

**Aid and Conflict**

**In the**

**Democratic Republic of Congo**

Strategic Conflict Assessment

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*with*  
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**This report reflects the views of the consultants only and not necessarily those  
of DFID or the British Embassy**

## EXECUTIVE SUMMARY

### Introduction

This report was commissioned by DFID Kinshasa in order to guide DFID and others how to adjust their programmes in relation to current risks of conflict. The main part of the report is an analysis of the issues relating to conflict, both underlying ones and those that are more proximate to today's situation. The implications for aid are then assessed, leading to general recommendations about aid strategy, including principles for conflict-sensitive aid, and also some recommendations concerning specific types of aid programme.

The process is based on the methodology of Strategic Conflict Assessment developed by DFID and applied in many countries, including Nigeria, Mozambique and Uganda in Africa. At the request of DFID, special studies have been made of education and decentralisation. The team consisted of two international and one local consultant who spent about a month on the task, mainly in Kinshasa with visits to Bas Congo and Katanga Provinces. They were supported and sometimes accompanied by Camilla Sugden, DFID's conflict advisor in DRC. Key findings of the report are-

### 1. Causes of conflict

There are now high risks of violent conflict in DRC arising from a number of issues including-

- Unmet expectations, albeit unrealistic, after the end of the war and subsequent elections;
- An erratic style of leadership that is often 'invisible' and sometimes uses excessive force<sup>1</sup>;
- Likely fragmentation of the political alliance that came together in support of the President;
- A marginalised and frustrated opposition which has already been the victim of violence but who can be fragmented and inexperienced;
- The continuation of a predatory role for the state;
- Little real political will for state-building or reforms;
- Reliance on elite forces for national security;

A combination of these problems could easily become the basis for violent conflict which could be triggered by such critical points as-

- Unresolved military conflicts in the East;
- Tensions over decentralization;
- Demonstrations and strikes, notably over lack of payment for government staff;

### 2. Underlying Issues

Current trends could lead to violent conflict because there are a number of deep underlying propensities towards conflict, including-

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<sup>1</sup> It should be noted that since Sept 07 the President has become more visible to the population through provincial visits and public speeches.

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- The extraordinary value of natural resources;
- The spread of these resources around the country's extremities;
- Widespread corruption;
- Continuation of militias and availability of arms after previous conflicts;
- Human rights abuses and culture of impunity
- Insider/outsider tensions where migration has occurred;
- Threats to livelihood such as land issues and unemployment of 'artisanal' miners;

### 3. Conflict dynamics

There is now a major tension between the national leaders, whose interest is to hold onto power, and provincial leaders whose interest is to take power away from the centre under the provisions of the new constitution. In order to win the war and the subsequent elections, political leaders have made promises and commitments that either compromise the state (such as mining concessions of dubious legality) or are unlikely to be met. Frustrations are mounting. Under the new constitution, Provinces expect to keep 40% of the income they raise but if this change happens, the national finances will be under immense pressure, and the problem of non-payment of government staff may be further exacerbated. There will be serious tension around the time that decentralization is due to start in September 2007.

Frustrations are focused on the President, whose popularity has declined considerably since the elections. It seems unlikely that an attempt to deflect pressure onto the Prime Minister or other members of the government will avert a political crisis and may precipitate it. If the President seeks to control the situation through the use of his elite troops, as in the case of previous crises, the risks of violent conflict and fragmentation will be further increased. If Provinces are given full freedom to implement decentralization without any coherent national budget, the outcome will also be fragmentation, with risks of localised conflicts over such issues as the further subdivision of Provinces as envisaged in the Constitution.

In the long run, decentralization is likely to be good for the country. DRC is a very large country with poor communications. Under decentralization there is a better chance that local issues will be addressed, officials will be paid, and perhaps that corruption will be reduced because representatives will be more accountable.

### 4. Crisis scenarios

The possibility of violent conflict in the East is still considerable because disarmament and demobilisation programmes have met with only very limited success. But the likelihood of intervention by surrounding countries is now much reduced and would be met by intense opposition from the international community. The most easily predictable problem is that the pace of legislation on decentralization is falling behind the promises made and delays will be seen as a sign of bad faith on the part of the central government. Local tensions around decentralization could provoke an over-reaction from the central government and then devolve into ethnic or religious forms of conflict with the involvement of political forces. These tensions will come together in September/October when Parliament resumes and the promised 40% is due to be retained by Provinces. Teacher unions say that they will go on strike if they have not been paid by the time the new school year starts in September and they are likely to be joined by other civil servants, who have also threatened to

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go on strike. Strikes would not normally be a trigger for violent conflict but all this should be seen against a backdrop of widespread availability of arms and the existence of many 'spoilers' who will use local crises to pursue their own interests. The police continue to be militarized and may deal with such incidents inappropriately. There are also a number of more localised potential flashpoints. The sale of mining concessions has marginalized hundreds of thousands of 'artisanal' miners who are angry about their loss of livelihood because of concessions given, often without legitimacy, to large companies.

The centre has been very quiet and shown little ability to handle communication and information effectively. The President has indicated that he will take vigorous action when Parliament returns in September and this is likely to include the sacking of some Ministers or possibly the dismissal of the entire government. But uncertainty makes the situation worse which may lead to increased corruption and decisions which are postponed or taken purely from self interest. The report sets out four scenarios for violent conflict, depending how the issues are handled by political leaders.

### 5. Implication for the International Community

Buoyed up by the electoral success of 2006, the international community has been pushing ahead with state-building in the form of support to institutions, staff capacities and legislation. The problem is that a war has ended without addressing any of the fundamental problems of the state. It remains predatory, legalistic and centralized. DRC is a Fragile State and this report recommends use of the OECD **Principles for Engagement with Fragile States** although in an adapted form taking into account the context of DRC.

The prospect of decentralization requires an adjustment in the focus of state-building from the centre to the Provinces, or more exactly on the interaction of different levels. The stakes in DRC are always high because of its huge natural resources and decentralization divides the benefits from these resources in a different way. It is a fundamental shift of power and therefore the risk of conflict must be regarded as high. DRC should not be regarded as a 'post-conflict' situation but one where **conflict prevention** should be the main focus.

Aid budgets, especially in the case of DFID, have been increasing rapidly. Humanitarian needs remain very great and the capacity exists to address these needs through non-government channels. It would be a mistake to focus on food and water when life itself is directly threatened. In DRC the focus of humanitarian action should be **human security**. Studies show that citizens, especially in the East, face constant predations and threats to their security. Protection of human rights should be a key requirement in every programme. The UN forces under MONUC will need vigorous political and financial support in achieving their mandate of protecting civilians. In particular, the widespread practice of Sexual and Gender Based Violence (SGBV) requires direct attention if women are to participate meaningfully in the development of the Congolese state. DFID could usefully inject some urgency into this neglected issue.

**Development aid** should be handled more cautiously with a closer watch on the balance between availability and capacities. The theoretical separation of the state from politics does not exist in reality. Support for the state easily becomes support for a particular political position. This can fuel tensions and even violence. Too much aid can cause harm.

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To an extent it is justifiable to prop up the state in the short term by support for **direct delivery**. This gives breathing space for reform. But if reforms are not happening, such support becomes unsustainable and could create bigger problems for the future when such aid comes to an end. Support for services should be linked to progress on fundamental issues notably the financing of the service sectors.

The case for **infrastructure** support is less clear, especially in the case of roads. Although roads could bring many economic advantages they will not exist long enough to do so without systems of maintenance and in the current political turbulence these cannot be relied upon at least at the central level. At the local level, where communities take responsibility for maintenance, inputs may be better justified.

Following Fragile States Principles, aid may also need to bypass state structures and use **non-government and informal channels** temporarily in order to ease the transition. The prospect of reform in the justice sector is distant and therefore support should be given to the informal justice sector, which is the only recourse for more than 90% of the people. Similarly, support may be directed to the informal sector of the economy where most people work rather than wait for large industries to develop.

Decentralization is only a step towards a wider goal of **participation in decision-making**. This is a fundamental strategy to reduce conflict. Even after the new Provinces are established there will be problems balancing power with lower levels of authority. Donors should promote representation as a key principle in all activities. NGOs should be challenged to show that they are offering opportunities for the people to participate in decision making.

## 6. Conclusions

The increasing levels of aid directed to DRC after the end of the war and the 2005-6 elections undoubtedly reflect a high level of need but the allocation must be carefully aligned to capacities. Donors need to be watchful of the political implications of aid, especially the balance between the centre and the provinces. As the political alliance fragments, the struggle for resources may come to include aid as a major source of 'patronage'. Controls will need to be maintained at a high level and conditions or benchmarks should be applied in order to ensure that there is progress in addressing fundamental problems such as the predatory state and culture of impunity.

As a long-term strategy every effort should be made to increase representation and public accountability. Decentralization will play a key role in this and may open the way towards long-term stability but in the short-term it is an explosive issue. Too legalistic an approach at the centre will clash with expectations that have been created by promises and commitments already made. These cannot be ignored. The timescale for change will be dictated by politics as well as by the law. The stakes and therefore the tensions will be extremely high. Processes will need to be carefully sequenced to ensure that unrealistic expectations are not further encouraged.

This does not mean that all engagement with government should stop. On the contrary every effort should be made to help government to make a success of the decentralization process but this may need to include advice about openness and proactive communication, perhaps linked to funding inputs. Before dramatically increasing aid budgets donors should identify clear expectations and set up systems to monitor progress. Levels of humanitarian funding should relate only to needs but

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this is not the case with other kinds of aid. These must be tied to progress towards political pluralism, peaceful transition to decentralization, reduced corruption and measurable progress against the culture of impunity.

### 7. Recommendations

The international community in DRC should-

#### Strategic/political level

1. Focus aid strategy on conflict prevention;
2. Switch to 'fragile states' mode and use an adapted set of Fragile States Principles<sup>2</sup>;
3. Focus on decentralisation;
4. Set measurable objectives in relation to political pluralism, corruption and culture of impunity;
5. Update conflict analysis at least annually;

#### Security

6. Restrain regional powers;
7. Support MONUC's presence and role in protecting civilians;
8. Work for a negotiated peace in the East;
9. Demilitarize the police;
10. Acknowledge and support customary justice (noting recommendation 11);
11. Challenge human rights abuse and SGBV;

#### Political

12. Support the need for political opposition and pluralism at all levels;
13. Manage expectations: focus on information and communication;
14. Ensure representation within civil society;
15. Coordinate around the spread of aid;
16. Support decentralization especially at Provincial level;
17. Support downward accountability;

#### Economic

18. Adjust aid budgets to capacities;
19. Challenge corruption in government contracts;
20. Decentralize infrastructure;
21. Support the informal sector;
22. Address the issue of artisanal miners;

#### Social

23. Monitor ethnicity in government departments
24. Support direct delivery of services;
25. Support greater participation of women in society;

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<sup>2</sup> <http://www.oecd.org/dataoecd/61/45/38368714.pdf>

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## Acronyms

BDK	Bundu Dia Kongo
CIAT	Comite International pour l'appui a la transition
DDR	Disarmament, Demobilisation and Reintegration
DFID	Department for International Development (UK Government)
DRC	Democratic Republic of Congo
FARDC	Forces Armees de la DRC
FCO	Foreign and Commonwealth Office (UK Government)
FDLR	Forces Democratiques de Liberation du Rwanda
ICG	International Crisis Group
MONUC	UN Mission in Congo
SCA	Strategic Conflict Assessment
SGBV	Sexual and Gender Based Violence
UN	United Nations

**Note: This report reflects the views of the consultants only and not necessarily those of DFID or the British Embassy**

## Introduction

The purpose of this report is to analyse and advise on the relationship between aid and conflict in DRC. For further details see the Terms of Reference (Annex 1). The methodology is based on Strategic Conflict Assessment (SCA) as developed by DFID and published on its website.<sup>3</sup> SCA is primarily intended as an input to strategic planning but can be put to other uses, including the development of conflict-sensitive principles, as in the present case. At the request of DFID in DRC this report has been focused on practical implications for aid agencies and, given the fluidity of the situation, it is focused on the relatively short-term future although the general analysis should remain valid through DFID's current planning cycle to 2011. DFID expects to commission further detailed studies on the security sector and natural resources.

