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 **Regions: Sub-Saharan Africa****Africa Region Working Paper Series No. 2****Toward Inclusive and Sustainable Development in the  
Democratic Republic of the Congo****Markus Kostner**

March 1999

Abstract

Soon after coming to power in May 1997, the new government of the Congo initiated a national reconstruction process based on the principles of decentralization and participation to overcome the centralist and authoritarian legacies of the past. The government also prepared and adopted a decree-law in 1998 with a view to institutionalizing these two principles during a transition period of two years. Despite the resurgence of war in August 1998, the government's decentralization policy remains by and large appropriate.

After presenting the legacies of Mobutu's rule that propel the current need for decentralization and participation, this paper discusses what these ideas mean to people at the grassroots level. Harnessing some of the many ideas expressed at the local level in consultations and conferences sponsored by the government, the paper discusses the substance of the government's decentralization policy and the extent to which it was applied. The paper goes on to explain the growing role of traditional and religious actors within Congolese society, and discusses their relationship to the new government and its decentralization policy. Finally the paper presents concrete suggestions, building on the policy already initiated by the government, to institutionalize participation and decentralization and use them to overcome the divisions left by decades of conflict.

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**Toward Inclusive and Sustainable Development  
in the Democratic Republic of the Congo**

**Markus Kostner**

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# Toward Inclusive and Sustainable Development in the Democratic Republic of the Congo

## 1. Introduction

“It is, thus, the state the matter of the people. But a people is not just any gathering of individuals. It is an assembly of human beings who are united in respect of the law and of a common purpose. And the primary cause for getting together is not so much the weakness of an individual but a natural sociability of man.” (1, 25)

“Every people, which is an assembly of human beings as I mentioned before, every citizenry, which is a constitution of the people, every state, which, as I said, is the matter of the people, ought to be guided by advice and reason in order to last. Such advice and reason always ought to be based on the cause which created the state in the first place.” (1, 26)

Marcus Tullius Cicero. On the State. 54-51 BC.

If the natural sociability of man indeed causes the existence of the state, then the state must nurture this sociability through processes that are indigenous, inclusive, and responsive to man’s needs. A central element of such a people-centered state would be the participation of its citizenry in decision-making about the production and allocation of scarce resources. An equally important element would be the decentralization of the state’s administrative structures. Clearly, these two elements complement each other. Decentralization is a vertical disarticulation of state decision-making and policy-implementing structures. Participation is a horizontal application of the community’s “advice and reason”, by which communities legitimize and optimize the state’s decisions.

Contrasting this humanistic theory of the state, Zaire’s second republic under Mobutu evolved into a predator state which was falsely indigenous, exclusive, and neglectful of its citizens’ needs. Decisions were made at the top and flowed down to the community level. Based on the authority of a single individual, Mobutu, the state eschewed common purpose. The desire to create a “humanistic” state was a reaction to Mobutuism, and the realization of that desire was immensely complicated by it.

This paper (i) sheds some light on the legacies from the past; (ii) presents the views from the grassroots about the meaning and the functioning of decentralization and participation in every-day life, (iii) discusses two interdependent processes initiated by government that aimed at the reconstruction of the economy and state; (iv) analyzes the government’s strategy towards decentralization; and (v) introduces key state and non-state players in these processes. Responding to the ideas expressed by the state and its citizens, the paper then presents a possible approach for making decentralization and participation work. Finally, it attempts to analyze how these two dimensions of the state-citizen interface, the vertical dimension of decentralization and the horizontal one of participation, can help overcome conflict.

The paper focuses on the decentralization and participation policies outlined but not fully implemented by the Congolese government in the early days of the third republic. The provincial and territorial reconstruction conferences that were an exercise of this policy yielded a wealth of local ideas on how to rebuild the economy and the state. These ideas are woven into the text, giving voice to the "advice and reason" of the grassroots. If the country has since receded into war, it is perhaps in part because these ideas were never properly put into practice. Rather than delegitimizing them, the ongoing war makes it even more important that these ideas be heard.

## **2. Legacies from the Past**

Centralization has a long history in the Congo. Though with different justifications and characteristics, central government dominated the execution of power during both the colonial period and the second republic. Regarding decision-making, "everything came from above without any explanations".<sup>1</sup> From a financial perspective, even most of the local taxes were transferred to Kinshasa, and the little that remained locally, and that was not "lost" by local government officials, did not make up for the funds that were supposed to be returned by the central government but never were. Lip service was paid to the need for a rational decentralization of power by the passing of decrees in 1982 and 1995. These decrees, however, were never truly implemented and most state power remained in the hands of the central government.

Though local authorities had certain powers, these were more often than not abused rather than used in the interest of the population. In fact, recruitment for the civil service did not follow any transparent procedures but was often based on kinship or political affiliation. Hence, rather than serving the populace, the civil service frequently served the power that sustained it, thereby also copying and applying its spirit of egoism and nepotism.

"Mobutu's biggest error was to cut all ties to the grassroots". Indeed, the second republic guided its people not by advice and reason but by neglect and arbitrary decree. Infrequent contact between central authorities and the population was only one of the signs of this policy. Many provinces and territories were, and remain, enclaved without access to neighboring regions, much less to the outside world. As a result, "many parts of the country are still in the middle ages, and only a few are at the doorstep of the industrial revolution".

At the same time, spontaneous initiatives from the citizenry were subjected to coercion and subversion. With community involvement never formally defined, with an increasingly discontent population never in charge of its own destiny, the needs of the people were not only not addressed by the state but in effect aggravated by its policy of neglect. Such exclusion weighed even more heavily on women whose rights (for instance, of expression, to manage their affairs and to work) were often ignored.

To fill this vacuum, NGOs and churches began to take over the delivery of education and health services. Because they used funds more effectively and transparently than the state, they were also able to secure a steady flow of local and foreign resources (see World Bank 1998b for more details). As a result, civil society, which includes churches, unions, development NGOs and local associations, grew progressively stronger. This strengthening of civil society, completely

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<sup>1</sup> Various statements and expressions by government representatives and citizens are quoted verbatim to better reflect local ideas of inclusive and sustainable development.

unintended by the government, led to a substantial degree of de facto decentralization in some areas at the same time that the formal decentralization policies of 1982 and 1995 remained “paper tigers”. Turning years of neglect into an advantage, civil society became for the third republic a solid base to reach out to the grassroots.

