

LOCAL GOVERNANCE, CONFLICT AND PEACEBUILDING IN THE DEMOCRATIC REPUBLIC OF THE CONGO

A Research Report prepared in
collaboration with the Governance and
Gender Programme of Trócaire-DRC

BY

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Executive Summary

The strong link between poverty, inequality, marginalisation and exploitation and conflict is now well established. Bringing together lessons from the relevant literature, it becomes clear that the effectiveness of local governance reforms within post-conflict contexts depends on their impact on the political, economic and social conditions for conflict. This in turn depends on the understandings, motivations and actions of different actors with regard to the local governance project together with the suitability of supports provided in this context. This research, carried out in collaboration with the Governance and Gender Programme of Trócaire-DRC, examines the Congolese local governance process at national, provincial and community levels. The research involves a mixed method approach which includes an analysis of relevant legislative and policy documents; national and provincial level interviews; and interviews and focus groups with a random sample of approximately 350 ‘ordinary’ men and women across 12 diverse sites in Bas-Congo Province.

The findings examining progress at a national level highlight two important inter-related aspects. First is the fact that ‘political’ decentralisation as described in the DRC is actually just a more limited ‘territorial’ form which is rooted in elite struggles for power. The relevant legislation and policy documentation makes scant reference to the core principles of political decentralisation as understood more broadly – accountability and participation. And second, there is consequently a significant reluctance at national level to cede power and roll out the programme as originally planned. It is noted that international support in this area has shifted since 2011 from national to provincial and/or ETD levels.

At provincial level within Bas-Congo, the findings highlight the importance of employment and job creation to communities as their single most important priority together with access to fertile land for both subsistence and small scale commercial purposes. These remunerative issues are linked to four further priorities – food security, education, health and the prevention of conflict and violence within the home with these latter issues assuming more importance for women. The blame for deterioration in these areas is squarely placed with political authorities and the findings reveal a strong level of frustration and anger toward both the government and within and among communities themselves. A comparison of community priorities with those of Bas-Congo’s Provincial government (through an analysis of the Provincial Development Plan) reveals a general mismatch between the priorities of the provincial authorities and those of communities. This suggests a low level of effectiveness and responsiveness of provincial structures to local needs at present. It is also noted that state and external actors alike are providing minimal support in a range of areas identified as priorities by communities (including environmental protection and climate change, economic development and jobs creation, and social service provision).

At local level, the findings from individual interviews and focus group participants reveal a number of important things. First, by far the most common source of conflict within communities is jealousy, hatred and calumny brought about by a breakdown in trust and social norms due to escalating poverty and stress. This is particularly acute in urban sites. It is important to note that while some of these issues are addressed by local authorities, they are not necessarily resolved and, in some cases, they have been exacerbated. Second, cases of rape and GBV have increased yet ‘resolution’ of these cases affords no agency whatsoever to the victim, with resolution focused solely on financial support for the resultant baby and

the victim's family. Third, there is a low level of knowledge of the role and predominantly negative perceptions of the motivations of both Provincial and ETD authorities. This indicates a low level of legitimacy of these authorities. It also raises questions around their capacity and willingness to represent and respond to their citizens' interests and issues. Fourth, while there is a significantly higher level of awareness of the role of sub-ETD level authorities (village, avenue, cell, quartier, agglomeration), just 18% of research participants have ever consulted them in trying to resolve an issue as they prefer to avoid the expense and public humiliation of this process. And fifth, although some of the priority issues for communities are of particular interest to women (food security, education and health of children, GBV) and while a significant majority (80%) of respondents acknowledge the possibility (in theory) for women to assume local leadership roles, just 7% see any added value in this. The findings on barriers to women's political participation point to significant social and cultural obstacles across society in this issue and also highlight broader issues of stratification.

Three broad lessons are drawn from these findings. First, public trust in and legitimacy of the state is low to non-existent at both national and provincial level. Second, the conditions for structural violence are currently in place and escalating within Bas-Congo as wealth and poverty sit side by side in an uneasy, and frequently inflammatory co-existence. And third, decentralisation, in its current form, seems unlikely to mitigate these conditions. This is because both the policy and the practice make no real provision for citizen accountability or participation; all of the structures (including ETD level) remain at a remove and isolated from ordinary people with access determined by wealth, status, connections and prestige; and leaders and authorities at sub-ETD level remain focused on conflict containment not transformation.

Returning once more to the linkages between governance, conflict and violence, three reforms to the local governance system are proposed. The first is that it moves beyond territorial and administrative functions to address the structural and developmental roots of conflict, transforming the conditions for violence rather than stopping short at attempting to manage its manifestations. The second is that it seeks to involve citizens themselves by a) including facilitated mechanisms for the ongoing participation of different groups within society (not just the dominant voices); b) including mechanisms for 'translating' these voices into policy; and c) incorporating feedback / accountability mechanisms which honestly and transparently address the gaps between citizen inputs and policy outputs providing a rationale for these. The third reform is that a commitment to real representation be (re-)introduced across political authorities and culture more broadly where representation means mediating between different groups and actors, with the quality of representation determined by the quality of this mediation.

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Abbreviations

ADB	African Development Bank
ARV	Antiretroviral drug
BDK	<i>Bundu Dia Kongo</i> – a violent politico-religious movement in Bas-Congo
CEJP	Comité Episcopal pour la Justice et Paix / Episcopal Commission for Justice and Peace
CONAFED	Comité Nationale des Femmes et du Développement / National Committee for Women and Development
COREF	Comité d’Orientation de la Réforme des Finances Publiques / Public Finance Reform Committee
CSMOD	Cadre Strategique pour la Mise en Oeuvre de la Décentralisation / Strategic Framework for the Implementation of Decentralisation
CTAD	Cellule Technique d’Appui à la Décentralisation / Technical Support Cell for Decentralisation
CTB	Coopération Technique Belge / Belgian Technical Cooperation
DAI	Development Alternatives Incorporated (USAID funded)
DCU	Dublin City University
DfID	Department for International Development (UK)
DRC	Democratic Republic of the Congo
ETD	Entité Territoriales Décentralisé / Decentralised Territorial Entity
EU	European Union
FG	Focus Group
GBV	Gender Based Violence
GNP	Gross National Product
HDI	Human Development Index
HDR	Human Development Report
IRC	International Rescue Committee
MDG	Millennium Development Goal
MoU	Memorandum of Understanding
NGO	Non-Governmental Organisation
PA2D	Programme d’Appui au Démarrage de la Décentralisation / Support Programme for Decentralisation
RDC	Republique Democratique de la Congo
SIDA	Swedish International Development Agency
SNEL	Société Nationale d’Electricité – National Electricity Company
SPSS	Statistical Package for the Social Sciences
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

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These contributions notwithstanding, the usual disclaimer applies and the views and opinions expressed in this report are my own and in no way represent the views of Trócaire, the CEJP, InterAction, nor any of agencies or Ministries participating in the research.

“Decentralisation aims at contributing to the promotion of sustainable, human development and to the prevention of the risks of conflict. It also involves creating better conditions of development and a rooting of local democracy”

(RDC: 2009: 24)¹

“The money that they [Provincial Deputies] get in the Province office over there, it’s to send their children to school and to live well... All the money they get, it’s for their own lives, to go to Europe etc. They don’t care a bit about us.

(Participant, FG women, Ntomba3)

1. Introduction

Societies do not simply collapse into conflict and disorder for no reason. We now know that there is a strong link between poverty, political, economic and social marginalisation and conflict. While much international intervention and research in the areas of conflict, peacebuilding and governance to date has focused on national elites and institutions, recent research is now emphasising the importance of local tensions in fuelling violence in most conflict and post-conflict situations. Two factors are of particular importance in this regard – the loss of state legitimacy, authority and control at local levels, and unequal access to resources, services and basic necessities between and across different groups leading to local grievances and rivalries. These two factors highlight the importance of local governance mechanisms – either formal or informal – in opening a political space for heretofore marginalised groups to actively participate in and share ownership of local developmental decision-making and prioritisation. While such mechanisms are explicitly designed to open up such spaces, depending how they are understood, mobilised and supported, they can also reproduce and reinforce existing economic, social and political inequalities. The extent to which these mechanisms transform and/or constrain political space within the DRC is the focus of the present research.

1.1 Research context

This research was carried out in collaboration with the Governance and Gender Programme of Trócaire-DRC as part of a broader research project on Local Governance and

Peacebuilding in the Great Lakes region². The research is supported by both the researcher's own institution, Dublin City University and by Trócaire-DRC. The focus and research design was negotiated with Trócaire-DRC on the basis of a Concept Note developed by the researcher in August 2012 and it is hoped that the findings will feed into Trócaire's Governance and Gender Programme in the DRC.

1.3 Research aims

The broad aim of the research is as follows:

- To assess the opportunities for and challenges to political engagement of citizens within governance structures at local levels across a select number of sites in Bas-Congo Province.

Specifically in this regard the research aims:

- To assess if particular groups experience particular barriers to engagement;
- To assess how engagement may affect political relations/tensions at local level;
- To examine how, if at all, this engagement might feed upward to higher political levels;
- To examine international interventions within this context.

² The overall project examines local governance and peacebuilding in Burundi, DRC and Rwanda. The research reports are available at http://doras.dcu.ie/view/people/Gaynor,_Niamh.html.

2. Research design and methodology

2.1 Research design

Research for this study employed a mixed method approach drawing from relevant policy material, focus groups (FGs) and interviews. In addition to an analysis of relevant texts on decentralisation (see Section 3.2.2 in particular) and the Provincial Development Plan for Bas-Congo (see Section 3.3.3), the research draws heavily on the views and perspectives of different actors, most particularly a random sample of approximately 350 ‘ordinary’ men and women across 12 diverse sites in Bas-Congo province.

While readers may note that some of the views and perspectives expressed in interviews and FGs are not always factually correct or verifiable (e.g. processed foods do not automatically lead to illness (p.44); or it may be unfair to charge all Provincial Deputies with motivations of self-interest alone (pp. 57-58)), these perceptions, views and analyses nonetheless matter. They matter because peoples’ actions are based on them. Therefore to understand peoples’ actions, we must first take the time to explore their views and perceptions. If people feel their living conditions and life chances have deteriorated, they are unhappy. If they feel they are being exploited and ignored, they become frustrated. If they feel others are profiting at their expense, they become angry. We ignore these perspectives at our peril and they therefore form the basis of much of the findings and analysis within Sections 3.3 and 3.4 of this report as well as informing the final analysis and conclusion.

The steps taken in carrying out this research are set out below.

2.2 Secondary research

A review of relevant secondary materials and literature was carried out from August-December 2012. This research focussed on the DRC’s broad political, economic and social contexts together with key lessons and learning from existing studies of local governance and peacebuilding more specifically. The relevant legislative and policy texts, where available, were also examined at this time.

Drawing from this review, a framework of analysis fleshing out the broad research aims set out above was developed. This was used to develop a series of semi-structured interview schedules (for different interview categories) and FG guides which were used in the fieldwork phase.

2.3 Primary data collection: Field research

Primary data collection took place over the months January - February with Trócaire’s partners in Bas-Congo, the CEJP and InterAction, carrying out some further fieldwork in March-April. The researcher spent one week in Kinshasa meeting with relevant national level actors and collecting relevant documentation. This was followed by three weeks in Bas-Congo conducting interviews and FGs with a random selection of citizens together with

some local leaders across 12 urban and rural sites as set out in Table 2.3a below. Data were collected in 7 of these sites by the researcher and in 5 by the CEJP, Matadi and Inter-Action, Tshela. Overall, 2-3 days were spent conducting field research in each site in Bas-Congo.

Table 2.3a: Research sites in Bas-Congo

Territory	Sector / Commune	Village / Quartier
Matadi	Nzanza	Belvedere
Seke Banza	Lufu	KuaKua
Seke Banza	Lufu	Kirizou Nhanda
Matadi	Matadi	Soyo
Seke Banza	-	Kinzau-Mvueté
Seke Banza	Lufu	Kionzo
Tshela	Lubuzi	Ntombo3
Tshela	Tshela	Tshela Centre
Tshela	Mbanga	Mayunda
Tshela	Loangu	Loango Kumbi
Tshela	Bula Naku	Kasadi
Tshela	Lubuzi	Kithadi

Overall, 103 individual citizen interviews, 24 FGs (of approximately 8-12 citizens depending on availability and willingness to participate) and 7 interviews with local leaders were conducted in Bas-Congo. Focus groups and individual interviews with citizens were conducted separately with women and men. These were selected randomly on transect walks through sites and no prior notice was given before arriving on site. A breakdown of research participants is provided in Table 2.3b below³:

³ See AppendixII for the full schedule of fieldwork.

Table 2.3b: Research participants

Methodology	Interviews	Focus groups (comprising 8-10 people)
International donors based in Kinshasa	8	
National NGOs based in Kinshasa	3	
Ministry personnel and government agencies based in Kinshasa	6	
Provincial authorities in Bas-Congo	2	
Local government leaders in Bas-Congo	7 (1 female and 6 male)	
Congolese citizens – random sample	103 (51 female and 52 male)	24 (12 female and 12 male)
TOTAL	129	24 (approx. 240 people)

Interviews in Kinshasa sought to explore actors’ views on and strategies around the formal decentralisation process over time as well as to collect relevant policy materials. Interviews with Provincial authorities in Bas-Congo sought to identify their priorities for the Province as well as their views on their roles. Interviews with local governance leaders explored their perceptions of their roles and links upward to higher authorities. Interviews and FGs with randomly selected Congolese citizens explored a range of areas including changes over time in the region; development priorities for them; their awareness and use of local governance structures; the characteristics they look for in local leaders; and their attitudes towards politics and political leaders more broadly.

The random sample of 51 women and 52 men interviewed in Bas-Congo are aged between 19 and 72 and their average age is 44. 35% of these come from urban sites and 65% from rural. 69% are married, 21% are single, 6% are widowed and 5% are divorced or separated⁴. The most common occupation among interviewees is farming (44%), with half of these (22%) farming at a subsistence level just to feed the family, and the other half (22%) also growing produce to sell at certain times of the year to pay for expenses such as school fees, medical bills etc. 17% of interviewees work as state agents (principally teachers and/or health workers), 12% work in street trading / ‘petit commerce’, 9% have no work, 8% are self-employed, 6% have a trade and 4% are retired.

⁴ During the course of conversation, in a number of instances it emerged that people who characterised themselves as ‘married’ at the outset are now actually divorced or separated. Therefore it is probable that the actual percentage of married people is lower and that of divorced / separated higher than those recorded here.

2.4 Coding, analysis and documentation

Individual interviews with all research participants were conducted using open-ended questionnaires. Interviews in Kinshasa, with provincial officials in Matadi, and with local level authorities in the different sectors, villages and towns were conducted using a semi-structured interview guide. Interviews with randomly selected individual citizens employed a structured open-ended questionnaire. FGs were conducted using a FG guide covering the same themes as the structured open-ended questionnaire.

Data from the 103 individual citizen interviews were coded after the fact and input by the researcher to the computer package SPSS (Statistical Package for the Social Sciences) to allow for some descriptive statistical analysis. Cross-tabulation tables were generated through SPSS to provide both a gender and location (urban/rural) disaggregation. Gender disaggregated findings from these interviews are provided throughout the report. The differences between urban and rural respondents are reported only in cases where this difference exceeds 10%. While this analysis was carried out for analytical purposes only and - owing to the restricted sample size which aimed at a detailed qualitative rather than quantitative study - makes no claims for overall statistical significance, it is important to note that a high level of similarity in data collected was found across all 12 diverse sites. This increases the likelihood of generalisability of the findings.

All FGs and semi-structured interviews were recorded and transcribed in full by the researcher. These transcribed texts were then coded and the resultant data from all methods used was then collated and forms the basis for this report.

3. Research findings and analysis

The following section sets out the principle findings from both primary and secondary sources. The first sub-section draws on broader literature and field research to examine the links between poverty, conflict and local governance, providing a framework for the overall study. The second sub-section again draws on both other relevant research and field research in Kinshasa to examine progress on the formal decentralisation process, obstacles to this, and the evolution of international supports in this context. Sub-section three turns to governance within Bas-Congo Province and, drawing on both relevant documentation and on field research, discusses the effectiveness and responsiveness of provincial structures within the context of the communities' own priorities. The fourth sub-section focuses the use and effectiveness of local governance structures in Bas-Congo in resolving local issues and also examines the possibilities for greater women's participation at this level.

3.1 Background to the study: The links between poverty, conflict and local governance

3.1.1 DRC

Situated in the heart of Africa, with a land area of 2.3mn km², the DRC is the largest country in Sub-Saharan Africa and the second largest on the continent (after Algeria). Rich in natural resources such as copper, cobalt, silver, gold, tin, coltan⁵, bauxite, iron, manganese, coal, oil, methane gas and oil shale, it is also home to vast forest reserves, possessing an estimated 50% of the continents' forests. Its 4,320 km-long Congo River, the largest river in the continent in terms of discharge, provides a hydroelectric power potential estimated to be equivalent to 66mn tonnes of oil per year or 13% of the global potential for electricity. 42% of this hydroelectric potential is concentrated in Inga in Bas-Congo province which is run by the national electricity company, SNEL (ADB, 2009⁶).

This level of wealth notwithstanding, the country has suffered from chronic instability over the last number of decades. The so-called 'Congo wars' of the 1990s⁷ and their aftermath are widely regarded as some of the most complex and egregious conflicts of our time. They have generated levels of suffering that are unparalleled in any recent war and have caused, directly and indirectly, the highest death toll of any conflict since World War II. Involving at one stage fourteen foreign armies, the Congolese conflict destabilised such a large section of the continent that in 2008, the then US Assistant Secretary of State Susan Rice termed it the first African World War (Autesserre, 2010: 2).

⁵ columbite-tantalite.

⁶ See also Showers (2009) and [http://biofreshblog.com/2011/11/23/dr-congo-and-south-africa-sign-pact-to-
implement-40000-mw-grand-inga-dam/](http://biofreshblog.com/2011/11/23/dr-congo-and-south-africa-sign-pact-to-implement-40000-mw-grand-inga-dam/) for more on recent developments on the Inga dam.

⁷ It is beyond the scope of this study to present an overview of the events of this conflict. For excellent, comprehensive and insightful overviews see Autesserre, (2010, Chpt 2) and Prunier (2011).

This instability has had a large negative impact on the country's development and progress. It has remained at the bottom of the UNDP's Human Development Index (HDI) over the last five years, ranking 186 out of 187 countries. The most recent ranking ranks it joint last with Niger (UNDP, 2013: 150). Abject poverty has intensified over the past three decades. 71% of the population live below the national poverty line and 88% survive on less than US\$ 1.25 a day (UNDP, 2013: 160). Per capita income has plummeted from US\$ 821 in 1980 to US\$ 617 in 1990 to US\$ 250 in 2000. In 2010 it stood at US\$ 291 (UNDP, 2011a: 28).