In order to meet DFID requirements within the time available, the study has relied heavily on existing reports on the political situation, notably the very useful reports from the International Crisis Group.<sup>4</sup> Basic facts and figures about DRC are readily available, notably on the World Bank website.<sup>5</sup> We have also taken account of a Feb 2007 support mission for UNDP focused on conflict.<sup>6</sup> There is broad consensus about the political analysis and this has made it unnecessary to repeat detailed descriptions of the political parties and alignments. Instead we have focused on the consequent dynamics and trends, and the implications for aid. Time constraints have severely limited our mapping of existing aid responses and capacities. This may mean that some of the suggested actions are already happening.

Although this study was commissioned by DFID it is funded from the joint programme of the British Government, the Africa Conflict Prevention Pool, which includes the Foreign and Commonwealth Office and the Ministry of Defence. This report has benefited from vigorous debate and interaction, especially with DFID staff, but the views in it remain those of the consultants and do not necessarily represent DFID or any of the commissioning parties.

The team of consultants consisted of-

- Anaia Bewa, Executive Director of COR Consulting and Communication based in Kinshasa. Lead role on decentralization.
- Peter Sampson, a director of FEWER (Forum on Early warning and Response) in Nairobi who has spent several years working in DRC.
- Tony Vaux, overall team leader, lead consultant on education and author of the main report. Tony Vaux was a member of the team that developed the methodology of Strategic Conflict Assessment for DFID and has used the methodology in a number of DFID studies.

The team was joined for some of its activities by Camilla Sugden, Conflict Advisor of DFID Kinshasa, including the visit to Bas Congo. Further support was given by David Ashley, UK Regional Conflict Advisor based in Nairobi, Ben Shepherd (FCO) and Patrick Merienne (DFID) in London.

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<sup>3</sup> DFID (2002) *Conducting Conflict Assessments –Guidance Notes* DFID London [www.dfid.gov.uk](http://www.dfid.gov.uk)

<sup>4</sup> International Crisis Group (2007) *Congo: Consolidating the Peace*, Africa Report No 128 July 2007, ICG Brussels [www.crisisgroup.org](http://www.crisisgroup.org)

<sup>5</sup> [www.worldbank.org](http://www.worldbank.org)

<sup>6</sup> UNDP (2007) *BCPR Support Mission –Democratic Republic of Congo*, February 2007.

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The team spent the initial week from July 10<sup>th</sup> interviewing key stakeholders in Kinshasa. This included round-table meetings with representatives of the international community and with Congolese civil society. The second week was spent mainly on field visits to Katanga (Anaia Bewa and Tony Vaux) and Bas Congo (Peter Sampson and Camilla Sugden). The choice of visits was partly dictated by DFID travel restrictions and was also adjusted to the plans for the Dutch mission as described above. The lack of any visit to the most marginalised areas of the centre or north of DRC is an acknowledged limitation of the study. In the third week of the mission, further interviews were conducted in Kinshasa and the analysis brought together for a presentation to key stakeholders at the Embassy on 27<sup>th</sup> July. A list of interviewees is given as Annex 2. The visit to Bas Congo is described in Annex 3 and the Katanga visit in Annex 4. Sub-reports are provided on decentralization (Annex 5) and Education (Annex 6).

Annex 7 presents suggested Principles for Conflict-Sensitive Aid in DRC, based on the OECD-DAC Principles for Good Engagement in Fragile States. Annex 8 sets out four main scenarios that involve conflict to a greater or lesser degree. Annex 9 provides a short recent history of DRC and its progress from war through elections to the present day. Annex 10 applies the findings of the report specifically to DFID programmes.

## Section One: The causes and dynamics of conflict

### 1.0. Introduction

In this section the main factors relating to conflict risk in DRC today are set out according to the SCA conflict ‘mapping’ technique, working down the columns from left to right-

**Table 1: Format for factors relating to conflict (Conflict Map)**

	Security	Political	Economic	Social
International/ Regional				
National				
Provincial				
Local				

‘Factors’ includes histories of conflict, underlying causes of conflict and current issues. Rather than provide a comprehensive description of all possible factors a selection of those that seem most important is made, based on their potential to lead to violent conflict. This potential is further examined in the paragraphs on dynamics, leading to identification of the main trends or scenarios. Section Two focuses on the implications for aid and Section Three leads to conclusions and recommendations..

### 1.1. Security Issues

#### International

**Regional military involvements.** Rebel forces operating from Zairean territory provoked the intervention of Uganda and Rwanda, leading to war (1996-7) and the overthrow of President Mobutu. Laurent-Desire Kabila was initially backed by Uganda and Rwanda but later turned against them, drawing forces from Angola and Zimbabwe into a second period of war from 1998 to 2002. These foreign forces have now withdrawn but the existence of armed groups, especially in the East and with strong Rwandan and Ugandan connections, still present a possible opening for external intervention. However, international pressure is now so strong that this would be unlikely without a credible justification such as a major threat to regional security from forces based in DRC.

Although Angola has ejected large numbers of Congolese from villages along its Congolese border, this does not seem to be an aggressive act but instead an attempt to gain tighter control over access to diamonds in the border regions. Angolan support was crucial in defeating troops loyal to the defeated opposition leader, Jean-Pierre Bemba, and this makes it even less likely that hostilities would occur over this issue.<sup>7</sup>

Zimbabwe retains economic interests in DRC as promised in return for its military support during the war. But as there is no land border between the countries any

<sup>7</sup> The exact nature of this support is not certain. Angolan troops within the Republican Guard seem to have played a crucial role against Bemba’s troops in Kinshasa.

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further military involvement from Zimbabwe can be discounted. In summary, there is still a threat of intervention from Ugandan or Rwandan forces but only if conditions in DRC provided an apparent justification. DRC's massive mineral wealth and land resources will still attract the attention of its neighbours but they are not likely to use direct military means to possess them.

### National

**The security sector.** The forces that supported Laurent Kabila in turning back the Rwandan and Ugandan forces were made up of many local as well as external armed groups. People throughout DRC were armed to resist the invaders and their weapons remain widely available in spite of disarmament programmes. The second phase of war after the assassination of Laurent Kabila in 2001 has spread weapons even more widely and mobilised many more armed groups, mainly in the East of the country.

Despite some local successes, DDR programmes have been generally ineffective. Many of the armed groups remain fully organised and active, especially in the Kivu Provinces where the remnant of the Rwandan 'genocidaires' (FDLR), Tutsi-led forces under General Laurent Nkunda and local Congolese militias continue to fight sporadically and pose a major threat to human security. Government authority is practically non-existent in this area and security depends heavily on MONUC. There has been no effective process of military justice in relation to war crimes and crimes against humanity. The Truth and Reconciliation Committee set up after the war has been ineffective.

A number of other groups have been integrated into the Congolese armed forces (FARDC) but far from strengthening the Congolese army, this process may have fragmented and weakened it. Combatants have been unwilling to give up their identity as localised or leader-based fighting units. Unpaid or underpaid, soldiers oppress the local population and engage in exploitation of natural resources on their own account. If paid enough they are willing to act as private security guards for commercial interests. Far from protecting the civilian population they 'tax' them at checkpoints. Income from such activities is passed up the line to senior officers, making it very difficult to challenge or reduce these practices. In effect, military units operate in the same way as the informal local militias which have continued to exist after the end of the war, supporting themselves by extortion from local people. The violence with which FARDC and police units suppressed civil demonstrations in Bas Congo in January/February has further undermined public confidence in the armed forces.

**The Republican (or Presidential) Guard.** This unit is the only well-equipped part of DRC's armed forces. As the title suggests, it is focused on the security of the President and accountable only to the President and close advisers. It is made up largely of troops from the President's own area (North Katanga) and tribe (Balubakat). Its finances and even its numbers are kept secret<sup>8</sup>. The Republican Guard was deployed (ineffectively) to suppress violence caused by forces loyal to Jean-Pierre Bemba in Kinshasa in March. Despite its size (perhaps as many as 15,000 soldiers) and lavish spending, the Presidential Guard alone cannot maintain national security. The gigantic size of DRC and the remoteness of many of the areas where unrest could occur would easily dissipate its capacities. The Republican Guard is deployed in strategic locations such as key Provincial airports. They are likely to be

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<sup>8</sup> EU Sec have subsequently been allowed to carry out a census.

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deployed in punitive actions, perhaps using force as a deterrent. Use of this force against non-violent political demonstrations could cause a backlash against the President.

### Provincial

**The justice system.** Despite substantial aid funding, the reform of the police and judiciary is not only at a very early stage but appears to lack political backing. A key issue has been the de-militarization of the police. Earlier progress has been reversed by the Minister of the Interior and new (military) General Inspector of National Police. There is now an increasing likelihood that the police response to civilian demonstrations may be heavy-handed, increasing the risk of violent conflict.

Although changes have been initiated at the very top of the justice system, there has been no change in the system as a whole. At provincial and local levels judges are widely considered to be corrupt and subject to political control.<sup>9</sup> Verdicts go in favour of the person who can pay the most. This problem has extended to important commissions of enquiry and has created a culture of impunity at all levels. Corruption at the highest levels has not yet been challenged, nor have human rights abuses been curtailed through the justice system. Consequently the justice system plays a negative role in relation to conflict, exacerbating problems rather than solving them. The informal justice system seems to be much more effective at conflict prevention and plays an important role in reconciliation.

### Local

**Continued existence of militias.** Plans to demobilise the militias or integrate them into regular army units have not succeeded to any significant extent. It appears that some political leaders and senior army officers are not entirely committed to this process and have allowed the militias to keep large stocks of weapons or to remain as distinct elements even though they may be technically under army control. This would allow violent conflict to erupt again very quickly. In the meanwhile, the militias prey on local people using threats and violence.

**Sexual and gender-based violence (SGBV).** SGBV has become extremely widespread in DRC and used as a weapon of war in order to undermine resistance.<sup>10</sup> The social impacts are particularly severe for women because of the tendency to blame the victim rather than the perpetrator. There are immense psychological impacts which extend to the spread of violence among young children and reducing levels of education.<sup>11</sup>

## 1.2. Political Issues

### International

**Governance systems.** DRC uses a legalistic form of governance based on the Belgian colonial system. There is relatively little scope for dynamic action by

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<sup>9</sup> World Bank (2006) *Poverty Diagnostic* See pp105-110.

<sup>10</sup> International Alert (2005) *Women's bodies as a battleground: Sexual violence against women and girls during the war in the Democratic Republic of Congo*, [www.international-alert.org](http://www.international-alert.org)

<sup>11</sup> World Bank (2006) *Democratic Republic of Congo –Poverty Diagnostic*, World Bank. See pp27-30.

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Ministers and they remain in post for too short a period to see results through the process of law-making. The system has proved unresponsive to the rapid changes needed at the end of the war and contributed to the general sense of unmet expectations among the people. In the case of decentralization in particular, the slow process has not been able to keep up with the promises made by political leaders and the expectations arising from the introduction of democracy. Systems derived from the colonial period still cast an influence towards top-down and predatory governance.

### National

**Leadership issues.** Political leadership since the elections has been weak and crises have been handled, as in the case of Bas Congo, in a way that builds up new problems for the future. On many critical issues the leadership has simply remained silent. It is not encouraging in relation to democracy that the main opposition figure was driven out of the country, despite a close contest in the Presidential elections. Parliament has played quite a constructive role but cannot alter what has been described as a 'vacuum' at the centre.

