913, another decree specifies that all 'workers, maids and employees of colour'<sup>19</sup> had to live in such designated neighbourhoods that were now referred to as cités indigènes (indigenous cities). In the administrative reforms of 1931, many of these Congolese urban agglomerations, as well as the numerous camps for workers, were turned into centres extra-coutumiers (CEC, extra-customary centres), or administrative entities outside of customary norms, with their own chiefs and some autonomy in their management.

Nancy Rose Hunt, A Nervous State: Violence, Remedies, and Reverie in Colonial Congo, London:
Duke University Press, 2016; Amandine Lauro, 'Suspect Cities and the (Re)Making of Colonial Order:
Urbanization, Security Anxieties and Police Reforms in Postwar Congo (1945–1960)', in Policing New
Risks in Modern European History, eds. Jonas Campion and Xavier Rousseaux, Basingstoke: Palgrave
Macmillan, 2016; Margot Lootens, 'Urban Development as a Reflection of Dynamics of Mobility: The Case
of Bukavu (DR Congo)', MA thesis, Ghent University, Ghent, 2019.

<sup>18</sup> Bulletin Officiel de l'État Indépendant du Congo. 1898. 'Voirie. Création de quartiers agglomérés. Réglementation', 365–368: 366 (Art. 3) (authors' translation).

<sup>19</sup> Bulletin Officiel du Congo Belge. 1913. 'Cités indigènes dans les circonscriptions urbaines. — Organisation', 558–561: 558 (authors' translation).

This autonomy could be relatively far reaching. As one of the new decrees states, 'Questions of local interest that are not the subject of general regulations, issued by the Governor General or the Governor of the province, shall form the subject of local regulations.' While land allocation and acquisition was overseen by the colonial land registry and approved by district or provincial governors, in practice, a wide range of issues such as whose housing loan to support, quarrels about trespassing neighbours, the good maintenance of houses, lawns and gardens, and the use of public space all fell under such local regulations and were handled by CEC chiefs and their advisors.<sup>21</sup>

Urbanization continued at such a rapid pace, however, that both urban plans and the management of Congolese populations became overstretched. One estimate indicates that urban centres grew by 7.9 per cent from 1938 onwards, rising to 9 per cent between 1948 to 1958, with the Kivu region registering 9.8 per cent during that period.<sup>22</sup> At independence, land pressures were already immense: one study estimates that 'a four-member family needed the produce of a plot of 1.2 hectares and a supplement of palm oil and salt to have sufficient nutrients. Already in 1959, households in Kabare [South Kivu] on average occupied less than 1 hectare'.<sup>23</sup>

At independence, then, the growing urban centres in Congo faced two kinds of closely intertwined land pressures. On the one hand, the incessant flow of Congolese into the city meant that urban centres continuously claimed land from their peripheries where urban planning regulations and statutory plot allocations inevitably collided with customary land tenure. Generally located at the margins of the city, CECs sat at the intersection of these two worlds: the urban and the rural, with their different governing arrangements, thereby upsetting the neat legal and administrative segregation colonial urban law and order had intended to put in place, kick starting a long and profuse process that has resulted in sometimes parallel, sometimes contradictory and sometimes competing urban land governance frameworks.<sup>24</sup> On the other hand, racialized urban planning led to segregated cities with stark inequalities between European and indigenous neighbourhoods in terms of infrastructure and services. As more people entered increasingly overcrowded CECs, residents sought new spaces to live

- 20 Bulletin Officiel du Congo Belge 1931. 'Centres extra coutumiers', 774–785: 774 (Art. 2) (authors' translation).
- 21 Simon de Nys-Ketels, 'Colonial Policing and Urban Space in the Notorious Commune Rouge of Lubumbashi, Democratic Republic of Congo', Urban History 49/1(2020); Lewono Lufungula, 'Participation Des Congolais à La Gestion Du Centre Extra-Coutumier de Coquilhatville: 1952–1958', Annales Aequatoria, 16 (1995).
- de Saint Moulin, 'Histoire des Villes', 148, 152.
- 23 Vlassenroot and Huggins, 'Land, Migration and Conflict', 126, in reference to a study from 1959.
- 24 Fons van Overbeek and Peter Andrew Tamás, 'Autochthony and insecure land tenure: the spatiality of ethnicized hybridity in the periphery of post-conflict Bukavu, DRC', Journal of Eastern African Studies 12/2 (2018).

in the city and pushed ever closer towards European neighbourhoods. At the same time, this fast-growing demand for urban land turned it into a highly attractive commodity, drawing the attention of entrepreneurs and real estate companies seeking investment opportunities. In many ways, Bukavu is a model example of these complex patterns of urban growth in colonial Congo.

#### Colonial Bukavu

The southern shores of Lake Kivu were home to a series of villages or settlements well before the arrival of the Belgian colonizers. Still in 2022, the names of several of neighbourhoods in Bukavu can be traced back to the names of these villages. In 1900, Belgian army officers established a military post on the peninsula of what is currently called Muhumba in the neighbourhood of Nyalukemba—an area named after a local chief at the time. It took a few decades for this post to grow, and as it did, neighbouring villagers were forcefully displaced. The contested border with neighbouring German Rwanda, coupled with the advent of the First World War and resistance from the mwami of the Bushi kingdom of Kabare, slowed the pace of European settlement. Only in the years following the First World War did Bukavu begin to grow as its climate and fertile soil started to attract colonial administrators and settlers. It was given the status of an urban conscription in 1925 and shortly afterwards became the capital of Kivu district.<sup>26</sup>

With this administrative status, urban planning became ever more important. In 1929, the Société Immobilière du Kivu (SIMAK, Kivu Real Estate Company), a subsidiary of the CNKi, designed a first urban plan—the blueprint for the European city, now called Ibanda, which is one of the three municipalities in Bukavu. This plan delineates main avenues and streets, as well as housing, offices and administrative buildings that stretched along the southern shores of Lake Kivu up onto the half-island called La Botte, an outline that remains the most urbanized part of the city in 2022. As it expanded into a colonial administrative centre and growing hub of commercial activity in the 1930s, Bukavu gradually gained a reputation as the Switzerland of Africa, famed for its temperate climate, mountain views, lake side villas and tree-lined boulevards.<sup>27</sup>

Nonetheless, the plantations, pastures and factories surrounding Bukavu required a Congolese workforce. In 1935, Kadutu, another of the city's three contemporary municipalities, became the first CEC adjacent to the European centre (now Ibanda). Bagira followed in 1953, and both CECs officially became part of Bukavu two months after it was declared a city in September

Pilipili Kagabo, 'Contribution à la connaissance des origines du centre de Bukavu (Kivu) de 1870 à 1935', MA thesis, National University of Zaire, Lubumbashi, 1973, 8–10; Aymar Nyenyezi Bisoka and An Ansoms, 'Accaparement des terres dans la ville de Bukavu (RDC): Déconstruire le dogme de la sécurisation foncière par l'enregistrement', in Conjonctures Congolaises, eds. Stefaan Marysse and Jean Omasombo Tshonda, Paris: L'Harmattan, 2014, 222.

<sup>26</sup> Njangu, 'La Résistance Shi'; Mathys, 'People on the Move'.

<sup>27</sup> Henri Nicolaï, 'Un Guide Colonial: Le Guide du Voyageur au Congo Belge et au Ruanda-Urundi', Belgeo 3 (2012).

1958. In line with colonial segregationist planning, Ibanda 'was deliberately separated from the rest of the city by a forested slope down the incised valley of the Kahawa [river transecting Bukavu] and by the industrial zone located at the back of that valley'. <sup>28</sup>

A first look at the three case studies that inform this report offers concrete examples of how some of the land pressures in the city and on the margins played out. Lying on the south-western shores of Lake Kivu, the village of Mbobero is situated around 10 km north of Bukavu, bordering the contemporary municipality of Bagira, yet still belonging to the chefferie (chiefdom) of Kabare. During the inter-war period, the CNKi distributed numerous concessions to Belgian settlers for the agricultural exploitation of the rich soil in the region, in the process displacing countless Congolese farmers and families. One Belgian settler, a man called Cosyns, 29 acquired a concession from the CNKi that was about 190 ha, situated on the slopes of Mbobero, which was commonly referred to as Hongo, after the name of the local village chief. In line with the CNKi rationale, Cosyns recruited almost 100 Banyarwanda workers from Rutshuru in North Kivu to work his plantation. This made him relatively unpopular among the overwhelmingly Bashi population, and with the mwami of Kabare, who did not receive any tributes from this labour force.30 When Cosyns also offered a hide out to the local tax collector who was sought by the mwami for harassing his subjects and defrauding his chefferie, the latter took action. In December 1930, he mobilized the inhabitants of Mbobero, along with the local police force, and stormed the Hongo concession. Ten of Cosyn's workers were killed in the process. Cosyns himself seems to have held on to his plantation until the 1940s, when he sold it to Michaux, a Belgian colonial administrator and lawyer.31

Michaux established a lemonade factory, referred to as Mineral Hongo, built a residence for himself and some houses for his eight workers, who he had recruited locally (unlike Cosyns). When Michaux left Congo—it is unclear if this was after independence or only in the 1970s—he seemed to have had some trouble paying off his workers. To resolve this, some sources say he handed the factory over to a friend, a senior Congolese politician and fellow lawyer, Léon Mamboleo Mughuba I, and allocated a small plot of 1 ha to each of his eight workers.<sup>32</sup> Others report that Michaux left his concession in the hands of the Hongo village chief, who himself

<sup>28</sup> Léon de Saint Moulin, Villes et organisation de l'espace au Congo : RDC, Tervuren, Belgium : Musée Royal de l'Afrique Centrale, 2010, 272. Also see: Lootens, 'Urban Development'.

<sup>29</sup> Emmanuel Cirimwami Barathulirwa, 'Un siècle d'une histoire tumultueuse sur la concession Hongo (1920–2020)', Powerpoint presentation given at workshop organized by the Groupe d'Études sur les Conflits et la Sécurité Humaine (GEC-SH), Bukavu, 27 May 2021 (on file with authors).

<sup>30</sup> Interview with Mbobero resident, Bukavu, 18 August 2021.

<sup>31</sup> Cirimwami, 'Un siècle d'une histoire tumultueuse'. The presentation refers to and quotes archival sources for these events.

Interview with Mbobero resident, Bukavu, 18 August 2021.

decided to allocate plots to the eight workers.<sup>33</sup> Either way, this hand over did not seem to have produced sufficient paperwork to clarify exactly who owned what, to what extent and with what right. For some time, this arrangement went uncontested. By the early 1970s, however, the underlying legal uncertainty would come to haunt Mbobero.<sup>34</sup>

While Mbobero illustrates how colonial policies triggered violent land conflicts and how decolonization led to uncertainties in land tenure, the case study in Panzi shows just how early speculation around peri-urban land began. Located further south of the city centre along the valley of the Ruzizi River, Panzi remained predominantly rural and uninhabited throughout the time of the colony. From the 1920s onwards, some of the slowly growing community of European settlers set up coffee plantations and cattle farms in the area. A few decades later, as the half-island of Muhumba, home to the villas of the colonial elite, became too populated, some settlers turned their interests to Panzi, which was still uninhabited. In the 1950s, a few colonial villas and a hotel were built. At the same time, realizing its potential, individual settlers and a few companies bought and sold parcels with the hope to secure the right to turn agricultural land into residential land. In 1950, for example, a British planter by the name of Harold Stephenson bought land from a private company called Compagnie Immobilière du Domaine de Panzi (COMPANZI, Real Estate Company of the Panzi Domain). The land was destined for agropastoral use only. Seeking the right to turn it into residential property, Stephenson wrote the colonial governor but his request went unanswered. He then sold it two years later to the Société Immobilière de la Ruzizi-Kivu (SIMRUKI, Ruzizi-Kivu Real Estate Company), which in turn sold it on to the Société Immobilière au Kivu (SIMAK, Kivu Real Estate Company) in 1953. After another two years, SIMAK finally succeeded in securing the right to use the land for residential purposes. In 1959, however, the provincial government approached SIMAK to acquire this property in order to ease the mounting population pressures on Kadutu. In February 1960, both parties agreed the government would pay BEF 9.4 million (approximately USD 2.2 million at current exchange rates) to SIMAK.35 Congolese independence a mere four months later, however, prevented this deal from being properly concluded, thereby leaving the rights to the land undetermined. In addition to the legal uncertainties around landownership, this example showcases that already during the time of the Belgian Congo, suburban land had become a coveted source of investment, drawing in private entrepreneurs, parastatal companies and the colonial government.

In the coming decades, the number of disenfranchized farmers who made their way to the city and brought with them customary notions of law and land, and the rise in urban land value that attracted wealthy business people, only intensified. Both of these developments poked holes in

<sup>33</sup> Interview with Commission Justice et Paix (CJP) member, Bukavu, 24 August 2021; interview with local administrator, Bukavu, 24 August 2021.

Cirimwami, 'Un siècle d'une histoire tumultueuse'.

<sup>35</sup> Kalala Maloba Mukiwa, 'Histoire du Quartier Essence dans la commune d'Ibanda à Bukavu (1956–1975)', Bukavu: Institut Supérieur Pédagogique, 1997 (on file with authors).

the rural-urban divide established by the colonial administration.

# A crumbling divide: Land and the city in Zaire (1965–1990s)

During the decades following independence, urban land law did not change much but its administration did and so did practices around land access and tenure. In terms of administration, the Congolese state put an end to the deeply racist and segregated colonial rule in the city, and incorporated its officers into the centralized prefectural system of Zaire. At the same time, the patron–client relations that had been important in the indirect rule of the countryside, now began to spread across this governance system and into urban administration. Consequently, expensive urban land and property became key patronage resources. All the while, urban growth continued steadily throughout most of this period. As Zairean state capacity dwindled form the mid-1970s onwards, urban planning ceased to be enforced, leading to growing disarray and a flourishing of dubious practices in land allocation, construction and the use of urban space in general.

## Decolonizing the city

After independent Congo had witnessed several years of civil war and political paralysis, Joseph Désirée Mobutu, head of the army at the time, seized power for good in his second coup in late 1965. To counteract the instability of the years of the First Republic, and consolidate and centralize his power, he revived and re-appropriated key parts of the colonial administrative apparatus and some of its policies. One of these policies was the 1966 Bakajika land law, which claimed all land, forests and minerals for the Congolese state and cancelled concessions that had been allocated prior to independence. The law was silent on customary land, however, thereby retaining the legal duality of the colonial period.<sup>36</sup> Seven years later, the 1973 Goods, Land and Real Estate Law reasserted that all land was property of the state, and retained the legal separation between urban and rural land (Article 60). Furthermore, the 1973 law claimed ownership of all customary land: Article 389 stipulated that the status of customary usage rights, which had previously been legitimately granted and enjoyed, would be the subject of a subsequent presidential decree. This decree never followed. Without it, the door was left open to legal ambiguity and uncertainty around land access and tenure for many millions of rural Zairians. In practice, however, the Zairian state never quite succeeded in imposing the 1973 law in its eastern chiefdoms, where bwami (plural of mwami) remained powerful authorities and retained much of their influence over land and its allocation.<sup>37</sup>

Moniteur Congolais, 'Ordonnance Loi n. 66-343 du 7 juin 1966 assurant à la République démocratique du Congo la plénitude de ses droits de propriété sur son domaine et la pleine souveraineté dans la concession des droits fonciers, forestiers et miniers sur toute l'étendue de son territoire', 15 August 1966. Accessed 24 August 2022, https://www.droitcongolais.info/files/Ordonnance-loi-du-7-juin-1966\_Plenitude-de-droits-de-propriete-et-souverainetes-sur-le-territoire.pdf.