As in countries throughout the world, a so-called 'feminisation of poverty' is apparent also in the DRC. 10% more women than men live beneath the poverty line (SIDA, 2009). Only 28% of women have a salaried income (SIDA, 2009) while many work in the more precarious informal economy, earning a much lower income than their male counterparts (UNDP, 2011c: 95). Women are discriminated against within national legislation. According to the *Code de la Famille*, the husband is the head of the household and women are therefore obliged to obey them (UNDP, 2011c). This has implications for their ability to sign contracts, own or control assets or make decisions for the household. While this legislation is currently being reformed, one of the key problems in the DRC is that legislation which does exist is not implemented⁸ and many commentators⁹ argue that socio-cultural and religious norms and practices have much more impact than the rule of law at community level throughout the country.

3.1.2 Poverty and conflict: exploring the links

Research on the drivers of conflict has evolved significantly over the past two decades and the clear links between poverty, inequality, marginalisation and exploitation are now well established (Ballentine and Sherman 2003; Berdel, 2005, 2009; Beswick and Jackson, 2011; World Bank, 2011; and Putzel and di John, 2012). This represents a welcome shift from the dominant approach influential in policy circles in the early 1990s and still articulated in certain development and policy circles today which views internal hostilities as inevitable and largely determined by geographic location and certain innate cultural characteristics. This culturally essentialist (and arguably racist) position found its most popular and influential expression in the likes of Samuel Huntington's infamous "*Clash of Civilizations*" and Robert Kaplan's "*Coming Anarchy*" theses of the 1990s (Huntington, 1993; Kaplan, 1994) which remain popular to this day. It also, unfortunately, finds expression in contemporary media accounts of internal conflict in many parts of Africa today.

As far back as the 1960s however, peace researchers were making the link between poverty, exclusion and violence. Seminal work in this area was carried out by Johan Galtung in his work on what he termed 'structural violence'. Structural violence refers to the systematic

⁸ For example Laws 06/018 and 06/019 outlawing sexual violence – Interview National Coordinator Cellule d'études et de planification de la promotion de la femme de la famille et de la protection de l'enfant, January 15th. See also findings in Section 3.4.2. Consequently GBV, in a range of forms, is pervasive throughout the country.

⁹ Interview National Coordinator Cellule d'études et de planification de la promotion de la femme de la famille et de la protection de l'enfant, January 15th ; Interview CONFAED National Director, January 16th ; See also UNDP (2011c : 54).

ways in which structures within society harm or otherwise disadvantage particular individuals, preventing them from meeting their basic needs and accessing their basic rights. It is a subtle, often invisible form of violence, where no one specific person or group can be held responsible. The institutionalised inequalities produced can include unequal access to employment, to services, and to basic rights, as well as psychological and emotional damage from systemic and systematic marginalisation. Since structural violence affects people differently in various social structures, it is very closely linked to social injustice. Structural violence and direct violence are believed to be closely linked in that the material, social and psychological deprivation and damage can readily spill over into direct physical violence. The work of Galtung and his followers is extremely useful in drawing attention to the social, political and institutional causes of conflict and their impact on marginalised women and men, together with their consequences for violence and conflict more broadly.

By the mid-1990s however, empirical research on the civil conflicts in the former Yugoslavia turned the focus to the role of elites. This research highlighted the role of “*ethnic entrepreneurs*” – elites (usually national or provincial) who manipulate racial or ethnic identities in their struggle for political and economic power. This led to a strong focus on the role of elite actors within conflict. Paul Collier’s infamous “*greed versus grievance*” thesis is probably the most well-known empirical work in this area (Collier, 2000). In this large-N, desk-based, quantitative study, Collier argues that elite actors’ greed for lootable resources rather than ethnic or group-based grievances over material or structural conditions as posited by the structural violence thesis forms the basis for internal conflict. This theory quickly gained traction with policy makers as it provided a relatively simple solution to complex conflicts – remove the extremists and peace will reign. The international approach to the Rwandan genocide, and the wars in Sudan and Uganda for example draw from this theory (Autesserre, 2010: 44-45; see also Prunier, 1995). This focus has, in turn, led to a strong focus on elites and their motivations and interests within peacekeeping policy and programming.

While this focus has advanced our understanding of elite motivations and relations, it has been the subject of some sharp criticism within the academic community for, *inter alia*, its over-reliance on imprecise statistics, its lack of a historical context, its disbelief of actors’ own stated motives, and its simplistic distinction between greed and grievance (Ballentine and Sherman, 2003; Berdel, 2005; Putzel and Di John, 2012). There is now an emerging consensus that greed and grievance are not necessarily distinct and may indeed (whether actual or perceived) play a significant role in driving conflict. Therefore greater attention needs to be paid to such dynamics at a local level. The exclusive elite focus also neglects, or at best, glosses over one extremely important fact leading to one critical question. The fact is that African conflicts cannot happen without the participation of ‘ordinary’ people. This then begs the question - what precisely causes ‘ordinary’, local people to take up arms/weapons and actively participate in brutal and horrendous acts of violence against their fellow citizens? What are the underlying frustrations and tensions which lead people to such extreme action? And should more attention be paid to more small-scale local conflicts / disputes as early warning signs for more widespread unrest later on?

The World Bank’s 2011 *World Development Report* (World Bank, 2011), which focuses on the inter-related themes of conflict, security and development, has succeeded in widening the debate once more in this regard. In this report, the authors usefully distinguish between the internal and external factors underlying civil conflict. Of interest to this study in particular is the range of internal drivers included. As we will see from research findings outlined later on

in this report, all of these are a feature of community life in Bas-Congo province. While no explicit link is made to the seminal work of Galtung and his colleagues, we can also see a crossover between a number of these factors and the conditions for structural violence. Table 3.1.2 below draws from the World Bank report to outline the internal and external drivers.

Table 3.1.2 The drivers of conflict

<i>Stresses</i>	<i>Internal drivers</i>	<i>External drivers</i>
Security	* Legacies of violence	Invasion / occupation External support to rebels Cross-border spillovers International criminal networks
Economic	* Low income * Youth unemployment * Natural resource wealth * Severe corruption * Rapid urbanisation	Price shocks Climate change
Political	* Horizontal inequalities ¹⁰ * Discrimination * Human rights abuses	Global inequality & injustice in the treatment of ethnic or religious groups

Source: adapted from World Bank (2011: 7)

Following this analysis, the World Bank's attendant recommendations for how to promote peace are as follows:

- Rebuild trust and confidence between citizens and the state;
- Enhance security and the rule of law
- Create jobs
- Promote equity and redistribution
- Build country-appropriate institutions so that policy and politics is driven by these and not personalities
- Make governance inclusive

3.1.3 The role of decentralisation in this context

The three principle forms of decentralisation (delegation, deconcentration and devolution) together with the three different aspects (administrative, financial/fiscal and political) are outlined in detail in an accompanying report on Local Governance in Burundi. The potential benefits of decentralisation are also set out in this report (see Gaynor, 2011: Section 3.1; see

¹⁰ Horizontal inequalities are inequalities between groups or categories of people (defined by ethnic/clan affiliation; regional affiliation; religious affiliation; allegiance to particular social or political networks etc) as opposed to inequality between individuals – see Stewart (2004, 2008).

also Brinkerhoff, 2011; Crook, 2003; Smoke, 2003; Devas and Delay, 2006; Siegle and O'Mahoney, 2008). To recap, these are as follows:

- Increasing government responsiveness and accountability to citizens;
- Increasing government flexibility to address the diverse needs of often highly heterogeneous populations;
- Reducing corruption through enhanced oversight;
- Fostering the dispersal of power from what have often been highly monopolised political structures;
- Increasing political legitimacy while strengthening a sense of citizen ownership of and trust in their government;
- Fostering greater social and political stability.

It is instantly clear that considerable overlap exists between these potential benefits of decentralisation and the factors for peacebuilding outlined in the previous sub-section above. Notably, the opportunities offered by decentralisation for a re-distribution of power and resources through accountable, participative local institutions offers a pathway towards enhanced political legitimacy and greater political and social stability.

Yet the evidence does not always match the theory. Decentralisation can increase rather than reduce conflict. In fact, the evidence from large-scale statistical studies (see, for example, Lake and Rothchild, 2005; Siegle and O'Mahoney, 2008) shows that decentralisation has proven less effective in post-conflict contexts, exacerbating conflict in a number of these cases.

Why? The simple answer, due to a lack of in-depth, qualitative studies, is we simply do not know exactly. However, the lessons from studies on decentralisation in more general contexts as set out in the accompanying report on Burundi's process (Gaynor, 2011: 15-18) provide some pointers in this regard. In particular, we know that:

- *Legal and political frameworks alone are not enough:* Support to decentralisation processes need to move beyond legal and political frameworks alone and engage with the power relations and political dynamics which underpin what is an explicitly political process.
- *Importation of Western structures and institutions does not work:* Decentralisation processes need to build on and work from local governance arrangements rather than importing Western models and structures.
- *State commitment is key.* The political intent behind supposed decentralisation reforms can often be increased centralisation of national government control yet it is often assumed that state parties are willing to distribute their power.
- *Fiscal and financial transparency is key:* The local community must be informed and consulted on budgetary matters, and correlations between increased levels of local government expenditures, local employment and service provision should be readily apparent to all.
- *Citizen participation is not guaranteed:* While citizen participation, which lies at the heart of decentralisation, can and should lead to increased local democracy such aspirations overestimate citizens' enthusiasm for participation in these structures with awareness-raising / 'sensitisation' activities failing to engage with the depth of citizen's apathy for and distrust in political institutions.

Translated into post-conflict contexts, it becomes clear that the effectiveness of decentralisation depends on its impact on the political, economic and social conditions for conflict. This in turn depends on the understandings, motivations and actions of different actors (notably state actors) with regard to the local governance project together with the suitability of supports provided in this context. The remainder of this report examines the effectiveness of formal and informal decentralised structures in the DRC in this regard.

3.2 Decentralisation in the DRC: Progress to date

The following section sets out the progress in and challenges to rolling out the formal process within the DRC to date as well as examining international strategies and supports within this context. This section also includes an analysis of the relevant texts, paying particular attention to the inter-related issues of accountability and participation and the space afforded to citizen voices within these.

3.2.1 *Introducing decentralisation*

Decentralisation has a long and chequered history in the DRC. Comprehensive accounts of this history are provided in both Ngoma et al (2010) and the UNDP (2011a). The key lesson from these experiences is that decentralisation has been, in the national Ministry's own words (RDC, 2009: 9), "*characterised by two aspects: the multiplicity of changes and the gap between the texts and the implementation*"¹¹. Thus, while the country has witnessed many legislative changes, these have largely failed to impact on what has remained a strongly centralised system.

Of all the efforts over the decades, the territorial decentralisation of 1982 was identified by a number of state interviewees as the model for the current process. However, this model has been characterised by Ngoma-Binda et al (2010: 201) as "*not a democratic decentralisation, but more an authoritarian decentralisation, a parody of decentralisation, a decentralisation of façade*"¹². In this context, it is important to note that, from the outset, when most people talk of "*political decentralisation*" in the DRC, they are speaking first and foremost of a decentralisation of power (and consequently resources) across the Provinces, rather than in the more common understanding of a politically transformative process, shifting from a vertical to horizontal form of governance which moves beyond Provincial offices to engage 'ordinary' citizens in deliberations and decision-making within their own localities (see Section 3.1.3 above).

The principal steps within the current process have been the following:

- *Adoption of the new Constitution (February 18, 2006)* enshrining territorial and institutional decentralisation – in Liégeois' words (2008: 67), "*a federalism in all but name*".
- *The Declaration of Matadi (May 19-20, 2007)* where a gathering of Provincial assembly leaders called for the immediate implementation of Constitutional provisions – specifically, budgetary autonomy, a 40% transfer of national resources to the Provinces, and an end to the central appointments of Provincial agents.

¹¹ "L'histoire de la RDC est particulièrement riche d'expériences et d'enseignements en matière d'administration territoriale. Elle est caractérisée par deux aspects : la multiplicité des changements et l'écart entre les textes et la mise en œuvre ».

¹² "Il s'est agi non pas d'une decentralisation democratique, mais bien plus d'une decentralisation autoritaire, d'une parodie de decentralisation, d'une decentralisation de facade".

- *The National Forum on Decentralisation (3-5 October, 2007)* where state leaders, provincial leaders, donor agencies and civil society groups debated and agreed the main steps in rolling out the process.
- *Adoption of the relevant legislative texts (2008)*: Following the momentum built by the National Forum, the necessary laws on territorial decentralisation were adopted.
- *The Strategic Framework for the Implementation of Decentralisation (CSMOD)¹³ (presented June 10-11, 2009)*: A detailed framework setting out two phases for the roll-out of the process. Phase 1 (2009-2014) was to include i) local elections; ii) the creation of 26 Provinces; iii) the establishment of pilot structures - Entités Territoriales Décentralisées / Decentralised Territorial Entities (ETDs); and iv) the provision of management tools to the Provinces and ETDs. Phase 2 (2014-2019) envisaged a deepening of this process.
- *National Forum on the transfer of competencies (July 2012)*: A four day conference of state leaders, provincial leaders, donor agencies and civil society groups aimed at agreeing and initiating the transfer of technical competencies to the Provinces within the four Ministries concerned - health; education (primary, secondary and professional/technical); agriculture and rural development; and the environment.

Under the relevant Constitutional provisions and the three 2008 laws, the country is to be subdivided into 25 provinces, in addition to the City of Kinshasa - although this is now contested¹⁴. The Province is now a political and administrative component and is recognised as a legal entity managed by local authorities. The Provincial Assembly is the legislative body, elected by direct universal suffrage for a 5-year term and the Provincial Government is the executive body. The Governor and Vice-Governor are elected for a 5-year term renewable once by Provincial Members of Parliament within or outside of the Provincial Assembly and are appointed by order of the President of the Republic¹⁵. The Province is further divided into ETDs. These include cities, communes, sectors and “*chefferies*” (chiefdoms). In the absence of elections at the local level, ETD authorities are currently appointed from within the political hierarchy and there are currently no operational ETD councils.

This new territorial organisation is depicted diagrammatically in Figure 3.2.1 below. The green institutions are the new Provinces and ETDs. Each ETD should have an elected council but, in the absence of elections, they are run solely by appointed authorities as noted (generally a chief and his/her assistant). The red institutions are at a more local, sub-ETD level and, to date, no formal provision has been made for their functioning. They are

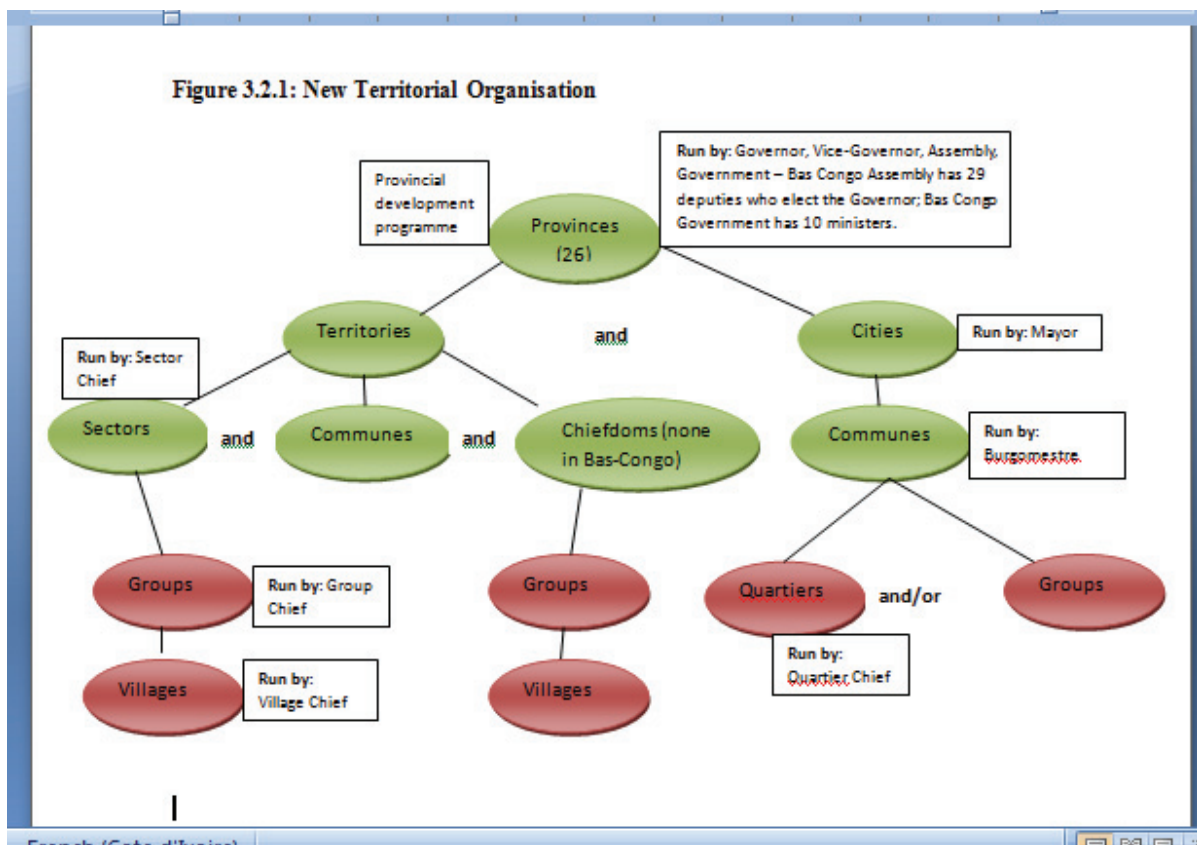
¹³ Cadre Stratégique de la Mise en Oeuvre de la Décentralisation

¹⁴ This division is now contested and one of the Constitutional amendments introduced in January 2011 has removed the three year timeframe for this, stating that this transition now needs to be determined by a new law (see also Section 3.2.3).

¹⁵ This has led to some problems recently in Bas-Congo where the President delayed signing the order for the newly elected Governor (from an opposition party and reportedly not the President’s choice) leaving the highly unpopular President’s choice of Acting-Governor in place. The order was finally signed in January this year (2013) and the new Governor was inaugurated in Matadi with much fanfare during the period of field research for this study.

included here however as they are existent and functioning and, as we will see in the case of Bas-Congo, generally represent the only contact most citizens currently have with political authorities.

In Bas-Congo, The Quartier Chief in towns is generally appointed from within the political hierarchy while both the Village and Group Chiefs in rural areas are generally traditional positions of authority (although in some instances, these are elected locally). In Bas-Congo, inherited positions remain within specific families, passing from uncle to selected nephews unless there are no suitable nephews available, in which case a female family member may be selected. Additional institutions at sub-ETD level in Bas-Congo include Agglomerations (of villages or groups - run by appointed chiefs); and Avenues (sub-divisions of larger villages and towns – these are generally run by individuals appointed by the village chief). In short, there is a dense network of Chiefs at all levels. Their respective roles and accountability is discussed in further detail in Section 3.2.2 on further.



The option to incorporate traditional chiefdoms into the ETD structure is one which is hotly debated. For some commentators this poses a real problem as it gives rise to constant conflicts with appointed authorities.