**Exclusion of the opposition.** The departure of Jean-Pierre Bemba has left the political opposition weak and disorganised. Bribery and other pressures have been used to marginalise it still further. Far from showing respect for political pluralism, the government has used every possible means to eliminate opposition. As ICG notes- *'The opposition's virtual exclusion from governorships despite winning five provincial assembly elections is another sign of shrinking political pluralism.'*<sup>12</sup> In relation to conflict the opposition could play a crucial moderating role, drawing the attention of government to alternative views that need to be taken into account. Without such a moderating role, conflict becomes more likely.

**Fragmentation of the political alliance.** Instead of a balance between government and opposition, the political situation revolves around conflicting interests within the ruling alliance of political parties. The government is based on a coalition of over 30 parties and although this political alliance has held together so far, there are signs of frustration and tension. The President has acknowledged that government performance is not satisfactory and indicated that he will sack some Ministers or even the Prime Minister.<sup>13</sup> The problem is that appointments were made according to electoral weight rather than competence and any change will upset the alignment that brought the President to power (in quite a close contest). Moreover, many of those who joined the Presidential alliance feel that their support has not been adequately rewarded.

The Prime Minister controls an important political party within the alliance and is the President's main source of support in the West. His sacking would undermine the President's chances of re-election in four years' time. Arguably the President has time to address these problems, but from a conflict perspective the implication is that the current alliance seems likely to collapse, leading to a period of turbulence in which political trading becomes more important than quality of governance. Analysts consider the alliance to be deeply unpopular and expect leading politicians to break away when they see the chance to do so. There is much speculation about who and when.

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<sup>12</sup> ICG (2007) *Congo: Consolidating the Peace* p1

<sup>13</sup> Constitutionally it is not entirely clear whether the President can do this

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**Culture of Impunity.** A culture of impunity in relation to the armed forces has been noted above and this also extends across government. The allocation of contracts for mining and forestry was chaotic during the war years, with large concessions traded for political support. The government is conducting an investigation into 63 mining contracts and 156 logging concessions.<sup>14</sup> It appears that the former process has been stalled, perhaps deliberately, and the latter process, although credible, has not yet delivered a result. People doubt whether these processes will ever reach a conclusion. Whether cynical or not, such perceptions add to pressures towards conflict.

**Unmet expectations.** The elections led to expectations of a 'peace dividend'. People expected to see an immediate improvement in their personal security and significant advances in local services. Donors expected to see rapid progress and clear political commitment to state-building. These hopes have not been fulfilled and communication with the public has been lacking, allowing rumour and speculation to thrive. Although the people of DRC have suffered in silence for many years it should not be assumed that this will make them silent for ever. The fragmentation of political alignments and armed forces opens up a Pandora's box. Above all, decentralization creates a range of new situations in which people's aspirations and frustrations may become an important factor.

### Provincial

**Decentralization.** See Annex 5 for more detail on this. In all the political turbulence of the DRC this is probably the critical issue. Promises made in order to secure support during the Presidential election have now come back to haunt the central government. In the constitution approved in February 2006, Provinces are to retain 40% of the taxes raised locally. Previously all taxes were forwarded to the centre and then 10-15% was allocated back to the Provinces for specific budgets. In practice the centre retained control of most of the spending and the various services were highly centralized. The new system gives Provinces considerable freedom to spend and control their finances, while also weakening the financial status of the centre.

Decentralization is also important because it will change boundaries. The constitution prescribes a change from 11 Provinces today to 26 Provinces within three years. There are wide variations in income between present and putative future Provinces. The change has widespread support, including no doubt politicians who see a chance to create local fiefdoms as well as local nationalists who see a chance to expel outsiders. Decentralization has immense capacity both to cause conflict and, by increasing local ownership in development processes, eliminate it.

The immediate problem is that the President has promised to implement the 40% allocation in specified Provinces in September 2007.<sup>15</sup> Among these Provinces is Katanga which is by far the richest Province, providing over 70% of the national budget. Under the leadership of its famously dynamic Governor, Moise Katumbi, Katanga regards this promise as an absolute commitment. Whether or not the Finance Ministry in Kinshasa can reconcile the national budgets, any attempt to go back on the promise will be met by intense and potentially violent opposition. Ultimately, Katanga will simply deduct the 40% at source, and others are likely to follow, creating a possible crisis between the centre and the Provinces.

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<sup>14</sup> Holger Grundel (DFID) personal communication.

<sup>15</sup> This promise was originally made by the President's father, Laurent Kabila.

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This has led to concerns that Katanga might try to secede as it did in the 1960s. This is unlikely because such a move would be rejected by African states and the international community. Katanga is dependent on the outside world for trade: it produces very little except minerals. But a form of *de facto* autonomy would be quite feasible, especially given the enormous distance from Katanga to Kinshasa (three hours by plane). Respondents in the Province say that since the central government already offers so little in support of services such as health and education these might be taken over by the Province.

The Finance Ministry has objected that Provinces must take a share of the national debt in proportion to their new resources and even when such issues are resolved requires many months to prepare the legal frameworks for decentralization. This is not likely to be a successful argument with the Provinces, which will attribute delays to lack of good faith. Governors are determined to push ahead on the promised deadlines and their local popularity depends on it. Local politicians are vying for position with the prospect of local elections scheduled for 2008.<sup>16</sup> All this presents an immediate prospect of strong tensions and the possibility of violent conflict.

In the medium term there are further possibilities for violence as the plan to establish 26 Provinces rolls out. DRC's uneven spread of massive resources will inevitably create tensions which could be manipulated by politicians into outright conflict. In the case of Katanga, for example, the creation of two new Provinces in the north, much poorer than south Katanga, will undoubtedly create controversy. There is already a history of ethnic violence, presence of armed groups and this is the home area of the President's family.<sup>17</sup>

Decentralization will also entail a great deal of expense, including the creation of infrastructure for the new Provinces and employment of new staff. It will also entail a reduction of staff in Kinshasa where an already bloated bureaucracy is gearing itself to meet this challenge. Political forces are likely to become engaged. There is also a danger that the state will seek to maintain a massive bureaucracy at central and provincial levels without paying it. Levels of corruption will increase still further, adding to the frustration and anger of the people.

Nevertheless, in the long term decentralization probably represents the best chance for stability in DRC. The problem for aid agencies is how to get to that desirable end point with the minimum risk of instability and the least chance that decentralization acts as a trigger for conflict around other issues.

### Local

**Anger against the state.** Lack of human security and the continued predations of armed forces<sup>18</sup> have turned distrust of the state into something approaching anger - the feeling that the state has failed in the most basic of all responsibilities. Underlying this is increasing recognition that the reason for corruption is that civil servants are not paid, paid too little and paid erratically. The blame is on the state rather than the individuals.

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<sup>16</sup> MONUC has been asked to provide security and is pressing for an early date but it is most unlikely that decentralization issues will be settled enough to allow elections to happen.

<sup>17</sup> See Katanga report, Annex 4

<sup>18</sup> Vlassenroot, K and H Romkema (2007) *Local Governance and Leadership in Eastern DRC*, unpublished report

## 1.3. Economic Issues

### International

**Extraction of resources.** Aid in DRC is part of the resource base over which there is political competition. Aid can be 'taxed' at every level and funds channelled back up to those in charge. Competition to own such a network, including a major aid project, may be fierce and may go in favour of the one who promises to deliver most from what is in effect a franchise. This undermines quality of staff and hence performance. Money from sale of contracts, aid and franchised government departments is constantly siphoned off. Although this process is derived from systems of patronage that included reciprocal exchanges, in the form that exists in DRC the focus is on extraction and those with money invest elsewhere.<sup>19</sup> This means that the benefits of aid are seriously undermined not only by leakage of funds but also because of distortions in staff appointments and motivations at all levels.

### National

**Spread of high value resources.** Any assessment of conflict risk in DRC must take account of its extraordinary economic geography –a country the size of Western Europe with high value mineral resources spread around its Eastern and Southern extremities, thousands of miles from the capital. World Bank research indicates that there is a strong propensity for violent conflict in countries with such resources, especially where there is a recent history of conflict.<sup>20</sup> In the case of DRC there are particularly strong centrifugal forces. Kinshasa continues to play a colonial role in relation to the rest of the country. Its main economic function is to draw in revenue which is then divided within a small elite for eventual capital flight, as described above. There is very little production in Kinshasa and the extractive purpose for which the DRC was originally designed by the colonial powers remains almost unchanged. Inevitably, the outer areas challenge this dominance by the centre –and a particularly intense period of struggle is about to happen over decentralization.

**The predatory state.** Patronage systems turned kleptocratic during the Mobutu era and have led to a shadow economy that is purely extractive. Those at the top of government departments expect to receive substantial cash payments from their subordinates, who in turn 'tax' those below or divert funds from public budgets. At the lowest level, bribes are extracted from the public in order to pay those above. The system is managed tightly with fixed rates and charges. Policemen have to submit a weekly 'report' which is in effect a fixed payment to their superior officers who in turn make payments further up the chain. A policeman who fails to collect bribes will still have to pay. This makes it practically impossible to remain in public service and not be corrupt. While such systems are not uncommon in taxation and police

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<sup>19</sup> DRC has the lowest investment rate on the continent according to the World Bank (2007) *Democratic Republic of Congo –Poverty Diagnostic*, World Bank p18

<sup>20</sup> Collier, P et al (2003) *Breaking the Conflict Trap –civil war and development policy*, World Bank Policy Research Report. The statistical analysis behind Collier's conclusions has been challenged in academic circles and Collier has been criticized for an exclusive focus on economic issues. Competition for resources is an important factor in relation to conflict but generally in interaction with other factors. For more on this see Keen, D (2000) 'Incentives and Disincentives for Violence' and other articles in Berdal, M and D Malone (eds) (2000) *Greed and Grievance –economic agendas in civil wars*, Lynne Rienner. Collier's statistics on the tendency for countries to go back to war have been modified but not discounted. See Suhrka, A and I Samset (2007) *What's in a figure? Estimating recurrence of civil war*, *International Peacekeeping* vol 14 no 2 pp195-203.

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departments across Africa, in DRC they extend right across government including services such as health and education. In effect the public are taxed for the provision of state services –a situation that reverses the normal expectation that the state should subsidize services. Designed as a predatory state, DRC has remained so throughout its history.

This problem is widely recognised but the solutions advocated by donors run counter to the financial interests of wealthy and powerful people. Reform of the justice system, conviction of Ministers involved in corruption and retrenchment of the civil service may be desirable from a governance perspective but do not reflect political realities. Indeed, the attempt to challenge political and financial interests could disrupt the delicate balance of patronage systems that prevent outright conflict. At least, such a lesson could be drawn from the long years without conflict under Mobutu.<sup>21</sup> This is not to say that reform of governance should not be attempted but to indicate that the well-intentioned efforts of donors may lead to perverse results including unforeseen paths towards instability.

### Provincial

**Non-payment of government staff.** People have become increasingly aware of these predatory systems. They know that policemen and others must pay their masters. They know that they have to pay ‘motivation fees’ to teachers because of non-payment by government. The blame is placed firmly on the state. Government has made promises to increase payments, notably in the case of teachers and teachers’ unions are now planning a national strike in September if their claims are not met. Civil servants in other sectors of state employment are threatening to take similar action. While strikes and demonstrations are not unusual and in themselves might not be a cause for conflict, they will add to other tensions, such as those around decentralization. Heavy-handed repression of such events could spark further violence and trigger wider and more deep-rooted conflicts.