### **3. Meanings of Decentralization and Participation**

Decentralization and participation mean different things to different people depending on their background, their position, and their outlook. This section attempts to capture different interpretations as espoused by government officials and the local population in different parts of the country. Many of these interpretations are normative, i.e. they reflect value judgments about how things should be. These are not judged here. Rather, it is recognized that “decentralization and participation are essential to free the spirit and unleash the human potential”.

#### *What is decentralization?*

“Kinshasa is far removed from the real problems and less concerned with finding interventions addressing these problems.” This is a recurrent theme about decentralization. Behind this statement lies the conviction that the Congo is too big a country to be controlled by central authority alone. Recognizing this limitation, “government should make the priorities of its people also its priorities” and, as the population requests, transfer a good part of its authority to the local level. Indeed, “making grassroots responsible for development would be the best approach for the country.”

Decentralization addresses the needs of communities as well as of individuals. Hence, the “provinces have to benefit from their riches and to have access to the resources they generate”. On a personal level, “citizens should not have to contact Kinshasa to get a passport” and “children should be raised by their parents, not by Kinshasa”. There is, thus, a deeply felt need among the populace to overcome this unique dichotomy of the omnipresent and all-embracing, yet dysfunctional and vitiated state of the Mobutu era.

The traumatic experience of the second republic has left the populace with a deep suspicion of central authority. Though liberation from the corruption of the second republic has been widely appreciated, the new government still needs to earn trust at the grassroots, ensuring them that “the people are the state, not the state the people”. In emphasizing this challenge, “there was decentralization before, but only on paper. It is important that the new government transcends old habits”. This challenge has become even more formidable with the onset of renewed civil war in August 1998.

#### *What is participation?*

As with decentralization, participation can take on many forms. And as with decentralization, political willingness is a prerequisite for popular participation. On a fundamental level, participation requires a self-conscious citizenry whose rights are protected, including “the right to be from somewhere, the right to being respected by government, the right that government responds to my needs, and the right to express my opinion and to being listened to.” These rights “give confidence that I am, that I can influence decisions that affect me”, in other words that it is worthwhile to participate.

By its very nature, authority, be it traditional, religious or from the state, erects constraints to participation. Authority, therefore, needs to create a climate for participation to flourish. Such activities include awareness raising and outreach programs through radio or sensitization in schools and churches. “The message to people should be: ‘you have to take charge of your own development’”. Through such action, “participation should become habit”.

The legacies of the second republic’s neglect of the right to participate are manifold and overcoming them is challenging indeed. It requires that current leaders “show respect towards the population, respect criticism if something does not work, and do not start with a preconceived opinion about the people’s needs”. It also requires open communication and listening to the people, “who have important things to say”. With the administration thus responsive to the population’s needs, “the people will respect authority, will gain confidence in this authority, and will be willing to enter into a partnership of trust”. “By sharing responsibility with the people, there will be less pressure on the authority if something goes wrong”. But “if the population does not participate, the parameters of development are incomplete, and the people will have no commitment to maintain” whatever is being done on their behalf.

Participation, thus, is more than an in-kind community contribution to a project activity. Through true participation, individuals apply their human and social capital to the benefit of the community. This contribution has to be voluntary, as only “voluntary participation liberates oneself”. Participation by force, imposed from above as so often during the second republic, can have a positive impact but it does not create ownership and therefore is not sustainable.

A critical question relates to the way such participation should be institutionalized to increase accountability and responsiveness. In the current context, adequate representation by all population groups appears to be the most suitable guiding principle. For that reason, “local negotiations are more appropriate than winner-takes-all elections”. Such consensus building would allow to manage diversity better and “to avoid further polarization”.

“The people are the country’s main capital”, and as “people can do many things without government, government has to have trust in its people to let their potential unfold”. Thus there is a “need to invest in the people.” “They need to understand their responsibilities, for instance regarding the financing of recurrent costs, and how they can benefit” from participation. “Their capacities need to be build so that they can articulate themselves and become empowered”. That said, “people are not stupid, and their capacities will develop if allowed to grow”.

Regarding empowerment, a special focus needs to be placed on women who have long been neglected in the second republic. Women in particular “should benefit from training and capacity building to empower them, to enable them to participate, and to unleash their potential.” The ultimate aim of such a gender focus is that “the role of women in society finally reflects their importance in the economy”.

#### 4. Economic and Social Policy Directions

“And no human virtue reaches closer to divine intervention than the building of new, or the maintaining of already existing states.” (1,7)

Marcus Tullius Cicero. On the State. 54-51 BC.

In its Economic Stabilization and Recovery Program prepared for the first meeting of the Friends of the Congo in December 1997, the new government presented its economic and political philosophy. “The government has ... opted for the *social market economy* model as a means of ensuring the judicious distribution of roles among the State and other players in society: businesses, associations, NGOs, and local authorities. The government is committed to respecting and enforcing the *principle of subsidiarity* that must govern the State’s role within the social market economy. As a general rule, the central government will not intervene in economic and social activity except where it can clearly act more effectively than business, associations, NGOs, churches or local authorities” (Government of the Congo 1997, 9; italics in original).

Furthermore, the “*participatory approach* represents the core of the government’s strategy for formulating and implementing its policies in general, and its social and economic measures in particular. In the economic and social sphere, the government intends to engage the systematic participation of all components of Congolese society in the formulation of policies and reforms, to ensure that they are workable. To this end, an *Economic and Social Council* will be set up ... The manner of constituting this Council will be worked out at the National Conference on Reconstruction ...” (Government of the Congo 1997, 12; italics in original).

In operationalizing these economic and social policy directions, the government initiated a dual process to rebuild the economy and state, respectively, soon after coming to power: (i) a national reconstruction conference under the tutelage of the Ministry of Planning (erstwhile Ministry of National Reconstruction and Emergency Planning) and (ii) a territorial conference under the tutelage of the Ministry of Internal Affairs.