*Customary matters are a parasite in the decentralisation process. In Rwanda, there are no more Mwami, no more Kings etc. Here that poses a real problem... Here the customary chiefs who do land management are continuously in conflict with the authorities...*¹⁶

¹⁶ Interview international donor, January 15th.

On the other hand, others recognise the local importance and influence of these figures and advise working with and not against these structures:

I think we ignore them [traditional chiefs] at our peril... One of the challenges for us is to find ways of... getting the chef coutumier [traditional chief] onside and working with them where possible, rather than focusing on them as something outdated... They have ways of organising themselves, of deploying people and power that we don't understand... We need think about how to bring those two worlds together in an appropriate way...¹⁷

While traditional chiefdoms are not part of the ETD structure in Bas-Congo, positions of authority at more local levels are often traditional and, from the fieldwork conducted in this study, these traditional chiefs do continue to wield significant power and influence – most notably in relation to land disputes – and guard their power closely.

While this section has set out the structures themselves, the following section focuses on the core themes of interest to this study – accountability and participation - as reflected in the legislative context.

3.2.2 The legislative and policy contexts

There are four fundamental legislative texts in relation to territorial decentralisation. These are the Constitution of 2006 (RDC, 2006); the Organic Law on the ETDs (RDC, 2008a); the Organic Law on the Conference of Provincial Governors (RDC 2008b); and the Organic Law on Provincial Administration (RDC, 2008c).

There are two further texts which have been produced recently by the Ministry of Finance with the support of COREF on the financial aspects – one is the Law on Public Finance (RDC, 2011a) and the other the Law in relation to Public Markets (RDC, 2011b). A decree is currently being prepared on public accounts and it is expected that this will be signed off on soon¹⁸.

The area where no progress has been made over the last five years is on the administrative aspect of decentralisation. This is the responsibility of the Ministry of Public Services (*la fonction publique*) which is in complete disarray, having had six different Ministers over the last five years and therefore producing little in the way of statistics, legislation or output. The consequence of this is that, on the ground within Provinces, while there is a Provincial Government and Assembly, there is no functional provincial administration as yet. COREF, with the support of the World Bank and the UNDP, has, since 2011, been working with provincial leaders on an intermediary mechanism termed the “*minimum platform on public*

¹⁷ Interview international donor, January 14th.

¹⁸ Interview Stephane Muninda, COREF, January 14th. An allied problem is that no one in the public service has been able to retire over the last 30 years resulting in a bloated and aged public service personnel. The ruling party is unwilling to tackle this issue as many of these posts are held by opposition and ex-military forces. Having subsisted for so long on miniscule salaries, corruption has become endemic and is rife (see also Trefon, 2011 and 2009b).

*finance reform*¹⁹, with COREF piloting reforms in public expenditure management to include local collection of income.

Within the framework of a political decentralisation as understood in the substantive, transformative way set out in Section 3.1, the remainder of this section analyses the relevant provisions within the different texts produced to date.

The Constitution (2006)

As is the nature of the all Constitutions, the provisions within this document are wide-ranging and ambitious. Of particular interest here are the relevant articles in relation to both decentralised governance and developmental rights. These are set out below:

- **Article 3:** Provinces and ETDs (towns, communes, sectors and chiefdoms) to be run by local organs in an autonomous manner. While coming close to a federalist model, **Article 205** notes that the central authority retains supreme power, therefore this stops short at federalism.
- **Article 175:** 40% of state resources will be transferred to the provinces.
- **Article 14:** Public powers will ensure the elimination of all forms of discrimination against women and will assure the protection and promotion of their rights.
- **Article 27:** Every Congolese has the right to send a petition to their public authority who will respond within three months.
- **Article 36:** The state guarantees the right to work, unemployment protection and a fair remuneration assuring the worker and her/his family a dignified existence, supplemented by all other forms of social protection.
- **Articles 43-45:** Ensures the right to education for all, with Article 45 noting that this is free.
- **Article 47:** Ensures the right to health and food security.
- **Article 48:** Ensures access to clean drinking water; decent housing and electricity.

It should also be noted that the responsibilities and competencies of national and provincial powers, set out in **Articles 202 and 203** respectively, are overlapping and somewhat confusing. However, it is customary for further precision on these to be provided in accompanying laws.

Perhaps the most important point to note in relation to the Constitution is that nothing is included – either within the Preamble or within the Articles which follow – on the powers or

¹⁹ Plateforme minimale des reformes en matiere des finances publiques

functioning of entities lower than those of the Province. This leads to ambiguity and confusion leaving the overall process open to interpretation resulting in either a mal-comprehension or a lack of willingness to embrace new changes. Liégeois (2009: 68-69) argues that the government has chosen to understand decentralisation as administrative decentralisation alone while both Provincial authorities and the opposition are stressing the fiscal element and looking for 40% of provincial revenue to be retained at source as per Article 175. Significantly, no one is stressing the political dimensions.

Relevant Laws (2008):

As noted above, following the National Forum of 2007, three key laws pushing forward territorial reforms were produced. Of these, the Law setting out the structures and functions of the ETDs (RDC, 2008c) is most relevant here. This is where we would hope to see i) the functions of the different entities clearly delineated; ii) the lines and mechanisms of accountability (upward and downward) set out; and iii) the mechanisms for citizen participation at different levels outlined. Overall however, while the functions of the different entities down to sector level (towns, communes and sectors/chiefdoms) are set out (see Articles 11, 50 and 73 in particular), considerable overlapping of functions is apparent. The accountability emphasis is clearly upward toward the central authorities and there appears to be no provision made for substantive citizen participation. In fact, there is no mention of the public or citizens at all in the document and any (transformative) political dimension is completely absent.

Articles 3 (setting out the new territorial division into 25 Provinces plus Kinshasa) and **115** (the infamous 40% fiscal transfer provision) are among the most cited Articles of this Law. Again however, a number of additional Articles are perhaps useful to highlight here:

- **Article 4** sets out the ETD structure down to village level – Figure 3.2.1 depicted above draws from this.
- **Articles 7-11, 47-50, and 69-73** set out the organisation of the ETDs at town, commune and sector/chiefdom level wherein each comprises an elected deliberative council which, in turn, elects its mayor/bourgmestre/chef de secteur. The wide range of overlapping areas falling under the remits of these respective deliberative councils are set out in Articles 11, 50 and 73 respectively.
- **Articles 17, 18 and 21**, relating to the operation of urban councils, are of particular interest here as they represent the only discernible (albeit limited) opportunity for downward accountability and (passive) citizen participation. **Article 17** states that urban council meetings are public, unless otherwise stipulated. They are always public when deliberations deal with budgetary, taxation or fiscal issues. **Article 18** states that the council can specifically invite anybody it feels might be useful to its deliberations. However, in both these cases, non council participants have not the right to speak. **Article 21** states that the proceedings of the deliberations must be published in the annals of the Urban Council. It does not state who these are made available to however.

- While similar provisions pertaining to the operation of commune and sector councils are not set out in similar detail, **Article 53** states that the above Articles (17, 18 and 21) also apply to the commune councils, while **Article 77** similarly states that these also apply to the sector councils.
- While these provisions appear to provide for some transparency and accountability in council operations, the important issue of decision-making within councils is not addressed at all within the Law and it remains unclear on what basis and through what mechanisms decisions will be reached. Moreover, **Article 12** (again dealing with urban councils but also applicable to Commune (Article 51) and Sector (Article 72) councils), states that council decisions must be transmitted within 8 days of their adoption to the Provincial Governor who has 15 days to provide his/her point of view. If the Governor over-rules the decision, the council must re-deliberate until, one presumes (the possibility of a second unfavourable ruling by the Governor is not considered), they get it right. These decisions are published in the Provincial Official Bulletin when signed off by the Governor. The Minister of the Interior is also informed of all decisions.

The other two Laws (RDC, 2008a and 2008b) deal with administration and functioning at a higher level, setting out the administration and reporting mechanisms of provincial offices to Kinshasa and inter-Provincial relations²⁰ respectively, and are of less relevance to the focus of this study.

In addition to these laws, in a recent update on the process, CTAD (2012) identifies a range of additional laws and texts requiring formulation and adoption. These additional include legislation in the areas of finance (in relation to a national decentralisation fund; provincial taxes), public administration, public services, decentralised sectors and competencies and a law on the status of traditional chiefs within the process.

While delays in the preparation of relevant legislation are certainly an obstacle in rolling out the process, two important points should be reiterated. First, legislation alone does not guarantee implementation and, as noted in the state's own Decentralisation Strategy (CSMOD), the long history of decentralisation to date has been characterised by a significant gap between what is on paper and what has happened in practice, with "*the Congo de jure and the Congo de facto often and for too long constituting two parallel worlds*"²¹, (RDC, 2009: 12). Second, as we have seen above, there are serious shortcomings to the legislation which is currently in place, most particularly in relation to the overlaps and confusion in relation to the roles and responsibilities of the different entities together with their decision-making mechanisms, the limited range of public transparency and accountability mechanisms set out, and the relative absence of opportunities for substantive citizen participation within these structures.

²⁰ The subject of one of these, the Conference of Governors (2008b) has not functioned as set out. It has only met twice to date (CTAD, 2012: 6).

²¹ "...le Congo *de jure* et le Congo *de facto* ont trop souvent et trop longtemps constitué deux mondes parallèles."

Implementation Strategy (CSMOD, 2009)

A further effort at moving the process forward came in mid-2009 with the publication of the “*Strategic Framework for the Implementation of Decentralisation*” (CSMOD) (RDC, 2009) which was supported by the UNDP and DfID. This document provides a brief overview of the history of the process, a synopsis of progress to date, and sets out the priorities for a phased implementation over a ten year (2009-2019) period.

The political roots of the process are recalled in the overall objective for decentralisation which is as follows:

*The end result of the implementation of decentralisation is to contribute to the promotion of sustainable human development and the prevention of risks of conflict. It also involves the creation of better conditions of development and a rooting of local democracy*²².

(RDC, 2009: 30)

In the 10 specific objectives which follow (RDC, 2009: 30-31), **Objective 3** is “*to develop new democratic practices in the management of local and provincial affairs following principles of efficiency, transparency and equity*” and **Objective 10** is “*to promote a new culture of citizen participation, involving the populations at all levels in all sequences of local development and the management of public affairs*”. However, the text which follows is somewhat short on detail as to how specifically these will be achieved. Indeed, while comprehensive in scope, the strategy overall appears somewhat vague and aspirational. One specialist interviewed characterised it as “*not strategic at all. It is a series of themes that are identified. But there is no link [between these themes], and there is no programme.*”²³ The two core principles of accountability and participation, although present, are somewhat buried within the document. Moreover, there is a distinct apolitical approach to these elements with much emphasis placed on information provision and sensitisation as strategies to engage the public.

The most comprehensive section on participation occurs in a section entitled “*Participation of the Populations in the Management of Development*”. This begins well (RDC, 2009: 35) and is worth quoting in full (see below). It is the only section in the strategy to acknowledge the different social strata and also the only to mention the possibility of the public participating in local decision-making. However, as it evolves, the section becomes somewhat confusing and contradictory. Specifically, the statement that people are “*...at the heart of the process...*”, including in decision-making on development plans appears contradicted by the following phrase “*within the framework of provincial and local development plans*” which suggests that it is envisaged that these plans are already in place by the time people get involved, begging the question decision-making on what precisely. The final sentence confuses matters further by introducing higher UN-related levels and frameworks into the mix. Thus confusingly, the public appears to be given a place in

²² “La finalisation de la mise en oeuvre de la décentralisation est de contribuer à la promotion du développement humain durable et à la prévention de risqué de conflits. Il s’agit également de créer les meilleures conditions de développement et d’enracinement de la démocratie locale.

²³ Interview January 15th.

decision-making but only when in tune with overarching UN frameworks and provincial and local development plans.

The populations are at the heart of the process of decentralisation, both at the level of formulation and implementation of development plans. Decentralisation should take into account the development interests and priorities of each locality affecting all categories of the population (women, men, youth, vulnerable groups, ethnic minorities etc) through participative decision-making processes which assure the involvement of all local actors in the management of local public affairs. Spaces of concertation and decision-making will be put in place at numerous levels to allow the populations to participate in the choice of their development priorities within the framework of provincial and local development plans. The MDGs and human rights should be included in all references to development in the provinces and the ETDs.²⁴

(RDC, 2009: 35)

This confusion undoubtedly reflects an understandable willingness to meet all agendas. However as is the case with any policy, in attempting to pander to all interests, it risks satisfying none, paying lip service alone to its aspirations of “*new democratic practices*” and “*a culture of citizen participation*” .

Indeed, with the exception of one specific provision for public accountability – the commitment to develop systems for annual public communication of public resource management by elected leaders (RDC, 2009: 36) - participation promotion appears to rest on information provision and sensitisation through a communication strategy that assumes a passive and inactive citizenry which, once activated, will willingly participate. The verbs alone (to explain; to diffuse and vulgarise; to awaken the attention of the populations, to provoke the desire to participate, to develop the culture of responsible citizenship; to inculcate adhesion and responsibility of all actors) employed throughout this section (RDC, 2009: 42) invoke visions of a passive, dormant citizenry which just needs to be shaken a little and sensitised. This approach is reiterated in a later section entitled “*The Conditions of Success and the Risks*” (RDC, 2009: 76-77) where the “*major challenge identified is to re-establish citizen confidence in state institutions*”. Again, this is to be achieved by “*by cultivating and embedding a citizen attachment to republican values such as respect for state authority and public goods, tolerance, solidarity, and political civicism...*”. At no point in this document is attention given to what might motivate or underlie citizens’ so-called lack of attachment to republican values. As we will see from findings in Bas-Congo, the level of disenchantment, frustration and anger direct toward the state represents a serious challenge and is highly unlikely to be addressed through sensitisation strategies alone.

²⁴ *Les populations seront au coeur du processus de décentralisation aussi bien depuis le niveau de l’élaboration des plans de développement jusqu’à leur mise en oeuvre. La décentralisation devra favoriser la prise en compte des intérêts et priorités du développement de chaque localité touchant toutes les catégories de la population (femmes, hommes, jeunes, groupes vulnérables, minorités ethniques, etc.) à travers des mécanismes participatifs et décisionnels en vue d’assurer l’implication de tous les acteurs locaux dans la gestion des affaires publiques locales. Des espaces de concertation et de prise de décision seront mis en place à plusieurs échelons pour permettre aux populations de participer dans les choix de leurs priorités de développement dans le cadre des plans provinciaux et locaux de développement. Les Objectifs de Développement du Millénaire (OMD) et les droits humains devront trouver leur traduction dans tous les référentiels de développement des provinces et des ETD.*

Having analysed the relevant texts, we now turn to a brief examination of the principle obstacles to the evolution of the process.

3.2.3 *The principal bottlenecks*

The main obstacle to the roll out (phased or otherwise) of the decentralisation process cited by most commentators is the lack of political will in Kinshasa (although this is contested by the Vice-Minister who asserts that President Kabila is firmly behind the reforms)²⁵. As one international commentator notes and as we have already seen, there is a lot of talk but very little concrete action around decentralisation.

There are a lot of forums around decentralisation that say “yes, we want the process to move”. But on the ground, in practice, it’s not really moving. So there is this push from the Provinces but the centre is not really opening the doors. So this is where the agenda of decentralisation is really lost²⁶.

Why is this? For the Vice-Minister within the National Ministry of Interior, Decentralisation and Customary Affairs, a key concern is the potential security risk posed by the process if, as he puts it, “...decentralisation is poorly understood”... “*The problem of security comes when ETDs think they are separate authorities... the central authority needs to establish norms... the Governor is the representative of the central authority in the Province.*”²⁷

Others argue that it comes back to the origins of the current process at the peace negotiations where decentralisation was understood as power sharing and hence resource sharing across different political interest groups.

Decentralisation here, back in Sun City²⁸, the people who were there wanted it for themselves, not for the population... Each one said “right, I will be Governor down there and I will profit. We will divide the country into 26 Provinces and everyone will get a piece”. But they never thought about all that was involved...²⁹

They note that those who lost their seats in the last national elections are looking to decentralisation as a means to access power and resources while the central authorities, demonstrating little change from the political practices of the past, remain determined to maintain these for themselves. As one commentator explains, it is very much in the interest of the central authorities to maintain control over Provincial Governors and their resources.

There are 1,500 persons in the Presidency. 1,500 people! So that’s a lot of people. And these are people who are very well treated. You need money for this. And so it is necessary to have hands on the Province, so he [President Kabila] can organise an

²⁵ Interview Vice-Minister for the Interior, Decentralisation and Customary Affairs, January 19th.

²⁶ Interview international donor, January 14th.

²⁷ Interview Vice-Minister for the Interior, Decentralisation and Customary Affairs, January 19th.

²⁸ Sun City, in South Africa, is where peace negotiations were brokered in 2002.

²⁹ Interview officials within the National Assembly, January 18th.

*extraction of all that is produced, particularly mineral resources and other. And that ascends up [to Kinshasa]. Mobuto, in his time, he used to serve himself with his Gécamines³⁰. He used to arrive in his presidential car, empty the safe, and off he went. ... Now nothing has changed. We're back to that.*³¹

Whatever the motivations on all sides, these are manifest in a number of specific obstacles as set out below:

The Fiscal Issue: As noted previously, Article 175 of the constitution states that 40% of provincial revenue is to be retained in the provinces (known as 'retrocession') with 50% being sent to the central state and 10% to a fund for redistribution to the less wealthy provinces. Calls for immediate retrocession have been led by the wealthier provinces. According to Liégeois (2009: 73), in 2007 the World Bank estimated that Kinshasa Province provides 38% of the national budget; Bas-Congo 33.5% and Katanga 19.5%.

The Territorial Issue: Even if the 40% fiscal provision were implemented together with the 10% redistribution, poorer provinces under the new territorial organisation (for example Bandundu, Equator and Maniema) will still be unable to collect enough revenue to even cover provincial and local salaries, before infrastructural investments are services are even considered (Marysse, 2005; Liégeois 2009; various interviewees). The new territorial divisions have been arbitrarily selected, with no population census, no consideration of resource differentials or ethnic boundaries, and no consultation with local populations. A number of donors - notably the European Commission, the World Bank and the UNDP, together with a number of parliamentarians are now calling for these boundaries to be revisited and parliamentary debate is ongoing in this regard. One of the Constitutional amendments introduced in January 2011 (regarding Article 226 which set out the territorial re-organisation from 11 to 26 provinces) has removed the three year timeframe for this and now states that the transition will be determined by a new law³².

The Legislative Issue: As discussed at length in the preceding section above, delays are ongoing in preparing the necessary legislative texts, notably in the areas of public service management and administrative procedures and responsibility. While, in many other countries, these texts are prepared and published within one year, five years on these have yet to be produced within the DRC. While the delays in the Ministry of Public Service may be explained by the widespread disarray within this Ministry, delays within the four sectoral Ministries involved are a little more difficult to understand. One commentator, noting the continued increase in the Ministry of Education's payroll despite no increase in personnel, attributes this reticence to certain financial / rent losses at national level. Indeed, this salary surfeit was proven with the introduction of direct bank transfers in public salaries last year wherein it was discovered that, in all public service sectors, excess money was being transferred with this excess never being returned to the national treasury³³.