### Local

**Artisanal mining.** Government, businessmen and donors tend to focus on the formal sector of the economy. But according to the World Bank only 2% of the total population and 4% of the labour force are employed in the formal sector.<sup>22</sup> Numbers outside formal employment have increased following the collapse of state-run companies, notably in copper and diamonds, which used to employ many tens of thousands of miners. These miners then turned to ‘artisanal’ extraction by panning the rivers and digging shallow pits. Their methods are labour intensive and provide a livelihood for large numbers of people. Their income is considerably higher than in the agriculture sector and in some areas this option is not open because of land shortage. But the sale and gift of mining concessions during the war now threatens to end this livelihood as large companies come into DRC using capital intensive methods that require very few workers. Hundreds of thousands of ‘artisanal’ miners, many of them with experience of fighting, may now lose their livelihood.<sup>23</sup> Furthermore, mining companies are also evicting people from their homes. Angry demonstrations have already been met with violence in several cases and tension

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<sup>21</sup> Putzel, J (2007) *Drivers of Change in the DRC Literature Review: rise and decline of the state in Congo/Zaire*, internal DFID paper

<sup>22</sup> World Bank (2007) *Democratic Republic of Congo –Poverty Diagnostic*, World Bank p18.

<sup>23</sup> More than a million according to Pact (2007) *Researching Natural resources and trade flows in the Great Lakes Region*, Pact report for DFID, USAID and COMESA p6

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continues to mount. The results of investigations into the sale of these concessions has been suppressed and no action taken.

Although less likely to lead to violent conflict, the sale of forests has followed a similar path of corrupt sales followed by eviction of local people. Local people who made a living from forests now find themselves displaced by large companies who claim to have exclusive legal rights. Particularly in the East, access to land causes severe competition and has led to violence on many occasions. Decentralization may increase the chance that people will be displaced from their land by illicit land sales.<sup>24</sup>

### 1.4. Social Issues

#### International

**Ethnic ties across borders.** The aftermath of the Rwanda Genocide continues to generate tensions in the Great Lakes region. It is now more widely appreciated that the Genocide was not driven by purely ethnic considerations and that the ethnic divisions themselves were shaped by colonial strategies<sup>25</sup> but even today tribal identities are exploited by those who hope to gain from conflict. In the East armed groups of Hutus and Tutsis are still pitted against each other and against the indigenous populations. Military interventions by government have had little impact and have often made things worse. Decentralization is likely to further exacerbate current tensions by dividing ethnic groups, creating new majorities which can oppress minorities and upsetting existing political balances. The risk of outside intervention based on ethnic sympathies is unlikely but cannot be entirely ruled out.

#### National

**East/West division.** Over and above the tribal and provincial identities there is a linguistic division between the Lingala-speaking West and the Swahili-speaking East. This is not a direct cause of conflict but has political implications which might become a factor in conflict. The Presidential election in 2005 split along the East/West line with Joseph Kabila gaining most support in his home areas in the East and South, while his opponent, Jean-Pierre Bemba, gained support in the West. It was only because of support in the West from the current Prime Minister, Antoine Gizenga, that Kabila was able to win. The possible dismissal of Gizenga would leave Kabila dependent on dwindling support in the East. Another factor is that politicians in DRC tend to bring their people with them when they take up a post. This creates ethnic minorities with power derived from a particular politician or official. This causes resentment and if support is removed the minority may become vulnerable. The dominance of Swahili speakers in Lingala-speaking Kinshasa, for example, is a sensitive subject which has not been handled as carefully as it might.

#### Provincial

**Identity politics.** It is difficult to gauge the extent of Congolese nationalism. Mobutu's 30-year rule did create a sense of national identity but this may be more apparent among the Kinshasa elite than in the Provinces. Certainly, the government

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<sup>24</sup> Prof Thierry Nlandu Mayamba, University of Kinshasa, personal communication.

<sup>25</sup> Vaux, T (2001) *The Selfish Altruist – relief work in famine and war*, Earthscan London pp183-200.

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has done little to support the notion of Congolese identity.<sup>26</sup> Decentralization is the driving force in social and political change and at present it remains unclear how far this will challenge the national identity. At present there is little talk of dismantling the Congolese state although this may arise in the future. For now people may like to see improvements in governance at all levels.

Unmet expectations and anger with the state, exacerbated by sporadic acts of political violence, have opened up the way for identity politics based on ethnicity and home location. The Katangan identity that is clearly developing fast contains ethnic elements but is primarily territorial and defined in relation to Kinshasa. Similarly in Bas Congo the BKF, an irredentist religious movement, draws on a local cultural identity and history. But in the future these identities may define themselves in relation to other local populations. In Bas Congo there have already been calls for the expulsion of outsiders, especially those who have been given important positions by the central government. Similarly, Katanga has a history of violence against imported outsiders.

### Local

**Social impacts of the war.** Especially in the East, the war has dislocated social structures, undermined traditional authority and opened the way for rule by force of arms. The scale of mortality, followed by the spread of HIV/AIDS, has further undermined social structures. Rape has been used as a deliberate method of social destruction and uncertainties about the paternity of children may contribute to the breakdown of families. The war has been particularly disastrous for women. Studies indicate that the psychological impact on women has been particularly severe.<sup>27</sup>

The long-term impacts on society will be extensive and are likely to contribute to future violence. Already large numbers of young men have been separated from family structures. High levels of stress among mothers are likely to cause children to show propensities towards anti-social behaviour and violence. Such children will be easily recruited as child soldiers. Unless vigorous action is taken there is a danger of a conflict spiral in which negative effects continue to reinforce each other until violent conflict breaks out again.

### 1.5. Summary

The analysis above may be set out in a 'conflict map' as follows, with the most fundamental issues in bold-

**Table 2: Factors relating to conflict in DRC (Conflict Map)**

	<b>Security</b>	<b>Political</b>	<b>Economic</b>	<b>Social</b>
<b>International/ Regional</b>	Regional military involvements;	Political influence of aid;	Economic dependence on aid;	Ethnic links across borders;
<b>National</b>	Little progress on SSR; Reliance on elite forces;	Lack of leadership; Exclusion of the opposition;	Spread of high value natural resources;	East/West divide;

<sup>26</sup> For the pernicious effects of identity politics see Sen, A (2006) *Identity and Violence –the illusion of destiny*, Allen Lane/Penguin

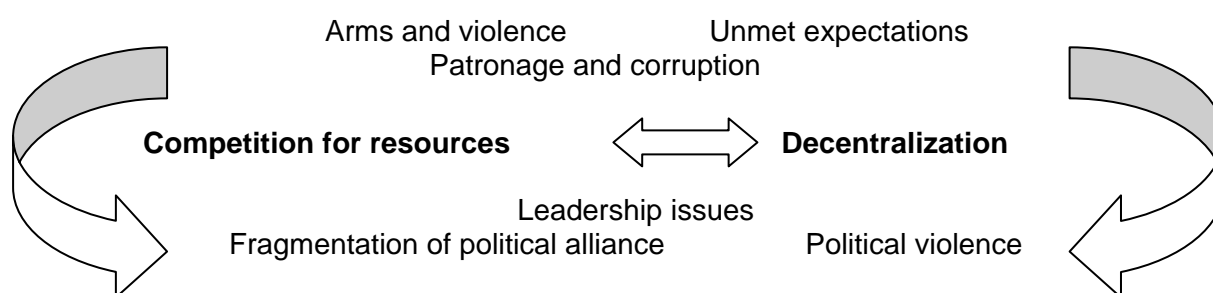
<sup>27</sup> World Bank (2006) *Poverty Diagnostic* pp26-32

	Unresolved military conflicts in the East;	<b>Fragmentation</b> of political alliance; Culture of impunity; <b>Unmet expectations;</b>	<b>Competition for resources;</b> Corruption in government – the <b>predatory state;</b>	
<b>Provincial</b>	Dysfunctional justice system;	Decentralization;	Clashes over non-payment of government staff;	Identity politics; Insider/outsider splits;
<b>Local</b>	Continuation of militias; Widespread human rights abuse and SGBV;	Anger with the state;	Artisanal miners;	Social dislocation; Culture of violence; Impact on women and families;

### 1.6. Dynamics

Simplifying the map, we may envisage the central issue of ‘competition for resources’ interacting with the issue of decentralization. This denotes a massive shift in access to power which is taking place against a backdrop of arms and violence, unmet expectations and other ‘grievances’ that arise from systems of patronage and corruption. The immediate problems of leadership (‘greed’ factors)<sup>28</sup> suggest that these massive challenges may not be addressed in such a way as to avoid violent conflict-

**Figure 1: Simplified conflict model for DRC**



Competition for resources is at the root of all other issues because power is viewed as a means towards wealth rather than as an end in itself.<sup>29</sup> Scenarios may be

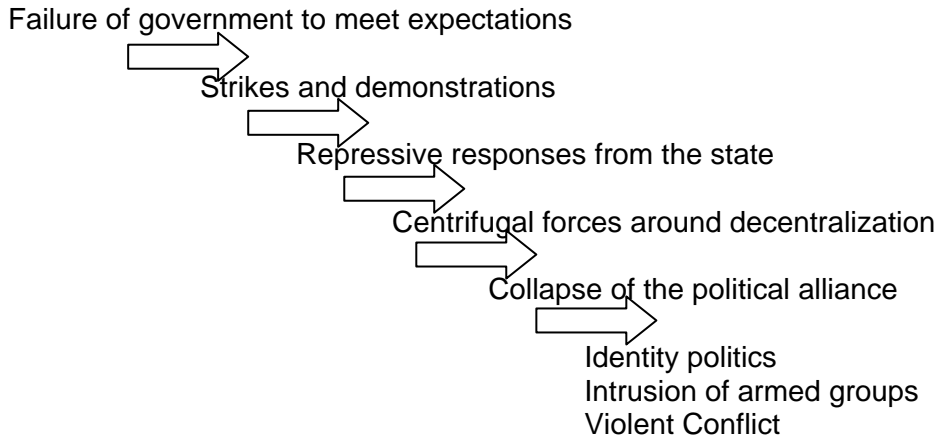
<sup>28</sup> The typology of ‘Greed and Grievance’ is used here to denote the interaction of these elements, not to suggest that one is more important than the other. For debate on this see Berdal and Malone (eds) (2001) *Greed and Grievance – economic agendas in civil wars*, Lynne Rienner

<sup>29</sup> Putzel, J (2007) *Drivers of change in the Democratic Republic of Congo...* Unpublished paper for DFID.

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developed by putting together these elements into likely sequences which can be expressed in linear form. There are many possible paths towards violent conflict in DRC but the most likely may be along the lines of-

**Figure 2: Main trend towards violent conflict**



The critical point in this sequence comes at the issue of decentralization because instead of a single cycle of violence ending in repression, smaller violent events may trigger larger ones as local politicians turn the issue towards identity politics. If instead, we start at the issue of decentralization the sequence simply takes a different order, perhaps starting with repression from the centre of local demonstrations or decisions in favour of decentralization.

There are different ways in which the centre may handle the decentralization issue. If it tries to backtrack or limit decentralization, there will be defections by politicians who see their interest in a Provincial rather than national base. On the other side, Provincial politicians may be unable, or unwilling, to limit decentralisation at the present bounds. As the central state has failed to deliver basic services, including police, justice, health and education, there will be demand to address these at Provincial level. Indeed, politicians may come to vie with each other in their claims for local autonomy. The ensuing power struggle may be represented using the same typology of 'Greed' (predatory self-interest) and 'Grievance' (sense of injustice)-

**Figure 3: Actors and Interests**

	<b>Actor</b>	<b>Interest</b>
<b>Greed</b>	National leaders	Hold onto power
	Provincial leaders	Take power
	Business	Manipulate power
<b>Grievance</b>	Civil society/voters	Spread power
	Women	Limit power (violence)

It is unlikely that the populace will rise up spontaneously but democratic pressures, including the prospect of local elections in 2008, will mean that they cannot be entirely ignored and may be able to advance their position and representation during the course of the impending adjustment within elite groups. The challenge facing aid

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providers is not only to prevent violence but also to advance the interests of poor people during this rocky period of change.