##### 4.1 National Conference on Reconstruction

The objective of the national reconstruction conference was “the formulation of reconstruction strategies and policies from the longer-term perspective, within a participatory approach that consists of mobilizing the different segments of Congolese society around the ideal of national reconstruction” (Government of the Congo 1997, 1). Whereas earlier such efforts have mostly proven futile, preparations for the national reconstruction conference for the first time fully involved the population who in turn responded enthusiastically to the chance of participating in the shaping and building of a new state.

##### *Preparatory phase*

In August 1997, the conference’s permanent secretariat issued a framework within which the provinces were to, in a transparent manner, (i) select members of civil society and (ii) collect information about local reconstruction needs. The population was invited to define its model of

development on the basis of its needs. The conference addressed a broad range of topics, including:

- state, nation and development;
- democracy and the protection of human rights;
- political parties, civil society and local administrative structures;
- the role of the armed forces;
- the role of customs, tradition and religion;
- structural adjustment, money and credit;
- rural development, food security and environment;
- employment, health and education;
- family, youth and women.

Using the secretariat's guidelines, the provinces could choose between (i) the organization of a provincial reconstruction conference with up to 250 participants ensuring a broad representation of local civil society, or (ii), where resources were limited, the organization of a mini-conference with more emphasis on the local administration. In both cases, the views of churches, NGOs, unions, local associations, traditional authorities, the security forces and the private sector were to be listened to. Data were to be collected at the territorial level using a standard questionnaire. A central organizational element was the temporary establishment of territorial fora with representation from the local administration and the local population.<sup>2</sup>

#### *Provincial reconstruction conferences*

The provincial conferences were held in late 1997/early 1998 with financial support from donors. Participants were grouped into various commissions to (i) take stock of current problems; (ii) propose corrective actions; and (iii) assign responsibilities between different levels of government, society at large, and the international community, to undertake these corrective actions. The assumption behind these deliberations was that state powers would be devolved in one way or another, perhaps through some form of federalism. The implications of the recommended actions on capacity building and staffing were discussed. Reports of findings and recommendations were prepared by all provincial secretariats. These reports constitute a wealth of information about community-based reconstruction needs and activities that was never "mined".

Many local authorities actively participated in the process. They ensured an accurate representation of views and facilitated the participation of the population. In other instances, the process was more controlled at the provincial and territorial level and openness of views was limited as a result. By and large, however, the preparation process for the national reconstruction conference proved to be an important tool for making people conscientious of their role in development. The idea of using territorial fora, which was not part of the 1982 and 1995 decentralization policies, was also welcomed.

#### *National reconstruction conference*

The national reconstruction conference, planned for mid-February 1998 by bringing together 25 participants from each province, was canceled at short notice for reasons which remain unclear. Arguably, "the cart was put before the horse" because (i) the capacities of the

<sup>2</sup> The territory is the third layer of administration, below the central government and the province.

local administration were still too weak to implement, or even guide, the identified reconstruction activities and (ii) after raising expectations among the local population, no funds were yet available to meet the expressed reconstruction needs.

Indeed, financial follow-up is important to keep the momentum of community participation going, lest the people feel deceived and lose interest yet again. Donor interventions, such as the Bank's multi-donor trust fund currently awaiting implementation, are meaningful also from this perspective. This being said, however, the cancellation of the national reconstruction conference has done much damage to the image of the process, and this damage has been compounded by the fact that the results of the provincial conferences have not been openly communicated or discussed. Nevertheless, the approach taken for organizing the national reconstruction conference warrants consideration for institutionalization. It has been:

- indigenous, by building on a civil society that has become a potent factor for people-centered development during the second republic;
- inclusive, by reaching out to citizens from all walks of life; and
- responsive, by listening to the needs of the people at the grassroots level.

#### **4.2 Territorial Conference**

“This is why, with a view to give back hope to this crushed people, I intend to imprint on the territory a new vision, a new role which permits it to be the backbone of development. This role is to constantly listen to the people to understand its worries and to be responsible for its well-being.”

Laurent-Désiré Kabila. Opening address at the territorial conference. Kinshasa, February 12, 1998.

The objective of the territorial conference was to restore the state nation-wide by increasing the role of the territory. The conference, held from February 12-14, 1998, was also intended to reinforce national reconstruction efforts. Participants included members of government, the executive committee of the AFDL,<sup>3</sup> the provincial governors, the administrators of the territories, and renowned resource persons.

During the conference, participants (i) analyzed the problems and perils of the second republic; (ii) defined approaches to overcome them; (iii) analyzed ways for building a new state; (iv) assigned responsibilities in the areas of, among others, agriculture, public works, social and cultural development and public order to different levels of government; (v) identified resource and capacity building needs at the territorial level; and (vi) shared visions how to resolve local and national conflict. The territorial conference provided critical inputs into the refinement of the 1998 decree-law on decentralization.

The territorial conference shared many views with the national reconstruction process about rebuilding the state. By transforming the territory into the basis for social and economic development, the territorial conference, like the national reconstruction conference, introduced the element of decentralization into the decision-making process, thus “bringing those who

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<sup>3</sup> Alliance des forces démocratiques pour la libération du Congo.

govern closer to those who are governed". Recognizing that "making grassroots responsible for development would be the best approach for the country", the territorial conferences introduced consultative councils at the territorial level with representation from civil society to foster the participation of the local population in grassroots development, much like the territorial fora of the provincial reconstruction conferences had done.

Thus, the concept of decentralization was embraced by the territorial conference as the future course for the development of the state in the Congo. In a sense this reversed the order determined by the national reconstruction process. The territorial conference considered that, for decentralization to be effective, the strengthening of territorial administration should precede concrete reconstruction activities. Hence, the conference placed major emphasis on creating the conditions for a professional administration at the territorial level.