<sup>37</sup> Thomas M Callaghy, The State-Society Struggle: Zaire in Comparative Perspective, New York: Columbia University Press, 1984; Timothy Raeymaekers, 'Conflict and food security in Beni-Lubero: Back to the future?, in Beyond Relief: Food Security in Protracted Crises, eds. Luca Alinovi, Günter Hemrich and Luca

In terms of urban administration, recentralization reversed late colonial laws that were intended to turn cities and their municipalities into autonomous administrative entities, with partly elected representatives by the late 1960s. All urban authorities were once again nominated by central government, thereby turning the city into a mere administrative sub-entity in Mobutu's prefectural system of governance. In the meantime, cities continued to grow, especially in the east, where civil war had pushed ever more rural residents towards the safety of urban centres. Bukavu, for instance, grew an estimated 10.4 per cent from 1958 to 1970.38 Already under serious strain during colonial days, Kadutu became stretched to its limits. Indeed, by 1970, in Nyamugo, a Kadutu neighbourhood, population densities reached 907 residents per hectare and 819 per hectare across the rest of the former CEC. To quell some of these pressures, urban administrators decided to turn the ample green spaces in Bukavu, which had served to segregate the CECs and the European city, into housing allotments. At the same time, political elites began to make use of their position to appropriate or sell off abandoned colonial property from villas to land plots with little regard for urban planning.39 A 1978 survey of Bukavu expresses a perhaps misguidedly melancholic, yet telling regret that its trajectory not only diverted from the urban plan of the colony but did not seem to follow any clear direction at all:

The planning of Ibanda [the oldest municipality, and the European centre] has been done and done well. With a few reservations, this plan remains valid. For the rest of the city, the planning was done mainly after 1950. The plan is surpassed [débordé] from all sides and there is no guiding plan. Since 1960 [independence], the development in the city is anarchic. Efforts have largely been focused on maintenance without design or future perspective.<sup>40</sup>

What slowly emerged was a political economy of urban land driven by political connections, money and opportunism. A set of nationalist policies known as Zaireanization intensified this economy. Indeed, the 1973 land law was passed during a top-down nationwide revolution of the socio-economic and cultural status quo in the country. The vision of Zaireanization promised radical change in the name of a somewhat ill-defined return to Zairean authenticity. Included were far reaching, yet ultimately devastating economic policies such as the nationalization of foreign-owned companies and plantations. In opposition to the declared ambitions of the revolution but symptomatic of Mobutu's by then rapidly expanding patronage system, nationalized land and property were handed to elites and subordinates in return for their

Russo, Bourton on Dunsmore, UK: Food and Agriculture Organization, 2008. Accessed 24 August 2022, https://www.fao.org/publications/card/en/c/285b1665-9436-5795-bd49-38cbe9040576/.

<sup>38</sup> de Saint Moulin, 'Histoire des Villes', 152.

<sup>39</sup> Nyenyeze and Ansoms, 'Accaparement des terres', 224; de Saint Moulin, 'Histoire des Villes', 143; de Saint Moulin, Villes et organisation, 284–285.

<sup>40</sup> Jan Fransen, 'Enquêtes démographiques : Ville de Bukavu'. n.p. : Département des Travaux Publics et de l'Aménagement du Territoire, 1978 (on file with authors).

support and loyalty. In the process, this created a class of wealthy political entrepreneurs. The latter were eager to buy up property as propitious investment or simply sell it off for profit.<sup>41</sup> To benefit from this windfall, proximity to the state became crucial, giving intermediaries with positions within and connections to the state apparatus considerable amounts of influence and power. In the following years and decades, 'informal alliances between a new class of rural capitalists, agro-industries, traditional authorities and state administrators'<sup>42</sup> were forged, which up to 2022 have remained the backbone of large-scale land acquisition in Congo.<sup>43</sup> The Bukavu case studies offer some insight into these practices.

#### Bukavu under Zaireanization

In the early 1970s, at the height of Mobutu's Zaireanization policies, Jean-Baptiste Mihigo Cokola, a Kinshasa-based business person, visited Mbobero and proclaimed that he had acquired the concession belonging to the lawyer Michaux. One story has it that village chief of Hongo found himself stuck with empty pockets in the capital and, in order to pay for his airline ticket back east, had sold Mihigo part of the concession. When Mihigo reached Mbobero, however, he claimed the entire concession. Those who worked for Michaux contested Mihigo's rights to their land and, in 1980, decided to take the case to court. The High Court of Uvira agreed with the workers. Mihigo appealed the judgment in the Court of Appeal in Kinshasa—too far away for the workers to attend and a city where Mihigo reportedly had political connections. That court agreed with Mihigo and a legal stalemate ensued that added further uncertainty to an already confused situation. While the workers and Mihigo found a modus vivandi up until the 1990s, one resident and long-time observer notes: The origin of the conflict lies here because nobody knows what belongs to Mihigo, what to Mamboleo and what to Michaux's eight workers.

In contrast to Mbobero, which had remained relatively rural, things had changed quite a bit in Panzi since independence. Rural villagers began to move from the countryside to Bukavu and settled on the outskirts of the city, which continuously moved further away from the city centre. In this expansion, Panzi itself grew steadily southwards. In doing so, it reached and eventually began to wrap around a military camp that had been established there in 1967. The camp was set up by Mobutu's army to plan its operations against Belgian mercenary Jean Schramme and

- 41 Janet MacGaffey, The Real Economy of Zaire: The Contribution of Smuggling and Other Unofficial Activities to National Wealth, Philadelphia: University of Pennsylvania Press, 1991.
- 42 Vlassenroot and Huggins, 'Land, Migration and Conflict', 133
- 43 Crawford Young and Thomas Turner, The Rise and Decline of the Zairian State, Madison: University of Wisconsin Press, 1985.
- 44 Interview with CJP member, Bukavu, 24 August 2021.
- 45 Interview with member of victims' association, Bukavu, 17 August 2021; interview with Mbobero resident, Bukavu, 18 August 2021; interview with local administrator, Bukavu, 24 August 2021; interview with lawyer, Bukavu, 24 June 2021.
- 46 Interview with Mbobero resident, Bukavu, 18 August 2021.

his troops, which had occupied the city in August and September that year.<sup>47</sup> To what extent this initially provisional camp was ever made permanent still remains a matter of debate in 2022. It seems that already in the late 1960s, a military commission from Kinshasa had deemed its location, situated in a valley surrounded by hills, as geo-strategically unsuitable. What is certain is that some soldiers never left the camp, instead settling in the area. Moreover, from the 1970s onwards, the Zairean Société Nationale d'Assurance (SONAS, National Insurance Company) began to function as a letting agency for Belgian colonials who returned to Belgium, leaving their properties behind. SONAS rented some of these now empty villas in Panzi to officers of the Forces Armées Zaïroises (FAZ, Zairean Armed Forces) and Gendarmerie Nationale (National Gendarmerie).<sup>48</sup>

From the late 1970s, however, the effects of Zaireanization coupled with rapid economic decline in the country began to bite. As state coffers ran dry, the soldiers stopped paying their rent and SONAS could not meet its obligations to the absent Belgian landowners in Panzi. Some of these landowners then decided to sell their houses to the newly established Zairean political entrepreneurs. To the affront of the latter, the military occupants in their newly purchased properties refused to leave. A legal battle between the new landowners, the Ministry of Defence, the army hierarchy and the resident soldiers began, which was not resolved until the start of the First Congolese War (1996–1997).

By the 1990s, countless queries and questions around landownership and rights in the already convoluted land governance regime in Bukavu had become intractable. The case studies in Panzi and Mbobero highlight some symptoms and implications of this state of affairs; for example, court rulings that are interfered with and contradictory; lack of paper trails; non-transparent deals between former colonial settlers and a rising Zairean elite; and impoverished tenants refusing to leave their homes. The resistance of poor tenants offers a glimpse into a socioeconomic reality that has only worsened over the ensuing decades: a state hollowed out from within, and unable to pay its bills or its employees, while state elites accumulate considerable wealth, and soldiers and civilians alike are simply left to fend for themselves.

# A toppled divide: The urban land economies of war (1990s-present)

The Congo wars and the unending violent conflicts have profoundly transformed the urban landscapes in eastern Congo. Over just a few years, cities have doubled and tripled in size as rural populations flee the countryside. Already strained and badly maintained urban infrastructures and services have become hopelessly overstretched. At the same time, urban real estate prices have skyrocketed as politicians allocate parcels, well-connected elites invest in them and speculation soars. At the lower echelons of this fierce competition for land, displaced

<sup>47</sup> Focus group with soldiers' wives, Panzi, 12 August 2021.

<sup>48</sup> Based on private archives held by a concerned Congolese family visited in Bukavu on 18 August 2021 by one of the authors.

people, long-standing residents and urban authorities haggle, negotiate and occasionally fight over space. In 2022, the neat colonial urban–rural divide in matters of law and administration has been fully replaced by a polymorphous governance framework, the currency of which is proximity to patron–client networks. This transformation has spawned a complex political economy around land access, retention and contention.

#### The impact of war on urban land

In the three decades following Zaireanization, land not only turned into a sought-after patronage asset in short supply. It also became increasingly interlinked with questions of belonging and identity commonly expressed under the label of autochthony. Changes in citizenship law in the 1980s severely intensified the stakes for those without clear proof of residence in Congo before 1885—a measure particularly targeted at the eastern Congo Kinywarwanda-speaking communities that fuelled tensions between them and those claiming to be 'sons [sic] of the soil'.49 In the 1990s, these long-standing tensions turned into open violence. Mobutu first shifted towards multiparty politics at this time and shortly afterwards introduced what was called 'géopolitique' (the politics of geography). In a calculus meant to divide his opposition in a newly created parliament, géopolitique directly linked political representation—and therefore power-to one's ethnic belonging. In the subsequent shuffling for positions, ambitious politicians stoked up long-standing animosities, which eventually led to ethnic violence.50 Events in neighbouring Rwanda added a transnational dimension to the localized fires that simmered in eastern Zaire. Civil war and genocide, and the subsequent influx of hundreds of thousands of Hutu refugees, led to a humanitarian and political crisis. Long-standing pressures on land and localized conflicts around identity and power became interlinked with regional politics and economics, forming the perfect storm that ultimately triggered the First (1996-1997) and Second (1998-2003) Congolese Wars.

The unfolding humanitarian catastrophe brought countless humanitarian and development agencies to eastern Congo, which needed space for their camps, offices and staff. International non-governmental organizations, diplomatic representations and UN agencies competed and were willing to pay prices for land and property well beyond the purchasing power of everyday Congolese citizens. In turn, this demand opened up ever more lucrative economic opportunities for Congolese entrepreneurs.<sup>51</sup> In 1994 in Mbobero, for instance, Care International approached Mihigo to rent his concession in order to set up camps for Rwandan refugees. Realizing this unique opportunity, Mihigo intended to rent out the whole concession, including the plots of

<sup>49</sup> Stephen Jackson, 'Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R. Congo, African Studies Review 49/2 (2006).

<sup>50</sup> Georges Nzongola-Ntalaja, The Congo from Leopold to Kabila: a people's history, London: Zed Books, 2002, 161.

David Peyton, 'Wartime Speculation: Property Markets and Institutional Change in Eastern Congo's Urban Centers', Journal of Eastern African Studies 12/2 (2018); Koen Vlassenroot and Karen Büscher, 'Borderlands, Identity and Urban Development: The Case of Goma (Democratic Republic of the Congo)', Urban Studies 50/15 (2013).

land given to the Michaux workers. The workers protested once more, renewing the simmering conflict between both parties. This time, however, the Catholic Church and the provincial governor intervened as mediators and sought a solution. Ultimately, Care International reportedly signed an agreement to only set up refugee camps on the parts of the concession upon which Mihigo resided.52 An ever-increasing demand for land has made Bukavu perhaps the most expensive city in the entire country, with square metre prices estimated to range anywhere between USD 2,000 to USD 8,000. These prices stand in stark contrast to the average income of city inhabitants—at best, a few hundred dollars per month.53

At the same time, war and conflict, and the rural exodus they have triggered, has caused eastern cities to grow at unsustainable rates. If Bukavu had a population of some 220,000 in the early 1990s, by the end of the Second Congolese War in 2003, this had reached close to half a million people; since then, the population has more than doubled once again to reach more than a million at present.<sup>54</sup> During the Congolese civil wars, the rapid flux of people in and out of the city, coupled with evictions and the re-appropriation of land in Bukavu by the occupiers, further undermined already fickle urban land tenure arrangements. When the wars ended and the country had entered a new, if volatile, phase of stability, some people returned to their homes and plots only to find them occupied. Consequently, the number of land conflicts proliferated. Those brought to the court (most likely a minority), for instance, increased more than tenfold.55 It is likely that a much higher number is settled without recourse to the law in a myriad of alternative ways.

Consequent to rapid conflict-induced urban growth, Bukavu quickly ran out of space. Similar to the political elites during the 1960s, the new occupiers have profited from the flight, confusion and general uncertainty of city residents to seize, re-appropriate and sell off public and private urban land and property. Several ambitious housing allotments administered by the Rassemblement Congolais pour la Démocratie (RCD, Congolese Rally for Democracy) are part of this urban land grab, some of which have never materialized and others of which remain caught up in speculation and rumours as to who holds which right to what plot. A proposal to extend the city to include Mbobero as a new residential area, for instance, also did not succeed. While a 2000 decree supposedly requested the inhabitants of Mbobero, including the eight Michaux workers, to prove their ownership or otherwise get their paperwork in order to

Interview with member of victims' association, Bukavu, 14 August 2021.

<sup>52</sup> 

Aymar Nyenyezi Bisoka, Emery Mushagalusa Mudinga and Tom de Herdt, 'Bukavu: City scoping study', 53 Manchester: African Cities Research Consortium, 2021, https://www.african-cities.org/wp-content/ uploads/2021/12/ACRC\_Bukavu\_City-Scoping-Study.pdf.

Nyenyezi Bisoka, Mudinga and de Herdt, 'Bukavu', 3; Hoffmann, Pouliot and Muzalia, 'Constructed 54 Anarchy'.