³⁰ Gécamines (La Générale des Carrières et des Mines) is a state-owned mining company which was taken over from Belgian ownership by Mobuto in 1966.

³¹ Interview, January 15th.

³² The 2011 amendments are available at www.congoplanete.com/news/3118, accessed January 27th, 2013.

³³ Interview January 14th. See also Trefon (2011 and 2009b) on this issue.

The Local Election Issue: Although local elections at ETD level have been planned since the outset, these have yet to be organised. The National Vice-Minister states that these delays are simply due to practical issues (the need for possible modifications to certain laws; for certifications of certain territorial groups; for resources...) but claims local elections will happen this year (2013)³⁴. Many others however remain sceptical³⁵.

The Conflicted Ministry Issue: From 2007 to 2011, prior to the last national election, responsibility for decentralisation rested within a dedicated Ministry, the Ministry for Decentralisation. Following the national election, in May 2012, President Kabila merged it with the Ministry of the Interior to become the current Ministry of Interior, Decentralisation and Customary Affairs³⁶. This introduces a fundamental contradiction within the Ministry. While decentralisation aims at devolving power and resources locally, the Ministry of the Interior works to forge national control and cohesion – as one commentator notes “*Here national politics is focused on territorial integrity and stability*”³⁷. This contradiction has long been evident as national leaders have become involved in nominating provincial leaders³⁸ even though Article 24 of the Constitution states that these nominations and/or elections are the exclusive remit of the provincial assemblies themselves. Moreover, in the absence of both a clear definition of roles and responsibilities and fiscal transfers, central leaders tend to take decisions in the place of provincial authorities thereby undermining their legitimacy (UNDP, 2011: 37-38; interviews in Bas-Congo Governors office³⁹) Allied to this issue of centralisation are the amendments to Articles 197 and 198 of the Constitution, introduced in January 2011, which now give powers to the national President to dissolve the provincial assembly or dismiss a provincial Governor in the event of a “*serious, menacing political crisis*” in the province.

Taken together, these blockages are all symptomatic of the fact that decentralisation has its roots in, and continues to be understood as an institutional battleground for resources among political elites at National and Provincial level. It is important to reiterate at this point that, whatever progress is made, the Congolese decentralisation project in its current form, as reflected both within the relevant texts and in the debates surrounding the process, shows scant regard for any broader political dimensions. In ignoring these, thereby failing to engage with broader public frustrations and anger, it leaves the underlying internal drivers of conflict

³⁴ Interview Vice-Minister for the Interior, Decentralisation and Customary Affairs, January 19th.

³⁵ Various interviewees; see also the Economic Intelligence Unit (EIU) Country Report which opines that local elections will not be held during President Kabila’s term of office (2011: 8).

³⁶ In fact, the decentralisation portfolio was provisionally merged into this Ministry prior to the election with the resignation of the then Minister of Decentralisation. This was formalised in May 2012 however.

³⁷ Interview, January 16th.

³⁸ For example, in 2008 the Minister for the Interior nominated eight civil servants to posts of Directors of Provincial Assemblies (Liégeois, 2009: 75); Bas-Congo is widely perceived as having an over-representation of Kinshasa actors – the so-called ‘injustice sociale’; and this year, 2013, President Kabila delayed in signing the Presidential Order for the newly elected Governor in Bas-Congo – a local, opposition figure – as he was not, reportedly, President Kabila’s preferred choice.

³⁹ Interviews Matadi, January 21st.

within the region intact and unscathed. We now turn to an examination of international supports in this context.

3.2.4 International supports to the process

Development assistance in the DRC is described by many commentators (Ngoma-Binda et al, 2010: 257; Trefon, 2011; Trefon 2009a; various interviewees) as being weakly coordinated and quite ineffective. The reasons for this include the high level of competition between donors, national institutional inefficiencies in directing donors on where to target their aid, and a lack of information and public debate on the use of aid within the country. In the words of one international commentator “...each donor comes with his kit, his system, his books, his training. He distributes his message and it’s not always the same from one to the other.”⁴⁰

Governance supports fall into three main areas: political administration support; democratic participation and civil society support; and election support. Figures derived from 2008 data set out by Ngoma-Binda et al (2010: 259) show that the distribution of disbursed resources across these three areas were 55%, 31% and 14% respectively with decentralisation and infranational administration receiving far less (\$37mn) than that committed (\$118mn) whilst democratic participation and civil society promotion received far more (\$119mn as opposed to \$50mn committed).

The principle international agencies supporting the decentralisation process are as follows:

- The ADB (in Bas-Congo province)
- The CTB
- DfID
- The EU (through its PA2D programme)
- The UNDP
- USAID (through the DAI)
- The World Bank

Among these agencies, the EU and the World Bank have adopted approaches working at Central and Provincial levels while the CTB, DfID, the UNDP and USAID are working at the levels of the ETDs.

According to the European Commission’s current (2008-2013) Country Strategy Paper, approximately 25% of overall funding is allocated to political reconstruction and support to public governance (EC, 2008: 29-32). Of this, 73% (Euro 88mn) is allocated for support to central level (providing expertise in the legislative framework – through CTAD) and to Provincial level, with a particular focus on the financial management capacities of provincial administrations together with infrastructural project investments (2008: 38). The EU’s PA2D programme operates in North Kivu and Kinshasa city with most support targeted at provincial level although some support (notably in agriculture) is also provided at ETD level. The EU also operates 4 other related programmes in the areas of parliamentary support, governance support, justice support and support to state agents⁴¹.

⁴⁰ Interview, January 15th.

⁴¹ Interview Representative PA2D programme, January 15th.

The UNDP's country programme evaluation notes that support to national parliament and provincial assemblies has focused largely on material supports (buildings, rent, IT equipment, furniture etc) as well as administrative and public finance management. (UNDP, 2011b: 32-25, 37). The UNDP has developed a number of 'Guides' to assist the process – namely a 'Citizenship Guide', a 'Guide for Local Elected Leaders', and a 'Guide for Local Planning'. It is advocating that all actors working in the area work from these Guides⁴².

DfID works with the UNDP and is also providing support to CTAD. At provincial level DfID works in Equateur, Kasai and North Kivu and one approach is support to participative budgeting and planning together with the elaboration of development plans at provincial and local levels. DfID signed an MoU with the UNDP to establish local development funds linked to local development plans but a subsequent fiduciary assessment revealed this was not realistic. The agency is now looking to support sectoral financial decentralisation linking this to its own development programming⁴³.

USAID support to the process is channelled through the DAI which works at strengthening provincial assemblies and civil society in the Provinces of Bandundu, Katanga, Maniema and South Kivu. The DAI also works with the local authorities and population of 3 ETDs within each of these provinces⁴⁴. The DAI also provides support to the CTAD.

Among all donors interviewed, a significant shift in support and emphasis from the national level to local levels (provincial and/or ETD) is evident. Widespread frustration with the current regime's foot-dragging on the process together with the conduct of the 2011 elections⁴⁵ are largely the reasons for this. As one commentator explains⁴⁶

There has been a shift in our approach following the 2006 elections, which was an optimistic one about supporting the new Congolese state and supporting its institutions with programme support to elections in 2011. But as a result of the 2011 elections, I think for us and for many other donors here, there has been quite a profound disappointment that the peacebuilding, statebuilding model pursued before hasn't really worked... and although we profess to work close to government, frankly there's not really a huge amount of concern from central government for our work. And we, with other donors, struggle really to have any influence whatsoever. our approach on governance has moved from supporting to the Congolese state to supporting the Congolese people to get the state that they want and deserve.

This approach is in line with the views of some commentators (e.g. Liégeois, 2009: 67) who argue that, given the state of current political structures, there is no sense in talking of state reform. The task now is to reconstruct the state, from the base up.

⁴² Interview Director of Local Governance Programme, UNDP, January 18th.

⁴³ Interview DfID representatives, January 14th.

⁴⁴ Interview DAI representative, January 15th.

⁴⁵ See Dizolele and Kambale (2012). Also the Carter Centre Report - *DRC Presidential Election Results Lack Credibility* – available at <http://www.cartercenter.org/news/pr/drc-121011.html>. Accessed January 27th, 2013.

⁴⁶ Interview, international agency representative.

A number of international agencies also work at provincial and ETD levels through local NGOs. DfID and Trócaire are supporting the Episcopal Commission for Justice and Peace (CEJP) which has established Local Committees of Participative Governance⁴⁷ in all parishes throughout the country. The CEJP also has Provincial Parliamentary Liaison Cells⁴⁸ in the provincial capitals who work with the provincial assemblies. DAI works with local communities in 3 ETDs in each of their 4 Provinces with ongoing programmes of participative planning and budgeting. Christian Aid also works through local governance committees which work with local authorities at ETD level. They work in all provinces. The agency is also part of EURAC (European Network for Central Africa) and is also working with a UK parliamentary group lobbying for local elections in the country⁴⁹. For the last three years DfID has been supporting the International Rescue Committee's (IRC) Tungaane programme in the provinces of Katanga and Maniema. According to its coordinator, this programme is premised on the realisation that pushing provincial governments to transfer resources to ETDs is currently unrealistic⁵⁰. The programme provides grants to six ETDs in these two provinces which are linked to local development plans. The DAI's programme is somewhat similar although on a much smaller budgetary scale.

Overall therefore, a shift in support is apparent across all international agencies – from national to provincial and, in some cases, to ETD level. While this certainly increases the likelihood of impact in specific localities, as with all targeted approaches, the time and resources for such intensive intervention means that it is not realistic or possible to scale up to national or even, in most cases, Provincial level. That said, all agencies intervening at ETD level report positive results, with notably a keen interest among local authorities and communities for support despite the stringent financial transparency measures which are demanded.

This findings presented in this section have highlighted two important inter-related aspects of the decentralisation process. First, it is rooted in elite struggles for power and consequently, second, there is a significant reluctance at local level to cede this power and roll the programme out as originally planned. While some commentators (e.g. Tull, 2010; together with various Provincial political authorities) argue for immediate increased decentralisation to the Provinces, reasoning that any resultant mismanagement or appropriation of funds cannot prove as damaging as that of Kinshasa, there is no evidence for this view. With this in mind, it is important to examine the responsiveness and effectiveness of structures at Provincial level to date. This is the focus of the next section which examines structures in the province of Bas Congo – a province which receives little aid yet where, as we will see, wealth and poverty sit side by side in an uneasy and frequently conflictual co-existence.

⁴⁷ Comité Local de Gouvernance Participative (CLGP) – Interview CEJP representative, January 14th.

⁴⁸ Cellules des Liaisons Parlementaires Provinciales (CLPP) – Interview CEJP representative, January 14th.

⁴⁹ Interview Christian Aid representative, January 14th.

⁵⁰ Interview, IRC representative, January 16th.

3.3 Local governance at provincial level

3.3.1 *Bas-Congo: Poverty amidst plenty*

Bas-Congo Province, which covers a surface area just 1/44 of the DRC's surface area, is the smallest Province of the country, although within the new 26 provincial configuration, it is the largest mono-ethnic one⁵¹. It has a population of approximately 4.5 million and is bordered to the south by Angola, to the east by the City of Kinshasa and Bandundu Province, to the west by the Atlantic Ocean and the Cabinda Enclave, and to the north by the Republic of Congo (Congo-Brazzaville). Bas Congo Province is endowed with vast mineral resources (diamonds, gold, bauxite, phosphate, rock salt, oil shale, manganese, marble, alluvium, etc.), although only limestone and bauxite are currently being exploited. It is also the country's only oil-producing area producing three billion barrels per annum with an estimated one billion barrels of reserves. The Province is the site of the vast Inga hydroelectric barrage which has been billed as having the power to electrify the entire continent⁵². There is a railway line between Matadi and Kinshasa and Congo's only ports, Matadi, Boma and Banana, through which nearly all manufactured goods reach Kinshasa, are located in the Province (ADB, 2009). These economic assets make Bas Congo the second largest contributor to the national budget (Liégeois, 2009: 11),

These assets notwithstanding, poverty is still widespread in the province, with a poverty rate close to 70%. According to the ADB (2009), education is characterised by low primary and secondary enrolment rates and infrastructure in a very advanced state of dilapidation and disrepair with often deplorable working conditions for both students and teachers. Conversely, with respect to health, the Bas Congo is among the most privileged provinces in terms of social and health facilities, and enjoys fairly good health coverage although this proves prohibitively expensive for many (see on further in this section). Finally, despite the existence of a wide river network, Bas Congo is facing difficulties having access to drinking water, especially in rural areas. The average baseline servicing rate stands at only 36.5% and access to water is still an ordeal for women and young girls whose task it is to collect this daily.

This data presents something of a paradox. How can a Province with such a wealth of resources be so poor? The consensus within the (albeit restricted) literature appears to point towards a governance regime which privileges the interests of networks in Kinshasa above that of its own people. And one reason for this appears to be the weak representation of the Bas-Congolese within their own provincial institutions as, in the words of one interviewee in Kinshasa "*When you go there [to Bas Congo] you'll find lots of our administration - people who are our colleagues from here. They sensed that the resources were going to the provinces so they headed down there.*"⁵³. Indeed, one commentator, writing in 2009, estimated that just 10% of the higher levels in the Provincial administration are held by Bas

⁵¹ Unlike elsewhere, the existing territorial boundaries of the province have been retained within the (contested) new territorial reconfiguration.

⁵² See <http://biofreshblog.com/2011/11/23/dr-congo-and-south-africa-sign-pact-to-implement-40000-mw-grand-inga-dam/>; see also Showers (2009).

⁵³ Interview January 16th.

Congolese (Moufflet, 2009: 62). Reinforcing the analysis in the previous section, this suggests two important things – one, that decentralisation is perceived more as a route toward resources by central and provincial authorities and commentators alike and two, that consequently any moves towards a more equitable distribution of this wealth across communities and households appears highly unlikely.

As we have seen in Section 3.1, another important consequence of this highly unequal distribution of wealth within the Province is the potential it causes for grievance and conflict. As well as being known for its oil and mineral wealth, Bas-Congo is also known as the home of the violent politico-religious movement, the *Bundu Dia Kongo* (BDK). Since 2006 this movement has spearheaded protests against the central state claiming, in the face of the widespread exploitation and marginalisation of the Bas-Congolese, to be the “*voice of the voiceless*”. According to both Moufflet (2009) and Tull (2010), the movement has achieved a high level of legitimacy locally despite the violence tactics often employed although Provincial officials claim it is no longer a threat as they have successfully absorbed its leaders into the Provincial administration⁵⁴.

This acute poverty, marginalisation and frustration is also reflected in the commentary and analysis of individual and focus group (FG) participants in this research. When asked about the difference between life now and life in the time of their parents, 95% of individual interviewees, with negligible differences between women and men, though slightly higher level of rural than urban respondents, claimed that life is worse today than a generation ago. When asked what specifically has changed, a significant 74% (78% men, 69% women; 77% rural, 67% urban) focused on the deterioration in economic conditions citing specifically the lack of remunerated jobs, the lack of money in circulation in the local economy, and the fact that money now has less value than before / goods are far more expensive. A further 19% of interviewees focused on land productivity. This is clearly a greater concern to women (22%) than men (16%) reflecting perhaps women’s primary role in feeding the family. Interestingly, there is negligible difference between rural respondents (18%) than urban (19%) on this issue. The specific issues of concern here are falling levels of fertility in land, and damages to both land and crops caused by climate change perturbations. A number of interviewees also noted that children are sick far more often now due to the allied food security issues. The issue of falling standards of morality were also raised by 4% of women interviewed. These were not raised by men. See also Section 3.3.3 for further detail on these issues.

Research participants were asked for their views on the reasons for these changes cited. Of those that offered a response (16% (8% urban, 20% rural) did not respond and 15% (with twice as many women as men) claimed not to know), an overwhelming majority blamed the government and/or political authorities. Specifically, 50% (57% men, 41% women; 69% urban, 40% rural) directly cited political authorities while a further 9% (12% men, 6% women; no significant difference between urban and rural) claimed the main reason was the closure of factories previously run by the Belgians⁵⁵. 11% of respondents (14% men and 8%

⁵⁴ Interviews, January 21st, 2013.

⁵⁵ During the colonial period and shortly thereafter, timber and agro-processing factories provided employment across all the sites studied. Research participants claimed that these provided work for all who wanted it, bringing money into the local economy and providing markets for those selling their farm produce. Two elderly men (in their 70s) interviewed independently who had been employed in these factories commented that their longevity and relatively good health is due to their having worked in their respective factories rather than labouring in the fields.

women; with 15% rural and 3% urban) claimed the deterioration was due to the ‘white man’ leaving. Both individual interviewees and FG participants explained in some detail how this was all linked back to the authorities. The prevailing view is that the ‘white man’ left because the authorities forced him to⁵⁶, the companies went into decline, jobs were lost, and poverty became widespread. An overwhelming sense of frustration with and lack of faith in current institutions is palpable as participants explained that their own authorities care only for their own interests and are neither willing nor capable of bringing the much needed employment and factories back to the region (see also Section 3.4.2 on further). Surprisingly, given the importance of religion and spiritual beliefs within the region, just 1% of respondents attributed the deterioration to God.

Some extracts from FG interventions give a flavour of this frustration and anger at the perceived failures of authorities to carry out their duties together with their lack of belief in their capacities to bring about development.

There are no societies, no companies. Before there were the Belgians who accompanied us, who taught us. Now there is no-one. There is no one to accompany us.

Question: *But there are the Congolese?*

The Congolese do not know how to manage people. They do not consider us and we suffer. They see us as slaves... You are here [working in the fields] from morning to night and you're left with the equivalent of 10,000 francs [US\$11]. Who can survive on that? So the Congolese mistreat their Congolese brothers.”

(Participant FG women, KuaKua)

It's a problem of Directors [those that govern], in the level of the Government. The money comes but it never comes to the base. The Directors of this country work for their families only... Before they were honest, now they lie, they are selfish.

(Participant FG women, Mayunda)

Life was good and stable in the past because the white man was here. But when we chased him, life became degraded. Life has become more and more mediocre.

Question: *Is the white man really better than men here?*

The white man transformed life here. He bought our palm nuts and transformed them. He could transform our products from the village – our rice, our manioc and our nuts etc...

Question: *Why can't the Congolais do that?*

Simply because the black man doesn't know how to transform. Today, we only transform the manioc into fufu. The white man could transform it into lots of other products. We don't have the equipment or capacity to transform produce.

(Participant FG men, Ntombo3)

⁵⁶ This is indeed the case as Mobuto's nationalisation programme of the 1980s brought private factories under state control and forced out Belgian and US interests.