Following the territorial conference, a transparent recruitment process for administrators was initiated using a nation-wide examination that tested, among other things, knowledge of French, the history and geography of the Congo, the concepts of political economy and public finance and the basics of penal, administrative and civil law. This process aimed at hiring energetic, experienced and young Congolese to replace those administrators whose qualifications were deemed insufficient for the daunting challenge of post-Mobutu reconstruction. (The provincial reconstruction conferences had in fact helped determine the administrative profiles required.) In a next step, the newly-recruited administrators were to be trained, thereby also harmonizing the rules and organization throughout the territories.

The territorial conference could have been a cornerstone for the future development of the country. Although, civil society was only partially involved, and the recommendations regarding decentralization may be regarded as "timid", the central government had taken the key step of consciously deciding upon a policy of decentralization. With this decision taken, the focus could then have shifted to finding ways to bring it to life had events not intervened.

## **5. The Policy of Decentralization**

On December 20, 1995 in Gbado-Lite, Mobutu Sese Seko signed law n° 95-005 pertaining the territorial, administrative and political decentralization of the Republic of Zaire during the transition period. In three parts, it (i) introduced the organizational and functional structures of the decentralized administrative entities; (ii) divided the competencies and resources between central government and the decentralized administrative entities; and (iii) presented the control of the decentralized administrative entities and judicial recourse. As its forerunner of 1982, this law remained stillborn.

Corresponding to the constitutional decree-law n° 003 signed by President Kabila on May 27, 1997 regarding the organization and execution of power in the Democratic Republic of the Congo, the Ministry of Internal Affairs elaborated a decree-law on the territory which would be better adapted to the political philosophy of the new government. This decree-law n° 081 of July 2, 1998 pertaining the territorial and administrative organization of the Democratic Republic of the Congo during the period of transition replaced the 1995 law. However, the decree-law is modeled on the 1995 law and by and large follows its structure and orientation.

The 1998 decree-law reduces the number of decentralized administrative entities from five to four, to include: (i) the province; (ii) the city; (iii) the city of Kinshasa; and (iv) the territory.<sup>4</sup> Major problem areas for effective decentralization in the short-term were identified: (i) the revenue authority did not match the expenditure authority, i.e. resources generated at the local level were insufficient to finance all the activities for which the decentralized administrative entities are responsible; (ii) institutional and human resource capacities were insufficient; and (iii) the control mechanisms of central government over local authorities were not adjusted.

### *The territory*

According to the decentralization strategy of 1998, the principal entry point for administration and development is the territory. A territory is divided into collectivities (*collectivités*), *groupements* and villages. It is the government's most decentralized entity, as its subsidiary levels are headed by traditional leaders who have mainly administrative functions (see below). There are currently over 120 territories in the country, each headed by an administrator. The administrator is assisted by line ministry representatives (*chefs de service*) who on technical matters are responsible to the respective ministry.

As part of its renewal process, the AFDL installed new administrators in all territories after taking control in 1996/97. During the first months of the war of 1996/97, the local population was involved in selecting the administrators (and governors). Thereafter, the AFDL nominated administrators directly. As a result of this total replacement of local authority, the qualifications of staff vary. Conversely, technical staff in the administrator's office have often been maintained after the war.

The relationship between the local administration and the local population depends on the motivation and efforts of the administrator. Where the people feel that there is transparency in local affairs, they are willing to pay taxes and fees and to contribute in kind to, for instance, the construction of feeder roads, staff houses, and other facilities. The government's efforts to staff the posts of administrators with qualified professionals corresponded to this need for transparency in the management of local affairs.

The 1995 law had envisaged the establishment of territorial councils, consisting of two delegates per collectivity and city. The responsibilities of this council included the adoption of the budget and the approval of agriculture and social programs prepared by the local administration. In creating the consultative councils, the 1998 decree-law deviates in two important aspects from the 1995 law.<sup>5</sup> First, the consultative council is comprised of representatives from lower administrative echelons, a delegate from the employers' federation and from trade unions, and delegates from civil society, in particular women's associations, religious authorities, and parent associations. Second, the council has only a consultative

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<sup>4</sup> This section discusses mainly the responsibilities and activities that are directly related to fostering social and economic development at the territorial level. With living conditions markedly worse in rural areas, the territory is also the most important decentralized administrative entity for reducing poverty. For a statistical overview on poverty, see Prywes 1997.

<sup>5</sup> Consultative councils are also envisaged for the provincial and city administrations, replacing the 1995 regional and urban councils, respectively.

function, i.e. it gives its opinion on all matters of local interest, such as the preparation of the budget and the preparation of development programs.<sup>6</sup>

The 1998 decree-law guides policy making during a transition period of two years. It justifies the existence of these consultative councils by the need to control the local civil servants and to prevent the misuse of power which was so blatant during the second republic. The councils are also seen as providing a measure of democracy at a time when local elections are difficult to organize (Ministry of Internal Affairs 1998b, 3).

### *Public finance*

In principle, the territorial administrator prepares the budget for recurrent and development expenditures and submits it to the consultative council for deliberation. The budget must subsequently be approved by the governor.<sup>7</sup> Finally, it is forwarded to the Ministry of Finance through the Ministry of Internal Affairs. However, weaknesses in the system are substantial; institutional and human capacities are low. As a result, at the end of the first quarter of 1998, only the budget for the city of Kinshasa was available.

In order to carry out its functions, the decentralized administrative entities have access to various sources of revenue, including: (i) local contributions and taxes not controlled by the central government; (ii) administrative proceeds; and (iii) contributions and taxes ceded by central government (including, minimum head tax, property tax, vehicle and transport taxes, some local sales taxes, and proceeds from the equalization fund<sup>8</sup>).

Problems have been manifold. Until recently, there have been over 300 local taxes, the administration of which was impossible even with the best of capacities. Proper collection and monitoring mechanisms are either non-existent or not applied, leading to revenue shortfalls and creating opportunities for misuse. The government reduced the number of local taxes to 62 in 1998. However, revenue and expenditure authority have yet to be further correlated. Moreover, the publication and open discussion of local budgets would be a key element of decentralization, which "is unlikely to work without effective institutional arrangements to foster accountability at the local level" (World Bank 1997, 122).