Aymar Nyenyezi Bisoka and An Ansoms, 'Droit et conflits fonciers à Bukavu : Vers une anthropologie de mécanismes juridictionnels de résolution des conflits', in Conjonctures Congolaises, eds. Stefan Marysse and Jean Omasombo, Paris: L'Harmattan, 2016; van Overbeek and Tamás, 'Autochthony'.

avoid eviction, a commission ultimately deemed the hills and slopes unsuitable for residential construction.<sup>56</sup> Nonetheless, the location of Mbobero on the immediate periphery Bukavu makes it prime real estate that attracts the rich and powerful.<sup>57</sup>

In general, an important political economy has developed around access to land in which politico-administrative authorities from governors down to lower-level urban administrators known as cadres de base (lowest-level municipal administrators)<sup>58</sup> use their own privileged positions to facilitate land and property deals in return for minor handouts, major kickbacks and other favours. This economy not only fuels land and property speculation and price hikes, it further undermines due process in land acquisition. Moreover, the decentralization process being implemented across the country, that declared cities and municipalities to be autonomous administrative entities in an effort to bring government closer to people, has instead only increased the leverage of urban authorities in the political economy of land access.<sup>59</sup> All three Bukavu case studies offer insights into some of the ways this economy plays out in practice.

### Contention over a cemetery, a football pitch and a peri-urban hill

Situated on the southern edges of Nyalukemba, the eastern most neighbourhood in Bukavu, the Ruzizi cemetery is named after the river flowing directly to its south, which carves out the natural border between Congo and Rwanda. Camp Saio, the largest military camp in Bukavu at present, has been watching over this geo-strategic valley since colonial days. In contrast, the neighbouring cemetery only dates back to 1975, when Kivu Governor Mwando Simba relocated the few inhabitants of that area further north-west in order to create space for the dead. During the colonial period, this vast area housed the plantation of a Belgian settler and his workers, as well as the Congolese staff working for the Jesuit priests who ran Alfajiri College. Belgian administrators and settlers also used the vast area for recreation. Both horse riding and golf were popular, and Golf Road remains the name of a road running along the north side of cemetery. This once relatively idyllic surrounding changed dramatically, however, during the Congolese civil wars, when the rights of the dead began to clash with those of the living.

Among the thousands of displaced people seeking refuge in Bukavu were the Banyamulenge, a Congolese Tutsi community seen by many Congolese as allies of the RCD despite the fact that some of its leaders tried to carve out their own political agenda autonomous from both Kigali and Kinshasa. Due to their image, Banyamulenge refugees could not settle as safely in the city as other ethnic communities fleeing the Bukavu hinterlands. In 2000, the RCD offered

- 56 Interview with member of victims' association, Bukavu, 14 August 2021.
- 57 Nyenyezi Bisoka and Ansoms, 'Accaparement des terres'.
- 58 Consists of the chef de quartier, chefs de cellules, chefs d'avenues and nyumba kumi (chief of ten houses)
- 59 Pierre Englebert and Emmanuel Kasongo Mungongo, 'Misguided and Misdiagnosed: The Failure of Decentralization Reforms in the DR Congo', African Studies Review 59/1(2016).
- 60 Koen Vlassenroot, 'Citizenship, identity formation & conflict in South Kivu: the case of the Banyamulenge', Review of African Political Economy 29/93-94 (2002).

up parts of the Ruzizi cemetery to displaced Banyamulenge from Lemera, Uvira, Minembwe and Itombwe, the birthplaces of the rebellion of the Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (AFDL, Alliance of Democratic Forces for the Liberation of Congo-Zaïre) that had toppled Mobutu in 1997 during the First Congolese War, in which the Banyamulenge played an important role. Close to the Rwandan border and the army camp, this area was deemed sufficiently safe from any potential xenophobic attacks. Known as the lotissement des Banyamulenge (Banyamulenge allotment), it was the first reallocation of Ruzizi cemetery lands for purposes other than burying the dead. This set in motion a series of encroachments on burial grounds that rapidly acquired a commercial character that continues in 2022.

Panzi also faced an attempt at urban redevelopment. In 1999, for example, the RCD urban administration turned a vast space, including the then abandoned Panzi army camp, parade grounds and some colonial villas, into an allotment project referred to as lotissement de Panzi. Most of the newly demarcated plots were sold off to people who came from the RCDbacked provincial governor's hometown of Kasiba in Walungu territory and are known as the Bazibaziba.<sup>61</sup> This created immediate tensions after the end of the Second Congolese War, when the South Kivu military hierarchy decided to house injured soldiers, their families and war widows at the Panzi army camp. In the meantime, many of the buildings had been bought up, reigniting conflict over who owned what land and property on this site. Waiting for this question to be settled and not knowing where to go, some soldiers began to settle in mud and tarpaulin houses on the former parade grounds they had used for drills prior to the war, and where they still remain. That very ground, the only vast empty space left in the area, however, is also used by the Panzi youth and football clubs. In February 2000 in a decree, provincial governor Norbert Katintima offered the grounds to the youth of Panzi, to be guarded by the Ajax football club, over which the governor himself happened to preside. 62 Tensions between Panzi youth and footballers, and the army camp inhabitants, ensued. These merged with tensions linked to the prior conflict between the Congolese owners of the colonial villas and the Congolese state, which owed them rent from pre-war times. The question about the right to use the parade grounds has attracted attention from the highest political levels. In 2019, for instance, a military mission from Kinshasa marked those houses that it considered army property with crosses, in the expectation that the non-military occupants of those places had to leave. A first wave of evacuations began in March 2021.63

<sup>61</sup> Interview with civil society member, Panzi, 10 August 2021; interview with local administrator, Panzi, 11 August 2021; interview with youth leader, Panzi, 14 August 2021; interview with widow, formerly married to a soldier, Panzi, 16 August 2021.

<sup>62</sup> Cabinet du Gouverneur de Province (South Kivu), 'Décret N° 01/093/CAB/GP-SK/2000 Du 16/02/2000 Portant Acte d'Attribution du Terrain de Football de Panzi à la Jeunesse de cette Contrée', Bukavu, 2000 (on file with authors). Also see: focus group with footballers, Panzi, 21 August 2021; and focus group with youth, Panzi, 18 August 2021.

<sup>63</sup> Interview with local administrator, Panzi, 11 August 2021.

While the occupation of Bukavu by the RCD did not have the same immediate impact on land conflict in Mbobero, subsequent years saw the stakes of this conflict surpass those of the cemetery and the football pitch. In around 2006, when newly elected President Joseph Kabila became increasingly interested in agrobusiness and acquired land across the country, some in his entourage, including Katintima, drew his attention to the rich soil in Mbobero.<sup>64</sup> Between 2007 and 2009, Kabila bought a large tract of land in Mbobero, reportedly making his purchase official through a certificat d'enregistrement (land title). This acquisition made the already simmering conflict spiral out of control. The first to take issue with Kabila's new concession was Mihigo, whose own property fell under the president's new land title. He complained in 2010 and after Kabila had delegated Katintima and his lawyer to negotiate a deal with him, Mihigo, was paid USD 300,000 in several tranches for several plots of agricultural and residential land totaling almost 200 ha.65 According to several people familiar with the case, this stands in contradiction to other documents such as the actual land title, making it unclear exactly what land Kabila bought.66 In the following years, several presidential delegations visited Mbobero, including representatives from the mwami of Kabare, who (according to some) had been wooed by Kabila to demarcate Mihigo's land and assess which residents held what kind of paperwork.<sup>67</sup> As years passed and the residents of Mbobero did not give in, Kabila changed his tune. In 2016 and 2018, the police and presidential guards forcefully expelled around 2,500 people from Mbobero and a digger destroyed buildings and houses, including a renowned hospital.<sup>68</sup> Initially, the presidential guard was left behind to protect Kabila's lands. In 2022, a large metal wall guarded by police blocks off any outside access to what Kabila deems to be his property.<sup>69</sup>

Kabila's heavy-handed response to the resistance of the inhabitants of Mbobero caused public outcry and international condemnation. Journalists who produced a 2018 documentary on

- 64 Interview with Mbobero resident, Bukavu, 18 August 2021; interview with CJP member, Bukavu, 24 August 2021.
- 65 'Acte de vente entre Monsieur Mihigo Cokola Jean-Baptiste et Monsieur Joseph Kabila Kabange', Kinshasa, 2 Janvier 2010 (on file with authors).
- 66 Interview with civil society member, Bukavu, 24 June 2021. Also see: Olivier Liffran, 'RDC Expropriations à Mborero: quand Joseph Kabila impose sa loi', Jeune Afrique 24 juilliet 2018. Accessed 24 August 2022, https://www.jeuneafrique.com/604564/politique/rdc-expropriations-a-mborero-quand-joseph-kabila-impose-sa-loi/.
- 67 Interview with Mbobero resident, Bukavu, 18 August 2021; interview with CJP member, Bukavu, 24 August 2021; interview with land registry employee, Bukavu, 2 September 2021.
- 68 Human Rights Watch, 'DR Congo: Threats Over Film Exposing Evictions. Ocumentary Alleges Abuses by President's Family, Security Detail', 26 July 2018, https://www.hrw.org/news/2018/07/26/dr-congo-threatsover-film-exposing-evictions.
- 69 WhatsApp communication with research team on their field observations, 15 March and 23 September 2022.

the events were forced to go into hiding after receiving death threats. All the while, some accuse Kabila of continuously expanding his concession, and cutting deals with the mwami of Kabare. In parallel, Kabila tried to settle the case with a victim's association in court. In March 2022, the South Kivu Court of Appeal confirmed an August 2021 ruling by the High Court of Kavumu in favour of Kabila, ordering the evacuation of the remaining occupants on his fenced concession. Already in late October 2021, the few residents who had refused to leave their plots had reportedly been evicted. Since the August 2022 ruling, the situation seems to have calmed down somewhat. At the time of writing, parts of the land were used for farming as well as cattle and goat breeding, and a house for the Kabila family was under construction. According to a lawyer with knowledge of the case, some of the evicted residents had returned to work as agricultural workers and builders on the concession, which remained guarded by the police.

This reading of the history of urban land traces the emergence and evolution of the colonial establishment of an urban–rural divide in an attempt to gain a better understanding of the current urban land governance system in Congo. Such a reading highlights how a much-called for reform of a racialized notion of the city led to a slow intrusion of rural forms of governance based on patron–client relations. While these relations have spawned a political economy of land access in which clients who pursue space require patrons to succeed, legal remnants of the urban–rural divide remain in place. The result is a highly opaque governance framework that regulates urban land neither directly nor indirectly, but rather through numerous known and less known intermediary networks. In turn, city residents deploy a wide range of practices in their attempts at navigating this landscape of land and its conflicts.

<sup>70</sup> Front Line Defenders, 'Status: Threats & Intimadation. About Jean-Chrysostome Kijana', https://www.frontlinedefenders.org/en/case/attacks-and-threats-against-human-rights-defenders-and-journalists.

<sup>71</sup> Liffran, 'RDC—Expropriations à Mbobero'; Jean Battory and Thierry Vircoulon, 'Les pouvoirs coutumiers en RDC: Institutionnalisation, politisation et résilience', Notes de l'Ifri (March), Paris: Institut français des relations internationales, 2020.

<sup>72</sup> Interview with lawyer, Bukavu, 4 February 2023; Héritier Bashige, 'Dossier Mbobero: une nouvelle victoire judiciaire pour la famille Kabila', La Prunelle RDC 16 March 2022, <a href="https://laprunellerdc.info/kabare-vive-tension-a-mbobero-alors-que-la-justice-venait-executer-un-jugement-en-faveur-de-la-famille-kabila;">https://laprunellerdc.info/kabare-vive-tension-a-mbobero-alors-que-la-justice-venait-executer-un-jugement-en-faveur-de-la-famille-kabila/.</a>

Bertin Bulonza, 'Kabare: vive tension à Mbobero alors que la justice venait exécuter un jugement en faveur de la famille Kabila', La Prunelle RDC 27 October 2021, <a href="https://laprunellerdc.info/kabare-vive-tension-a-mbobero-alors-que-la-justice-venait-executer-un-jugement-en-faveur-de-la-famille-kabila/">https://laprunellerdc.info/kabare-vive-tension-a-mbobero-alors-que-la-justice-venait-executer-un-jugement-en-faveur-de-la-famille-kabila/</a>.

# LIVING WITH URBAN LAND CONFLICT

Urban land competition in Bukavu is best understood through the urban land governance framework described above and its political economy. Despite countless challenges and conflicts, the experiences of those who try to make a home in contemporary Bukavu shed additional light on the complexities of this situation, including on those who take advantage of it.

## Poverty, insecurity and an absent state

Urban poverty is both a crucial driver and exacerbator of the countless everyday land conflicts in Bukavu. A 2018 World Bank report estimates that 75 per cent of the urban population in Congo live in slums that lack public services and basic infrastructure.73 Those without means not only have limited choice in terms of where they can live; poverty also limits their options to resolve disputes, thereby perpetuating tensions. In turn, this can cause uncertainty and insecurity, and lead to violence. Importantly, the responses from city residents who deal with such conflicts often convey a strong sense of abandonment by the state—whether in the form of lacking public infrastructure, social services or justice. A female resident of the Ruzizi cemetery points to the absurdity of having to live between tombs: 'I can say that poverty is the root of these conflicts. If our country were rich, we would not witness these kinds of conflicts. To begin with, in a rich country, the living cannot live next to the dead."74 Families of soldiers in the Panzi army camp barely have any income. Food insecurity is a serious concern, many are in debt and their children do not go to school. One woman feels that the authorities have given up on them: 'This camp is really abandoned. We haven't seen a single day when we received a single cup of flour. Not even from the military authorities."75 Instead, these residents rely on handouts and charity from a few Bukavu philanthropists.76

Because they are unplanned settlements, both Ruzizi cemetery and Panzi army camp have limited access to water, electricity and waste disposal. In addition to creating serious health risks (many residents suffer from water-borne diseases), this lack of infrastructure can also inflame neighbourly disputes. In the cemetery, for example, some dwellers dig their own water

- 73 World Bank Group, 'Urbanization Review'.
- 74 Interview with Ruzizi cemetery woman, Nyalukemba, 23 August 2021.
- 75 Participant in focus group with soldiers' wives, Panzi, 12 August 2021.
- 76 Participant in focus group with soldiers' wives, Panzi, 12 August 2021.

canalization systems to evacuate used water, only for it to run to their neighbours, who take issue with it. The cemetery location on slopes exacerbates these tensions, as dirty water runs downward from house to house. This is also the case with soil erosion and mud slides during the rainy season. One woman complains:

With strong rains come landslides. Small hills behind our houses collapse and that soil enters into our houses or that of our neighbours. Once that happens, conflict arises because the neighbour demands that you remove all the soil that entered his or her home because of the collapse of your hill.<sup>78</sup>

Similar concerns create tensions in Panzi army camp. When footballers dig water evacuation canals to protect their pitch from heavy rainfall, the water tends to inundate the adjacent mud houses belonging to soldiers. The footballers claim that: 'The soldiers threaten us saying, "You cannot drain the water in our direction so that it destroys our houses." This becomes a big problem that seriously worries us.79 Worse, the wives of soldiers accuse local authorities of denying them access to drinking water. They claim that a water distribution project undertaken by an international NGO intended to place a public water pipe close to the camp but that plan was rejected by authorities who want to see them gone.80 Indeed, the sheer presence of soldiers in such close proximity to civilians creates tensions. Some of these seem relatively mundane. The wives of soldiers complain, for instance, that mishit footballs hit their children or land in their homes. These wives explain that if their children protest, 'They [the footballers] insult them saying that they are maibobos [street children, people living on the street] and they will chase them away from here.'81 The footballers, in turn, accuse soldiers of stealing their balls and threatening them: 'One day, they waved a weapon around and threatened to open fire on us.'82 The daughter of a soldier says that from time to time, soldiers who are drugged end up in brawls with footballers because of the noise they make and that their footballs land in the camp.83 The footballers suspect soldiers of selling cannabis and high-percent alcohol drinks, as well as running theft rackets with street children who steal goods in the neighbourhood: 'All this creates a problem between the population and these soldiers. One time, the people complained. That was when the chef de quartier [neighbourhood chief] was threatened and insulted by the wives of the soldiers, when she denounced the wrongdoings in the camp. That made her reluctant to

- 79 Participant in focus group with footballers, Panzi, 21 August 2021.
- 80 Participant in focus group with soldiers' wives, Panzi, 12 August 2021.
- 81 Participant in focus group with soldiers' wives, Panzi, 12 August 2021.
- Participant in focus group with footballers, Panzi, 21 August 2021.
- 83 Interview with soldier's daughter, Panzi, 16 August 2021.