### 1.7. Scenarios.

The decentralization issue can lead to violent conflict in a number of different ways depending mainly on the way the government handles it. If the political leadership decides to spin out the process of decentralization through legalistic means and use repression against any opposition, the path towards violent conflict will be rapid. Politicians with strong roots in the provinces will find it difficult to maintain their loyalty to the central government. As the political alliance at the centre weakens and potentially breaks up the level of violence controlled by the state will be more than matched by levels of violence available to coalitions of politicians and violent groups that may form at provincial level. Unfortunately, this scenario is quite likely. The government has already shown a tendency to leave problems until too late and then deploy violence to solve them, alienating more people and building up further problems for the future.

If the government follows a path of 'facilitation', using every effort to meet the promises of decentralization, this will also lead to fragmentation and may go further than would otherwise happen, but creates a better chance of a non-violent transition. The problem with this scenario is that it involves giving away power –an action that is not highly regarded among politicians anywhere, but especially in Africa. It involves a massive scaling down of expectations and resources for the political elite in Kinshasa. Huge pyramids of corruption would be eliminated and Kinshasa itself could become almost irrelevant. Although there are successful models for decentralization in Africa, notably in Mali, the history of competition for resources in DRC makes such a solution difficult to envisage.

Both scenarios lead to the same outcome -fragmentation of the current political alliance and a level of fragmentation in the state itself. A third scenario, which might easily follow from the second, fragments the state still further. This revolves around tensions within the Provinces. According to the constitution, the present 11 Provinces are to be sub-divided into 26 and the chances of political and ethnic conflict is high over this issue would be high even if centre-Province relations were stable. A particularly serious situation will arise if the centre intervenes to suppress such conflict and declares a halt to decentralization or national emergency on the grounds of widespread violence. Either way, conflict would probably spread rather than reduce.

The fourth scenario arises from the East where a combination of land issues, mineral resources, ethnic division, external interference and political opportunism has often created violent conflict in the past. There is always the chance that an ill-considered move by one of the armed groups could plunge the region into war, but the more predictable and useful risks to focus on concern the process of decentralization and how this will affect the region. This deserves in-depth study beyond the scope of this report. A summary of scenarios is presented as Annex 8.

### 1.7. Conclusions

DRC is susceptible to conflict over competition for highly valuable resources. It has a long history of political elitism, predation by civil servants and abusive behaviour by the armed forces. This creates an underlying propensity towards violent conflict

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which was limited in Mobutu's time by skilful use of patronage networks. An end to the war was achieved only by giving hostages to fortune in the form of political debts and promises which now make it extremely difficult for any leader to manage the situation. The current leadership is regarded as weak.

War-time promises of decentralization now present the most difficult challenge to stability (although war in the East is a more direct one) and also the greatest chance of long-term stability if it can be resolved peacefully. The problem lies in contradictory expectations of leadership –that they keep their promises and also retain power. A leader has to be a 'big man'. This problem has dogged African leaders, making compromise very difficult because it is seen as a sign of weakness, and weakness gets no respect or votes.<sup>30</sup> If the current leaders are really prepared to compromise in the national interest then all may be well and DFID will be able to play a leading role in helping the changes to happen. But it would be unwise to base an aid strategy on this premise. Thought needs to be given to other scenarios that may plunge the country back into violence and war.

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<sup>30</sup> On problems of African leadership see Lockwood, M (2005) *The State they're in –an agenda for international action on poverty in Africa*, Practical Action

## Section Two: The relationship of aid and conflict

### 2.0. Aid responses

This Section examines the implications of Section One in relation to current aid responses and capacities. The analysis of current aid inputs has been limited by time constraints. Only a brief summary is presented before moving on to the general implications of Section One, divided into security, political, economic and social headings.

A large proportion of aid to DRC has been humanitarian but a number of donors are now involved in longer-term issues such as governance. The EU is the largest foreign donor in DRC with not only a substantial aid budget but also the presence of a Special Representative. It was heavily involved in the 2006 elections and is shifting from humanitarian inputs to focus on security and governance. Belgium continues to play an active role in DRC focused on police, education, health, agriculture and governance. Similarly France is active in police and military matters and, along with the Netherlands, in DDR programmes. The USA also covers a wide range of programmes and has been increasing levels of aid in the last few years. The UN is represented on a grand scale by MONUC, the world's largest peacekeeping operation with 17,000 troops. DFID's rate of increase in aid budgets has attracted some attention. From nearly £6m in 2001, DFID projects to spend £70m in 2007-8.

Among less conventional donor countries, South Africa is prominent following its key role in peace negotiations. It is heavily involved in security sector reform. China has a high profile in roads and natural resources and India is also represented. With global prices for primary commodities rising following increased demand from China and India this is hardly surprising but so far the focus seems to have been on commercial transactions rather than aid.

From 1996 to 2001 the level of annual aid per capita to DRC has been very low (under \$5) and then rose sharply after the end of the war to around \$20. In 2005 the level of aid was still nearly half that of Rwanda and Burundi but the gap is narrowing –figures for 2006 and 2007 are awaited.<sup>31</sup> Arguably the huge increases in aid to Rwanda following the Genocide (and while the government remained popular in the West) are now being superseded by a turn towards DRC after the end of its disastrous war and completion of successful elections. If this increase in funding coincides with a political crisis over decentralization, it must be applied in a conflict-sensitive way. If the situation turns seriously violent such increases in aid will need to be reconsidered.

A PRSP, developed in 2005-6, provides a central reference point for donor funding through a joint Common Assistance Framework (CAF) of 14 partners. It is focused around Governance, Growth, Social Sectors, HIV/AIDS and Community Recovery. The PRSP makes little reference to conflict. As in many aid documents the assumption is that DRC is now in a post-conflict mode. This is fair in the sense that two periods of war have ended with a peace agreement but may be misleading in the sense that fundamental issues of governance remain unresolved, notably the predatory nature of the Congolese state, the lack of democratic control over the armed forces and the relationship between the centre and the Provinces. DRC has

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<sup>31</sup> For an interesting comparison between the three countries see Marysse, S, A Ansoms and D Cassimon (2006) *The Aid darlings and orphans of the Great Lakes Region in Africa*, IOB, University of Antwerp

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no real peace to revert to and therefore the end of war reopens the same issues that have caused conflict in the past.

There is an inherent contradiction in state building when the state can be described as predatory. Does such activity simply increase predation? Certainly there is a risk that work on governance may recreate the extraction process around which the Congo was created. The history of post-colonial governance in Africa must also raise questions about the interaction of Western models with African culture, especially the tendency to admire strong leaders rather than 'give and take'. A third reason for caution is that the separation of political parties from the state remains a theoretical concept and does not reflect the reality. In practice, ruling politicians tend to regard themselves as above the state, and the state as their property. This makes 'state-building' extremely tricky. The way forward suggested in this paper is to diversify inputs at different levels reflecting a pluralist view of society. This is set out in more detail below.

The analysis in Section One suggests that conflict prevention is still important and indeed that this may be a more appropriate mode than post-conflict reconstruction. In other words the focus should be 'on' conflict rather than finding ways to bypass the issues by working 'around' or 'in' conflict. The following sub-sections suggest what this focus might be in relation to security, political, economic and social issues.

### 2.1. Security Responses

A history of negotiated peace agreements and the current restraint shown by DRC's neighbours are positive factors in relation to security, as too is the presence of MONUC. These factors compensate to an extent for the weakness of DRC's armed forces and the disappointing progress of DDR. The international community has rightly focused on a regional approach to stability and helped to develop effective mechanisms for dialogue and coordination with and between neighbouring countries.

These capacities should be further supported and enhanced. In addition, the international community should make plans to respond to political violence and put a sharp focus on human security, especially SGBV. In detail-

**Restrain regional powers –support MONUC.** In order to prevent conflict escalating in the East it is clearly important that other regional powers, notably Rwanda and Uganda should be in no doubt that the international community will challenge any incursions vigorously. By implication the international community must also ensure that no cause for such incursions is given. This means continued efforts to resolve the tensions between indigenous Congolese and other populations. So far the government has not made any significant progress on this. MONUC is left in a critical position guarding the peace and fulfilling its vital mandate of protecting civilians. This is not the right time to cut back on MONUC's requirements, whatever the demands from other parts of the world.

**Work for a settlement in the East.** The failure of DDR programmes (except in Ituri) arises from the unwillingness of key political figures to renounce and disband their private armies and militias. This seems unlikely to change and therefore peace will only be achieved through concerted action and political agreements at the regional level. Ultimately, DRC stands to gain from immigration whereas Rwanda and Burundi lack space. If the conflict issues could be resolved everyone might gain not only from spread of populations but also more efficient access to DRC's minerals. The problem is to align interests to long-term national gain rather than short-term individual

interests. Decentralization may exacerbate problems in the short-term, encouraging parochialism, but every effort should be made to use it as a means to resolve regional problems. A special study of this problem in the East is a recommended way forward.

**Challenge political violence and impunity.** Since the elections, the use of excessive violence in Bas Congo has brought into question the government's willingness to operate within the norms of parliamentary democracy. The international community has not been united or consistent in denouncing political violence. This may reflect an understandable enthusiasm to support the newly elected government but there is a risk that such violence will seem to be condoned and may be used even more frequently and heavily in relation to problems arising from decentralization. The use of the Presidential Guard in the Provinces would be particularly provocative, especially given its limited ethnic composition. The international community should now operate a zero-tolerance approach to political violence meaning that public statements will be made against any violation of international norms. This implies a need for coordination to determine in advance what kind of actions would be deemed unacceptable and the actions, whether public or private, that would follow.<sup>32</sup>

Public confidence in the centre needs to be re-established by the conviction of at least some of those guilty of crimes against humanity and massive corruption. The sale of mining concessions is a particularly sensitive issue; action should be taken against illegal or illicit sales, especially where the interests of 'artisanal' miners have been challenged. The international community should work together to prevent the use of the Presidential Guard for crowd control and to de-militarize the police.

**De-militarize the police.** International support to police forces should be withdrawn if it becomes apparent that the police are being used to suppress democratic behaviour, as in Bas Congo. Recent changes suggest that this is likely to happen and therefore the international community should work together to resist the recent trend towards militarization and prepare a course of action in case of unacceptable events.

**Acknowledge the role of traditional justice.** The international community has focused on reform of the formal justice sector but progress has been slow and for the foreseeable future will bring little or no benefit to poorer people. In effect they have to rely on informal justice systems, arbitration and customary justice through chiefs and other traditional leaders.<sup>33</sup> These systems have many faults but still act as a general safety valve in relation to issues that might cause conflict, such as land disputes. As part of a conflict prevention strategy donors should also support the customary and traditional justice systems. They have the advantage in relation to conflict that because the perpetrator and the victim must both agree and accept the verdict, the judgments lead to reconciliation rather than punishment and future vengeance.

**Challenge human rights violations and cases of SGBV.** As noted above, SGBV has long term social impacts which may lead towards violence. A recent statement by the UN Special Rapporteur on Violence against Women says that the response is

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<sup>32</sup> It is assumed here that the risk is of substantial political violence (as in Bas Congo), demanding political challenge, rather than massive violations or crimes against humanity that would require suspension of aid and possibly even greater sanctions.

<sup>33</sup> According to the World Bank's survey, the satisfaction rate for traditional courts is 78% compared with just 37% for the police (among poorer people). The army scores lowest with just 26% satisfaction rate. See World Bank (2006) *DRC Poverty Diagnostic* p110

currently limited by lack of funds.<sup>34</sup> MONUC should be further encouraged to take vigorous action in relation to SGBV and civil society organisations should be further strengthened. There is an extensive literature on SGBV and so further detail is not necessary here.<sup>35</sup>

### 2.2. Political Responses and Governance

Individual government ministers have acted bravely but lack of an effective political opposition means that poor performance goes unchallenged and parliamentary systems of oversight are weak. Individuals within the ruling alliance, the senate and the Assembly have all played moderating roles but the heart of the political system is non-transparent. The international community has worked hard to consolidate the peace, perhaps too hard. The elections took place before a democratic culture had formed. The pace of state-building<sup>36</sup> has run ahead of political maturity and commitment with the risk that government may reverse or undermine such changes. This leads to unmet expectations, distrust in government and rumour of hidden interests and motives. All of these are important factors in relation to conflict.