It's bad governance. Most of our leaders are in the occult science [witchcraft]. As they are occultists, they do not favourise [induce] the importers [investors]. The importers who normally should have installed themselves here. The prices are extremely high. Taxes that the importers have to pay are so high that it favorises [induces] them to go and set themselves up elsewhere. And then there are no jobs and unemployment. So the fault is with the government who is in the occult and does not favour creating jobs here.

(Participant FG women, Soyo)

It's the bad faith of our leaders. They have been fetiched [have had spells cast on them] and they have been told that for their fetiches to work, they need to make the population suffer. If not, it is difficult to understand. If you go to Congo-Brazzville, there is no problem. There are leaders there of a good faith, of good hearts, and the population who live in good conditions. It is not the people from Brazzaville who come here. It is us who go to live there because of our misery. So it's their fetiches that are the reason that we suffer. What do you want? A deputy at 9,000 dollars but the carpenter has 30 dollars or 50 dollars [monthly salaries]. This divide - it's huge. It's too much. But this divide did not exist before. And it's because of these fetischeurs.

(FG men, Mayunda)

Thus, despite its considerable wealth and resources, life for most within the Province has become increasingly difficult. Unemployment and deteriorating land fertility are the two main problems cited by communities, with the blame for deterioration in these areas laid squarely with political authorities.

3.3.2 Local Governance Structures

Although Bas-Congo is widely viewed as an opposition stronghold, Mayamba, together with some other commentators (see also Mouflet, 2009; Tull, 2010) argue that authorities in Kinshasa are, through a system of patronage networks, able to exercise a significant degree of 'control' over the distribution of power and wealth in the province. "*In the Bas-Congo, the authorities [in Kinshasa] collude with business interests in a web of nepotistic networks that control of vast swathe of the province's resources.*" (Mayamba, 2012: 44). As noted previously, this is greatly facilitated by the fact that many of the key provincial positions are occupied by authorities from Kinshasa.

The Governor is the central government representative at Provincial level. Although elected by the Provincial Assembly, he is accountable to the authorities in Kinshasa through the national Minister of the Interior, Decentralisation and Customary Affairs. The position is much coveted and has been at the heart of a considerable degree of political conflict in recent years. The current Governor, the widely popular opposition leader Jacques Mbadu (known as "*Jacques de moyens / Jack of means*" due to his apparent generosity) was finally inaugurated on January 23rd this year (2013) following long delays in both organising the election and in President Kabila signing off on the necessary Presidential Order⁵⁷.

⁵⁷ See <http://radiookapi.net/actualite/2012/10/31/ffrttyyyjjkkllmmmm/> for more background on this.

In Bas-Congo, the Governor governs over 10 ministers and a Provincial Assembly of 29 deputies. In theory, the role of the Assembly is to approve the provincial budget and control the executive. However, in the view of many interviewed for this research, members lack the necessary experience and motivation to address policy issues and are more concerned with supplementing their income and profiting personally from their position and status. As we will see later, this is also the view of individual and focus group participants across the 12 research sites. Others note that the real problems lie at the level of the Provincial administration which behaves in the same manner as that in Kinshasa “*because it is the same people*”⁵⁸.

The Mayor, the Bourgmestre, and the Sector Chief are all authorities at ETD level within the province and are appointed and dismissed by central and/or provincial authorities (although - see below – traditional power can also be a guiding factor in their selection). These are paid positions (albeit poorly). The structure departs somewhat from that set out in Figure 3.2.1 in that there are no Traditional Chiefs at ETD level in Bas-Congo. There was a broad consensus across all research participants (local authorities and citizens alike) that authorities at ETD level are administrators while those at more local levels / sub-ETD levels are there to look after the population and resolve disputes (see Section 3.4.1 for more detail on these roles).

The structure gets more complicated as you move from ETD to sub-ETD level and a number of additional local authorities – some appointed, some elected, and some in traditional positions of power – appear. Some of these are paid (e.g. the female Quartier Chief interviewed who has worked as a Quartier Chief in different places for the last 20 years) and some are not (generally those at the most local levels) – although, as we will see, all positions carry some revenue potential – often the minimum is the equivalent of a case of beer (approx. \$15) per issue treated. At the most local level is the Avenue Chief. These were found in both urban and rural sites. Some, but not all, are appointed by the Quartier Chief or the Village Chief. In urban areas, Cell Chiefs come next (presiding over 5-10 avenues). Next come the Quartier Chiefs. Within this research, these were all reported to be appointed/nominated positions but just the Quartier Chief was officially paid. Within rural areas, Village Chiefs are generally traditional power-holders (with the power remaining in the family and passing from uncle to nephew on the maternal side) as are Group Chiefs (who can preside over anything from just 2 to 20 villages). Within this research we also interviewed an Agglomeration Chief (an appointed, paid position), a Locality Chief (generally an appointed, unpaid position although in this case an election was held on the instruction of the Quartier Chief), and we were told of Land Chiefs (traditional authorities) who work hand in hand with Group Chiefs in one particular Sector. Each Chief, depending on his (or, in rarer cases, her) power and influence has a number of advisors. Traditional Chiefs may have up to 10 advisors. Appointed Chiefs have at best one formal one.

The level of power and influence of Traditional Chiefs appears to derive from the power of their particular clan. Interestingly, the blurring of the lines between ‘traditional’ and ‘appointed’ appears to continue upward to ETD level where, theoretically, all authorities are appointed. For example, a Sector Chief interviewed, although appointed, is the son of a

⁵⁸ Interview, January 16th.

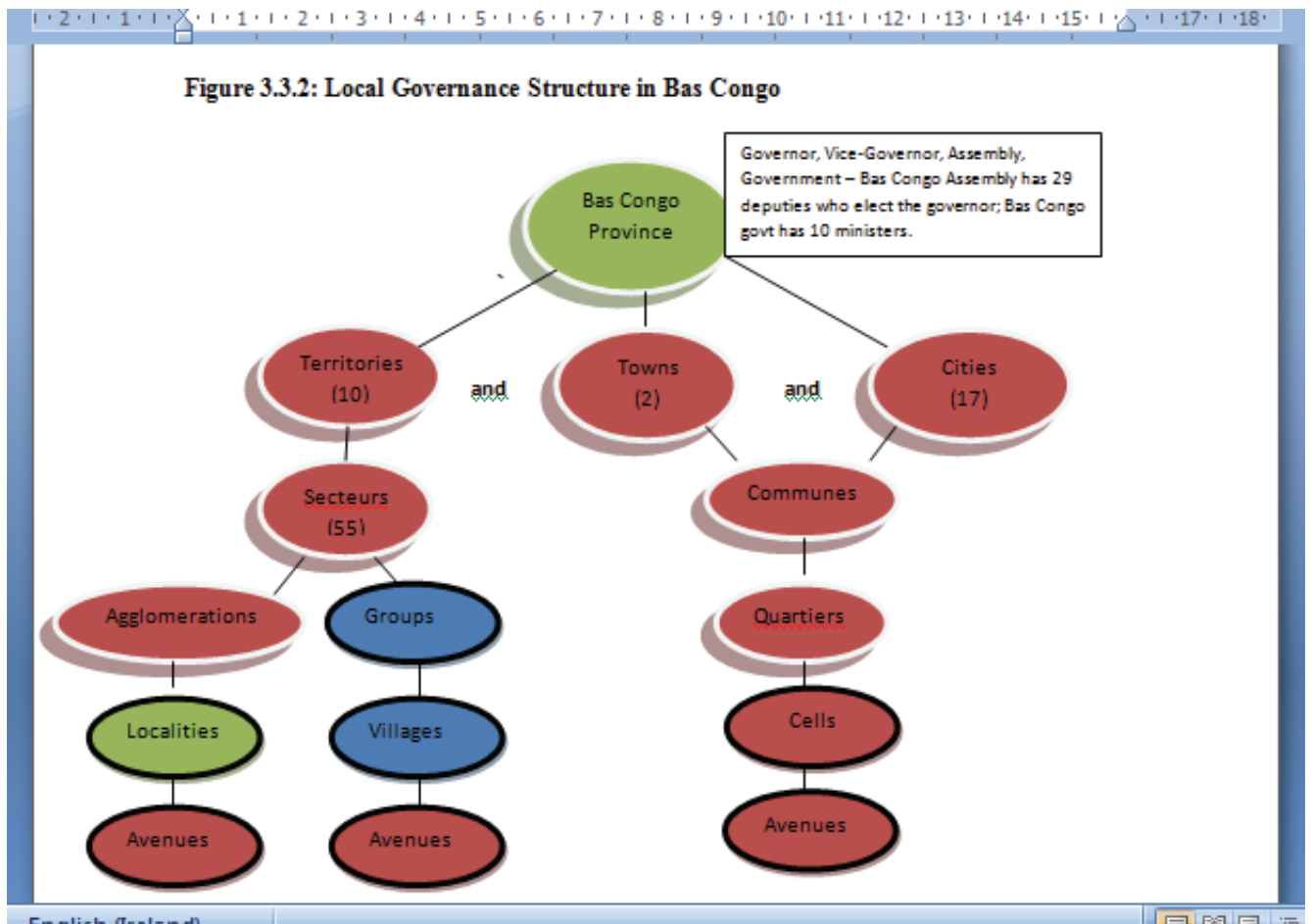
Traditional Chief⁵⁹ and noted that to be appointed “*you need to come from here and from a certain lineage. I was nominated by the Ministry but they consult people here. It’s in the relations. If you are my little brother you may be nominated but not if you don’t come from my family...*”. Therefore, appointed or not, lineage, status and traditional power relations play a vital role in accessing and reproducing power.

There appears to be a fairly well established reporting mechanism upward from the most local (Avenue Chief) to the highest level. At the most local level, reporting is oral. Group, Agglomeration and Locality Chiefs however deliver written reports (on security, disputes and services (water)) to their superiors at least once a month (at times more frequently), personally delivering these themselves. The Quartier Chief interviewed keeps meticulous records and reports weekly (on security and services – water and electricity) to her superior, the Bourgmestre who in turn reports to the Mayor.

In addition to these authorities who, traditional or not or somewhere in between, sit within the formal state structure which has been in place since Mobuto’s time, people also sometimes turn to other leaders, most particularly religious leaders or teachers within their communities with particular issues. Religious leaders are only consulted if the matter to be addressed concerns individuals from the same church.

The particular complexities of the local structures uncovered in Bas Congo are depicted in figure 3.3.3 below. The different colour coding depicts the way in which Chiefs and officials are appointed at the different levels. Green indicates elected authorities; red are appointed; and blue are traditional authorities with leadership passing from uncle to nephew. In addition, a distinction between paid and unpaid positions is shown. Structures with a white, shadowed outline indicate those where the authorities are paid while those with black outlines indicate those where authorities do not receive a regular salary. As is readily apparent, these structures depart somewhat from those set out in legislative texts as depicted in Figure 3.2.1 previously. This adds to complications in attempting to apply legislative provisions.

⁵⁹ This Group Chief, who comes from powerful family which has gone to great lengths to preserve its power, has also been co-opted onto the Provincial Assembly. His shiny new four-wheel drive – a perk of the position - glinted in the sun behind us as we talked. He is in his 70s and does not drive.



Having explored the complexity of these structures at local level, we now move back to the Provincial level to examine more closely the effectiveness and responsiveness of provincial structures in meeting local citizens' needs.

3.3.3 *The effectiveness and responsiveness of provincial structures*

As we have seen in Section 3.1.3, one of the key indicators of success within decentralisation is the effectiveness and responsiveness of provincial structures in addressing local needs. In their seminal comparative study on decentralisation across four countries (Karnataka state in India, Bangladesh, Côte d'Ivoire and Ghana) in the late 1990s, Manor and Crook (1998) assessed this institutional performance of decentralised structures by assessing local government policies and priorities against community preferences. This is the approach adopted here by comparing the priorities of local communities which were explored in both individual interviews and FGs with data from the Provincial Government's current (2011-2015 inclusive) Priority Action Programme (PAP) (GP, 2011).

Across the 12 sites, research participants were asked to define what it is that is important to be content in life ("*se sentir bien dans la vie*"). A second question aimed at eliciting the same information inversely explored what the causes of absolute misery are ("*quelqu'un qui est vraiment dans la misère, qu'est qu'il fait qu'il/elle est comme ça?*").

For the vast majority of interview respondents (67%), reflecting the findings reported above, the most important thing is remunerated employment. This is slightly higher for male respondents (71%) than for female (61%) but is nonetheless extremely important for both. Exploring the reasons why this is so important within interviews and focus groups, it becomes clear that this is the necessary precursor to many of the other issues raised, notably food security, good health, education for children and stability (lack of conflict and violence) within the home. Within interviews, 16% of women raised these issues as they explained why it was important to have some money coming in to the house while 8% of men raised them. Interestingly, when asked, women noted that for husbands to be working in a good paid job was sufficient even though the problem of husbands not contributing to household budgets (food, education, clothing, healthcare costs etc) was often raised. This may possibly stem from the historical fact that solely men gained employment within the timber and mineral processing plants in the past, together with cultural norms. The importance of paid employment to men in broader terms also cannot be under-estimated. Repeatedly in FGs, men commented on how their status and identity is inextricably linked to whether or not they have a job. To be a man, you must be married, have children (the more the better) and be able to provide for your family. If a man cannot provide for his family, it is very possible his wife will leave him and this immediately lowers his status in society. For women, with no money coming in, it becomes extremely difficult to feed the family, to pay bills etc. This leads to conflict and antagonism at home and a woman in that situation is never “*bien*”. The inter-related nature of these issues is outlined by a female participant in a FG in KuaKua.

I want jobs here. Because with the climatic perturbations, we can work in the fields but it gives us little. So with the beans, with the heavy rains we have lost everything. So it's necessary to bring jobs. Because then you can pay for children's education. But with the climatic perturbations it's difficult to assure the children's education.
(Participant FG women, KuaKua)

Similar points are made by FG members elsewhere:

Before people had everything to live. Now there is nothing. The level of suffering today. If you visit Congo Brazza or Angola you realise how bad things are here. In the time of our parents there were lots of opportunities for work but today there are not. Today, people are thieves and are lazy. Young girls have become prostitutes.
(Participant FG men Nsanga)

These problems also lead to an issue raised repeatedly in interviews and FGs – jealousy and hatred (‘*la haine*’) within and between families which can readily spill over into conflict and violence. As we will see later on (Section 3.4.1), the principle source of conflict in local communities, most notably in urban areas, is identified as jealousy and hatred. As one male FG participant from Tshela explains:

The problem is poverty. If everyone works, no one can be jealous of the other. When there is a lack of jobs - me, I get up in the morning. I am at home and there is nothing [no food] in the house. The other, he gets up also. Perhaps he eats some bread. I sit there and watch him. And he, he looks up and says, “me, i'm eating eh?”. And this can cause hatred [la haine]. This is always life here but there is a lack of work. So

the state needs to create enterprises so that the Youth can go to work and meet up only in the evening. Then society would be more stable.

(Participant FG men, Tshela Centre)

If you like work, you won't have hatred against the neighbours. You will have everything you need for life, for the house.

(Participant FG men, Mayunda)

The link between this precarity, jealousy and the breakdown in social norms / trust is also apparent in the frequent references to witchcraft and the occult in interviews and FGs. Interviewees report that such practices are becoming increasingly common and it is widely believed that good fortune can be sourced or stolen from people through witchcraft. While issues of witchcraft and the occult constitute a whole other area of study and might seem a long way from issues local governance, conflict and development, they are of immediate relevance here in that numerous studies have demonstrated the inter-relationship between concerns about, and accusations of witchcraft and local tensions and conflict (see for example Geschiere, 1988; Fisiy and Geschiere, 1991; Nyamnjoh, 2001; Golooba-Mutebi, 2005). Golooba-Mutebi's analysis, written in the context of rural South Africa, appears particularly apposite to the Bas-Congo context also.

As people struggle to get by in a context where livelihoods depend almost entirely on employment, competition for jobs and other income earning opportunities becomes intense. Unemployed young men blame witches for their failure to find work, while those who succeed are envied. Suspicion ensues and often degenerates into accusations.

(Golooba-Mutebi, 2005: 946)

Clearly therefore, the increasing levels of material deprivation and exploitation has also social and psychological implications for citizens in Bas-Congo. This highlights the prevalence of structural violence within the Province.

A female FG participant from Belvedere quartier in Matadi town outlines the link:

There is jealousy. You go over to someone's house and you see that he is good. You say, "you, you're doing well, you have a vehicle...". Also another thing, there are others who seem to be generous. They give you money. But in the spiritual realm, they recuperate this. He comes and gives you presents, but at the spiritual level he takes this back. It's perhaps your luck. When he comes he takes your luck. He becomes more and more rich because he has taken all your luck.

(Participant FG women, Belvedere)

Before people worked and earned a lot. But today it's the opposite. People who worked before were well paid. This is not the case today where workers are hardly paid at all. Today men, particularly the youth contract "fetiches" to have money. This does not help their family. On the contrary, they sacrifice their families.

(Participant FG men, Kionzo)

To do well today, you need to be an occultist

(Participant FG women, Mayunda)

The inter-relationship between all these issues and its effect on social norms more broadly are highlighted in the exchange below which comes from a FG with women in Soyo quartier in Matadi:

Participant 1: Clothes have changed, they are no longer decent. Before clothes were decent. Now clothes have become sexy, provocative.

Participant 2: Faithfulness is now an issue in homes [marriages]. Our parents were more stable in their homes. Now people leave.

Participant 3: There was more morality before. Papa worked and was paid. And so the children obeyed their Mother and Papa. Today their Papa has no work, the children do not obey, because their Papa is not working and the parents are not in a position to look after their children. And the government, because of these events, makes our children their 'girlfriends' [petites chéries] and it's a disaster. All these fat Papas, these fat Monsieurs. And we have put in place a system to try to deal with this, a system of higher science...

Question: higher science – what is this?

Participant 3: The occult science [witchcraft]. To have a job, you need to be in the magic, in the science. Without that, you cannot work...

Participant 4: And we eat poor things, processed foods. That's not good, really that's not good. These foods are not clean, they add things [additives]. And so every day, we have to take medicines. And the aspirins are at three times the price. How can you explain that? How can the same medicine cost three times the price of before?

Participant 1: Prostitution is also a problem. There is now a higher level professionalisation of sex. This wasn't there before. Now we see a high level of young girls that are sex professionals. It provokes a mortality of children [increased abortion levels]. There are children now that go this direction because the parents are really irresponsible. And it is this that leads to higher child mortality. Because when they find out now that they have become pregnant, they prefer to abort. So as not to have to meet with their parent's anger. And to facilitate their prostitution. All that, it's not at all good for our country. The government should take its responsibilities in hand. From an ethical point of view.

(Participants FG women, Soyo)

The related issues of importance to both men and women highlighted in individual interviews are food security and the children in school (14% overall; 8% men, 20% women); to have some land to work (6% of both men and women); good health and access to health services

(5% overall; 6% men; 4% women); no conflict at home (4% overall – all women) and peace/security more broadly (2% overall – all men).