<sup>77</sup> Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021; participant in focus group focus group with barastas, Nyalukemba, 12 August 2021; participant in focus group focus group with soldiers' wives, Panzi, 12 August 2021.

<sup>78</sup> Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

do so again."<sup>84</sup> While violence remains an exception, these everyday tensions, suspicions and threats nevertheless create a sense of insecurity.

Perhaps unsurprisingly, the wives of the soldiers in the camp feel as if they are a nuisance to everyone and have been abandoned by their hierarchy. One deplores: 'We suffer. We are sacrificed. We are not worthy of anything and we don't deserve anything. We have no right to live in the eyes of our country authorities, our military authorities.'<sup>85</sup> Thinking back to pre-war days, another concurs: 'Under Mobutu, one saw children of soldiers have everything. On the 15<sup>th</sup> and 30<sup>th</sup> [of each month], they had a right to a bonus and a ration. But now, when a soldier dies, his value ends. When he is injured, it is the same.'<sup>86</sup> Another states, 'The state does not know us and does not protect us.'<sup>87</sup>

In Mbobero, too, the growing pressures on land create numerous tensions within families and between neighbours. As a member of the Commission Justice et Paix (Commission for Justice and Peace), a local mediation committee of the Congolese Catholic Church, confirms:

For a long time, in families, the eldest son always seeks to appropriate the land. They don't want to divide them with their younger brothers. This is a recurrent problem. Also, boundary disputes between neighbours lead to fights. People hit or cut one another with machetes. It can lead to death and the court. We manage such conflicts on a daily basis.<sup>88</sup>

Destitution reached unprecedented levels after the violent evictions in 2016 and 2018. As one observer notes: 'Since I was born, I have never witnessed a land-related conflict like the one with Kabila. Often, some people can have a conflict with others due to boundary disputes and it ends. But since 2008 when Kabila bought a plot in Mbobero, a conflict began that lasts until today.'89 The violent seizure of the concession destroyed local livelihoods, with displaced people having lost access to their fields and consequently unable to feed their children. Many remain traumatized.90 Moreover, some Mbobero residents note a concerning rise in insecurity and violence, which they link to the heavy presence of the security forces guarding Kabila's land. Their testimonies refer to violent harassment, sexual abuse and unwanted pregnancies of young

- Participant in focus group with footballers, Panzi, 21 August 2021.
- 85 Participant in focus group with soldiers' wives, Panzi 12 August 2021.
- 86 Participant in focus group with soldiers' wives, Panzi, 12 August 2021.
- 87 Participant in focus group with soldiers' wives, Panzi, 12 August 2021.
- 88 Interview with CJP member, Bukavu 24, August 2021.
- 89 Interview with member of victims' association, Bukavu, 17 August 2021.
- 90 Interview with member of victims' association, Bukavu, 14 August 2021; interview with NGO member, Bukavu, 4 September 2021; interview with land registry employee, Bukavu, 2 September 2021; interview with lawyer, Bukavu, 2 September 2021.

women and girls, reportedly at the hands of the security forces.<sup>91</sup>

Moreover, the land conflict with the Kabila family has split the Mbobero community into those who seek—and in some cases have accepted—a pay-off from the family and those who reject this solution. A long-standing observer summarizes: 'At the level of social relations, the social tissue has been completely destroyed. ... The population has been divided in two. One group is on the side of Maman Lembe [Joseph Kabila's wife] and another is radical. People who were united, they [the Kabilas] succeeded in dividing them.'92 In Mbobero, the stakes could not be higher. An agent of the land registry responsible for the deed puts it succinctly: 'With this file, I don't see any solution. There is a power imbalance. You have something to do with Kabila, you risk death.'93

Some, however, see opportunity in the high stakes of the Bukavu land conflicts. Indeed, in an urban context in which most residents have little means and land is scarce, state administrators, investors and landlords find countless ways to leverage their positions and make money at the cost of the socially marginalized.

## The spoils of land conflict

Across the three research sites, examples of making money offland conflicts abound. In accounts from residents, these practices are directly inter-linked with the political economy of urban land: a demand well outstripping the supply, competing legal frameworks and requirements, and an array of residents, administrators and authorities who, in the spirit of Congolese logics of patronage and the so-called Article 15°4—making do by using one's position, connections or other means and resources—are eager to devise revenue-making schemes to benefit from this situation.

The lack of public services across the city, for instance, forces residents to make do as best they can. The absence of a waste disposal system in the Ruzizi cemetery already increases health risks and creates tensions among neighbours. Worse yet, however, people from adjacent residential areas make a living by removing waste from neighbouring households only to dump it in the cemetery, thereby aggravating existing tensions and health risks. 95 In Panzi army camp, a woman

- 91 Interview with CJP member, Bukavu, 24 August 2021; interview with local administrator, Bukavu, 24 August 2021; interview with victim's association member, Bukavu, 14 August 2021; interview with Mbobero resident, Bukavu, 24 August 2021; interview with NGO member, Bukavu, 4 September 2021.
- 92 Interview with Mbobero resident, Bukavu, 18 August 2021.
- 93 Interview with land registry employee, Bukavu, 2 September 2021.
- 94 MacGaffey, The Real Economy; Crawford and Turner, Rise and Decline. Article 15 refers to an imaginary part of the 1960 constitution of secessionist South Kasai, which encouraged state employees to improvise in times of need.
- 95 Participants in focus group with barastas, Nyalukemba, 19 August 2021.

says that due to the lack of a public water pipe, she buys water for CDF 200 (about USD 0.10) per canister from the adjacent police station, which has its own supply, whose officers are more than happy to make some money on the side. In addition to small-scale water businesses, the large open space of the former parade grounds tempts small entrepreneurs unable to afford rent elsewhere to conduct business there. Along the borders of the football pitch, they sell coal, wash cars or set up little shops that sell biscuits, tissue paper and cigarettes. Kiosks, or publiphones (public phones), that made money by showing violent or pornographic movies to passers-by have been shut down and removed by the footballers.

These everyday survival strategies are but the tip of the iceberg, minor consequences of a much more systematic monetization of land in which all levels of society are implicated. A person whose father is buried at the Ruzizi cemetery, for instance, complains about the everyday economy of burials, explaining that: 'Dead and already buried people can be exhumed so that others can be buried there.'98 To some extent, this business has existed for a long time. According to a resident, already before the Congolese civil wars, a cemetery warden had asked a group of idle men called barastas<sup>99</sup> (rastafari) to help him with his work. At the time, the still forested area attracted criminals, and wild dogs and snakes threatened visitors and those who farmed small fields in the area. During the RCD occupation, the mayor gave some of the barastas plots of land in the cemetery as recognition for their work. 100 Up until recently, they worked as wardens and dug graves, for which they charged the bereaved families USD 400. In 2015, however, a well-connected clerk reportedly cut a deal with the urban authorities to take over the work of the barastas. Now, in 2022, burying someone at the cemetery involves a range of fees and taxes: USD 3 for the right of burial; USD 5 to put up a metal cross to mark the grave; and USD 100 for a gravestone. On top of this, the burial itself costs between USD 1,000 and 1,200, to be paid to the new warden and his team. The barastas allege that these fees and taxes, which did not exist when they still managed the cemetery, are nothing but kickbacks to local authorities. Worryingly, these costs have made it impossible for poorer families to find a place to bury their loved ones. When the barastas complain about the situation, the cadres de base apparently tell them, 'The barastas don't do any more work because we don't make any money for the state treasury."101

A soldier from neighbouring Camp Saio explains the growing monetization of the cemetery: 'What is at the bottom of these conflicts is the birth of a city in the cemetery. Several people

- 96 Participant in focus group with soldiers' wives, Panzi, 12 August 2021.
- 97 Participants in focus group with footballers, Panzi, 21 August 2021.
- 98 Interview with tomb owner, Nyalukemba, 25 August 2021.
- 99 Loosely inspired by Rastafarian movements.
- 100 Participants in focus group with barastas, Nyalukemba, 13 August 2021; participants in focus groups with Ruzizi cemetery women, Nyalukemba, 19 August 2021.
- 101 Participant in focus group with barastas, Nyalukemba, 13 August 2021.

and authorities have found a space of opportunities to enrich themselves without, however, thinking about the rights of the dead." The soldiers themselves also partake in this economy. After the 2006 national elections, for example, they too appropriated parts of the cemetery for themselves, divvied up these plots and then sold them. When the mayor and bourgmestre (submayor; elected urban administrative position heading the commune/municipality) of Ibanda tried to stop this, they reportedly received death threats from an army officer. 103

Parcelling one's own piece of land is a common practice among many landowners, to increase their often meagre income. Due to decades of such land deals (many of which are not officially registered), followed by war and conflict, and uncontrolled urban growth, most residents do not have all the necessary paperwork to prove their rights to the plot upon which they live. This makes it impossible to keep track of who actually owns what according to what law, custom or other arrangement. As one Panzi youth explains:

The real owner who sells his [or her] land has no official documents that attest to ownership... That person will sell the land in parcels. After parcelling, the one who bought a plot will also sell part of it. When there is a problem about limits, one appeals to the state. It is difficult for the state to manage this affair because all those who have acquired parcels from this piece of land don't have any footing to stand on. That is when you find that conflicts will start.<sup>104</sup>

As indicated above, the high real estate prices in Bukavu also attract a range of investors. The Panzi parade grounds, a prime piece of land in a rapidly urbanizing part of southern Bukavu, stand out in this regard. One footballer who was interviewed tells of a business person, a man, whom he had encountered in the neighbourhood office of the chief. Carrying fake documents showing that he had bought the land, he planned to turn the grounds into a public parking and large-scale car wash service. The footballer suspected that he had made a dubious deal with the now suspended mayor of Bukavu. Either way, this plan never materialized. 105

A young lawyer who was interviewed suspects that political heavyweights often hide their own interests and stakes behind such fronts or lower-level urban administrators. <sup>106</sup> As with former governor Katintima, who put his own (now defunct) football club in charge of managing the public space of the football field, some suspect he may actually own rights to the grounds and is merely waiting for the right time to make his landownership count. Rumours and suspicion also surround former assembly speaker Jeanine Mabunda's public support for the construction of a

<sup>102</sup> Interview with soldier, Nyalukemba, 17 August 2021.

<sup>103</sup> Interview with local administrator, Nyalukemba, 22 June 2021.

<sup>104</sup> Participant in focus group with youth, Panzi, 18 August 2021.

<sup>105</sup> Participant in focus group with footballers, Panzi, 21 August 2021.

<sup>106</sup> Interview with lawyer, Bukavu, 17 August 2021.

stadium on the contested Panzi parade grounds in February 2020, to which she donated USD 10,000 for the youth. <sup>107</sup> Observers claim that Katintima's son, Prince Cokola Katintima, also a member of national parliament, tried to use her presence in Bukavu for his own purposes. <sup>108</sup> While she had supposedly only intended to visit the world-renowned Panzi Hospital, which is close by, Cokola implicated her in the debate around the stadium so that her public show of support would in turn allow him to position his own philanthropic foundation as the best placed organization to fund its construction. One rumour has it that her donation was in fact Cokola's money, which he handed to Mabunda ostensibly for her to gift it to his foundation for the construction of the stadium. True or false, these rumours indicate how people perceive and interpret news around land projects and try to make sense of the opacity surrounding them—especially when politicians are involved.

Mbobero is the most high-profile case of this politicization of land. According to many residents, the Kabila family used its influence to sway all state services to work in its favour. According to one resident:

Every time, one sees that no part of the administration looks for a solution but rather follows political decisions and impositions by force. No land registry has ever come without being accompanied by the presidential guard, well-armed security officers against an unarmed population. That's how one can imagine that it is not about resolving a conflict but instead to impose a particular political decision.<sup>109</sup>

Indeed, many urban authorities are complicit in these political machinations and run their own revenue-making schemes. When commissions were set up to investigate the increasing encroachment of Ruzizi cemetery and restore its boundaries, for instance, commission members did the opposite. According to a member of a 2015 commission, during their second day of work, members assessed the remaining vacant land in the cemetery and instead of demarcating it, they divided it up among themselves and reserved generous plots for their superiors. The governor at the time intervened to stop these activities but the plots they seized remained in their possession. According to the former commission member, 'It is this event that marks the real complication of the problem because all people who received plots began to divide them up and sell them off.' Subsequent commissions engaged in similar practices and public outcry

<sup>107</sup> Pascal D Ngaboyeka, 'RDC: à Bukavu, J. Mabunda remet 10 mille dollars à la jeunesse de Panzi comme appui à la construction du stade de football', L'interview.cd, 20 février 2020. Accessed 24 August 2022, https://linterview.cd/rdc-a-bukavu-j-mabunda-remet-10-mille-dollars-a-la-jeunesse-de-panzi-commeappui-a-la-construction-du-stade-de-football/.

<sup>108</sup> This possibility is discussed in several forums, including: focus groups with youth, Panzi, 18 August 2021; focus groups with footballers, Panzi, 21 August 2021; and WhatsApp communication with Panzi resident and analyst, 3 November 2021. Also see: Ngaboyeka, 'RDC'.

<sup>109</sup> Interview with Mbobero resident, Bukavu, 18 August 2021.