The key problem is that 'state-building' must be viewed as a much wider process than building the power of the political centre, let alone supporting a particular political group. If a single group is able to dominate the machinery of state to the exclusion of others then violent conflict may become the only means for adjustment. While aid agencies may wish to support many different approaches to 'state-building' they should ensure that the balance does not inadvertently lead to a concentration of power within a narrow political group.

The total volume of aid to DRC is equivalent to half the national budget, although relatively little goes through government and currently none through budget support.<sup>37</sup> Most donor support goes through NGOs or implementing agencies such as the UN, GTZ etc. Nevertheless, the government does turn to donors for guidance and this gives the international community considerable leverage not only in relation to aid projects but in influencing systems of governance. If Congolese political leaders are to overcome the current crisis peacefully they may need to use unorthodox methods. But donors should not give way on political pluralism. In the context of DRC this needs to be promoted at all levels, especially provincial. In detail-

**Support political opposition and a peaceful transition.** Even though the political opposition is currently weak (and the main element in exile) it is important that aid agencies acknowledge the vital role of opposition in a democratic state by involving them actively in consultation processes and ensure that they can fulfil their parliamentary functions. This may include support for capacity-building. In supporting governance at provincial level the same concern for pluralism should also prevail.

**Support decentralization, especially at provincial level.** Section One indicates that decentralization at the provincial level should be the key focus of a conflict

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<sup>34</sup> Prof Yakin Erturk: Statement in Kinshasa 27 July 2007. MONUC website.

<sup>35</sup> Notably Pratt, M and L Werchick et al (2004) *Sexual Terrorism: Rape as a Weapon of War in Eastern Democratic Republic of Congo – an assessment of programmatic responses to sexual violence in North Kivu, South Kivu, Maniema and Orientale Provinces*, USAID/DCHA Assessment Report

<sup>36</sup> The term state-building is used in this report to denote the permanent mechanisms of good government (capacity, accountability, responsiveness, legitimacy etc) as opposed to the political agendas of elected leaders.

<sup>37</sup> Information provided by DFID

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prevention strategy. Donors must be careful not to encourage a rigid centrally-controlled and legalistic process. Events will move much faster and donors may have to be ready to work with Provinces even though the legal framework may be unclear.

**Manage expectations.** Donor interventions create expectations and these need to be properly managed. As government is not doing this effectively, donors may need to focus on information. There is a need for regular forums with Congolese civil society and media to discuss and explain programmes and timelines.

**Ensure that civil society practices representation.** Direct delivery can also be achieved through international and national NGOs but such programmes must also be questioned on grounds of sustainability. Such projects must have an exit strategy and ideally should empower local people to represent themselves in maintaining services after the project has stopped. Principles of participation in decision-making, downward accountability and transparency should be applied vigorously. This will reduce grievances around stop-start services and help to address more fundamental issues of governance by practicing democratic processes.

**Coordinate around the spread of aid.** There will be winners and losers in the decentralization process and donors will need to keep their eye on the losers to ensure that resentments do not develop into threatening forms. Donors' ability to monitor decentralization directly is severely curtailed by travel restrictions and there is a risk that some provinces will be neglected. The complexity of monitoring this suggests the need for a coordinated mechanism among donors to oversee the decentralization process and perhaps the appointment of a research team or organisation to gather information.

### 2.3. Economic Responses

It would be a risky strategy to rely on economic development to reduce conflict risk. In a situation of widespread corruption and patronage, short-term impacts are likely to be negative and economic advantage is likely to accumulate in the hands of a few without addressing wider grievances. This has implications for both industrial development and infrastructure-

**Decentralise infrastructure.** Roads are important for long-term economic development but in a predatory state they also facilitate predation. Until the culture of impunity is addressed, roads may be used to extract illegally-felled timber or facilitate mining concessions given as favours during the war. Moreover, the maintenance of roads depends on the strength of state structures. According to the EU's roads adviser, soft-top roads of the type being constructed in DRC will become unusable within a year unless they are maintained. Some roads in the East have already been fully rebuilt three times in five years because basic maintenance was lacking. DFID has made extraordinary efforts to get around this problem by revitalising the old 'Brigades' and a common road fund is being established to pay for maintenance from taxes collected from fuel charges. But such 'pots' of money are likely to attract predators and in the future may become embroiled in questions of decentralization. There is a much better chance of success with local feeder roads which can be maintained by local communities and authorities. However, it is crucial that such roads should not be too long nor contain stretches that are not recognised as the responsibility of a local community.<sup>38</sup> Local roads may also provide opportunities to

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<sup>38</sup> These comments are based on DFID experience in the Rural Access Project (RAP) in Nepal. See RAP Fundamental Review 2005.

## Strategic Conflict Assessment DRC

provide work to critical groups such as the artisanal miners (see below). The best policy may be to make national road infrastructure conditional on progress in addressing a culture of impunity and focus for the time-being on labour-intensive local roads.

**Support artisanal miners.** International companies are being drawn to DRC because of the massive availability of resources and escalating global prices for raw materials. Although they may be able to generate large revenues they have not brought much benefit in terms of employment. The introduction of capital intensive methods has led to the marginalisation of hundreds of thousands of 'artisanal' miners. The prospect of an abrupt end to artisanal mining, especially after its sudden increase during the war, is a major threat to stability. This issue has been recognised but has not yet been adequately addressed.<sup>39</sup>

According to union representatives, artisanal miners do not consider subsistence agriculture as an acceptable alternative and in any case many of them have no access to land. A better response would be to require companies to use middle-technology methods that required a labour force rather than the current high-technology approaches that bring no employment opportunities. It will be interesting to see whether decentralization increases such demands. PACT (an NGO working on these issues) suggests that the issue of 'artisanal' mining should be incorporated into a regional strategy balancing the various interests. Donors should not be misled into thinking that social funds operated by large companies are an adequate response to this problem. It needs a much more radical approach directly focused on the artisanal miners and their future.

Attention should also be given to the wider problems of the informal sector. As noted in Section One, the vast majority of workers lie outside the formal sector. As part of a 'peace dividend' strategy their needs should be a priority. There is considerable scope for organisation, micro-finance, improvement of the business climate, protection of rights and better recognition by the state.<sup>40</sup>

### 2.4. Social Responses

If 'Identity Politics' are to become an increasing problem in DRC, as indicated in Section One, donors will need to be especially well-tuned to the ethnic and social implications of their aid programmes. The practice of packing government ministries and departments with staff from a single ethnic group needs to be challenged, especially when donors are paying the salaries. The geographical spread of donor involvements is also a sensitive issue and potential factor relating to conflict. A task for aid coordination is to map out aid responses and where necessary target vulnerable and neglected areas, such as the 'losers' in the decentralization process.

Localised peace-building projects between ethnic or religious groups will have only limited impact at the present time because the central problem is politicisation of the issues rather than any inherent sense of hate. The problem is the ruthless exploitation of fears and rumours by unscrupulous politicians. This may be better

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<sup>39</sup> The problem is identified in the Mining Code and the Governor of Katanga has identified a possible settlement area for up to 10,000 miners and a group of donors is planning a joint approach to the issue –Holger Grundel (DFID) personal communication.

<sup>40</sup> This is not a current DFID priority and is in any case a very long-term strategy in relation to conflict. However, the point needs to be made that this type of bottom up economic development has a place in a comprehensive conflict strategy.

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addressed by greater engagement with transparency, communication and information.

**Support direct delivery of services.** Non-delivery of basic services is a major complaint against government and so there is an argument for short-term support as a stability measure but a risk that this will distort the political landscape by giving a political group credit for what it has not done. Programmes such as the World Bank/DFID direct support for education (subsidizing the running costs of schools and making payments to a limited number of non-registered teachers) are not sustainable unless the state engages with the financial problems that make them necessary. In order to achieve this and also avoid the charge that such programmes amount to political support to the ruling party, donors engaged in short-term delivery through the state should make every effort to involve a wide range of political groupings both centrally and in the provinces where they are to be implemented. The issue of sustainability, and possible backlash if the programmes are not sustained, should be raised actively.

**Support greater participation of women in society.** Although this Section has focused mainly on short-term issues, donors should not lose sight of the deeper underlying causes and propensities towards conflict, notably the marginalisation of women during years of war. In relation to conflict the key issue is lack of women's participation in society and in particular their lack of involvement in decision-making. Because of differentiation in gender roles in DRC (and arguably also for biological reasons) women have the main responsibility for children and a greater stake in peace for their survival. The full participation of women in society is likely to tend towards more long-term thinking and stability, as well as being a moral right.

### 2.5. Summary

The necessary strategic shifts may be summarized as-

- From post-conflict reconstruction to conflict prevention;
- From state building to pluralism;
- From long-term infrastructure to direct delivery;

Using the grid system from Section One the implications set out above may be summarized as follows-

**Table 3: Aid responses to conflict issues in DRC**

	<b>Security</b>	<b>Political</b>	<b>Economic</b>	<b>Social</b>
<b>International/ Regional</b>	Restrain regional powers; Support MONUC;		Adjust aid budgets to capacities;	
<b>National</b>	Work for a negotiated peace in the East; Challenge political violence and impunity; Demilitarize the police;	Support political opposition and pluralism at all levels; Manage expectations: focus on communication and information; Ensure representation within civil society; Coordinate around the spread of aid;	Challenge corruption in government contracts; Decentralize infrastructure; Support the informal sector;	Monitor ethnicity in government departments; Support direct delivery of services;
<b>Provincial</b>	Acknowledge the role of customary justice;	<b>Support decentralisation especially at Provincial level;</b>	Support artisanal miners;	Support greater participation of women in society;
<b>Local</b>	Challenge human rights abuse and SGBV;	Support downward accountability;	Focus on marginalised groups and the informal sector;	Long-term focus on the representation and well-being of women;

**2.6. Best case scenarios.** It may be useful to consider what scenarios to aim for as well as those identified in Section One, which are best avoided. But such a scenario must be realistic to be of any value. The basic elements would need to be-

1. A negotiated way forward for the decentralization issue in which central government and provincial leaders commit themselves to a common path;
2. Vigorous donor action to challenge political violence and the culture of impunity;

These two fundamental steps would then open the way for a series of steps in which key actors worked together rather than in competition to-

- Resolve the technical and legal problems relating to decentralization;
- Manage a process of information and communication;
- Adjust concessions made illegally or under duress;
- Establish provincial administrations based on pluralism;
- Move forward to local elections based on pluralism;
- Successful DDR based on political interest in a non-violent state;

## Section Three: Ways Forward

### 3.1. Roles of the International Community

Following electoral successes, the international community has been pushing ahead with state-building for the new democracy and hoping that conflict would be an issue of the past. Aid budgets, especially in the case of DFID, have been increasing rapidly. The events of the last few months, notably violent repression of political opposition, lack of direction in state-building and confusion over decentralization have undermined this confidence. Aid managers are disturbed by profoundly negative trends and the prospect of instability at the centre. A crisis is expected within the next weeks and organisations such as International Crisis Group are focusing on DRC as a country presenting increasing risks.<sup>41</sup> It is time to make significant readjustments to aid strategy –not drastic changes of direction but more cautious and conditional kinds of approach that lock aid closely to progress on key issues.

A positive feature of the current situation is that it is an internal political crisis within DRC. There is a chance that adjustments can be made within the elite without significant violence. But as the temperature increases, aid will be more politicised and the political implications of aid will need to be considered very carefully. Aid for the state must not lead to exclusion of the opposition. Aid for the centre must not undermine the decentralization process. Support for the government must not be seen as condoning kleptocracy and violation of human rights. Aid agencies will need to be a little more detached and a little tougher in their demands.