These priorities are replicated in responses to inverse question relating to the causes of misery where again the most common response is a man/women is miserable with they have no money because they have no job (33% overall; 35% men, 31% women). An interesting finding is the common view (expressed also frequently in FGs) that misery stems from personal laziness / sloth rather than any structural issue overall. This view is articulated more frequently by women than men (31% overall; 26% men, 37% women) and again appears to point towards the social and psychological importance of work, as well as somewhat contradicting the somewhat high dependency levels seen in Section 3.3.1 where the government, the lack of companies and the departure of the ‘white man’ were cited as the main causes of economic and social deterioration. 13% of respondents (12% men; 14% women) raise the related issue of lack of food and poor health leaving people unable to work as the main cause of misery. The remaining causes are lack of land (7% overall; 6% men, 8% women); bad luck/no assistance (6% overall; 8% men, 4% women); coming from a poor upbringing/lack of values within the home (4% overall – same for men and women); and various combinations of these factors.

These findings highlight the importance of employment and job creation to communities as their single most important priority together with access to land for both subsistence and small scale commercial purposes. These remunerative issues are linked to four further priorities – food security, education, health and the prevention of conflict and violence within the home with these latter issues assuming more importance for women. The extent to which these priorities are reflected as priorities within the Provincial Government’s development plan provides us with an indication of the effectiveness and responsiveness of provincial structures. This is examined below.

The PAP is a comprehensive plan setting out all the programmes the provincial government envisages for the province over the 5 year time frame. Comprising 4 pillars, it includes figures on overall budgets, budgets secured and funding sources (state, province or other funders). While the overall budgets for different programmes do not necessarily give an indication of priority (as certain activities simply cost more than others), the percentage of provincial spending for secured budgets potentially does⁶⁰. With this in mind, Table 3.3.3 below draws from this programme and sets out the top priorities for provincial authorities across each programme (expressed as the Province’s percentage contribution to the overall secured budget) together with the level of priority assigned to community priorities (again expressed as the Province’s percentage contribution to the secured budget for these priorities).

The first column sets out each of the 4 pillars in the PAP. Column 2 sets out the number of programmes planned within each of these and Column 3 outlines the total cost of these. The total budgets secured for each pillar (in \$mn and % of total) is provided in Column 4.

⁶⁰ Although this may also be influenced by the willingness of other sources (state and external funders) to contribute also. However, a fuller analysis of the data (conducted by the author but not included here due to space constraints) reveals that the Province has committed to full (100%) funding of some programmes yet no (0%) funding of others which have attracted no funds from elsewhere either, thereby indicating that some priorities are identified independent of other funders at provincial level.

Programmes within each pillar which have secured a commitment of 100% of their budget costs from Provincial sources, thereby indicating that these are the highest priority for these authorities are set out in Column 5. Conversely, programmes within each pillar which have secured 0% of their costs from Provincial authorities, thereby indicating that these are the lowest priority for these authorities are set out in Column 6. Programmes within the PAP which respond to the priority issues raised by communities (job creation/local development; environment protection; social protection etc) are outlined in Column 7. The budget secured for these (in \$mn and % of total figures) is also included in Column 7 while the percentage of this coming from Provincial resources is recorded in Column 8.

Table 3.3.3: Provincial and Community Priorities Compared

<i>1. Pillar</i>	<i>2. No. of Progs</i>	<i>3. Total Budget (US\$mn)</i>	<i>4. Budget Secured (US\$mn)</i>	<i>5. Highest Provincial Priority</i>	<i>6. Lowest Provincial Priority</i>	<i>7. Secured Budget for Community Priorities (US\$ mn)</i>	<i>8. Provincial Spend on secured Community Priorities</i>
1. Good governance and peace promotion	7	74	59 (80%)	Improvements in admin governance (100%)	Justice and security (0%)	Pol. govnce & decentralisation – 4.4 (73%)	25%
				Devt of ‘financial intermediation’ (100%)	Local devt promotion (0%)	Local dev promotion – 5 (69%)	12%
						Improvemt of business envt – 3.9 (83%)	97%
2. Economic diversification, growth acceleration & jobs promotion	17	1,360	506 (37%)	Capacity bldg on systems mgmt (100%)	Devt provincial industries (0%)	Relaunching ag prodn – 6.1mn (45%)	43%
				Improving mining revenues (100%)	Devt local tourism (0%)	Support to job creation – 0.9 (75%)	38%
3. Improvemts in access to social services and human capacity bldg	22	536	231 (43%)	Promotion of sport and leisure activities (100%)	Social protection for OEV (0%)	Social protection for OEV – 0 (0%)	0%
				Valorisation of provincial cultural patrimony (100%)	Protection of children and vulnerable grps (0%)	Protection of children and vulnerable grps – 0 (0%)	0%
				Improvmt of rural habitat (100%)	Attenuation of the impact of HIV (0%)	Promotion of youth economic activities – 0.2 (12%)	75%
						Promotion of gender equality & ‘autonomisation’ of women – 3.5 (85%)	40%
4. Protection of the envt and fight against climate change	2	66	0.7 (1%)	Promote climate change adaptation strategies & rish mgmt (for catastrophies etc) (100%)	Reinforce provincial capacities on climate issues (0%)	Prevention of HIV infection, STDs & sexual violence – 0.5 (11%)	90%
						-	-

Source: Table compiled from data presented in GP (2011)

Three things may be drawn from this Table. First, and most relevant to the focus of this section, a general mismatch between the priorities of the provincial authorities and those of communities is apparent. This suggests a low level of effectiveness and responsiveness of provincial structures to local needs. If we compare the data across columns 5 ('highest provincial priority') and 8 ('provincial spend on secured community priorities'), we see that the percentage of the budget for community priorities coming from the province is generally quite low – with the exception of the two areas of 'Prevention of HIV infection, STDs & sexual violence' and the 'Promotion of youth economic activities' which each have secured just 11 and 12 % of their overall budgets respectively. Moreover, if we compare the data across columns 6 ('lowest provincial priority') and 7 (the 'secured budget for community priorities') it is immediately apparent that some of the community's priorities are at the lowest level of priority for the provincial authorities. These findings provide some empirical basis for communities' assertion that provincial authorities do not fulfil their developmental remits (see Section 3.4.1 below).

A second relevant issue is that the most support overall from all sources goes to Pillar 1: 'Good Governance and Peace Promotion' (securing 80% of its overall budget) while Pillar 4: 'on Environmental Protection and Climate Change' has managed to secure just a paltry 1% of its overall budget despite the fact that, as we have seen, climate change is an issue raised by 19% of individual interviewees (see Section 3.3.1) and access to land and food security is a priority issue for communities. It is also a little surprising that just 37% of the budget for 'Economic Development and Jobs Creation' has been secured given its overwhelming importance to communities. While the Provincial government is committed to increasing revenues from the mining sector (which, though it may provide some jobs, is unlikely to greatly benefit the local communities given the pattern elsewhere in the country), both the development of provincial industries and tourism – key sources of employment and local wealth creation – appear to hold no interest at all for the Provincial government.

A third noteworthy issue overall is that supports for social services from all funding sources is quite low, most notably in the area of social protection, HIV infection and gender-based violence yet, as we have seen (Section 3.3.1) poverty remains at 70% overall across the Province and, as we will see (Section 3.4.1), GBV is also a serious issue.

Overall, the analysis presented in this section reveals a mismatch between the priorities of provincial authorities and those of local communities. This indicates a low level of responsiveness and effectiveness of Provincial structures vis à vis community needs. This, in turn, points to the likelihood of low levels of public legitimacy of these structures (this is confirmed in the following section) and hence their weak potential for conflict management / reduction. In the following section we turn to an examination of the effectiveness of local (ETD and sub-ETD) governance structures in this regard.

3.4 Local governance at community level

This section examines local communities' awareness and use of governance structures at local levels. This section begins with an analysis of the sources of local conflicts (including GBV) which, as we have seen in the previous section, (3.3.3), are widespread, before moving on to examine how, if (and by who) these are resolved. Sub-section 3 examines how communal problems – generally service related (water and, where available, electricity) are resolved while Sub-section 4 moves on to examine the role and use of sub-ETD authorities in these contexts. Sub-section 5 examines communities' understandings of the role of ETD and provincial authorities while the final sub-section explores the opportunities for and barriers to women's participation within local governance structures. As local conflict resolution is a key role for local authorities, we begin by examining in more detail the sources of local conflict, including gender-based violence.

3.4.1 Sources of local conflict

Individual interviewees were asked what the principle sources of conflict within their communities are. Reflecting the findings reported in Section 3.3.1 previously, by far the most common source of conflict is jealousy/hatred/calumny⁶¹ (28% of all respondents), with this linked to sorcery/witchcraft in a further 18% of cases. This is an issue identified by women and men in equal measure but a definite difference is apparent between urban and rural sites, with 75% of urban respondents citing this as the principle source of conflict in their area, but just 30% of their rural counterparts doing so. The next major source of conflict (reported by 17% of respondents overall) is land. Predictably this is more prevalent in rural areas (with 24% of rural respondents citing this) than urban (3%), and among more men (28%) than women (6%). This latter figure is probably due to the fact that, if married, land disputes are dealt with by the male household leader.

The high propensity for antagonism and conflict over relatively minor matters is possibly best illustrated by the finding that 13% of respondents (20% women, 6% men with no significant urban/rural divide) cite young childrens' minor misdemeanours (incurred through play) as a source of conflict. As some of the cases set out below attest, a minor incident can end up incurring significant financial and social costs if it ends up going through the formal local authority. The other issue cited causing conflict – often linked to land and/or children – is witchcraft/sorcery. This was cited again principally by women (12%) as opposed to men (0%) with no significant rural/urban difference.

Respondents were also asked if domestic disputes were caused by husbands or wives sleeping with other women/men⁶². 68% responded that yes, this is a serious problem (with no significant gender or urban/rural difference) while 12% felt it was not an issue. 20% did not wish to respond to the question. When asked why this happens, in cases where it does

⁶¹ 'Calumny' is the deliberate maligning of somebody's character by spreading damaging stories/lies/rumours about them. It is reported to be particularly prevalent among women.

⁶² This issue was explored following on the research in Burundi where women in particular consistently raised this as the principal problem in their lives, leading to both conflict and financial and personal insecurity once their husbands left them.

happen, opinions were divided on whether it is the woman's fault, the man's fault or a mix of both. 18% of respondents (26% men, 10% women; 25% urban, 14% rural) claimed this is due to a mix of poverty (women sleep with other men for money and/or food) and opportunity (for women to access food/resources; for wealthy men to gain 'girlfriends'). 14% of both male and female respondents felt it is due to domestic conflicts and problems – this was articulated more by rural (18%) than urban (6%) respondents. 14% of respondents did not know why this happens and a further 40% declined to respond to the question. 4% of respondents (all women) claimed this was due to rivalries between women; 9% (predominantly women) felt it was due to a lack of morality in society; and a further 4% (all men) felt it was due to men mistreating women at home.

Gender-based violence (GBV) in the DRC is pervasive and takes many forms. While the under-reporting of such incidents makes data on this extremely inaccurate, one report claims that 35% of women and children have suffered sexual violence; 43% emotional violence and 57% physical violence (UNDP, 2011c: 28). GBV is especially associated with the war, with the UN Secretary-General's Special Advisor on Sexual Violence in Armed Conflict in 2010 describing the DRC as 'the rape capital of the world' (UN, 2010). However, rape and GBV is not just a war phenomenon and it is also not just regionally concentrated. Research participants argue that it relates to different discourses around masculinity, the breakdown of social structures and the militarisation of society. Cruz and Smits (2011:4) argue that there is an emerging discourse around male suffering and an identity crisis linked to the fact that men's roles as heads of households and in protecting female members have been challenged as a result of widespread poverty and unemployment.

Two days into the field research in Bas-Congo, when it became apparent that rape is an issue which can be openly discussed, some questions were introduced in both individual interviews and FGs relating to its incidence and treatment. It is important to note that rape is understood by research participants as sexual relations with a minor and appears to only present a problem when pregnancy ensues. 45% of respondents overall claimed that there have been incidents of rape in their locality while 34% claimed there had not, with 2% saying they did not know. Of the 45% expressing knowledge of its occurrence, more men (51%) than women (39%) spoke of this and it is reported to be more prevalent in urban sites (53% of urban respondents cited this) than rural (39%). It proved more difficult to get an answer to the question as to why rape happens. 44% (more men (49%) than women (39%); more rural (52%) than urban (31%)) of respondents did not respond to the question while a further 25% (slightly more women (28%) than men (22%)) claimed not to know. Of those that did respond, 13% (22% women, 4% men; 19% urban, 9% rural) claimed it was due to lack of moral values in society; 11% (predominantly men (20%) and urban) claimed it was due to poverty; and 8% (6% women, 10% men) claimed it was due to the 'sexy' clothes women wear.

3.4.2 Local conflict resolution

Individual interviewees and FG participants were asked about how such conflicts are resolved within their communities. An overwhelming majority (68% with no significant difference between male and female respondents though with a greater percentage (83%) of urban respondents than rural (59%)) explained that conflicts are resolved "*à l'amiable*" – between families and neighbours without involving anyone else where possible, but involving the local (village/avenue) leader if necessary. It would seem that most of these issues are

addressed without reference to any local authorities as, when asked later (see below) about consulting a local leader in relation to a particular issue, 82% of respondents (88% male, 77% female; no significant urban/rural difference) have never gone to their local leader. In line with this, just 16% (22% male, 10% female; with a significant rural bias (23%) compared to just 3% of urban respondents) responded that local conflicts should be addressed by local leaders in the first instance. These findings suggest a preference, most notably among urban women, to try to sort out conflicts themselves without involving local authorities. There appears to be a preference among women (20%) compared to men (6%) (13% overall with no significant urban/rural difference) for consulting other local leaders such as a pastor (if both parties belong to the same church); a pastor's wife; or a local teacher or 'sage'. Just 2% of respondents (all male) spoke of involving the police.

Research participants were also asked how communities deal with cases of rape, in cases where it has taken place. Again, 'rape' is understood by research participants as sexual relations with a minor (officially under 18 but, as we will see, cases for girls over approximately 14/15 years are not regarded as very serious) and appears to only present a problem when pregnancy ensues. The emphasis is on financial support for the baby rather than any form of justice or support for the victim and none of the research participants made any reference to involvement of the victim in settlement efforts. This reinforces arguments made by others about the marginalisation and subordination of women within Congolese society.

There are two ways in which cases of 'rape' are addressed by local communities. 23% of individual respondents (20% men, 26% women) noted that rape is a crime and therefore all cases should be brought to the police. 22% (26% men, 18% women) responded more directly noting that it depends on the case. If the victim is 14/15 or older, then very often the issue is resolved through negotiations between her family and either the perpetrator directly or his family, with a financial settlement agreed to support the child. 16% (12% male, 20% female) of respondents said they did not know how such cases were treated and 39% (43% male and 35% female; 31% urban and 44% rural) did not respond to the question.

The exchanges from 2 FGs provide a more detailed illustration of how this issue is 'dealt with' locally. In the first exchange, the Agglomeration Chief (encouraged not to participate but doing so regardless) provides his input following that of a participant in a women's FG in a rural setting. In the second, 2 issues are particularly noteworthy in the intervention of a participant in a men's FG in an urban setting. The first is the fact that the raped victim is depicted as the 'problem' – although, in the second case cited, it is acknowledged that the perpetrator 'did something stupid'. The second noteworthy issue, and this is replicated in all stories told, is that the victim is not mentioned at all. No attention is paid to her trauma following the incident and she has no agency at all in the 'solution' found, no opportunity to seek justice herself.

Participant: If the girl is more than 13 years old and man is less than 30 years old, they can resolve this in the family 'à l'amiable'. If they don't agree on a resolution, they come here to see the Chef d'Agglomeration. If the Chef d'Agglomeration finds that it is beyond his competence, he refers it to the public prosecutor. Cases differ. Question [to the Chef d'Agglomeration] And have cases like this been resolved in the family here?

Chef: Usually they do this secretly so that the state does not know. So the family does not need to pay money to state [note – fines are reported to be between \$300 and

\$500]. They do this in a framework of solidarity. If the boy and the girl are from same quartier or same avenue, the parents are already united. They are friendly with each other as they are neighbours. They can't report the boy because he will be imprisoned. They therefore resolve it between themselves.

(Focus group women, KuaKua)

The problem that I wanted to talk about is the problem of a female minor of 15 years. Her father wanted to bring her to the court, but the Chef de Quartier said no, it's at the level of the Quartier because the boy is 16 years and the girl is 15 years. They are children. We prefer to treat this in the Quartier. In this manner instead of spending 20 years in prison, it was preferred to treat this locally.... The families arranged the situation. The boy's family agreed to take to girl into their family as their own daughter. The child was sent to school. He is in 5th class now. That's how they arranged it.

But in another Quartier, the boy was 20 years who did something stupid. The police arrested him. They brought him to court. He spent 3 months in prison and then they [his family] paid money. They corrupted and he got out. The other family provoked him and he fled. So that's how it works, when there is the state, it costs. But when there isn't the state, you can sort something out.

(Participant FG men, Soyo)

3.4.3 Addressing communal problems

In addition to local conflicts, communities also face problems with communal resources and services – most notably water and, where available, electricity. Individuals and FG participants were asked how problems with such resources are addressed. The findings reveal that these issues are either resolved locally through local community development works organised by the local (sub-ETD) leader (this is more the case in rural communities) or are not addressed at all (more the case in urban areas). Overall, 34% of respondents (41% male, 28% female; 19% urban; 42% rural) claimed that problems with services are brought to the local (village/avenue leader) who organises communal works to fix this. A further 11% (with no significant differentiation between women and men or urban and rural dwellers) claimed they fixed the problem themselves – in these cases the local leader may or may not be involved depending on his/her level of activism and competency. 28% of respondents (25% male, 29% female; 39% urban, 21% rural) professed to abandoning the service (most often water points) while 13% (16% male, 10% female; predominantly urban (19%) rather than rural (9%)) contact the service providers directly themselves. 10% of respondents (8% male, 12% female) do not know what to do while 3% (2% male, 4% female) claimed that they contact an NGO to assist on their behalf⁶³. In urban areas in particular (where natural water springs are not present as in rural areas) there are constantly issues with both water and electricity services. Participants from a men's FG in Soyo Quartier in Matadi outline two different methods they have used to try to get electricity problems resolved (there had been

⁶³ The 'NGO assistance' response came solely from interviews conducted by Trócaire partners and may therefore be based on perceptions of the role of NGOs in the area.

no electricity at all for over three months at the time of field research yet customers continued to be invoiced by the state company SNEL). It is noteworthy that the first involves physical violence as there appears to be no other solution.