<sup>110</sup> Interview with local administrator, Nyalukemba, 22 June 2021.

grew ever louder. In January 2021, the provincial governor suspended the city's mayor, followed by the Ibanda bourgmestre in July. While their suspension was likely related to political and personal differences with the governor, the public list of grievances against them included poor administrative and financial governance, as well as their alleged involvement in illicit land management practices such as spoliation.\(^{11}\) The former commission member puts it this way: \(^{12}\) What I can say in regards to this file is that all authorities at all levels have been implicated. Of all the people living in the cemetery, not a single one received a parcel from themselves. They bought their plots from the authorities.\(^{112}\)

Moreover, some urban administrators sell land titles and construction permissions regardless of the plot or house in question. In addition to what commission members have done, for instance, those seeking a home can also pay the land registry directly to get a plot at the cemetery. In a focus group discussion, one woman explains that: 'Currently, the one who has means will go to the land registry where they give landmarks. You call them.'<sup>113</sup> Another agrees: 'Yes, the people from the land registry place the landmarks and nobody can disturb them [the occupants] because the authorities already came and placed the landmarks.'<sup>114</sup> As a youth from Panzi puts it: 'You want to build, some state services will improvise. The cadres de base will also arrive because custom says that the cadres de base don't ever want to listen 'where the hammer reasons [fig. where construction takes place which represents a revenue-generating opportunity].'<sup>115</sup> Other youth similarly report a case from 2009 where one person sued another for illegally occupying his parcel only to find after investigations that a total of seven people were holding a paper for the same parcel.<sup>116</sup> Panzi youth suspect that in such instances, a range of urban authorities work together: 'In short, what I found is that there is a complicity between the land registry and our ministries, which make deals to grab [spolier] parcels. Ehhhh, coop<sup>117</sup>

Nyenyezi Bisoka, Mudinga and de Herdt, 'Bukavu', 5; 'Suspension du maire de Bukavu', Radio Okapi, 11 janvier 2021. Accessed 29 November 2021, https://www.radiookapi.net/2021/01/11/actualite/politique/suspension-du-maire-de-bukavu; Jules Ninda, 'Sud-Kivu: Le bourgmestre de la commune d'ibanda suspendu!', African Newspage, 3 juillet 2021. Accessed 29 November 2021, https://www.africannewspage.net/2021/07/03/sud-kivu-le-bourgmestre-de-la-commune-dibanda-suspendu!; La Prunelle, 'Bukavu: un

an après, la suspension du Maire Bilubi n'a pas «encore» payé', La PrunelleRDC, 11 January 2022. Accessed 26 September 2022, https://laprunellerdc.info/bukavu-un-an-apres-la-suspension-du-maire-bilubi-na-pas-encore-paye/.

- 112 Interview with local administrator, Nyalukemba, 22 June 2021.
- 113 Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.
- 114 Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.
- Participant in focus group with youth, Panzi, 18 August 2021.
- Participant in focus group with youth, Panzi, 18 August 2021.
- 117 Slang term; from the word 'cooperation', referring to deals between people to engage in mutually beneficial but usually illegal activities; often indicates arrangements between police and criminals but can be broader.

to rob parcels."<sup>118</sup> A woman resident in the Ruzizi cemetery told of similar practices: 'Yes, he [urban authority] sells you a plot, and later he sends someone to whom he has resold it without telling you."<sup>119</sup> Another adds: 'Or after you have already built your house, tomorrow another person comes and destroys your house only to build his [or her] own. … A plot is sold to three, four people and that creates a lot of problems."<sup>120</sup>

These examples illustrate the logics of Article 15. While many Congolese state institutions may be largely defunct, they nevertheless retain a modicum of authority in particular spheres, including that of land. In turn, urban administrators as guardians of these institutions have monetized a range of land allocation and registration processes. They have become specialists in leveraging their position in the state apparatus to make up for their lacking salaries. Their position and ample discretion allow them to judge and decide what is possible and what is not, what is legal for whom, when it becomes illegal, how and why—and perhaps most important of all, at what price.<sup>121</sup>

Land conflict is, then, also an inevitable by-product of these logics of Article 15. Indeed, many interlocutors agree in one way or another with the statement of one cemetery resident, who sums up the situation: 'There is no authority who does not take a share here. All authorities have eaten. And those who are rotated to work here and those who are leaving... They all take part in eating our money.' While those who ought to regulate are busy with their own money making schemes, disputes are left to fester. As a lawyer familiar with the Ruzizi cemetery admits, 'The difficulty for justice is that the people who are meant to punish those who dispossess others [spoliateurs] are the same ones who have to be punished for dispossession.'

<sup>118</sup> Participant in focus group with youth, Panzi, 18 August 2021.

<sup>119</sup> Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

<sup>120</sup> Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

<sup>121</sup> Giorgio Blundo and Jean-Paul Olivier de Sardan, eds., Everyday corruption and the state: citizens and public officials in Africa, London: Zed Books, 2006.

<sup>122</sup> Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

<sup>123</sup> Interview with lawyer, Nyalukemba, 26 August 2021.

# THE PRICE OF (NO) JUSTICE: DEALING WITH URBAN LAND CONFLICT

Legal ambiguity not only increases the risk of land conflict but provides several avenues for resolving it. People tend to opt for the way that they hope yields the best outcome for them—a situation commonly referred to as 'forum shopping'.<sup>124</sup> The official legal system is but one provider of justice in this forum. Others include cadres de base, customary chiefs, the church and the police. If none of these options work, it is always possible to fall back on auto-prise en charge (taking care of oneself), a logic of self-management closely associated with Article 15 that, in the absence of functioning state institutions, encourages people to take matters into their own hands. Even this kind of forum shopping, however, has severe limitations for the majority of Bukavu inhabitants.<sup>125</sup>

#### **Buying justice**

Congo is known for a justice system that rules in favour of the rich and powerful. In their absence, it is a system that rules in favour of the highest bidder, whether plaintiff or accused, victim or perpetrator. One soldier summarizes succinctly: 'You know that in our country justice is to be found in one's pocket. That is to say, the rich are always right against the poor.' In line with the logic of Article 15, magistrates, prosecutors and lawyers, as well as land registry clerks and urban administrators, leverage their respective positions in land disputes for monetary gain. From their perspective, land conflicts are welcome sources of revenue. A young lawyer from Panzi explains that for magistrates, judging over land cases can be a windfall:

The judge tells you, when we left Kinshasa, we were told that when it comes to land, when you find a Mushi [member of South Kivu's Bashi ethnic community], even if he is dressed funnily, if he brings you a land case, it means that you can already buy a house in Kinshasa thanks to this file. So for our magistrates, this file, a land conflict in Bukavu, is a coop, a

<sup>124</sup> Keebet von Benda-Beckmann, 'Forum Shopping and Shopping Forums: Dispute Processing in a Minangkabau Village in West Sumatra', The Journal of Legal Pluralism and Unofficial Law 13/19 (1981); Christian Lund, 'Twilight institutions: Public authority and local politics in Africa', Development & Change 37/4 (2006).

<sup>125</sup> van Overbeek and Tamás, 'Claim-Making'.

<sup>126</sup> Interview with soldier, Nyalukemba, 17 August 2021.

#### good affair.127

This is why, the young lawyer goes on to explain, 'Instead of judging the dispute, the justice system fuels it. That is also why at the level of the justice system, you will find cases that take 25, 10 or 15 years.' Others from the same focus group discussion with Panzi youth confirm these observations:

'It is an affair that yields more profit.'

'You understand. Even if he [or she; the judge] knows the truth, he will amplify and fuel the affair to be able to find a house in Kinshasa.'

'So that he [or she] knows that there is a house in this file.'

'And that this case lasts as long as possible.'

For those who have money, taking legal recourse is therefore a relatively safe option for getting their way. Mbobero is the strongest point in case. Those with the means have succeeded in slowly dispossessing the residents, despite much resistance. According to an NGO offering legal support to the dispossessed in Mbobero, the reasons for their [those with means] success are simple: 'The judiciary is instrumentalized. It is corrupted. So it exacerbates the conflict because where one is to take refuge? One cannot find any solutions.' A lawyer familiar with the case explains, 'To resolve land conflicts, the judiciary refers to titles delivered by the land registry and compares them to the land law of the DRC. But the Congolese judiciary has never done a field visit [to verify the situation] in this file.' A member of the local Commission Justice et Paix states that, 'The one who has money in the DRC can do whatever he [or she] wants.' Those who do not have money are stuck: 'The majority of the victims don't have the material means to even obtain titles to secure their concessions or open a judicial case and recruit a lawyer to defend them in front of the court.'

Indeed, taking a case to the court is a calculated decision based on an expected outcome. In case of a land conflict, three key considerations underpin such a decision: 1) having the right paperwork; 2) having enough money; and/or 3) having personal networks. These considerations are interrelated, but as shown above, in many cases, money trumps all of them. In front of court, land titles and registration certificates are crucial, yet they can be forged for cash payment. At

This and the following quotes are from participants in a focus group with youth, Panzi, 18 August 2021.

<sup>128</sup> Interview with NGO member, Bukavu, 4 September 2021.

<sup>129</sup> Interview with lawyer, Bukavu, 3 September 2021.

<sup>130</sup> Interview with CJP member, Bukavu, 24 August 2021.

<sup>131</sup> Interview with lawyer, Bukavu, 3 September 2021.

the same time, even the most complete paperwork can mean little when the lawyers and judges involved in the case are bought off. While family, professional and/or ethnic associations can offer crucial connections for those less well off, they cannot match the power of banknotes and the networks that emerge from those. In the words of a youth from Panzi, 'The one who is stronger swallows the one who is weaker.'<sup>132</sup> For the majority of those who seek justice, then, courts are not an option. Someone who had to abort his complaint against an occupier of his family tomb at Ruzizi cemetery explains: 'We who began with this formal justice, were we not also at a certain moment required to stop because of lack of money?'<sup>133</sup>

#### Forum shopping and its limits

Seeking solutions outside the formal justice system most commonly takes the form of mediation, whether undertaken by cadres de base or other figures of authority, including the police, the church or a range of local associations. Cases can travel back and forth between these various for a until a settlement is found. In Panzi, for instance, youth explain that they take their concerns to the neighbourhood chief. If not resolved at this level, they then turn to the Commission Justice et Paix, run by the Catholic Church. Only after mediation had failed at that level, would they consider approaching the local prosecutor's office.<sup>134</sup> Disputes in inheritances of land and property are also commonly taken to the cadres de base if no solution can be found within the family.<sup>135</sup> Importantly, then, while the Catholic Church is a much sought-after mediator to settle land-related conflicts, so are low-level state representatives, thus indicating that the state continues to play an important function in everyday practices of conflict resolution. The forums de quartier (neighbourhood forums), for instance, are neighbourhood forums organized on a more or less regular basis by the neighbourhood chief to bring together the cadres de base, local residents, civil society and the police. They also offer opportunities to discuss land disputes between the various conflict parties and find solutions without turning them into legal cases. 136 The police are another forum often sought out by Bukavu residents, who want third-party intervention in cases of neighbourhood and land parcel disputes.<sup>137</sup>

Perhaps the most common and most sought after result of these informal mediations are arrangements à l'amiable (amicable settlements). Since such amicable settlements between two or more parties in dispute bypass judicial authorities, however, they do not have any legal

- 132 Participant in focus group with youth, Panzi, 18 August 2021.
- 133 Interview with Ruzizi cemetery tomb owner, Nyalukemba, 25 August 2021.
- Participants in focus group with youth, Panzi, 18 August 2021; participants in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.
- Participants in focus group with youth, Panzi, 18 August 2021.
- 136 Participants in focus group with youth, Panzi, 18 August 2021.
- 137 Michel Thill, 'Congo Cop: Performing the state in Central Africa', PhD thesis, Ghent University, Ghent, 2021.

anchoring. Instead, they rely on mutual trust, along with the authority and legitimacy of the third party—whether cadres de base, priests or the police. While that makes such solutions somewhat tenuous and often merely temporary, they nevertheless offer viable alternatives to the prohibitive costs and lengthy procedures of a justice system that most people anyway perceive as biased.

While low-level authorities are crucial mediators who defuse tensions around land (and many other) conflicts and thereby prevent escalation, they nonetheless participate in the monetization of land conflicts. As one youth observes, 'One has to manage these [state] agents because it is a question of arrangement. Then one finds a solution with the cadres de base and it is sorted like that."<sup>38</sup> This complicity leads to a vicious cycle in which various levels of authorities stand to benefit from a single case by pushing it back and forth between them. The big losers are those who do not have enough money to afford justice. Three participants from the focus group of Ruzizi cemetery women explain:<sup>139</sup>

'Money, money! After realizing that the chief already made you suffer without finding a solution, you decide to go to the court. Once there, the justice asks you to follow the steps [échelons], beginning with the cadres de base.'

'Nyumba kumi [lowest level of cadres de base; chief of ten houses], avenue chief, neighbourhood chief...'

'Yes, and when you return to them [the court], they say, "Bring the beer file so that we can resolve the problem satisfactorily".'

Chiefs bold enough to try and resist this money-making cycle risk getting themselves arrested: 'When he [the chief] is called on to testify, the one who sees justice as a breadwinner, arrests him because he comes to ruin this affair.' A woman from the Ruzizi cemetery sums up the dilemma:

There is nowhere we can go. They always pursue their own interests. If you go to the neighbourhood chief, he tells you to give him money. You go to the nyumba kumi, he also asks for money. Maybe I have nothing. ... Where will I find a crate of primus [Congolese beer] to give him? That's when the machete blows start and the strongest wins. As we speak to you, someone is in the hospital because of this. <sup>141</sup>

While the price of formal justice and the weakness of state institutions is conducive to forum

<sup>138</sup> Participant in focus group with youth, Panzi, 18 August 2021.

<sup>139</sup> Participants in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

<sup>140</sup> Participant in focus group with youth, Panzi, 18 August 2021.

<sup>141</sup> Participant in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

shopping, the latter does not guarantee better outcomes for the poor and marginalized. In fact, in the absence of viable and effective institutional resolution mechanisms, whether formal or informal, Bukavu residents sometimes have no other option but to take matters into their own hands.

#### Weapons of the weak: Auto-prise en charge

When mediation does not resolve a dispute, and the court is not a viable option, people turn to what they commonly call 'auto-prise en charge', a phrase linked to Article 15 and referring to ways of self-management, often in relation to a felt absence of security. When used in the context of land conflicts, it can have a variety of meanings, ranging from engaging in advocacy all the way to turning to violence.

Auto-prise en charge may consist of individual acts of safeguarding the construction of one's house or securing one's property. Different plot owners use different methods to do so. In Ruzizi cemetery, for instance, many choose to build their homes overnight and hence out of sight of any authorities who may otherwise intervene. Some reportedly go a step further and pay soldiers to protect this illicit nightly construction—and avoid being harassed by them. Many of cemetery residents remain fearful of investigation commissions, which may decide to tear down what has already been built. Investing in expensive building materials is, therefore, a double-edged sword. For some, brick and mortar or wood to build solid housing prevents authorities from destroying a house too easily, yet such construction materials require means many do not have. For others, the risks are too high to justify the investment. In Panzi, for instance, the wife of a soldier states: 'Instead of wasting my money because I know that they will demolish my home, I prefer investing this money in the education of my children so that they continue to study, and in flour [so they continue to eat].'<sup>143</sup>

In Mbobero, after mwami Kabare had mediated the conflict around the refugee camps between Mihigo and the Michaux workers in the early 1990s, he apparently advised his people to either heavily invest in their land to secure them or to sell them off for a profit before they would be lost to someone with whom they could not find a compromise. According to a member of the Commission Justice et Paix, only one worker actually sold his property. Other residents demarcated their plots with stone bollards or planted trees along their land boundaries in line with long-practiced habits of using specific trees as natural fencing and land markers. It is Once the Kabila family acquired Mihigo's parcel, however, and began to expel villagers from their

<sup>142</sup> Interview with civil society member, Ndendere, 30 August 2020; participants in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

Participant in focus group with soldiers' wives, Panzi, 12 August 2021.