Central government is responsible for all policies pertaining to the nation as a whole. These include justice, external relations, national defense and security, trade, money, legislature, postal and telecommunication services, science and research, and public enterprises. Central government is also responsible for determining the organization, attribution, and structure of local government as well as defining the rules governing the civil service. (The division of responsibilities between central government and decentralized administrative entities concerning

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<sup>6</sup> Local councils assisting the territorial administration in sectoral issues also existed during the second republic. For example, health zones were established with a multi-layered structure including a management committee, an administrative council, and health committee. Civil society, including the church, participated in the management of these zones as members in such committees. Civil society and development partners started to revitalize these health zones soon after the ousting of the Mobutu regime.

<sup>7</sup> Larger projects and those involving more than one territory are also subject to the governor's approval. Only smaller projects can be undertaken without the governor's prior approval.

<sup>8</sup> The objective of the equalization fund is to finance public investment projects and programs for assuring national solidarity and correcting development imbalances across the decentralized administrative entities. Established during the second republic, the equalization fund has never properly functioned.

social and economic development are presented in attachment 1.) Again, policy-implementation is confounded by basic problems: essential expenditures are not covered by corresponding revenues, the transfer of resources from the central to the local level does not properly function, and the monitoring of disbursements is weak.

### *Limits to decentralization*

The rationale for decentralization is that “power over the production and delivery of goods and services should be rendered to the lowest units capable of capturing the associated costs and benefits” (World Bank 1997, 120). At the same time, “efficiency and equity dictate some degree of centralized government control and coordination when it comes to goods and services that have jurisdictional spillovers, are subject to economies of scale, or raise distributional concerns” (World Bank 1997, 116). Hence, decentralization and participation have limits and need to be complemented by the principle of subsidiarity, the mainstay of the government’s approach toward a social market economy.

In general, and as outlined in attachment 1, the 1998 decree-law corresponds to this principle of subsidiarity. Central government is mainly concerned with setting national policies, for instance about strategic prices, education and health standards, and national reconstruction. The decentralized administrative entities, in particular the province and the territory, are responsible for the implementation of such policies at the local level under continuous monitoring by the central authorities.

Overall, the decree-law is based on the understanding that decentralization in this transition period of two years cannot be conceived without central control (Ministry of Internal Affairs 1998b, 3). Such control is evidenced by a rigorous positive (rather than negative) list of responsibilities of decentralized administrative entities, presented in the second part of the decree-law (see also attachment 1). Hence, compared to the 1995 law, the 1998 decree-law is more courageous on participation and more timid on decentralization.

As experience elsewhere suggests, “policymakers in central government may lose control over the macroeconomy as a result of uncoordinated local decisions, and regional disparities can widen, exacerbating economic and social tensions. Local governments can fall under the sway of particular interests, leading to abuse of state power and even less responsive and accountable government” (World Bank 1997, 110f.). “Strong monitoring mechanisms could provide opportunities for learning and for gradually phasing in new policies” (World Bank 1997, 128). Hence, “[b]ringing government closer to the people will only be effective if it is part of a larger strategy for improving the institutional capability of the state” (World Bank 1997, 111).

Clearly, the recruitment process for administrators, for example, corresponded to the need of improving the institutional capability of the state, and the envisaged monitoring could be a valuable tool to improve the process over time. Thus, control in and of itself may not be detrimental to decentralization. However, such activities need to focus on guiding the process, not controlling the people. Only in the former case will decentralization nurture participation.

## **6. Non-State Actors**

With the second republic progressively retreating from providing services to the people, non-state actors became increasingly important. These were brought together in the 1990 Conference on National Sovereignty. Though many of the initiatives of this conference never saw the light of day, civil society affirmed its role in political, social and economic development. This section focuses on traditional and religious authorities as two of the pillars of civil society. The role that nongovernmental organizations have played in the provision of services is discussed in World Bank 1998b.

## 6.1 Traditional Authorities

With over 400 ethnic groups, the Congo is one of Africa's most diverse countries. The colonial government (as well as missionaries) relied on traditional authorities as a link to the general population. These traditional authorities were first undermined by the Mobutu government. But given the close relationship between traditional leaders and their constituency, their position was reinforced through co-optation during the later years of the second republic.

Administratively, most tribes are organized around collectivities, with each collectivity being based on a specific lineage. Collectivities in turn are divided into *groupements* and villages. Many collectivities are mono-ethnic but often tribes have blood ties with neighboring collectivities. The tribes' traditional boundaries became the basis for the modern administrative boundaries.

The collectivity, as well as any lower administrative level, is headed by a chief, or *mwami* (plural *bwami*) who are also part of the modern-day administration. The same tribe can have several *bwami* at the same traditional level. However, their ranks are differentiated by the modern administration (collectivity, *groupement* or village). The dual function of traditional leaders does not come without friction. On the one hand, the exigencies of traditional and modern administration may be contradictory, in which case any problem will have to be resolved by the governor. On the other hand, traditional leaders are not always experienced for either administration or development. Furthermore, though they collect taxes for the collectivity and report monthly to higher authorities, they have no budget at lower levels, hence in part still rely on traditional forms of tribute.

Historically, the major responsibility of the *mwami* centered around the allocation of land among members of his tribe. With less land available for distribution and increasing land density, the powers of the traditional chiefs have been slowly decreasing. For the tribal members, therefore, the *mwami*'s major role today is to conserve customs and traditions. The *bwami* retain spiritual influence over their constituencies and continue to play a crucial role in mobilizing the people, as they had done in pre-colonial and colonial times. In particular, they can mobilize local labor for works of community interest, such as the construction of a road. In this sense, "[t]he *mwami* is the motor of the tribe."

The *bwami* also have responsibility over lower courts to deal with local disputes about, for instance, land use (in particular between agriculturists and pastoralists), divorce, bride price and rape. In this function, the *bwami* are assisted by local judges who are selected by the chief according to competence. However, the next higher *mwami* has to confirm this selection. Regarding modern administration, the *mwami* is responsible for such matters as safeguarding the environment, agricultural production, customary affairs, and population census and registration.

Each tribe has its council of elders to assist the *mwami* in managing local affairs. Council members normally comprise the *bwami* of lower administrative layers (*groupements* or villages) but may also include other competent men (and, in principle, women). The traditional councils hold regular meetings and have been responsible for non-formal/traditional jurisdiction. A recurrent element in traditional administration is decision-making by negotiation and deliberation.