The problem is there is just one [electricity] line... and we are all on this one line. We send it [electricity] to neighbouring countries⁶⁴, but here it is blocked. And so now we are back to candles. We have gone many times to the SNEL office but it never works. So what we do now, each time one of these [SNEL officials] comes with a bill, we have started to hit them. We have understood that complaints will get us nowhere. So when these people come we beat them up... That's our solution

(Participant 1 from Avenue A, FG men, Soyo)

When we had the same problem, we resolved it in a different manner. We first tried to talk with them. This didn't work... Then we had a campaign of sensitisation. We got back the last two bills from each house. Then we wrote a letter to the head of the SNEL. We sent a copy to the Mayor also. Everyone had given their bills, they signed the letter and these were given to the head of the SNEL. They got scared. The head of the SNEL invited the head of the Avenue and representatives of all that had signed. We went to them [5 people]. At this moment, they came to arrange the situation. They didn't really accept the problem but they did at least arrange the situation...

Participant 2 from Avenue B, Soyo Quartier⁶⁵

For others, there has been no joy in trying to deal with the electricity authority, as one participant from a female FG outlines:

The population paid for the materials [poles, wiring, connectors, isolations switches etc] so that we could get some light in the Quartier but the bill from SNEL is still extremely expensive. The bills each month do nothing but increase. We tried to discuss this with them but have reached no solution. And if you continue to discuss, SNEL will just cut your current. In short, you must submit to their orders.

(Participant FG women, Kinzau-Mvuete)

3.4.4 The role and use of local authorities

Research participants were asked about the role and their use of local authorities. It is noteworthy, given the emphasis that we have seen within the formal decentralisation process on Provincial and (albeit delayed) ETD levels that, as we will see, participants are largely

⁶⁴ The Inga dam complex in Bas-Congo is said to have the potential to electrify the entire continent. See <http://biofreshblog.com/2011/11/23/dr-congo-and-south-africa-sign-pact-to-implement-40000-mw-grand-inga-dam/>; see also Showers (2009).

⁶⁵ This action was organised by the narrator and four others from his Quartier – they invited the Chef de Quartier to be involved but he didn't come.

unaware of the role of authorities at this level. In contrast, there is a much higher degree of awareness of the role of the sub-ETD authorities⁶⁶ and so it is worth reiterating that these are largely ignored in debates and reflections on decentralisation to date. 94% of respondents cited a role for sub-ETD level authorities when asked (with more urban (14%) than rural (2%) respondents professing to not knowing their role). Of these, 38% (31% male, 43% female) responded that their role is to direct and lead the population, notably in organising communal work. 28% (32% male, 24% female; 14% urban, 24% rural) see their role in local conflict resolution. 12% (with no gender difference) see them involved in both of the above roles while 10% (2% male, 18% female) see their role lying in the security/protection of the community. 2% (all male) claim that these local authorities do nothing while the remainder of respondents (3%) cite a combination of the roles cited above.

[The role of the Quartier leader] is to regulate all of the problems in his jurisdiction, He is at the head of Quartier. The problems are generally sorcery/witchcraft, theft and disputes with neighbours. Before going to see the justice [police], you need first to see the Chef de Quartier. Because you will always be asked [if you go first to a higher authority] have you first gone to see the Chef de Quartier

(Participant FG women, Belvedere)

While the findings point to a high degree of awareness of these very local (sub-ETD level) authorities, it also appears that these authorities are not called upon for assistance very often. As outlined above, among individual interviewees, 82% (88% male, 77% female; no significant urban/rural difference) have never gone to local authorities with any issues for resolution. In FGs it was revealed that this is because a) the costs prove prohibitive ('voluntary' contributions run from the cost of a case of *Primus* beer (approx. \$15) upward depending on the incident and how many leaders become involved); and b) a reticence to publicise issues which may be contained among the parties involved⁶⁷. Of those that have consulted (or been summoned by) local authorities, 6% of cases (4% male; 8% female) involve a dispute with neighbours – usually over children's misdemeanours; 4% (2% male, 6% female) husbands/wives sleeping with others; 4% (all female) domestic disputes/violence; 2% (2% male, 2% female) theft; and 1% land disputes (all male). Therefore, although the majority of research participants are aware of the role and function of their local authorities, they remain reluctant to engage them in assisting to resolve disputes. The costs clearly outweigh the benefits for all. The experiences of some FG participants help shed more light on why this should be the case...

I was summoned [to the Sector Chief] for a problem of children [her son, unmarried, is 29 years old]. Our children were fighting at the river and finally, my son fled. So the Sector Chief called me in place of the child [son]. We showed that the two children that were fighting were almost from the same family. So how could we be sent to an official process when they are from same family? So the Sector Chief returned us to the village to the Group Chief. Coming to the Group Chief, he

⁶⁶ Village, Avenue, Cell, Quartier, Agglomeration leaders

⁶⁷ If issues are brought to local authorities, a public resolution procedure ensues whereby all parties to the dispute/issue have a right to present their side within a public forum.

examined the situation. He asked the parents of the girl who was hit, what had happened. He insisted that we pay them money. We paid. 60,000 FrCo [\$66]. And also a case of beer and a goat and bananas to the Chief. There were two Group Chiefs involved. So one case of Primus [beer] to each Group Chief and the animal. It all added up to 95,000 FrCo [\$105]. We had to pay a case of Primus to the family also. And we also paid for the medical bills of the girl – she is now in hospital. I am a widow and they took all this from me and my son fled and left me with it all. It is difficult to talk to this family now.

(Participant women's FG, Mayunda – emphasis added)

Another incident from Mayunda concerning young children – although treated locally, nonetheless was pushed upward and more fines were imposed

I had a problem with my children. They were playing and threw stones at another house. We were [husband and narrator] called to the Village Chief. I arrived down there, the Village Chief listened to the story and asked for money. A case [of beer] worth of money. Even though the affair finished with the Village Chief, a little time afterward we were summoned by the Group Chief. Arriving there, he again examined the affair. There we paid money – the equivalent of a case of beer - and a cock... I still do not speak to these neighbours.

(Participant women's FG, Mayunda – emphasis added)

Another incident involving young children ended up costing one FG participant from Tshela a significant sum.

I had a problem with my children. The children were playing outside. My son, who is 8 years old, took goats' droppings and gave it to the other younger child. The people who saw this went off to inform the parents of the younger child. The Peace Officer [local authority figure] judged the affair and he told me to pay 200 dollars. Until today I am continuing to pay, little by little. Just to today. I do not speak with or get on with the other house.

[This incident happened back in June 2011].

(Participant women's FG, Tshela Centre – emphasis added)

Two issues emerge from the above incidents. The first is that the second two are of a relatively minor nature yet ended up costing the families significant sums. And the second is that, although all cases have been 'resolved', the underlying conflict remains or has intensified. While in rare cases, payment is not always required, the issue always ends with the ruling of the Chief although it remains unclear what effect this has on the underlying animosity. Other experiences of FG participants include some of the following:

- A Pastor's wife (participant in an urban women's FG) came into conflict with her neighbour when she paid for her neighbour's daughters' school fees and copybooks so she could attend school (without her neighbour's permission). This was resolved by the Avenue Chief once the Pastor's wife alerted him who claimed the Pastor's wife was in the right. No payment was required for this case.

- A participant in a rural women’s FG was accused of leaving communal laundry area (at the river) dirty. Her neighbours contacted the Avenue Chief and demanded a fine be imposed. The Avenue Chief ruled in favour of the woman and no payment was exacted.
- A participant in a rural men’s FG had a cow that strayed onto a neighbour’s land. The neighbour then claimed the animal was his. The participant consulted the Locality Chief to intervene. Witnesses were also called and a public hearing took place. The Chief ruled in the participant’s favour. The guilty party paid the equivalent price of a case of beer (\$15) each to the Chief and the accused.
- A participant in a rural men’s FG involved in a dispute with his neighbour over land limits. (This is an extremely common occurrence and many stories of land disputes were heard – in this case it was unclear who exactly the land belonged to) was physically attacked by the neighbour and threatened with the words “*your uncle died like this and you will also die in this way*”. Shaken, the narrator went to see the Locality Chief. A public hearing was held. The attacker apologised and the apology was accepted. The Locality Chief required two cases of beer (\$30) from each party (\$60 in total) in payment.
- A participant in a rural women’s FG who had confiscated the ball of a child who was playing with it too close to her baby was summoned to the Locality Chief and ordered to pay the parents of the child \$30 as well as the price of a case of beer (\$15) to the Chief.
- A participant in a rural women’s FG complained to the Locality Chief that her neighbour was accusing her wrongly of sleeping with the neighbour’s husband. The Chief found in favour of the narrator. The accusee was required to pay the Chief \$15. (It remained unclear if the narrator received any payment for this ‘calumny’).

While the majority of these cases dealt with by local (sub-ETD) Chiefs result in some form of payment, research participants were unanimous that this is vastly preferable to having to deal with authorities at a higher level where the enforced costs escalate rapidly and justice is clearly the preserve of the wealthy. A participant in a rural men’s FG recounts how his Sector Chief colluded with the police to extract \$400 from his wife and a neighbour following a motorcycle accident.

My wife was getting a lift from a neighbour on a borrowed motorcycle. As they were travelling, a drunk man suddenly appeared on the road, standing in front of them. He wanted to stop the bike. When my neighbour braked suddenly to avoid the man, they fell. They went to report the incident to the Sector Chief. He wrote down the details. That evening at 8pm, the police came to the house to get them. They were brought to X [the main town] down there and they started to beat them both up. Little by little they got 200 dollars out of each of them [the driver and the narrator’s wife].

This sub-section has shown that the main role of the most local authorities (at sub-ETD) level is both to lead (direct/teach) their communities and to resolve local conflicts. While local conflict resolution through this channel may not necessarily resolve the underlying animosity

and generally ends up costing at least \$15, all are agreed it is vastly preferable to having this treated at a higher level (ETD or police) where the costs increase exponentially and justice is a function of wealth, connections and status rather than right or wrong.

3.4.5 Role of the ETD and provincial authorities

Research participants were asked about the role of the ETDs (Sector leader; Bourgmestre and Mayor). 62% (55% male, 69% female; 69% urban, 58% rural) professed to not knowing what authorities at this level do with a further 7% (6% male, 8% female) not responding to the question. 23% (26% male, 20% female; 11% urban, 29% rural) commented that these authorities solve problems which the sub-ETD level authorities fail to solve and also charge fines. 7% (10% male, 4% female) responded that their role is to report to higher authorities while 2% (all male) maintained that they do nothing at all. Overall therefore, there is a low level of awareness of the role of authorities at ETD level, most particularly among female, urban dwellers. This may be explained by the fact that, within FGs, many note that these authorities are administrators who, remaining in their offices, are seldom seen. Their work is understood by FG participants as being part of the wider political administrative apparatus and, as seen above, it is generally felt best to avoid contact with them as it can prove extremely costly.

Moving up along the scale, respondents were asked about the role of provincial authorities. Here we see a (very) slight increase in awareness, most probably arising from the two electoral campaigns (tellingly termed ‘propagandas’ in Bas-Congo) when provincial candidates toured the province. Although 56% of respondents (47% male, 65% female; 39% urban; 65% rural) do not know what the role of these authorities is, with a further 7% (8% male, 6% female) not responding to the question, 15% (14% male, 16% female with no significant urban/rural difference) claim that provincial authorities are their representatives (“*porte paroles*”) in the province and that they should be (though it is stressed are not) addressing their problems. A further 12% (16% male, 8% female; with an urban (19%) / rural (8%) difference), in echoes of the national Vice Minister (see Section 3.2.3) note that these authorities represent the country’s President within the provinces. A further 11% (16% male, 6% female) claim that the authorities do nothing except use citizen’s money to enrich themselves.

Question: *What is the role of the provincial authorities?*

Participant: *You mean the Governor? [much laughter and discussion]. The money that they get in the Province office over there, it’s to send their children to school in Europe and to live well. They tried to make a few repairs here but they didn’t last. So the repairs to the road haven’t lasted, it’s deteriorated again. To go 120 km to Boma [main town] it takes lots of time because of state of the road. All the money they get it’s for their own lives, to go to Europe etc. They don’t care a bit about us.*
(Participant, FG women, Ntomba3)

Their role is to resolve the problems of population - to fix roads, to fix water sources etc. But since they have been there, they do nothing.

When they arrive there [at the provincial offices], it is to resolve their personal problems. They are there for their personal interests and they don't have the time to come here [to the village]. At the moment they are on holidays. Normally they should be using this time to come and visit the population at the base, to collect information, to listen to our problems and go back there to sort this. But they never do this. They have never come here since they were elected.

(Participant FG men, KuaKua)

Participant 1: I know the role of the governor is to run the province. But the problem is - those in the offices of the state, they are generally not even from our Province. And so their taxes and their fines, they are disgraceful, they are too exorbitant. To ask a peasant to pay \$1000 dollars! Where are we going to find that?

(Participant FG men, Nsanga)

Overall, this sub-section has demonstrated a poor level of knowledge of the role and predominantly negative perceptions of the motivations of both Provincial and ETD authorities. This indicates a low level of legitimacy of these authorities. It also raises questions around their capacity and willingness to represent and respond to their citizens' interests and issues. In Sections 3.3.1 and 3.3.3 we saw that a number of issues of particular interest to women (food security, education and health of children, GBV) are not being addressed. One of the main arguments made in favour of greater female political participation at all levels in society is that it increases the likelihood of such issues of particular relevance to women being addressed. The inability or unwillingness of current authorities to tackle these therefore raises a question as to whether increased female political leadership might prove more effective. The following section examines the opportunities and barriers to female political participation at local levels.

3.4.3 Local women's political participation

Although Article 14 of the Constitution enshrines equality between men and women, women's political participation and representation remains low throughout the country. In the 2011 national elections, none of the 11 presidential candidates were women and women numbered just 2,160 out of the 18,000 candidates (or 12%) in the legislative elections (Bakiman and Badyon, 2011). Just 8% of parliamentarians are women and none of the current 11 Provincial Governors are women (UNDP, 2011c). Many reasons are provided in the literature for the low representation of women in formal politics – including illiteracy, a lack of awareness of women's political rights, little access to (predominately male) political networks, high levels of rivalry among female candidates, and a lack of the necessary training and resources. Research from International Alert in South Kivu (2009) shows that where women are elected into political office, they tend to receive little if any support from the broader constituency of women. There also appears to be a lack of political will within the government to uphold national and international commitments around women's political

participation⁶⁸. The Ministry of Gender operates with a budget of less than 1% of the national budget, with 74% of this going on the salaries of its personnel⁶⁹.

The issue of women's political participation and obstacles to this was explored with research participants in the context of local governance structures in Bas-Congo. Specifically, individual respondents and FG participants were asked if they felt it was a good idea for women to be local leaders and, if so, why / if not, why not. They were asked if they knew of any female leaders (as research shows that role models can accelerate change in this area) as well as the obstacles to female political participation. We begin the section by examining research participants' views on what characterises a 'good leader' more generally.

Before coming to the issue of women's political participation, participants were initially asked what the characteristics of a good local leader are and what they might look for if they were electing these themselves. All responded in terms of a male leader with an overwhelming majority (62% - 59% male, 65% female; 53% urban, 68% rural) citing personal qualities including courageousness, impartiality/fairness, honesty and the ability to listen to people's needs. A further 4% (4% male, 4% female) felt he should be an exemplary role model – married with children and not a drinker, fighter or womaniser. 13% (12% male, 14% female) cited someone who solves problems himself without sending citizens to higher authorities (who demand greater fines). 11% (14% male, 8% female) cited a good track record / experience as a leader already. 5% (4% male, 6% female) claimed they did not know and 2% (2% male, 2% female) claimed that all local leaders are bad.

When questioned whether it was a good idea for a woman to be a local leader, in interviews 80% (76% male, 84% female) said it was. This high percentage is tempered a little by the fact that just 7% of these (6% male, 8% female) could cite any particular contribution that women could bring (the contribution cited was women's experiences as mothers and their related ability to direct and teach people). For the others the principle reason cited for a "yes vote" was "*Why not? Now we have parity*"⁷⁰ (40% overall, 39% male, 41% female; 58% urban, 30% rural) while a further 33% (31% male, 35% female; 22% urban, 39% rural) offered a qualified 'if she has the capacity'. In contrast, 18% of respondents (22% male, 14% female; no significant urban/rural difference) were against the idea. 9% (10% male, 8% female) of these cited the Bible which, according to some local church leaders' interpretations⁷¹, states that men are superior and that "*power is the gift of god*" rather than something democratically bestowed. 6% (10% male, 2% female) stated that women simply do not have the capacity - this inability encapsulated in the often-repeated proverb "*a woman*

⁶⁸ Interview National Coordinator Cellule d'études et de planification de la promotion de la femme de la famille et de la protection de l'enfant, January 15th ; Interview National Vice Minister for the Interior, Decentralisation and Customary Affairs, January 19th.

⁶⁹ Interview National Coordinator Cellule d'études et de planification de la promotion de la femme de la famille et de la protection de l'enfant, January 15th.

⁷⁰ The 'parity' provision within the Constitution has been widely promulgated.

⁷¹ The Protestant Pastors in particular are reported to preach this interpretation. They are quite influential with some reportedly successfully persuading people with HIV to abandon their ARVs – these being unnecessary as god will save them without ARVs.

*cannot build a house*⁷². 2% (2% male, 2% female) claimed women's husbands will not allow it, while 1% (all female) said they did not know.

Among FG participants, there was much discussion on this topic with mixed views among participants (male and female) predominating. Participants within two female FGs (both urban) were emphatically against the idea as were participants in one male FG (also urban). Examining the reasons for these views (see also below), it appears that the fact that rural participants are more familiar with their local leaders (with some of them being female) is a factor although many participants noted that women leaders as 'assistants' to the main leader were what they had in mind⁷³.

Among individual interview respondents 48% overall (45% male, 51% female with a notable urban/rural difference in this regard – 19% urban, 64% rural) cited local female leaders they know. A further 17% (26% male, 8% female; 36% urban, 6% rural) cited either a provincial or national leader or a local School Director. 34% (28% male, 41% female; 28% urban, 41% rural) stated they did not know of any female leaders.

The principle obstacles to women's political participation were explored with research participants. For 34%, the obstacles principally come from men. 18% (14% male, 22% female; no significant urban/rural difference) state that 'politics is a man's job' and men will not accept to be governed by women, while a further 16% (20% male, 12% female) note that husbands will not allow their wives to serve as leaders. For 14% (12% male, 16% female) of respondents, the obstacles lie with women due to the inter-related reasons of women's own disinterest in getting involved because women will not support to them due to jealousy and rivalries among women. 12% (6% male, 18% female) profess to not knowing the reasons; 7% (2% male, 12% female) claim women are not educated enough; 5% (8% male, 2% female) note that their domestic responsibilities prohibit them from serving; 3% (all male) claim women do not have the money needed to run a campaign; and the final 7% cite a mix of these different issues.

A synopsis of the different debates from a number of FGs on this issue is presented below to give a flavour of the differing views and perspectives on this issue.

Participant 1: *It's good. It's a vocation. If God gives her the possibility, it's good that a woman is Chief.*

Participant 2: *It's good to have a woman because a woman is a mother and is well placed to teach the population.*

Participant 3: *I disagree. There are passages in the Bible that say that a woman cannot govern.*

Participant 1: *But there are also women in the Bible that did govern – Ester, Naoimi. They governed well. So why not?*

(Participants, FG men, Mayunda)

⁷² « Une femme ne peut pas construire une maison ».