<sup>144</sup> Interview with CJP member, Bukavu, 24 August 2021.

<sup>145</sup> Interview with member of victims' association, Bukavu, 14 August 2021; interview with local administrator, Bukavu, 24 August 2021.

plots, the mwami was proven right: 'The population itself can do nothing. It only screams and multiplies initiatives and marches to demand help. But nobody could help them against Kabila.' $^{146}$ 

When individual measures to protect one's land fail, auto-prise en charge can turn into social mobilization and collective protest. Upon the arrival of yet another new commission in the Ruzizi cemetery, for instance, residents come together, appoint a committee and discuss strategies on how best to approach the authorities.<sup>147</sup> Similar actions are taken in Panzi. When the camp is under threat, its inhabitants collect funds among one another and prepare an envelope to help them sway authorities.<sup>148</sup> Panzi footballers try to gain the goodwill of the neighbourhood dignitaries by recruiting their children onto their teams. They say they also do this with the children of soldiers: 'That offers another perspective to the soldiers who might threaten us because they think they cannot harm us while their own children play on the same pitch.'<sup>149</sup> The footballers also organize football games to rally the neighbourhood youth in solidarity against both the camp soldiers and urban authorities suspected of scheming their next land grab. <sup>150</sup>

A common way for poor and marginalized communities to get the powerful to listen to their grievances and force action is by publicly denunciating them. In Panzi, for instance, when one of the footballers overheard the plan of a business person to turn the parade ground into a carpark, he mobilized the neighbourhood youth and denounced the scheme on the national radio the next day. According to him:

I will make the denunciation on RTNC [Radio Télévision Nationale Congolaise, Congolese National Radio and Television]. The person who will hear this denunciation will pass it on to [the governor]. [The governor] will directly call [the neighbourhood chief] and will tell them, 'I have just heard that you want to sell the pitch.' Once he has told the [chief], they will tell the [person in charge] without delay. <sup>151</sup>

The more powerless some feel, the more aggressive their ways of protecting their home become. In late 2019, in the midst of lingering rumours of the growing encroachment of the Panzi parade grounds, the governor visited the pitch himself and a group of footballers immediately showed him around. Soldiers suspected the latter of lobbying against the army camp and consequently began to threaten them. In the aftermath of the visit, the footballers found one of their goal

<sup>146</sup> Interview with land registry employee, Bukavu, 2 September 2021.

<sup>147</sup> Participants in focus group with Ruzizi cemetery women, Nyalukemba, 19 August 2021.

<sup>148</sup> Participants in focus group with soldiers' wives, Panzi, 12 August 2021.

<sup>149</sup> Participant in focus group with footballers, Panzi, 21 August 2021.

<sup>150</sup> Participants in focus group with youth, Panzi, 18 August 2021.

<sup>151</sup> Participant in focus group with footballers, Panzi, 21 August 2021.

posts dug up and thrown onto the road.<sup>152</sup> The wife of a soldier explains: 'We removed the post because of anger, when youth supported by political authorities threatened to expel us.'<sup>153</sup> While the governor's office did give all private citizens living on the parade grounds ten days to evacuate, it is not clear if this ultimatum was also directed at the inhabitants of the army camp.'<sup>154</sup> While the wives of soldiers struggle to make their voices heard, they nonetheless remain as determined as ever to stay where they are. According to some, during the governor's visit, theses wives demanded his attention by demonstrating for their cause while stripping naked.<sup>155</sup>

Finally, when no other way of finding justice seems to work, some turn to violence. During an investigation of a commission based in the Ruzizi cemetery, the latter reportedly brought along a street gang called Pomba Solution (Solution Force). In recent years, the gang has become a formidable force across the city—so much so that some urban administrators have called on the group to support their own fight against illegal construction and other violations of public space. 156 The gang members, however, reportedly used the demolition campaign in the cemetery as an opportunity to rob what valuables they could find. According to one soldier, a cemetery resident whose goods had been stolen reported it to the authorities, who responded that there was nothing they could do. The aggrieved man decided to take matters into his own hands. With the help of some of his family members, he reportedly caught one of the gang members, dragged him out of the city and beat him to death. 157 True or not, violence and insecurity are undoubtedly a consequence of failed attempts at resolving land conflict. A Panzi-based lawyer notes, for instance, 'Three quarters of assassinations in Bukavu have land conflicts as the cause. For Panzi, I don't have any data but five out of ten land conflicts I receive in my office come from Panzi. So there are settlements of scores. 158

The soldier's story and the lawyer's statement illustrate the complex challenges that are encountered in any effort to resolve a land conflict—ranging from people who for a lack of

- 52 Participants in focus group with footballers, Panzi, 21 August 2021.
- 153 Interview with soldier's wife, Panzi, 15 August 2021.
- 154 Joel Mugisho, 'Bukavu: les maisons érigées sur le terrain de Football à Panzi seront démolies dans une semaine', La PrunelleRDC, 28 décembre 2019. Accessed 24 August 2022, https://laprunellerdc.info/ bukavu-les-maisons-erigees-sur-le-terrain-de-football-a-panzi-seront-demolies-dans-une-semaine/.
- 155 Interview with youth leader, Panzi, 14 August 2021; interview with lawyer, Panzi, 17 August 2021; participants in focus group with footballers, Panzi, 21 August 2021.
- In January 2021, the provincial minister of interior declared Pomba Solution a militia group, and denied their involvement in the demolition operations in the Ruzizi cemetery. Expedit Kyalu, 'Bukavu: Des instructions ont été données à la police pour mettre fin aux activités du groupe Pomba Solution (Min Intérieur)', Radio Maendeleo, 5 janvier2021. Accessed 29 November 2021, https://www.radiomaendeleo. info/2021/01/05/securite/bukavu-des-instructions-ont-ete-donnees-a-la-police-pour-mettre-fin-auxactivites-du-groupe-pomba-solution-min-interieur/.
- 157 Interview with soldier, Nyalukemba, 17 August 2021.
- 158 Interview with lawyer, Panzi, 18 August 2021.

means and space live in cemeteries to high-stakes real estate speculation; and from inaccessible and costly justice systems via political manipulation to state administrations that cut deals with gangs to enforce their policies. In this context, the various forms of auto-prise en charge can be read as weapons of the weak; that is, as signs of everyday resistance on the part of powerless people. They are symptoms of a system that cares little for the poor and marginalized. As an employee at the Kabare land registry summarizes, The system is already rotten. I compare it to a house the floor of which is destroyed, and which has no windows or roof. One wonders where to start. So one has to rectify the whole system.

<sup>159</sup> James C Scott, Weapons of the Weak: Everyday forms of peasant resistance, New Haven: Yale University Press, 1985.

<sup>160</sup> Interview with land registry employee, Bukavu, 2 September 2021.

## CONSIDERATIONS FOR URBAN LAND REFORM

This report aims to infuse the voices of those affected by everyday land disputes into debates about land reform in Congo. By tracing three urban and peri-urban case studies from Bukavu and embedding them in their historical context, two key trends that shape current practices around land access and tenure can be identified. First, colonial land law and administration created an urban sphere separate from the rural world. While land in the city remained at least legally distinct on paper, practices of land access and tenure changed over the decades, at times rendering urban land law meaningless. Second, in the patronage-driven logics that began to permeate all Congolese state institutions form the 1970s onwards, politics and business have become inherently intertwined. Wealthy entrepreneurs are given favoured access to state institutions and resources in return for their political loyalty. At the same time, low-level state administrators leverage their positions to secure their own income and provide kickbacks to those superiors on whom their job depends. In this context, land in general, and peri-urban land and property in particular, have turned into highly lucrative resources for all of them. Consequently, urban land has undergone a double process of monetization and politicization.

#### Considerations from below

The implications of these patterns in a context in which a large majority of city dwellers struggle to make ends meet are devastating. Put simply, if there are no transparent, functional and trusted dispute resolution mechanisms that can quell land conflicts at an early stage, the latter risk festering, escalating and turning violent. What can be done? Those who have to cope with these conflicts have their own thoughts on this question. Some relate directly to measures of protecting one's property. Kabila's family built a fence around their lands in Mbobero, with a security detail that effectively guards it against unwanted access by those who contested (and lost) their property rights. The Ruzizi cemetery wardens also advocated for a fence to be built around the land as the only way to shield it from further encroachment and prevent it from turning into a public waste disposal site. The construction costs, they argue, ought to be covered by the families who pay taxes to bury their loved ones. In fact, most suggestions to protect land rights are not directly related to land but rather touch on crucial factors that intersect with land and serve as a catalyst for ensuing tensions.

#### A quest for dignity

Central to civil society demands across the city of Bukavu, access to basic public services is one such factor. In the Ruzizi cemetery, for instance, residents as well as the barasta wardens have asked for access to basic public infrastructure, including public toilets, garbage bins and drinking water. Similar demands have been raised by the wives of soldiers in Panzi army camp, along with

calls for better housing. <sup>161</sup> In Mbobero, those evicted from their homes have arguably suffered the most across the three case studies. Some have explicitly asked for psychological support to help them deal with the traumas they and their children have suffered. Other suggestions focus on their livelihoods. Those who have lost access to their fields, their only source of income, have understandably asked for them to be returned. As chances of this happening are slim to none, another interlocutor has proposed the launch of microcredit schemes to allow people to invest in economic activities and restore their financial independence. <sup>162</sup> What echoes across these demands for socio-economic rights is the quest for human dignity. As a soldier's wife in Panzi puts it, 'This social life of which we have been told, that is the one that we are looking for. We have not seen it yet. We are suffering. <sup>163</sup> In short, the lived experiences of land conflict are very much intertwined with the search for and right to a home. It is crucially important to keep this insight at the heart of any land-related interventions.

#### A state justice sell out

When it comes to land conflict, the courts is one state actors that seems to have lost all public trust. Due to the high cost and politicization of the courts, most interviewees favour dialogue and mediation (informal solutions) to resolve conflict despite their often short-lived results. <sup>164</sup> In the blunt words of a member of the Mbobero Commission Justice et Paix, Justice cannot resolve this conflict. <sup>165</sup> As a lawyer asserts, 'An alternative mode to settle differences is necessary and urgent, where concrete propositions are offered by each party to find a sustainable solution. <sup>166</sup> In Mbobero, an NGO member points to the need to depoliticize justice. <sup>167</sup> In Panzi and the Ruzizi cemetery, people insist that it is important for state agents to be involved in efforts to find sustainable solutions. <sup>168</sup> For justice, in contrast, anything short of its 'refoundation' would not be sufficient. <sup>169</sup> In order to make sense of this juxtaposition of state agents and the justice system, it is worth turning to a third and final consideration from below; namely, the recurrent and somewhat counter-intuitive calls for state intervention.

- Participants in focus group with barastas wardens, Nyalukemba, 13 August 2021; participants in focus group with Ruzizi cemetery women, Nyalukemba, 18 August 2021; participants in focus group with soldier's wives, Panzi, 19 August 2021.
- 162 Individual interviews with three members of victims' association, Bukavu, 14 and 17 August 2021; interview with Mbobero resident, Bukavu, 18 August 2021.
- 163 Participant in focus group with soldiers' wives, Panzi, 19 August 2021.
- 164 Interview with member of victims' association, Bukavu, 13 August 2021; interview with local administrator, Bukavu, 24 August 2021.
- 165 Interview with CJP member, Bukavu, 24 August 2021.
- 166 Interview with lawyer, Bukavu, 3 September 2021.
- 167 Interview with NGO member, Bukavu, 4 September 2021.
- 168 Participants in focus group with barastas, Nyalukemba, 13 August 2021; participants in focus group with Ruzizi cemetery women, Nyalukemba, 18 August 2021.
- 169 Participant in focus group with youth, Panzi, 18 August 2021.

#### Calls for state intervention

A final consideration voiced by those directly affected by land conflict is the request for more state involvement in finding solutions and settlements. Some of these calls are related to suggestions for a better life. The Ruzizi cemetery wardens, for example, ask for their voluntary work to be turned into salaried employment.<sup>170</sup> Panzi youth equally demand that the cadres de base be paid salaries and be given a better education so that they do not feel the need to charge for their services. Moreover, youth request that the employees of the land registry be let go: 'These agents who have already worked for 20 or 30 years... They only have experience in stealing but none in resolving conflicts." Panzi footballers also demand that the Congolese state pay its soldiers their pensions so that they can afford to leave Panzi army camp and rent a house. 172 In contrast, some wives of soldiers have called on the state to officially recognize the camp. Others insist that for them to leave the camp, the state first needs to provide a suitable alternative. 173 In Mbobero, a resident demands that the land registry verify and redo all land demarcations. 174

Similar to the importance of state agents in mediating land disputes, then, in these suggestions, the state emerges as a paramount actor in any long-term solutions. To fully appreciate the conundrum that Congolese citizens see the state as both exacerbating land conflict and crucial in its resolution, it is useful to separate the practices of the state from the idea of the state. More than anyone, Bukavu residents are fully aware of the complicity of state agents in city governance of urban land. As a youth from Panzi makes clear, 'Land conflicts do exist and they are orchestrated at every level. That is why they persist. It is the irresponsibility of the state.' Despite the everyday state practices that perpetuate land conflicts, residents evoke the state when seeking solutions. When they do so, they imagine the state as an equitable provider of public and social services or as a fair arbiter of common disputes. These images of the state illustrate the legitimacy it retains in the eyes of many Congolese people despite a context in which their encounters with it often prove the contrary. This idea of the state is a resource land reform interventions can draw and build upon.