Withdrawal of support from the state will also have direct political implications. There is no doubt that DRC is one of the world's neediest countries. But these factors must not lead to an assumption that the more aid is given the more stable the country will be. The reverse could equally be true. Aid can add to tensions as well as reduce them.

### 3.2. Principles for conflict-sensitive aid

During this period of turbulence donors should use and adapt the Principles for Good Engagement in Fragile States.<sup>42</sup> DRC is included in the list of fragile states and this remains a useful perspective especially in relation to conflict, because of current vertical (decentralization) and horizontal (political alliance) challenges. Once these issues are resolved, normal development criteria may become more appropriate. A reason for using the Fragile States Principles rather than devising new ones is that they can reasonably well be adapted to the DRC context and already have some status and legitimacy. DFID in particular has emphasized the need to work effectively in fragile states if MDGs are to be achieved.<sup>43</sup> An interpretation of the Fragile States Principles in the DRC context is presented as Annex 7 of this report.

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<sup>41</sup> See the statement by ICG's Africa Director, Francois Grignon in *Le Monde* 21 July 2007. ICG website.

<sup>42</sup> OECD-DAC (2007) *Principles for good international engagement in fragile states*, OECD-DAC Paris

<sup>43</sup> DFID (2005) *Why we need to work more effectively in fragile states*, DFID London

### 3.3. Decentralization

The key issue on which donors should focus is decentralization because this will be the driving force for future change and presents the most likely scenarios for conflict (see Annex 5). Reflecting the Principles above, there is a need for strong coordination around this issue. Up to now, donor positions have been divided, with some more willing to support strong central control than others. It might be a useful start to reach some basic agreement about the issue of political violence and define what is tolerable and what is not. Donors should also set up a long-term process to monitor the decentralization process in relation to key conflict indicators such as inequality, exclusion and ethnic tension. Where problems are identified donors should seek to help specific Provinces to find a way forward. This may require a common agreement with the central government to establish a modus operandi. Too legalistic or centre-based approach will be inappropriate at a time when fundamental issues are still under political negotiation. Donors may have a useful role in helping government at all levels to handle information and communication.

### 3.4. Humanitarian strategy

DFID already spends a large proportion of its budget on humanitarian work and it looks as if this will need to continue. Humanitarian work should be focused around conflict prevention. Programmes should be tested for conflict sensitivity by relating them to the findings of this report and specifically to the proposed conflict sensitive principles. They should not inadvertently strengthen armed groups nor expose recipients to unnecessary risk. Given the high levels of direct violence, humanitarian protection, especially protection against SGBV, should be an element in every programme. Also, UN forces under MONUC should be given vigorous political and financial support in achieving their mandate of protecting civilians.

Evidence from IRC's studies of mortality during previous periods of violence<sup>44</sup> indicates that many people die because they are displaced from their homes and lack access to health services. Accordingly every effort should be made to support people in their own homes and to ensure the continued functioning of health services in conflict areas.

### 3.5. Indicators of change

The current period of turbulence may only last a short while, depending how the individual actors behave. Probably the coming year will be marked by sporadic violent events with the constant risk of escalation. Unless the process goes out of control it should be possible at some future point to make a strategic shift towards more open-ended and unconditional types of aid and state-building. Key indicators for such a future change in strategy might include-

- Resolution of the decentralization crisis
- Neutralisation of the main armed groups
- A functioning opposition
- Teachers being adequately paid (as a proxy for curbs on the predatory state)
- Greatly improved human security

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<sup>44</sup> [http://www.theirc.org/resources/library.html?location=african\\_great\\_lakes\\_dem\\_republic\\_of\\_congo](http://www.theirc.org/resources/library.html?location=african_great_lakes_dem_republic_of_congo)

### 3.6. General Conclusions

The increasing levels of aid directed to DRC after the end of the war and the 2005-6 elections undoubtedly reflect a high level of need but the allocation must be carefully aligned to capacities. Donors need to be watchful of the political implications of aid, especially the balance between the centre and the provinces. As the political alliance fragments, the struggle for resources may come to include aid as a major source of 'patronage'. Controls will need to be maintained at a high level and conditions or benchmarks should be applied in order to ensure that there is progress in addressing fundamental problems such as the predatory state and culture of impunity.

As a long-term strategy every effort should be made to increase representation and public accountability. Decentralization will play a key role in this and may open the way towards long-term stability but in the short-term it is an explosive issue. Too legalistic an approach at the centre will clash with expectations that have been created by promises and commitments already made. These cannot be ignored. The timescale for change will be dictated by politics as well as by the law. The stakes and therefore the tensions will be extremely high. Processes will need to be carefully sequenced to ensure that unrealistic expectations are not further encouraged.

This does not mean that all engagement with government should stop. On the contrary every effort should be made to help government to make a success of the decentralization process but this may need to include advice about openness and proactive communication, perhaps linked to funding inputs. Before dramatically increasing aid budgets donors should identify clear expectations and set up systems to monitor progress. Levels of humanitarian funding should relate only to needs but this is not the case with other kinds of aid. These must be tied to progress towards political pluralism, peaceful transition to decentralization, reduced corruption and measurable progress against the culture of impunity.

### 3.7. Recommendations

Based on the analysis in Section Two (Table 3) the international community in DRC should-

#### Strategic/political level

1. Focus aid strategy on conflict prevention;
2. Switch to 'fragile states' mode and use an adapted set of Fragile States Principles<sup>45</sup>;
3. Focus on decentralisation;
4. Set measurable objectives in relation to political pluralism, corruption and culture of impunity;
5. Update conflict analysis at least annually;

#### Security

6. Restrain regional powers;
7. Support MONUC's presence and also its role in protecting civilians;
8. Work for a negotiated peace in the East;
9. Demilitarize the police;
10. Acknowledge and support customary justice (noting recommendation 11);
11. Challenge human rights abuse and SGBV;

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<sup>45</sup> <http://www.oecd.org/dataoecd/61/45/38368714.pdf>

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### **Political**

12. Support the need for political opposition and pluralism at all levels;
13. Manage expectations: focus on information and communication;
14. Ensure representation within civil society;
15. Coordinate around the spread of aid;
16. Support decentralization especially at Provincial level;
17. Support downward accountability;

### **Economic**

18. Adjust aid budgets to capacities;
19. Challenge corruption in government contracts;
20. Decentralize infrastructure;
21. Support the informal sector;
22. Address the issue of artisanal miners;

### **Social**

23. Monitor ethnicity in government departments
24. Support direct delivery of services;
25. Support greater participation of women in society;

***Tony Vaux***  
August 2007

## **Annex 1: Terms of Reference**

### **Strategic Conflict Assessment (SCA) and Programme Level Conflict Assessments for DRC – final, 11 July 2007**

#### **Background**

The end of 2006 saw a number of significant positive developments in DRC, including a) successful elections, b) Bemba's decision not to contest his defeat militarily and c) President Kabila's statesmanlike inauguration speech pledging inclusivity and good governance.

However, events in 2007 have been more discouraging with serious questions around the legitimacy of the January elections for Senators and Governors (indirectly by provincial assemblies); a popular protest in Bas-Congo against the win for Kabila's candidate for provincial governor was put down with bloody force leaving 130 dead and then the violence between Kabila and Bemba in Kinshasa leaving c.600 dead including many civilians. Military from both sides looted and terrorised the people. An EU Heads of Mission communique condemning the action was not well received by the President. Residual low-level conflict in North Kivu has risen to the point now that clashes between Nkunda's forces and the FDLR are frequent.

The government was finally installed on 27 February after months of horse trading, producing an aspirational Government programme including an ambitious Governance Contract, but has done next to nothing visible since. The "governance contract" (between the authorities and the people of DRC), which covers March – December 2007, is an important first step in outlining much-needed reforms in a broad range of areas: security sector reform, transparency, public finance management, the management of natural resources, public administration reform, local government, and the investment climate and public enterprise reform. The key challenge will be to implement this ambitious program – a task for which a substantial amount of external support will be necessary. The PSRP is made up of five pillars: (i) promoting good governance and consolidating peace; (ii) consolidating macroeconomic stability and economic growth; (iii) improving access to social services and reducing vulnerability; (iv) combating HIV/AIDS; and (v) promoting community dynamics. These pillars are closely related and inter-dependent, and progress in one area is conditional to advances in others – e.g., between growth and State reform, between social services delivery, State reform, and community dynamics.

Low level violent conflict is likely to continue in the Kivus for at least 3-5 years, with more sustained conflict to be expected if the government continues its inertia on security sector reform and peacebuilding. Although unlikely, the possibility of foreign intervention or a return to civil war cannot be discounted, along with factional violence in Kinshasa just from the sheer volume of troops present there. This would continue to add to the violence of the past 20 years which has led to breakdown social structure leading to higher levels of violence within families and local communities.

Efforts by the international community to increase its understanding of conflict in order to effectively support efforts to reduce poverty in DRC are timely as international efforts have so far been focussed on achieving successful elections and

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completing the transition. Deeper understanding is required of the causes of conflict, and the impact that potential and actual conflict have on development assistance and how it is delivered. The international community wants to scale the level of its support to DRC so a new approach is required to deal with the difficulties/risks of doing so in an exceedingly fragile state over the next 3-5 years.

To assist with this the following activities are to be undertaken over the next 3 months:

- Conduct a full strategic level conflict analysis taking account of changes brought about by the political transition with suggested strategies and options to respond to this.
- Develop principles for conflict sensitive aid, preferably including indicators.
- Advice on developing a cross-cutting conflict reduction strategy.
- Dependent on progress during the SCA, develop 2 thematic studies, each of not more than 10-15 pages, as annexes to the report identifying the conflict/security risks to education and decentralisation. These focus studies will depend on the SCA for their analytical base but may require further work after the general SCA has been completed.

### **Objective**

To conduct a strategic conflict assessment (SCA) for DRC, using a flexible application of DFID's conflict assessment methodology to identify the dynamics and improve the effectiveness of international community policies and programmes in contributing to conflict prevention and reduction. It should consider the structural causes of conflict, outline scenarios, and identify potential triggers, flashpoints, conflict benchmarks and indicate whether localised and/or with national dynamics.

This should include an analysis of:

- The nature, dynamics and causes of conflict in DRC, including its structural and institutional features, and the roles of domestic, regional and international factors;
- The interlinkages between conflict dimensions, including security, the economy, traditional society, and political processes;
- The nature of the effects of violent conflict (actual and potential) on prospects for poverty reduction;
- Approaches to conflict management, mitigation, resolution, including how the international donor community in DRC may best address conflict in development planning and programming;
- Existing and potential donor strategies and programs regarding obstacles to/opportunities for pro-poor and peaceful change.

To conduct two thematic studies looking at:

- Education (the DFID / World Bank project)
- Democracy and Accountability, focusing particularly on decentralisation

The two thematic studies should recommend how programming in these areas can better contribute to conflict reduction and prevention in DRC. This should be done by outlining the particular context in which programming is taking place, analysing the

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actual and potential positive and negative impacts of this programming on the conflict, and developing recommendations for future engagement. Each analysis should take account of institutions, groups and actors that have been effective in resolving conflict or reducing the threat of it; examine how to make the programmes conflict-sensitive; and explore opportunities for conflict prevention work through these sectors. They will be aimed primarily at specific DFID programmes but will be of relevance and interest to the wider international community. Initial analysis on education and decentralisation should be carried out during the main SCA to see whether the studies can be included as annexes to the SCA report or whether more detailed study will be required. An in-depth study of SJSR will be carried out by a Dutch stability assessment framework exercise and separate analysis of natural resources will be conducted by a joint UK/German mission

### **Purpose**

The audience for this work is the British Embassy and donor partners but the report is likely to be read by a wide range of the international community engaged in DRC.