The second republic reinforced traditional structures increasingly as it was increasingly deprived of support from other sectors in society. Although traditional values remain important in many instances, the traditional authorities have only a limited right to sanction. Nevertheless, they have frequently kept an informal influence over their tribes, and openness of the traditional leaders in many ways determines the level of popular participation. As a result, many young chiefs attempt to bring the customary system more in line with the modern system, responding in a sense to the exigencies of development, to “a change in life style”.

Despite their collaboration with the Mobutu government, the system of traditional authority as such is not questioned by the third republic. Traditional affairs remain under the authority of the provincial directorate for internal affairs, regulating such issues as the succession of a *mwami*. Of course, the multitude of tribes leads to a multitude of traditional rules regarding such questions even within a province, but this diversity appears to be accepted by the modern administration.

Nevertheless, the relationship between modern and traditional authority is ambiguous. On the one hand, several traditional leaders were detained in February 1998 for participating in the national political dialogue. On the other hand, the president established pacification commissions in North and South Kivu in March 1998 which, with strong representation of traditional leaders, aimed to solve the ongoing ethnic conflicts which the former government has so thoroughly instigated.<sup>9</sup> The challenge for the state, here as elsewhere, is to abstain from arbitrariness and define, and follow, clear rules about the state-citizen interface.

## 6.2 Religious Authorities

Christian churches are the backbone of socio-economic development in many areas, providing, in particular, education and health services.<sup>10</sup> This critical role is acknowledged by the state, which allows the church to freely engage the communities in both pastoral and development work. As the state-church relationship is coordinated in Kinshasa for both Catholic and Protestant churches, relations between church and state authorities are similar in all provinces. Many dioceses, the boundaries of which often cut across administrative boundaries, are in close contact not only with the population but also the local authorities.

Both Catholic and Protestant churches have small development offices, including outreach staff, in each province. In many instances, these offices organize annual seminars aimed at (i) sensitizing, in collaboration with traditional leaders and animators, the local population about what development means and (ii) identifying development needs and interventions with the

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<sup>9</sup> A somewhat similar effort in North Kivu in the early 1990s was not successful either.

<sup>10</sup> Islam and Kimbanguism are the other main denominations in the country. Whereas Islam is only slowly becoming involved in development, Kimbanguism, to which around 8 million Congolese adhere, is very active, especially in the social sectors.

population, the local administration, and NGOs. These offices are also responsible for mobilizing and organizing the population for works of local interest thus identified.

Communities are expected to contribute to church-financed projects in two ways. First, they provide around 25% of construction costs in cash or in kind. Second, they cover part of the recurrent costs through the payment of fees and other levies. Through their participation in the decision-making process, communities are aware of these contributions at the time of project identification, and therefore are willing to participate in construction and maintenance.

With its large following and its moral authority, the church plays an important role in promoting a culture of peace. Many dioceses are actively engaged in promoting the peaceful coexistence of diverse population groups, for instance through the organization of multi-ethnic events, be it soccer tournaments or theater groups. Moreover, pastoral centers are places of reflection and deliberation and can, thereby, facilitate the search for consensus inherent in traditional customs. Though frictions at times arise between religious and traditional allegiances, the cooperation between religious and traditional authorities is essential in this respect.

## **7. Making Decentralization and Participation Work**

There is no universal approach to decentralization and participation.<sup>11</sup> However, whatever approach is being followed, it needs to address several basic principles. In a decentralized state, every level of government has a role to play and has to benefit, directly or indirectly, from the process and impact. Bypassing central government for the sake of bringing government closest to the people will only create friction and reversal, as will bypassing local government by using only non-state actors. Furthermore, any approach needs to be flexible and to adapt to the local culture and environment. Making decentralization and participation work is a long-term process; results must not be expected overnight. In many ways, and this is particularly true for the Congo, “the mentality has to change”, and devolving authority has to be learned much like using this new authority.

This section attempts to combine the government’s decentralization strategy with participation elements espoused at the grassroots level. These efforts are guided by the belief that “partnership at the local level is a concept that has to become reality” and lead to the presentation of one possible, though unanimously supported approach for operationalizing this strategy. The section then discusses how a decentralized and participatory approach can assist in overcoming the country’s ongoing conflict.

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<sup>11</sup> Attachment 2 provides a schematic representation of the concepts of decentralization and participation.

## 7.1 Institutionalizing Decentralization and Participation

“Now, *this* is government!”

The first year of the third republic saw the organization (and subsequent cancellation) of the national reconstruction conference and the implementation of the territorial conference. Both have left their mark on the future socio-economic development of the country, the former through the bottom-up identification of needs and interventions using territorial fora, the latter through its imprint on the 1998 decree-law which includes the creation of consultative councils for guiding local affairs.

In many ways, the concept of the territorial forum complements the envisaged consultative councils. In both forum and council, the local administration forms a partnership with the local population, with participation in the forum broader but less structured. In addition, the forum was endowed with limited decision-making authority and was hence located somewhere between the consultative council and the territorial council of the 1995 law, which was supposed to have decision-making authority for local affairs.

Any operationalization of the concepts of decentralization and participation needs to build on the lessons of these efforts. In addition, several guiding principles seem worth considering. Both concepts need to be adjusted to traditional forms of consensus building and conflict resolution, using, rather than replacing, traditional culture which has proven its resilience despite decades of uprooting.

A structure thus devised should be “simple and understandable to people”. It also should be inclusive of local government and the local population. The population is very much aware that “if the administration were left out, it could easily create problems and block decisions”. The structure will, therefore, have to establish a mutually beneficial partnership between administration and population around tangible results, while at the same time avoiding the creation of a parallel local government. The structure is to assist, not to replace, the local administration.

A critical element for the successful functioning of this structure is the recognition that the process of decision-making is no less important than its result. This not only acknowledges the fact that a project is more sustainable the more closely communities were involved in identifying it. It also addresses the broader issue of who participates in the decision-making process. The key to a well-functioning process is, thus, the selection of competent and representative members.