#### Policy considerations for donors

The latest attempt at land reform in Congo was officially launched in July 2012, some eight

- 170 Participants in focus group with barastas, Nyalukemba, 13 August 20212.
- 171 Participant in focus group with youth, Panzi, 18 August 2021.
- 172 Participant in focus group with footballers, Panzi, 21 August 2021.
- 173 Participants in focus group with soldiers' wives, Panzi, 19 August 2021.
- 174 Interview with Mbobero resident, Bukavu, 18 August 2021.
- 175 Joel S Migdal, and Klaus Schlichte, 'Rethinking the State', in The Dynamics of States: The Formation and Crises of State Domination, ed. Klaus Schlichte, London: Routledge, 2016.
- 176 Participant in focus group with youth, Panzi, 18 August 2021.

months after President Kabila's 2011 re-election in a ballot that many observers from both inside and outside Congo consider marred by irregularities. The aims of land reform were threefold: 1) ending the myriad of land conflicts and violence emanating from them; 2) legally securing both statutory and customary land rights, in particular those of vulnerable groups, including women and minorities; and 3) promoting sustainable and environmentally friendly investment in land. Two key documents—a new land policy and a new land code to replace the 1973 Land Law—are to have paved the way. Initially programmed to take four years, land reform quickly lost traction. One reason is a prolonged crisis of government legitimacy, borne from the contested 2011 elections, exacerbated by the M23 rebellion in eastern DRC (2012-2013) and growing to unprecedented levels when Kabila attempted to hold on to power, delayed elections and violently crushed popular opposition. In this climate, donors were unsurprisingly reluctant to support the government and its reform plans, including those related to land. Moreover, progress was further complicated by a serious lack of coordination and even competition among donors and implementing agencies. All efforts to build any meaningful momentum have been undermined by the fact that since 2012, eight ministers have taken the helm at the Ministry of Land Affairs.177

A less often voiced but equally important reason for slow progress on land reform could be the stakes that are at play for Congolese elites, who own the most valuable tracts of land across the country—many of which were acquired during Zaireanization. Land reform may not only revisit public and private landownership but may also lead to a long-awaited reform of the agricultural sector. One aim of agricultural sector reforms would be to address the stark inequalities in agrarian land tenure, an issue that could threaten current agricultural elites. In brief, the powerful class of political entrepreneurs in Congo are reticent on land reforms that could put their interests—and land—at risk.

In November 2021, ten years after the launch of land reform, the Congolese government validated a new land policy which will underpin the new land law and guide implementation of the reforms. While the validated version is not yet publicly available, a consolidated 2018 draft of the land policy puts forward three principles: 3) both statutory and customary land rights should be respected; 3) the gap between the former and the actual practices of land access and appropriation should be bridged as best possible; and 3) the land rights of marginalized groups, including women, children and the indigenous pygmy population of Congo should be safeguarded.<sup>178</sup>

Ministère des Affaires Foncières, 'Réforme Foncière : Document de Programmation', Kinshasa: UN-Habitat, 2013 Accessed 24 August 2022, http://www.conaref-rdc.org/wp-content/uploads/2018/12/rdcreforme-fonciere-document-de-programmation\_vfinal-2013.pdf; Mushagalusa Mudinga and Wakenge, 'Land Crisis'.

<sup>178</sup> Commission Nationale de la Réforme Foncière, 'Document de Politique Foncière Nationale', Draft 1 (December), Kinshasa: Ministry of Land Affairs, 2018.

#### Consider the city as a site for land reform

At current urban growth rates, the urban population in Congo will likely out number that of the countryside by 2030.<sup>179</sup> The challenges faced by Congolese cities are enormous, with land being a fundamental one. When it comes to land, however, most donor attention remains focused on rural areas. The new land policy acknowledges the multidimensional nature of the Congolese land crisis. Realities in the countryside differ from those in cities, and population densities and land scarcity in the eastern provinces cannot be compared to those in the rest of the country. The new land policy therefore calls for a nuanced response. This includes distinguishing between rural and urban land, with the latter to be exclusively governed by statutory law. Even if current urban land governance arrangements and practices are as varied and diffuse as those in rural areas, this decision leaves no ambiguity as to what law takes precedence when it comes to urban land. For donors invested in land reform in Congo, it is therefore worth considering the option of shifting their focus and funding from the countryside, where tensions between custom and statutory law may well prevail for some time, to the city, where needs are just as high and legal clarity may make tangible reform results more achievable.

#### Take pressure off urban land

In an effort to provide much-needed clarification of the legal dualism in the land governance framework in Congo, the land policy appears to suggest that customary law needs to bend and compromise to be in alignment with statutory law. Rural land titles, for instance, are to be formalized through customary land certificates recognized by the court and legally equivalent to the registration certificates that govern urban land. <sup>180</sup> Customary authorities are invited to yield land to growing cities. <sup>181</sup> Traditional land systems are expected to evolve in order to align with the needs of the socio-economic and political development of the country, including on matters of women's (land) rights. <sup>182</sup> Although customary authorities participated in the formulation and validation of the land policy, the tendency of this policy to subjugate customary law to statutory law will likely cause tension and risks that could lead to violent conflict in the reform implementation process. Indeed, the 2019 appointment of a bourgmestre for the already established, yet administratively dormant rural municipality of Minembwe provides a stark example of the degree of violence decentralization coupled with questions of land can induce. <sup>183</sup>

In major cities such as Bukavu, however, these land reform proposals may offer ways forward to reduce the intense pressures on urban land that drive urban conflicts. For example, donors could facilitate exchanges between the chieftaincy of Kabare and the city administration, both

- 179 World Bank Group, 'Urbanization Review'.
- 180 Document de Politique Foncière Nationale, 37-38.
- 181 Document de Politique Foncière Nationale, 45.
- 182 Document de Politique Foncière Nationale, 58.
- 183 Judith Verweijen et al., 'Mayhem in the Mountains: How Violent Conflict on the Hauts Plateaux of South Kivu Escalated', Insecure Livelihoods Series, Ghent: Governance in Conflict Network, 2021, 59–60.

decentralized entities, with the aim of discussing an official expansion of the city for the benefit of marginalized urban residents. Besides the purchase price, a customary tax could perhaps be levied on the land in question to provide long-term compensation to the chieftaincy. Moreover, the land could be governed by a committee that includes urban authorities and services, the chieftaincy and representatives drawn from the new residents to ensure that the new land is allotted and managed fairly and transparently. Besides offering much-needed liveable plots and housing to urban and peri-urban populations, such a joint project would create a bridge between the urban and the rural, and between authorities and populations in which they share a common stake and through which they can mediate differences. Donors such as UN-Habitat and UNDP could further support the design of an urban development plan for these areas, along with sustainable housing projects, and could help raise public and private funds for their construction. Finally, such an expansion could also function as a pilot for the much-needed digitalization of urban land registration that began in 2021 but has not yet reached Bukavu.

#### Institutionalize inclusive urban land reconciliation forums

Forum shopping rarely benefits the poor and marginalized. In the concrete case of land, it keeps them away from the formal justice system. Congolese land policy acknowledges the manifold limitations of the formal justice system but is also aware of the fact that the justice system is overwhelmed by the sheer number of land-related cases. In an effort to unburden the courts, the policy seeks to simplify the process that leads to land conflict resolution. It stipulates that all land conflicts first need to be brought in front of a reconciliation or arbitrage committee. The case can only be taken to court if the committee fails to find a resolution. The new land policy hands the state responsibility for establishing, organizing and determining the functions of these committees. This attempt at reorganizing represents a nod to the current realities of land governance, in which the existence of countless resolution mechanisms creates some of the more perverse effects of forum shopping. Overly centralizing these reconciliation committees, however, may well defeat their purpose and turn them into yet another state organ of extraction. Discussion around their organization and functioning therefore has to meaningfully involve those who stand to benefit from them—and perhaps even give them the lead in this process.

One possible model could be a three-tier structure that connects new and existing organs. Functioning conflict resolution mechanisms such as the forums de quartier and Commission Justice et Paix ought to remain a first point of recourse after which cases are taken to a specialist commission sitting at the relevant municipality level, which could be linked to existing municipality committees on security and development. Cases should only be escalated to the courts only if no resolution can be found at this second level. Evidence from Congolese police reform, which established the forums de quartier and municipal committees on security, shows that these can be highly cost effective and relatively well functioning mechanisms to address a wide range of issues.<sup>185</sup> Donor support could consist of training commission and

<sup>184</sup> Land Policy, 37.

<sup>185</sup> Michel Thill, Robert Njangala and Josaphat Musamba, 'Putting everyday police life at the centre of reform', policy briefing, London: Rift Valley Institute, 2018.

committee members, consulting on how best to link committees to the courts and sensitizing communities about their options when facing conflict around land. Having a single and legitimate reconciliation mechanism outside the court system should ultimately put an end to the proliferation of informal and parallel resolution mechanisms that rarely offer long-term benefits to those who suffer most from insecure land access and tenure.

### GLOSSARY OF ACRONYMS, WORDS AND PHRASES

auto-prise en charge (French) taking care of oneself; a popular phrase used

in various contexts but mostly refers to taking matters

of security and justice in one's own hands

barastas (mix of Swahili and French) A group of people loosely

inspired by Rastafarian movements

bashizi (Swahili) In the Bushi kingdoms' social pyramid at

whose head stands the paramount customary chief as the supreme custodian of all land, the bashizi as mere users of land with no governing rights are situated at

the bottom.

bourgmestre (French) sub-mayor, an officially elected urban admin-

istrative position heading the commune/municipality

cadres de base (French) lowest-level municipal administrators, con-

sisting of the chef de quartier, chefs de cellules, chefs d'avenues and nyumba kumi (chief of ten houses)

CEC Centre extra-coutumier (colonial residential centres for

Congolese colonial subjects that were not regulated by

customary law)

**chefferie** (French) chiefdom

**CSO** civil society organization

CNKi Comité National du Kivu (National Committee of

Kivu)

Commission Justice et Paix (French) Commission for Justice and Peace; also CJP

coop (slang) abbreviation of the English word 'cooperation';

refers to deals between people to engage in mutually

beneficial but usually illegal activities

**DRC** Democratic Republic of Congo

forums de quartier (French) neighbourhood forums

kalinzi (Swahili) A tribute to the customary chief in return for

the right to use land

**mwami** (Swahili) paramount customary chief

nyumba kumi (Swahili) chief of ten houses

RCD Rassemblement Congolais pour la Démocratie

(Congolese Rally for Democracy)

SIMAK Société Immobilière au Kivu (Kivu Real Estate

Company)

SONAS Société Nationale d'Assurance (National Insurance

Company)

### **BIBLIOGRAPHY**

- 'Acte de Vente Entre Monsieur Mihigo Cokola Jean-Baptiste et Monsieur Joseph Kabila Kabange'. Kinshasa, 2 janvier 2010 (on file with authors).
- Bashige, Héritier. 'Dossier Mbobero: une nouvelle victoire judiciaire pour la famille Kabila', La Prunelle RDC. 16 March 2022. (https://laprunellerdc.info/kabare-vivetension-a-mbobero-alors-que-la-justice-venait-executer-un-jugement-en-faveur-de-la-famille-kabila)
- Battory, Jean and Thierry Vircoulon. 'Les pouvoirs coutumiers en RDC: Institutionnalisation, politisation et résilience'. Notes de l'Ifri (March). Paris: Institut français des relations internationales, 2020.
- Blundo, Giorgio, and Jean-Pierre Olivier de Sardan, eds. Everyday Corruption and the State: Citizens and Public Officials in Africa. London: Zed Books, 2006.
- Bulletin Officiel du Congo Belge. 1931. 'Centres extra coutumiers', 774–785.
- Bulletin Officiel du Congo Belge. 1913. 'Cités indigènes dans les circonscriptions urbaines. Organisation', 558–561.
- Bulletin Officiel de l'État Indépendant du Congo. 1898. 'Voirie. Création de quartiers agglomérés'. Réglementation, 365–368.
- Bulonza, Bertin. 'Kabare: vive tension à Mbobero alors que la justice venait exécuter un jugement en faveur de la famille Kabila'. La Prunelle RDC. 27 October 2021. Accessed 9 February 2023. (https://laprunellerdc.info/kabare-vive-tension-ambobero-alors-que-la-justice-venait-executer-un-jugement-en-faveur-de-la-famille-kabila/)
- Büscher, Karen. 'African Cities and Violent Conflict: The Urban Dimension of Conflict and Post Conflict Dynamics in Central and Eastern Africa'. Journal of Eastern African Studies 12/2 (2018): 193–210.
- Cabinet du Gouverneur de Province (South Kivu). 'Décret N° 01/093/CAB/GP-SK/2000 Du 16/02/2000 Portant Acte d'Attribution du Terrain de Football de Panzi à la Jeunesse de cette Contrée'. Bukavu, 2000 (on file with authors).
- Callaghy, Thomas M. The State–Society Struggle: Zaire in Comparative Perspective. New York: Columbia University Press, 1984. Accessed 15 August 2021. (<a href="https://www.degruyter.com/document/doi/10.7312/call94210/html">https://www.degruyter.com/document/doi/10.7312/call94210/html</a>)
- Cirimwami Barathulirwa, Emmanuel. 'Un siècle d'une histoire tumultueuse sur la concession Hongo (1920–2020)'. Powerpoint presentation given at workshop organized by the Groupe d'Études sur les Conflits et la Sécurité Humaine (GEC-SH). Bukavu, Democratic Republic of Congo, 27 May 2021 (on file with authors).

- Clement, Piet. 'The Land Tenure System in the Congo, 1885–1960: Actors, Motivations, and Consequences'. In Colonial Exploitation and Economic Development: The Belgian Congo and the Netherlands Indies Compared, edited by Ewout Frankema and Frans Buelens, 88–108. London: Routledge, 2013.
- Collectif Amka. 'Contrôle Citoyen Sur La Gestion Des Maisons et Parcelles de l'État Spoliées Dans La Ville de Bukavu Au Sud-Kivu'. Preliminary report. Bukavu, Democratic Republic of Congo: Collectif Amka, 2021.
- Commission Nationale de la Réforme Foncière. 'Document de Politique Foncière Nationale'. Draft 1 (décembre). Kinshasa: Ministère des Affaires Foncières, 2018.
- de Nys-Ketels, Simon. 'Colonial Policing and Urban Space in the Notorious Commune Rouge of Lubumbashi, Democratic Republic of Congo'. Urban History 49/1(2020): 129–148.
- de Saint Moulin, Léon. Villes et organisation de l'espace au Congo : RDC. Tervuren, Belgium : Musée Royal de l'Afrique Centrale, 2010.
- de Saint Moulin, Léon. 'Histoire des Villes du Zaïre : Notions et perspectives fondamentales'. Études d'Histoire Africaine VI (1974) : 137–167.
- Englebert, Pierre and Emmanuel Kasongo Mungongo. 'Misguided and Misdiagnosed: The Failure of Decentralization Reforms in the DR Congo'. African Studies Review 59/1 (2016): 5–32.
- Fransen, Jan. 'Enquêtes démographiques : Ville de Bukavu'. n.p. : Département des Travaux Publics et de l'Aménagement du Territoire, 1978 (on file with authors).
- Hoffmann, Kasper, Mariève Pouliot and Godefroid Muzalia. 'Constructed Anarchy: Governance, Conflict, and Precarious Property Rights in Bukavu, Democratic Republic of the Congo'. Ghent: Governance in Conflict Network, 2019. Accessed 24 August 2022. (<a href="https://www.gicnetwork.be/constructed-anarchy-governance-conflict-and-precarious-property-rights-in-bukavu-democratic-republic-of-the-congo/">https://www.gicnetwork.be/constructed-anarchy-governance-conflict-and-precarious-property-rights-in-bukavu-democratic-republic-of-the-congo/</a>)
- Huggins, Chris. 'Land, Power and Identity: Roots of Violent Conflict in Eastern DRC'. London: International Alert, 2010. Accessed 24 August 2022. (<a href="https://www.international-alert.org/publications/land-power-and-identity/">https://www.international-alert.org/publications/land-power-and-identity/</a>)
- Human Rights Watch. 2018. 'DR Congo: Threats Over Film Exposing Evictions Documentary Alleges Abuses by President's Family, Security Detail'. Website, 26 July. <a href="https://www.hrw.org/news/2018/07/26/dr-congo-threats-over-film-exposing-evictions">https://www.hrw.org/news/2018/07/26/dr-congo-threats-over-film-exposing-evictions</a>.
- Hunt, Nancy Rose. A Nervous State: Violence, Remedies, and Reverie in Colonial Congo. London: Duke University Press, 2016.
- Jackson, Stephen. 'Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R. Congo'. African Studies Review 49/2 (2006): 95–124.
- Kagabo, Pilipili. 'Contribution à la connaissance des origines du centre de Bukavu (Kivu) de