⁷³ In rural areas in particular, local leaders often have an 'ajoint' / assistant (either official or unofficial) who is female.

A woman could not [govern]. “A woman never builds a village” [proverb]. A woman cannot be a Chief. She is not responsible.... A woman, even if she begins something, she never finishes it, or she destroys it in the end... It’s the nature of women. If they begin, they will still destroy everything in the end.”

(Participant FG women, Belvedere)

Participant 1: *Once a woman is responsible, the people will suffer a lot.*

Question: *Why?*

Participant 1: *It’s even written in the bible. A woman can never be over a man. And also, and this is important - a woman generally is stubborn. When she opts for something, to get her to change her mind it’s difficult. If she is sure of her convictions, she will not change her mind.*

Participant 2: *She is a person like a man. If she has the qualities, she can be Sector Chief. In our Group, it’s a woman who is Chief. If I make a comparison between her and her predecessor – her father – she is better.*

Participant 3: *If men are incapable of doing something, nothing will change with a woman. If men can’t do it, a woman certainly won’t be able rise to the job. It’s God’s power. It’s God who established things. Men are always superior to women.*

(Participants, FG men, Nsanga)

Participant 1: *Women are afraid of posts of responsibility in the Congo. Because here, women have a tendency to tell the truth, and what is logical. And when you expose what is true and logical you are exposed to sorcery. You are poisoned. This is why women pull away from this, this is the reason*

Participant 2: *It is due to fétiches [spells]. Women are strong followers, practitioners of this.*

(Participants FG women, Soyo)

While the issues raised here relate to locally perceived obstacles, it is important to reiterate that the political, social and cultural norms underpinning them cut across society broadly, including at national political level. An excerpt from an exchange between the National Vice-Minister for the Interior, Decentralisation and Customary Affairs and his advisors is instructive in this regard.

Advisor 1: *I knew a woman politician. When she got home, her children clung on to her. There was the cooking and the cleaning. She suffered. She suffered. She didn’t last long.*

Advisor 2: *Women. There is also something in their nature that causes them to give up easily.*

Vice-Minister : *But there are also women of iron. There are women of iron also.*

Advisor 2 : *They’re an exception.*

Vice-Minister: *But they exist ! Merkel, Even Angela Merkel. She's a woman of iron.*

Advisor 1: *But women themselves prefer that they be soft women.*

Vice-Minister : *Well, that's their nature. It's understandable. It's the Bible that says that.*

Advisor 1: *Public office, it's hard. It's not really suited to women.*

(Interview National Vice-Minister for the Interior,
Decentralisation and Customary Affairs and two Advisors)

Taken together, the findings presented reveal that, among women and men alike, in both urban and rural settings, while a significant majority believe that, in principle, it may be possible for women to assume leadership roles at local level, very few see any added value to this. The obstacles to women assuming such roles in practice reflect the wider subordinated position of women in society. It is notable that more women than men feel women either do not have the professional capacity or are not sufficiently educated for these roles – even though, in an earlier question, the personal qualities sought for in a good leader (by 65% of women) do not include professional capacity or education. Both women and men note that men will not accept to be governed by women and that, in addition, husbands will not allow their wives to take up such roles. The findings point to social and cultural obstacles across society on this issue, obstacles made all the greater by the fact that, as we have seen in Section 3.3.2, the majority of local level positions are assigned following an all-male tradition.

This complete section has explored the functioning and efficacy of local governance structures at community level. It has found that, in the absence of national and provincial support, there is a great need for effective and equitable local level structures, notably in the resolution of small scale disputes and conflicts which, in an atmosphere of jealousy and animosity fuelled by structural marginalisation and exploitation, can easily flare up into something far more serious and damaging. Despite this need however, local structures are avoided as much as possible, with 82% of individual respondents noting that they have never consulted their local Chief on an issue. In addition, 68% (with a significant urban bias - 83%) of respondents prefer to settle disputes themselves rather than incur the costs and public humiliation of local authority processes. This clearly raises some questions in relation to the usefulness and effectiveness of local (sub-ETD) authorities although all are clear that they are vastly preferable to ETD-level structures and the police and justice system where rulings are made on the basis of wealth, status and connections.

Interestingly, while the most popular characteristics sought in a local leader reflect personal traits of honesty, integrity and fairness, a set of different issues relating to professional capacity and education levels are raised as impediments to women's political participation⁷⁴. In addition, no participants make the link between the lack of action on community priorities and political representation. Local leaders tend to be seen as separate to the higher levels – there to lead their communities in damage limitation and control rather than representing them on higher stages. This view is reflected in both communities' views on the roles of

⁷⁴ This may be due to the fact that leadership at the most local levels is traditionally determined and largely the preserve of male members of Chief clans. Leaders at higher, appointed levels are required to submit regular, written reports to their superiors and therefore need some level of formal education. As we have seen however, the lines between traditional and appointed authority are somewhat blurred and some local leaders 'employ' secretaries within their group of advisors. These draft the Chief's reports.

local leaders and in those of local leaders themselves. These issues are taken up in the final section which follows.

3.5 Towards a conclusion and some lessons

This research has examined governance reforms within the DRC at three levels – national, provincial and local – the latter two within Bas-Congo Province in the West of the country. At a national level, the findings reveal two important things. First, following on from the origins of the process as part of a package of peacekeeping and stabilisation compacts among elites, the decentralisation project remains essentially a struggle for resources between the political authorities in Kinshasa and those within the Provinces. At the moment, with significant delays and obstacles to the process, it appears authorities in Kinshasa are winning. Second, the form of decentralisation pursued is essentially territorial, and not political decentralisation as many commentators assert. Although there are also efforts at promoting administrative decentralisation, notably among international supporters of the process, the key political elements are missing, both within the background legislation and policy, and in the rollout of the process on the ground.

At a provincial level, the findings from the comparison of community priorities with those set out in the Bas-Congo Priority Action Plan, together with interview data at provincial and local level show a poor responsiveness and effectiveness of provincial level structures. It is clear from this analysis that, even with resources currently in place in Bas-Congo Province, the priorities of provincial authorities are not the same as those of their constituents. This points to extremely low or non-existent levels of representation of these authorities within their Province.

At a local level, the findings show that communities are most familiar with their local (in many cases, traditional) leaders but not those at higher levels. Most of these local leaders are not part of the ETD decentralised structures. Moreover, although these are well known within communities, they are not well used, with just 18% of interview participants ever having consulted with them on an issue for resolution. When these authorities are used, this is to address local conflicts. Yet, while these conflicts are addressed, they are not necessarily resolved and, in some cases, they have been exacerbated.

This indicates that the local, sub-ETD governance structures are serving as systems of conflict management and control rather than attempting to address the underlying structural causes of these local conflicts. Put simply, their role is conflict containment rather than transformation. With linkages upward to ETD levels restricted to reporting alone (a purely administrative role), there is no accountable follow-up on reported incidents and no way of ensuring that their root causes are addressed. Meanwhile, the processes and mechanisms of structural, psychological, and physical violence continue – most notably for victims of GBV and for the poor who cannot afford to buy justice. This leads to rising levels of frustration and anger with communities, in the absence of appropriate political channels, turning on themselves in frustration.

There are three principal lessons which can be drawn from these findings. These relate to the core issues of state legitimacy, structural violence, and the role of decentralisation respectively in this context. In relation to the first issue, public trust in and legitimacy of the state is low to non-existent. This is not just at national level, but also at provincial level – a significant finding as Bas-Congo is widely regarded as an opposition stronghold. Therefore this is not an issue of party / factional politics but a wider legitimacy issue. This is important because state legitimacy is the key to stability and progress. It is also important because, with public distrust and apathy widespread, it is highly unlikely that communities would wish to engage with local state institutions even if given a chance to do so⁷⁵. It is also highly unlikely that civic values can be inculcated through sensitisation / awareness raising activities alone when there is no basis for such values to take root. The literature and research on both peacebuilding and decentralisation is in agreement that political legitimacy is a key condition for stability and development. How can such legitimacy be gained? There are two ways – the first is through force, and the second, consent. Gaining legitimacy through force, although popular in the past with repressive, violent dictatorships, has ultimately proven unsuccessful (quite apart from any moral objections, in the long run it simply proves too costly). It is now outdated and unpalatable and, as the ‘D’ in the ‘DRC’ indicates, the country has now opted for the second route toward legitimacy – consent. The democratic way to build political legitimacy is to gain consent to rule from citizens by building trust and satisfaction. While policy-makers often focus on elections as the chief institution for consent-building, it is in fact an ongoing process which is reflected in and derives from state responsiveness to community needs and priorities. Thus legitimacy is not just a political issue, it is also developmental. It cannot be forced, it must be earned. And, as political philosophers from the 1600s onwards have realised, political authorities cannot govern without it. Political decentralisation offers an institutional avenue to build such legitimacy yet, as we have seen, the opportunities if offers are not being used.

The second important lesson drawn, in particular from the local level findings from Bas-Congo, is that the conditions for structural violence are currently in place and escalating. It is astounding that a Province with such wealth (three billion barrels of oil sold per annum; the country’s only ports through which all manufactured good pass; vast mineral and forest resources; potentially the largest hydro-electric dam in the world) provides such dismal opportunities and life chances for its population. This is not simply astounding to its population. It is abhorrent and the source of significant anger and frustration which, in the absence of effective political structures through which it can be channelled, is manifesting in an atmosphere of jealousy and animosity with citizens turning on each other in anger. As we have seen in Section 3.1, structural violence is closely linked to physical violence and local grievances can readily spill over into more widespread conflict.

The third lesson relates to the role decentralisation can play in this context. Can it help mitigate the conditions of structural and physical violence currently in place and assist in building state legitimacy and trust? In its current form, it is unlikely. Why? First, in its current form the decentralisation legislation and framework, as well as its practice on the ground, makes no real provision for (nor even any great commitment to) citizen

⁷⁵ This conclusion draws from research more broadly which finds a correlation between low legitimacy and low levels of public engagement in state institutions. It is worth reiterating however that agencies supporting citizen engagement in other Provinces (Bandundu, Katanga, Maniema and South Kivu in particular – see Section 3.2.4) report positive results and a keen interest among local authorities and citizens alike to engage. This may be due to a higher level of political legitimacy in these Provinces or perhaps some bias in the reporting of these results.

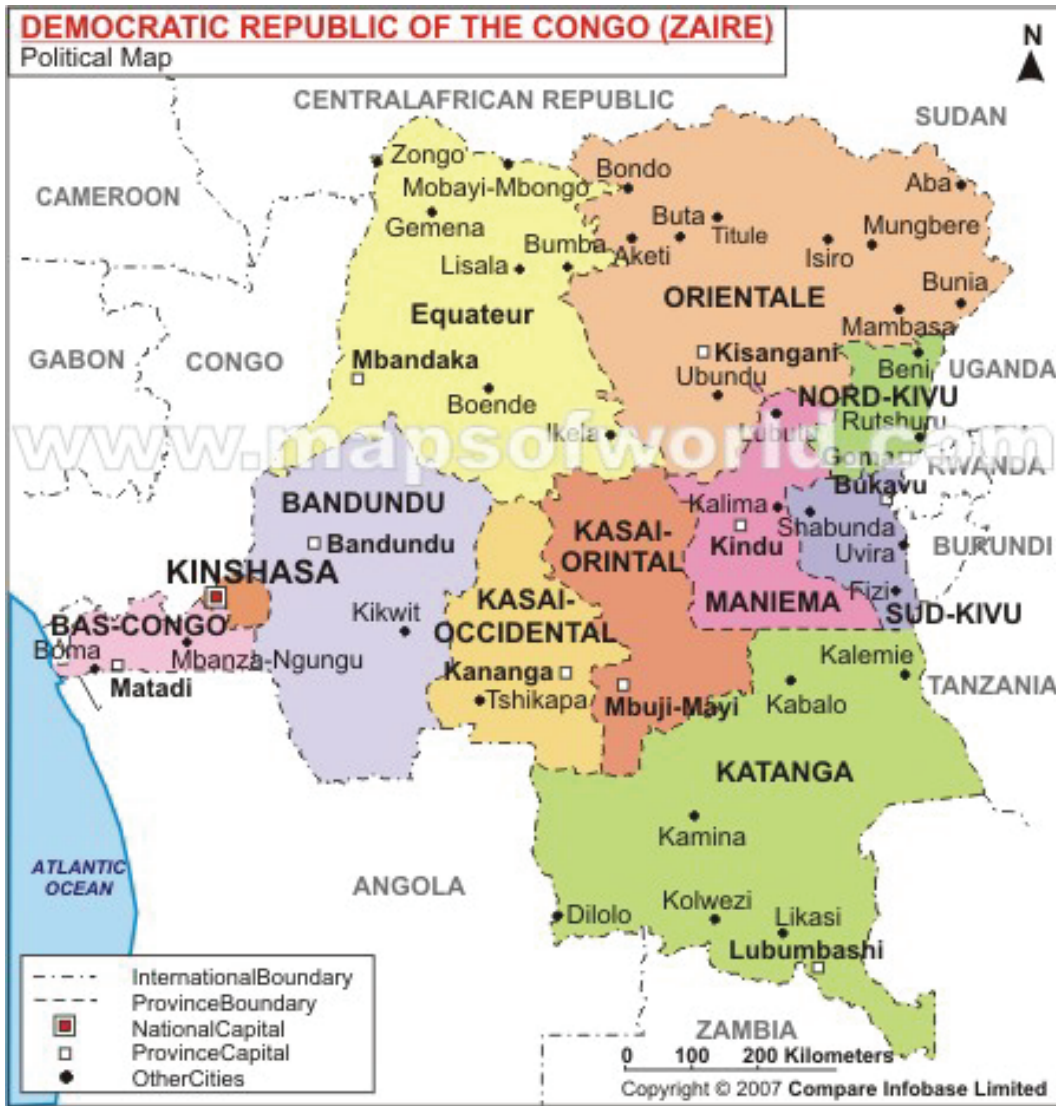
accountability or participation. It is worth reiterating that decentralisation in the DRC is not a transformative political project nor was it ever conceived as such. In both formal and informal (sub-ETD level) local governance structures and mechanisms, access is differential and based on wealth, status, connections and, depending on the issue (e.g. GBV), gender. No attention is given to the obstacles experienced by particular groups within society. Moreover, little more than lip-service is paid to a major (in numbers) minority group (in status) within society – women and their role in political society. Second, all of the formal structures (including ETD level) remain at a remove and isolated from ordinary people. Their role has not changed since Mobutu’s time and they retain a purely administrative role, reporting upward through the hierarchy and holding no accountability to their communities. Might this change with elections? Not without a radical change in political culture including concrete mechanisms and spaces where constituents can hold them to account on a regular basis. This means thinking beyond elections to such ongoing fora. Third, leaders and authorities at sub-ETD level remain focused on conflict containment not transformation. Therefore, as noted above, the conditions for structural violence remain and, in some cases, as conditions continue to deteriorate, are escalating.

So what is needed to foster a local governance system that addresses the root causes of conflict and violence and leads towards a more peaceful, equitable and affluent society? Although it is beyond the remit of this research (and the capacity of this researcher or indeed any other outsider) to outline the contours of a fully functional local governance system, the findings from this research suggest that it include at least three components. First, that it moves beyond territorial and administrative functions (including monitoring donor funds) to address the structural and developmental roots of conflict, transforming the conditions for violence rather than stopping short at attempting to manage its manifestations. Second, that it seeks to involve citizens themselves by a) including facilitated mechanisms for the ongoing participation of different groups within society (not just the dominant voices) including the use of local media and related fora; b) mechanisms for ‘translating’ these voices – their stories, experiences, aspirations – into policy; and c) feedback, accountability mechanisms which honestly and transparently address the gaps between citizen inputs and policy outputs providing a rationale for these. And third, that it (re-)introduces the idea of representation into political culture and authority across all political levels. A political representative represents her/his constituents. It is not possible to do so without ongoing connection to them and with them. Representation is not about advancing one’s own agenda and interest, nor is it about advancing that of a particular group. It is about mediating between different groups and actors and the quality of representation is a function of the quality of this mediation.

Clearly the challenges to building and supporting responsive, effective local governance mechanisms are significant. But so too are the dangers in not doing so. As all in the Great Lakes region know, history has proven that it is a grave mistake to ignore local frustrations and tensions. These can build and manifest into major violence and conflict destabilising entire regions and peoples. Greater attention by all to the more transformative potential of local governance mechanisms and practices might well be one step towards attaining greater stability and development within the region.

Appendix I

Map of DRC



Appendix II

Programme of field research

January 14th - January 19th, Kinshasa

- CEJP / CENCO, Jean Paul Mulyanga, PO Governance/Decentralisation
- COREF, Stéphane Muninda, Consultant
- DfID, Helen Poulsen, Social Development Advisor & Claude Disasi, Assistant Governance Advisor
- Christian Aid, Brigitte Lyeli, Programme Manager for Governance
- DAI, Richard Martin, Decentralisation Advisor
- IRC, Kouassi Dagawa, Governance coordinator
- CTAD, Makolo Jibikilay, National Coordinator
- Cellule d'Etudes et de Planification de la Promotion de la Femme de la Famille et de la Protection de l'Enfant, Ministry of Gender, Family and Children, Prof. Mangu wa Kanika, National Coordinator
- PA2D / EU, Thierry Bécheret, Expert in Public Management
- World Bank, Thomas Maketa, Governance Specialist.
- CONAFED, Jeanne Mzuzi, National Director.
- Belgian Embassy, Selio Mayemba, Attaché Cooperation.
- Trócaire, Lea Valentini, Governance and Gender PO
- Direction des Etudes et Planification, Assemblée Nationale, Aaron Robert Monga Wa Banza Ntanda & Michom Mafuta Doris, Technical advisors.
- UNDP, Guy Kasasi, Ex-PO Governance Programme
- UNDP, Anastasie Manzanga, Director of Governance Programme
- Ministry of Interior, Decentralisation and Customary Affairs, Egide-Michel Ngokoso, Vice-Minister and Modeste Mulasa Luzembi, Assistant National Coordinator of CTAD

January 20th : Travel to Matadi, Bas-Congo

January 21st – 29th: Field research in vicinity of Matadi

- Governor's Office, two ex-Ministers / current Cabinet Directors
- Governor's Office, Provincial Minister of the Interior, Territorial Administration and Customary Affairs
- CRONG (Coordination Régionale des ONGs de Développement, César Ngimbi, Coordinator
- FGs (x8) – Belvedere, Nsanga, KuaKua and Soyo
- Individual citizen interviews (x37)

- Interviews local leaders (x4)

January 30th: Travel Matadi -Tshela

January 31st- February 7th: Field research in vicinity of Tshela

- FGs (x6) – Ntombo3, Tshela Centre Ville, Mayunda,
- Individual citizen interviews (x30)
- Interviews local leaders (x3)

February 8th – 9th: Travel to Kinshasa

February 10th: Departure

Sunday, Feb 10th

- Travel Kinshasa – Kigali

Appendix III

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