The experience from the provincial reconstruction conferences may be particularly valuable in this respect. The conference called for the broad participation of different population groups, namely: women, youth, churches, the private sector, teachers, unions, civil servants, NGOs, the armed forces, the police, artists, the retired and the handicapped (Ministry of Reconstruction and Emergency Planning 1997, 4f.). These groups selected their representatives through consultations at the grassroots level. This approach was very well received by the population, yet no follow-up has materialized thus far.

“We have to dream, to travel through the universe. And then we have to make this dream come true.” As it relates to decentralization and participation, this dream of the citizenry is expressed by the meaning it attaches to both concepts (see above). It, therefore, seems pertinent to strengthen the envisaged consultative councils in two ways. First, by extending representation in the council to civil society and to lower levels of government. Second, by transferring decision-making authority about local socio-economic development to the council. Building on the local social fabric, conflicts should to the extent possible be resolved using traditional mechanisms of negotiation and consensus-building.” *This [would be] government.*”

The responsibilities of this consultative council could include: (i) identifying and deciding on local interventions within a budgetary allocation provided to the territory, thereby ensuring consistency with national and provincial reconstruction and development activities; (ii) appraising project proposals and selecting implementing partners; and (iii) monitoring and supervising project implementation, thereby ensuring the effective and transparent use of local resources. In executing these responsibilities, the council should remain apolitical and focus solely on local economic and social development. The activities could be financed through the government’s equalization fund, local resources, and external contributions.

To make this modified structure work, the population and administration have to understand their respective roles and responsibilities. To exercise their responsibilities, those involved need knowledge about the process and its management. Again, empowerment requires sensitization and capacity building. For instance, the population needs to know upfront what it is going to embark on. It needs to understand and share the objective of the approach. It also needs to be willing to contribute to the realization of certain projects, because “if something is free, people do not pay attention”. The members of the council need knowledge in participatory approaches to development, in project and organizational management, and in environmental issues to identify and mitigate possible negative consequences of projects. Community-based groups and local non-governmental organizations require project, organizational and financial management skills.

Imparting these skills and knowledge takes time, as does changing the mentality and building trust. Yet, such an approach would help people become self-sufficient and independent of external assistance. Furthermore, if people understand that the funds they spend are theirs, they will have a direct interest that they are spent well. They will insist on transparent and clear rules and expect accountability from both the local administration managing the budgetary allocation and the implementing partner managing project funds. Decentralization, thus, requires central government control of the process to avoid losing authority over the macroeconomy and equitable national development. It also requires grassroots control to ensure that government, central and local alike, is transparent and accountable.

## **7.2 Overcoming Conflict**

“When the war is over, there is misery and poverty.” Indeed, poverty and marginalization have been common threads throughout the second republic, leading to the 1996/97 war of liberation as well as the resumption of hostilities in 1998. The war of 1996/97 was the most decisive conflict, but it was only one in a long series. Starting in Shaba in the 1960s, then in the Kasais in the 1980s, and finally in the Kivus in the 1990s, these conflicts articulated themselves as ethnic strife. Arguably, however, they were caused less by antipathies between tribes than by

the exclusion of some tribes from the decision-making process on the production and allocation of scarce resources.

Mobutu found it advantageous to play one ethnic group against another to secure his control over the economy and society, while doing so inflicted disastrous consequences on both. This exclusion inevitably led to increased poverty and destitution for some tribes who took up arms against the favored tribes in search of redress. It is, therefore, argued that the conflicts in Zaire/Congo have been social conflicts between those who have (at times) been favored by Mobutu, and those who have not, rather than ethnic conflicts.<sup>12</sup>

If “tribalism is a narrow idea”, then the challenge facing the Democratic Republic of the Congo is to come to terms with its history of ethnically articulated, social conflicts. Yet “there exists an ethnic reality which cannot be overlooked”. Trust has given way to mistrust, and many groups identify themselves through their differences rather than their common ground. A prerequisite to overcoming this polarization is “a willingness to talk to each other, to engage in open discussions, and to try to understand that relationships can be mutually beneficial.”

By encouraging people to exchange views, government can take a first step in the difficult task of managing diversity. Traditional leaders and civil society can assist the government. Indeed, the pacification commissions in the Kivus were an important step in this direction. However, “civil society is not civil as long as it cannot overcome ethnicity. It cannot educate others if it is not free from prejudice itself”. Indeed, many local NGOs are mono-ethnic, making reaching out to other groups more difficult but not impossible.

The search for partnerships beyond ethnic boundaries should, thus, be the first common goal. “If boundaries are opened, the people will open their minds and hearts, too, and there will be no more fear or threat.” But finding this common ground means more than just regaining the capacity to work together. It requires concrete actions that yield tangible benefits to all groups involved. Hence, not only will the resource allocation mechanism have to become more inclusive, the resource envelop itself has to increase. In both respects, a modified consultative council could play a critical role in the pursuit of a higher common goal.

The modified consultative council would balance participation both functionally (women’s groups, farmers’ associations, churches, etc.) and regionally (collectivity, *groupements*, villages). The council would, thus, be an inclusive mechanism. Its decision-making authority over local social and economic development would enable it to allocate the territory’s development budget between sectors and collectivities on the basis of priority needs. This process of partnership would bring benefits to all groups involved.

With priority needs and interventions identified and agreed upon with consensus, the council would also be a mechanism to build trust and to further reconciliation between ethnic groups. It would likewise be of importance that the people benefit in their daily lives from such consensus building. Consequently, the projects thus identified need to address the underlying problems of poverty and unemployment, as “people need jobs to start thinking about things other than war”. If people remain un- or underemployed, “their frustration about poverty and unemployment can easily be transformed into social tension and aggression”, and, they may yet again “try [to] gain access to resources from which they had hitherto been excluded”.

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<sup>12</sup> The fairly peaceful coexistence among different ethnic groups during pre-colonial and colonial times supports this hypothesis.