- 1870 à 1935'. MA thesis, National University of Zaire, Lubumbashi, 1973.
- Kalala Maloba Mukiwa. 'Histoire Du Quartier Essence Dans La Commune d'Ibanda à Bukavu (1956–1975)'. Bukavu : Institut Supérieur Pédagogique, 1979.
- Kyalu, Expedit. 'Bukavu: Des Instructions Ont Été Données à La Police Pour Mettre Fin Aux Activités Du Groupe Pomba Solution (Min Intérieur)'. Radio Maendeleo. 5 janvier 2021. Accessed 29 November 2021. (https://www.radiomaendeleo.info/2021/01/05/securite/bukavu-des-instructions-ont-ete-donnees-a-la-police-pour-mettre-fin-aux-activites-dugroupe-pomba-solution-min-interieur/)
- La Prunelle. 'Bukavu: un an après, la suspension du Maire Bilubi n'a pas «encore» payé'. La PrunelleRDC. 11 January 2022. Accessed 26 September 2022. (https://laprunellerdc.info/bukavu-un-an-apres-la-suspension-du-maire-bilubi-na-pas-encore-paye/)
- Lauro, Amandine. 'Suspect Cities and the (Re)Making of Colonial Order: Urbanization, Security Anxieties and Police Reforms in Postwar Congo (1945–1960)'. In Policing New Risks in Modern European History, edited by Jonas Campion and Xavier Rousseaux, 57–85. Basingstoke: Palgrave Macmillan, 2016.
- Liffran, Olivier. 'RDC–Expropriations à Mborero : Quand Joseph Kabila Impose Sa Loi'. Jeune Afrique. 24 juilliet 2018. Accessed 24 August 2022. (https://www.jeuneafrique.com/604564/politique/rdc-expropriations-a-mborero-quand-joseph-kabila-impose-sa-loi)
- Lootens, Margot. 'Urban Development as a Reflection of Dynamics of Mobility: The Case of Bukavu (DR Congo)'. MA thesis, Ghent University, Ghent, 2019.
- Lufungula, Lewono. 'Participation Des Congolais à La Gestion Du Centre Extra-Coutumier de Coquilhatville : 1952–1958'. Annales Aequatoria 16 (1995) : 307–338.
- Lund, Christian. 'Twilight institutions: Public authority and local politics in Africa'. Development & Change 37/4 (2006): 685–705.
- MacGaffey, Janet. The Real Economy of Zaire: The Contribution of Smuggling and Other Unofficial Activities to National Wealth. Philadelphia: University of Pennsylvania Press, 1991.
- Mahoney, James and Kathleen Ann Thelen. 'A Theory of Gradual Institutional Change'. In Explaining Institutional Change: Ambiguity, Agency, and Power, edited by James Mahoney and Kathleen Ann Thelen, 1–37. Cambridge: Cambridge University Press, 2010.
- Mamdani, Mahmood. Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism. Princeton: Princeton University Press, 1996.
- Mathys, Gillian. 'People on the Move: Frontiers, Borders, Mobility and History in the Lake Kivu Region, 19th–20th Century'. PhD thesis, Ghent University, Ghent, 2014.
- Migdal, Joel S and Klaus Schlichte. 'Rethinking the State'. In The Dynamics of States: The Formation and Crises of State Domination, edited by Klaus Schlichte, 1–40. London: Routledge, 2016.

- Ministère des Affaires Foncières. 'Réforme Foncière: Document de Programmation'.

  Kinshasa: UN-Habitat, 2013. Accessed 24 August 2022. (<a href="http://www.conaref-rdc.org/wp-content/uploads/2018/12/rdc-reforme-fonciere-document-de-programmation\_vfinal-2013.pdf">http://www.conaref-rdc.org/wp-content/uploads/2018/12/rdc-reforme-fonciere-document-de-programmation\_vfinal-2013.pdf</a>)
- Moniteur Congolais. 1966. 'Ordonnance Loi n. 66-343 Du 7 Juin 1966 Assurant à La République Démocratique Du Congo La Plénitude de Ses Droits de Propriété Sur Son Domaine et La Pleine Souveraineté Dans La Concession Des Droits Fonciers, Forestiers et Miniers Sur Toute l'étendue de Son Territoire'. Accessed 24 August 2022. (<a href="https://www.droitcongolais.info/files/Ordonnance-loi-du-7-juin-1966\_Plenitude-de-droits-de-propriete-et-souverainetes-sur-le-territoire.pdf">https://www.droitcongolais.info/files/Ordonnance-loi-du-7-juin-1966\_Plenitude-de-droits-de-propriete-et-souverainetes-sur-le-territoire.pdf</a>)
- Mugangu Matabaro, Séverin. 2008. 'La Crise Foncière à l'est de La RDC'. In L'Afrique Des Grands Lacs: Annuaire 2007–2008, edited by Filip Reyntjens, An Ansoms, and Stef Vandeginste, 385–414. Antwerp: University of Antwerp, 2008.
- Mugisho, Joel. 'Bukavu: les maisons érigées sur le terrain de Football à Panzi seront démolies dans une semaine'. La PrunelleRDC. 28 décembre 2019. Accessed 24 August 2022. (https://laprunellerdc.info/bukavu-les-maisons-erigees-sur-le-terrain-de-football-a-panzi-seront-demolies-dans-une-semaine/)
- Mushagalusa Mudinga, Emery and Claude Iguma Wakenge. 'Land Crisis and Stakeholders' Responses in the Democratic Republic of the Congo'. Ghent: Governance in Conflict Network, 2021. Accessed 24 August 2022. (<a href="https://www.gicnetwork.be/land-crisis-and-stakeholders-responses-in-the-democratic-republic-of-the-congo-2/">https://www.gicnetwork.be/land-crisis-and-stakeholders-responses-in-the-democratic-republic-of-the-congo-2/</a>)
- Ndaywel è Nziem, Isidore. Nouvelle Histoire du Congo : Des Origines à la République Démocratique. Brussels : Le Cri Edition, 2008.
- Newbury, David. Kings and Clans: Ijwi Island and the Lake Kivu Rift, 1780–1840. Madison: University of Wisconsin Press, 1991.
- Ngaboyeka, Pascal D. 'RDC: à Bukavu, J. Mabunda remet 10 mille dollars à la jeunesse de Panzi comme appui à la construction du stade de football'. L'interview.cd. 20 février 2020. Accessed 24 August 2022. (https://linterview.cd/rdc-a-bukavu-j-mabunda-remet-10-mille-dollars-a-la-jeunesse-de-panzi-comme-appui-a-la-construction-du-stade-de-football/)
- Nicolaï, Henri. 'Un Guide Colonial : Le Guide du Voyageur au Congo Belge et au Ruanda-Urundi'. Belgeo 3 (2012) : 1–22.
- Ninda, Jules. 'Sud-Kivu: Le bourgmestre de la commune d'ibanda suspendu!' African Newspage. 3 julliet 2021. Accessed 29 November 2021. (https://www.africannewspage.net/2021/07/03/sud-kivu-le-bourgmestre-de-la-commune-dibanda-suspendu/)
- Njangu, Candaciri. 'La Résistance Shi a La Pénétration Européenne'. PhD thesis, National University of Zaire, Lubumbashi, 1973.
- Nyenyezi Bisoka, Aymar and An Ansoms. 'Droit et conflits fonciers à Bukavu : vers une

- anthropologie de mécanismes juridictionnels de résolution des conflits'. In Conjonctures Congolaises, edited by Stefaan Marysse and Jean Omasombo Tshonda, 41–62. Paris : L'Harmattan, 2016.
- Nyenyezi Bisoka, Aymar and An Ansoms. 'Accaparement des terres dans la ville de Bukavu (RDC): Déconstruire le dogme de la sécurisation foncière par l'enregistrement'. In Conjonctures Congolaises, edited by Stefaan Marysse and Jean Omasombo Tshonda, 217–238. Paris: L'Harmattan, 2014.
- Nyenyezi Bisoka, Aymar, Emery Mushagalusa Mudinga and Tom de Herdt. 'Bukavu: City Scoping Study'. Manchester: African Cities Research Consortium, 2021. Accessed 26 September 2022. (https://www.african-cities.org/wp-content/uploads/2021/12/ACRC\_Bukavu\_City-Scoping-Study.pdf)
- Nzongola-Ntalaja, Georges. The Congo from Leopold to Kabila: A People's History. London: Zed Books, 2002.
- Peyton, David. 'Wartime Speculation: Property Markets and Institutional Change in Eastern Congo's Urban Centers'. Journal of Eastern African Studies 12/2 (2018); 211–231.
- Piette, Valérie. 'La Belgique au Congo ou la volonté d'imposer sa ville ? L'exemple de Léopoldville'. Revue belge de philologie et d'histoire 89/2 (2011) : 605-618.
- Radio Okapi. 'Suspension du maire de Bukavu'. 11 janvier 2021. Accessed 29 November 2021. (https://www.radiookapi.net/2021/01/11/actualite/politique/suspension-du-maire-de-bukavu)
- Raeymaekers, Timothy. 'Conflict and Food Security in Beni-Lubero: Back to the Future?' In Beyond Relief: Food Security in Protracted Crises, edited by. Luca Alinovi, Günter Hemrich and Luca Russo, 169–195. Bourton on Dunsmore, UK: Food and Agriculture Organization, 2008. Accessed 26 September 2022. (https://www.fao.org/publications/card/en/c/285b1665-9436-5795-bd49-38cbe9040576)
- Scott, James C. Weapons of the Weak: Everyday Forms of Peasant Resistance. New Haven: Yale University Press, 1985.
- Thill, Michel. 'Congo Cop: Performing the State in Central Africa'. PhD thesis, Ghent University, Ghent, 2021.
- Thill, Michel, Robert Njangala and Josaphat Musamba. 'Putting everyday police life at the centre of reform'. Policy briefing. London: Rift Valley Institute, 2018.
- Usungo, Jacques Ulungu-Kinyamba. 'Les routes dans l'univers colonial du Kivi-Maniema (1920–1959) : Mise en place, imaginaires collectifs et incidences sur la société et l'environnement'. PhD thesis, Namur University, Namur, Belgium, 2014.
- van Overbeek, Fons and Peter Andrew Tamás. 'Claim-Making through Subjectivation: A Governmentality Analysis of Associational Performance to Claim Land in the Hybridity of Peri-Urban Bukavu'. Geoforum 109 (2020): 152–161.

- van Overbeek, Fons and Peter Andrew Tamás. 'Autochthony and Insecure Land Tenure: The Spatiality of Ethnicized Hybridity in the Periphery of Post-Conflict Bukavu, DRC'. Journal of Eastern African Studies 12/2 (2018): 290–309.
- Vansina, Jan. Paths in the Rainforests: Toward a History of Political Tradition in Equatorial Africa. Madison: University of Wisconsin Press, 1990.
- Verweijen, Judith. 'Violent Cities, Violent Society Analyzing Urban Violence in the Eastern Congo'. Nairobi: Rift Valley Institute, 2019. Accessed 24 August 2022. (<a href="https://riftvalley.net/sites/default/files/publication-documents/Violent%20Cities,%20Violent%20Society%20by%20Judith%20Verweijen%20-%20RVI%20Usalama%20Project%20(2019).pdf">https://riftvalley.net/sites/default/files/publication-documents/Violent%20Cities,%20Violent%20Society%20by%20Judith%20Verweijen%20-%20RVI%20Usalama%20Project%20(2019).pdf</a>)
- Verweijen, Judith, Juvénal Twaibu, Moïse Ribakare, Paul Bulambo and Freddy Mwambi Kasongo. 'Mayhem in the Mountains: How Violent Conflict on the Hauts Plateaux of South Kivu Escalated'. Insecure Livelihoods Series. Ghent: Governance in Conflict Network, 2021. Accessed 24 August 2022. (<a href="https://www.gicnetwork.be/wp-content/uploads/2021/04/05\_GIC\_Mayhem-in-the-mountains\_WEB-2.pdf">https://www.gicnetwork.be/wp-content/uploads/2021/04/05\_GIC\_Mayhem-in-the-mountains\_WEB-2.pdf</a>)
- Vlassenroot, Koen. 'Land tenure, conflict and household strategies in the eastern Democratic Republic of the Congo'. In Beyond Relief: Food Security in Protracted Crises, edited by Luca Alinovi, Günter Hemrich and Luca Russo, 197–221. Bourton on Dunsmore, UK: Practical Action Publishing, 2008.
- Vlassenroot, Koen. 'Citizenship, Identity Formation & Conflict in South Kivu: The Case of the Banyamulenge'. Review of African Political Economy 29/93–94 (2002): 499–516.
- Vlassenroot, Koen, and Karen Büscher. 'Borderlands, Identity and Urban Development: The Case of Goma (Democratic Republic of the Congo)'. Urban Studies 50/15 (2013): 3168–3184.
- Vlassenroot, Koen and Chris Huggins. 'Land, Migration and Conflict in Eastern DRC'. In From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, edited by Chris Huggins and Jenny Clover, 115–194. Pretoria: Institute for Security Studies, 2005.
- von Benda-Beckmann, Keebet. 'Forum Shopping and Shopping Forums: Dispute Processing in a Minangkabau Village in West Sumatra'. The Journal of Legal Pluralism and Unofficial Law 13/19 (1981): 117–159.
- World Bank Group. 'Democratic Republic of Congo Urbanization Review: Productive and Inclusive Cities for an Emerging Democratic Republic of Congo'. Directions in Development. Environment and Sustainable Development. Washington, DC: World Bank Group, 2018. Accessed 24 August 2022. (<a href="https://openknowledge.worldbank.org/bitstream/handle/10986/28931/9781464812033.pdf?sequence=2&isAllowed=y">https://openknowledge.worldbank.org/bitstream/handle/10986/28931/9781464812033.pdf?sequence=2&isAllowed=y</a>)
- Young, Crawford and Thomas Turner. The Rise and Decline of the Zairian State. Madison: University of Wisconsin Press, 1985.