From the perspective of the state, two additional elements are important to consider. First, “without security, there is no development”. The state, therefore, not only has to provide a conducive legal environment for private initiative to flourish. It also has to guarantee the rights of its citizens, abstain from arbitrariness, and create and manage a professional and impartial security force. Second, even though the grand lines of conflict may be the same throughout the country, specific origins, causes and factors, as well as results, differ by locality. For this reason, sufficiently flexible approaches need to be developed to fine-tune solutions.

## **8. Conclusion**

A crisis is also a new beginning, and the Congolese government has still an opportunity to overcome the legacies of the past and present. It can embark on a development path that fosters the well-being of its people and simultaneously reduces the risk of conflict in the future. This path needs to be based on the decentralization of decision-making authority and the participation of the population in this process.

There is much to learn from the experiences of other African countries. Regarding the principle of the social market economy, lessons from Central Europe may be most pertinent. As mentioned above, decentralization requires a purposeful decision by central government. However, reaching out to the people does not necessarily reduce the role of the state, nor is it free of charge or quick to implement. Rather, it is a long-term process that needs to be transparent and open.

The Bank’s World Development Report 1997 provides an insightful analysis of experiences worldwide, and the lessons therein are worthwhile considering. Among others, it suggests some clear starting points: (i) a broad-based public discussion and evaluation of policy directions and priorities; (ii) encouraging the direct participation of users and beneficiary groups in the design, implementation and monitoring of local public goods and services; (iii) enhancing the capacity and efficiency of accountable local organizations and institutions rather than replacing them; (iv) where decentralized service delivery is considered desirable, adopting a carefully staged strategy of sectoral approach, beginning in priority areas; (v) introducing strong monitoring mechanisms; and (vi) focusing on the processes and incentives for building accountability and competition at the local level (World Bank 1997, 129).

By and large, the government’s approach, using a short-term and a medium-term strategy, is still appropriate. The short-term concentrates on the two-year transition period with key elements being the selection and training of administrators; the development of mechanisms for the equalization fund; and the decentralization of the collection and transfer of local taxes as well as the strengthening of central supervision mechanisms. In the medium-term, the government envisages a move towards federalism through the identification of the essential tasks of the state; the distribution of roles and responsibilities between central government, decentralized administrative entities, the private sector and other actors; the reorganization of the state organs to correspond to this distribution; and the training of civil servants to fulfill the new role of the state.

To implement this strategy, “the first importance is information and sensitization, the second importance is capacity building to help the people participate. The third importance is

financing with transparency and accountability, which will further build responsibility. The less information there is, the more people are prone to rumors. But talking to each other not only helps to overcome fear. It also helps to find a common purpose which will make people work together again.” Because “what makes a community (and a state), is a common purpose.”

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**Attachment 1**  
**Distribution of Responsibilities Between Government Levels**  
**According to the 1998 Decree-Law<sup>13</sup>**

Sector	Central Government	Decentralized Administrative Entities
1. Price setting	Legislation concerning control and setting of prices; prices for oil products, water and electricity; transport tariffs; etc.	Local transport tariffs; price for water outside REGIDESO; etc.
2. Production	Evaluation of national needs; distribution of foreign exchange; evaluation of cross-provincial projects; etc.	Evaluation of local needs; selection of beneficiaries receiving government assistance; etc.
3. Agriculture and rural development	Planning of national agricultural policy and rural development; export agriculture; projects of national interest; legislation concerning cooperatives; planning of rural housing policy; etc.	Implementation of rural housing policy; agricultural cooperatives; credit and savings cooperatives; projects of local interest; organization of fishery; promotion of artisans; maintenance of feeder roads; collection of agriculture data; collaboration with NGOs; promotion of perennial crops; etc.
4. Public works and regional planning	Conception and preparation of regional plans; construction and maintenance of national and other priority roads; intervention in the construction and maintenance of large-scale public works; procurement for, and monitoring and control of, all public works financed by the state or public enterprises; etc.	Implementation of regional plans; construction and maintenance of lower priority roads; procurement for, and monitoring and control of, works financed by the local entity; construction and maintenance of local public buildings and of anti-erosion works; etc.
5. Transport and communications	National transport policy; approval and control of national transport companies; etc.	Authorization of local transport providers; setting of itineraries and timetables; etc.
6. Planning and reconstruction	Definition of global reconstruction and development policies; monitoring and control of all public investment projects; etc.	Preparation of provincial reconstruction and development programs; preparation of provincial public investment budget; approval and monitoring of private investment projects of local interest; etc.

<sup>13</sup> Government of the Democratic Republic of the Congo, 1998.

*continued*

Sector	Central Government	Decentralized Administrative Entities
7. Environment and tourism	Definition, planning and coordination of general policies regarding the conservation of the environment; preparation of environmental norms; preparation and implementation of reforestation programs; issuance of permits for industrial fishery; preparation of policy promoting tourism; etc.	Sensitization of population of hygiene problems; opening and closing of hunting and fishing season; issuance of hunting and fishing permits; etc.
8. Mining	Issuance of research and exploitation permits; control of points of sale; issuance of permits to foreigners for circulation in mining zones; etc.	Issuance of permits for small-scale mining; control of authorized mining operations; coordination of actions against fraud; etc.
9. Public health	Definition of national policy; regulation of fees for health services; organization and collection of epidemiological data; transfer of hospital management to competent individuals; etc.	Opening and closing of local health centers and pharmacies; setting fees; implementation of national policy for primary health care; etc.
10. Primary, secondary and technical education	Definition of national policy; setting of school fees; remuneration of teaching personnel; opening and closing of schools upon proposition by governor; etc.	Administrative and pedagogical management of schools; setting of fees for boarding schools; etc.
11. Social affairs	Exoneration of non-profit organizations from customs duties; preparation of strategies to eliminate illiteracy; preparation of programs and materials for adult education; evaluation of national social needs; evaluation of socio-economic integration projects and of community centers; control and inspection of social and community organizations; etc.	Implementation of government's social program; implementation and monitoring of programs by social organizations; establishment and management of social groups of local interest; animation and organization of local population for execution of works of economic and social benefit; collection of social data; advice on local architecture and housing norms; etc.

## Attachment 2



Microsoft Excel 5.1  
Worksheet