The SCA and thematic studies will provide a detailed analysis of current conflict dynamics in DRC, the external response (particularly that of the British Embassy but also donor partners), and will develop strategies and options for future engagement in order to improve the effectiveness of international community policies and programmes in contributing to conflict prevention and reduction in DRC.

The Assessment and studies will make recommendations for the UK and the international donor community in DRC regarding how best to address conflict in development planning and programming. Outputs of the assessment to strengthen work **in** and **on** conflict will be integrated into DFID's Country Assistance Plan for DRC, and will inform other donors' strategies and programmes. Areas of potential further work resulting from the SCA should be outlined. To facilitate the studies on education and decentralisation then methodologies examining the relationships between conflict and the two themes should be developed.

### **Scope of work**

#### Pre-field work consultation (to be developed)

UK - desk-based research, including documents mentioned at the end of these ToR, and discussions with DFID and FCO officials. Kinshasa – British Embassy staff, donor partners, GoDRC, INGOs, civil society, academics.

#### Field work (to be developed)

3-4 day long field visits to Lumumbashi and Matadi will be carried out by the team. A range of people will be interviewed in each location including provincial and local government, security sector representatives, INGOs, civil society.

#### Presentation

The presentation would come at the end of the process to present conclusions to stakeholders. (Could also hold one part-way through the process to share developing thoughts and invite feedback and further guidance?)

### **Deliverables**

It is anticipated that this will include the following activities:

- Prepare a report of not more than 40 pages, excluding annexes, and including a high quality and accessible executive summary. The executive summary should also be translated into French.

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- Develop practical principles for conflict sensitive aid, preferably including indicators which DFID DRC and other donor partners can use in programming aid for the next five years.
- Carry out 3 workshops with defined stakeholders (embassy staff, partner donors and civil society).
- Conduct initial analysis and dependent on progress during the SCA, develop 2 thematic studies, each of not more than 10-15 pages, as annexes to the report identifying the conflict/security risks to education and decentralisation.

### **Partners**

The German embassy has expressed an interest in co-funding the natural resources thematic study. The Dutch embassy has informed us that they are carrying out a stabilisation assessment framework exercise at roughly the same time with a particular focus on SJSR. We are exploring collaboration.

### **Reporting**

The researcher will report to Camilla Sugden, DFID DRC Conflict Adviser, throughout the assignment, and with relevant advisers for thematic areas. Adi Bal-Mayel will be the project officer.

### **Timing**

Terms of Reference will be finalised at the start of the work. A maximum of 30 days of a national expert and 30 working days of an international with possibly 35 days for the team leader to include a conflict and education report is allowed for this assignment. Travel will be required. Workshop/conference costs should be foreseen. A draft report will be submitted by 20 Aug 2007 at the latest and earlier if feasible.

### **Expertise required**

The consultant team of three people should come from a variety of backgrounds: research or academic institution, a consultancy firm, government service etc. An international team leader will be experienced in the SCA process as well as UK and other donor partner processes (to help link analysis and action). Two country experts with social and political science backgrounds, one should preferably be a national. Some capacity could be available from the FCO DRC researcher, Ben Shepherd, the UK Great Lakes regional conflict adviser, David Ashley and the CHASE Conflict Adviser, David Newton.

**Camilla Sugden**  
**Conflict Adviser DFID DRC**  
**15 June 2007**

## **Annex 2 : Persons interviewed**

**Note :** Important parts of the SCA process were conducted in group meetings, notably with DFID and Embassy staff on 11th July, donors and MONUC on 13th July and civil society representatives on 16th July. The following list is based on individual meetings and excludes individual meetings with DFID staff in Kinshasa-

### **Kinshasa**

Lilliane Bibombe, Avocats Sans Frontieres.  
Joseph Bobia Bonkaw, Programme Coordinator, CENADEP  
Leila Boucheboubou, Security Unit, EU  
Magnus Carlquist, Country Representative, Sida/Abdou Salam Drabo, World Bank  
Jacques Ebenga, Secrétaire General, Labor Optimus  
Patrick-Cyrille Garba, DRRR Team Leader, MONUC  
Magda Gonzalez, political affairs officer, Monuc (formerly based in Bas Congo)  
Baudouin K Hamuli, Director General, CENADEP  
Willy Kalengay, political and diplomatic Counsellor to the Head of Parliament  
Karounga Keita, Senior Governance Adviser, UNDP  
Pierre Lecuit, SJ, Education Delegate, Catholic Church  
Jean Mbuya, Human Rights Network, former adviser to the President, parliamentary deputy  
Prof Mabilia Mantuba, National Coordinator, Konrad Adenauer Stiftung  
Mobula Meta, Professor of economics, University of Kinshasa  
Didier Mubinzi, programme directors for social fund at the World Bank  
Maguy Mukidi, Development Programme Coordinator, Oxfam GB  
Kibiswa Kwabene Naupess, President, COSSEP  
Diego Escalona Patrel, Second Secretary, EU  
Bernard Piette, First Counsellor, EU  
Juliette Prophan, Representative, Oxfam GB  
Johan Van der Linden, Belgian Technical Cooperation, PAIDECO  
Johan Verhaghe, consultant on education  
Thobi Vincent, Country Representative, EISA  
Mulegwa Zihindula, Coordinator, CEPOST

### **Bas Congo**

Lt Col AMISI, Commanding Officer FARDC Armoured Regiment  
Barthelemy Bubu (Droits de l'homme)  
Ne Baya Bayalenga, BDK representative a Boma  
M. Bob Diangikulwa, Provincial Coordinator of CTB in Boma  
Nzuzi Floribert (Coordinateur d'ong Human rights a Boma)  
Colonel Tem Simon Gold Mbumba Guema, Commander of the 15th Bn Special Infantry and Commander of the Col Ebeya Camp.  
Lt Carlos Kalala, Auditorat Militaire a Boma  
M. Phambu Lemba, représentation du district de Bas-fleuve de MDK  
Major John Lita, Auditorat Militaire a Boma  
Mme Victorine Lombo-Masunda, maire de Ville Boma  
Notable: Mr. Longo-Nzita, BDK a Boma  
Tenday Lupumbana, Inspecteur/receveur principale Matadi Port  
Patrick Bengo Luseki, Assistant and Secretary to the Vice Governor (Matadi)  
M. Mavungu, Division provincial du Plan Matadi  
HE Simon Mbatshi Mbatshia, Governor  
M. Mbioka, ONGD CEDER et président CRONGD

## Strategic Conflict Assessment DRC

Jean Paul Nkuanga Mbuinga, Director of Cabinet  
Ne Mpuna, BDK Representant a Boma  
M. fils Muaka, secrétaire Exécutif CCAD Boma  
HE Roman Photo Ngumba (Matadi) Minister of Planning, budget and public function.  
M. Valentin Nvangi Ndungi, President of CRONGD Bas-fleuve/Tshela  
M Narcisse Lemba Nkolotang, Provincial Director of Ofida, Matadi Port  
M. N Ongo, représentant local A Kinsundi Lemba  
Pasteur Jonas Tsundu (à Boma)

### **Katanga**

Yves Bawa, PACT  
Represent, Reseau Action Femme  
Represent, PROVEP  
Nathan Kasongo, SYECO  
Majengo Freddy Kitoko, ASADHO/Katanga  
Dr F X Kitunge Bin Makengo, Sub-director, University of Lubumbashi  
Jean-Claude Kunda, Secetaire General de l'EMAK  
Dr Felix K N Mukwampa, Coordinator, PAREC  
Nestor Mushini, SECOPEP  
Mgr Fulgence Muteba, Catholic Bishop of Katanga  
Guy Ngile, Avocat, EMAK  
Edouard Ngoy, Anvil Mining  
Seguin Ngoy, Colonel, PNC  
Claude B Nyamugabo, Project Manager, RCN Justice and Democracy  
Josiah Obat, Political Affairs Division, MONUC  
Pierre Ilunga Pythagore, DG, Enterprise  
Richard Robinson, Representative PACT  
Joe Sanduku, Secetaire Provinciale de la societe civile  
Serge B Smith, Field Operations Manager, MONUC

### **Other**

David Ashley, Regional Conflict Adviser, DFID based in Nairobi  
Hans Hoebke, Royal Institute for International Relations, Netherlands  
Evert Kets, Conflict Research Unit, Clingendael Institute, Netherlands  
Patrick Merienne, Conflict Adviser, DFID London  
Yaron Oppenheimer, Policy Adviser, Ministry of Foreign Affairs, Netherlands  
Janine Rauch, IDASA, based in South Africa  
Ben Shepherd, Researcher, FCO London

## Annex 3: Bas Congo Case Study

**Peter Sampson**

### *Forward*

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From July 16<sup>th</sup> to July 20<sup>th</sup>, Camilla Sugden (DFID) and Peter Sampson (FEWER) conducted a field mission to Matadi and Boma in the province of Bas Congo. The field mission was conducted in accordance with the ToR of the Strategic Conflict Assessment (SCA) and this joint report compiles information based on social, economic, political, and security conflict and peace indicators. Information obtained during the 2.5 days in the field was complimented by additional interviews in Kinshasa.

### *Introduction*

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Bas Congo's economic importance will bring it to the forefront of the political, security, social nexus over the next 3-5 years. The majority of revenues come from the port of Matadi, offshore/onshore oil drilling and the Inga dam. Bas Congo has played an important role in the security dynamics of the country with the 2<sup>nd</sup> Congolese war being launched by Rwanda at Kitona which is now the site of one of the largest brassage camps. It also one of the worst maintained military region,<sup>46</sup> with areas of cross-border insecurity around the Bas Fleuve, elements of the Front for the Liberation of the Enclave of Cabinda (FLEC), as well as increasing tension and political violence between government authorities and the political-religious movement, Bundu dia Kongo. Bas Congo is one of the only provinces that will continue to have an ethnic block (nekongo) after the new territorial administration.<sup>47</sup> The Nekongo have one of the most advanced traditional kingdoms in region with populations spreading across the border into Congo Brazzaville, Gabon, Angola, and Bandundu. Important political figures in the post-colonial struggle, such as the first president Kasa Vubu and the founder of the Kimbanguist church, Simon Kimbangu were natives of Bas Congo. The NeKongo were largely marginalized under Mobutu and this has continued throughout the transition and into the 3<sup>rd</sup> Republic.

On January 31st-February 1<sup>st</sup> of 2007, BDK members protested electoral fraud in the gubernatorial elections. The ensuing clashes between BDK and the police and security forces left at least 105 dead and over 100 people seriously injured.<sup>48</sup> The "excessive and indiscriminate lethal force"<sup>49</sup> used by the police and against the demonstrators was followed by the Supreme Court's ruling to overturn the decision of the Appeals court and to instill governor Simon Mbatshi. This has led to widespread popular resentment towards provincial political leaders and the national government. While arrests and harassments of Bundu Dia Kongo members continue with the transfer of several accused to Kinshasa, there have been no actions against the police or the military, nor those in Kinshasa who ordered them. In addition, there have been no legal complaints registered against the government—a dangerous

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<sup>46</sup> According to various reports, the situation of the 2<sup>nd</sup> military region is 'gravely catastrophic', with up to 4000 soldiers being simply left to their own devices. The initial South African audit of military personnel found the highest ratio of real:fictional soldiers in the province of Bas Congo.

<sup>47</sup> The current configuration of provinces, makes the baluba the largest mono-ethnic block. However, this block will be divided with the territorial reconfiguration.

<sup>48</sup> "The high number of victims was the result of the use of indiscriminate and disproportionate force and in some cases summary executions by the FARDC and national police," MONUC Human Rights Section. *Bas Congo Report*. July 2007.

<sup>49</sup> *idem*

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indicator of the level of distrust of the majority of the population with the government authorities—civil or military.

After 35 plus years of marginalization, the failure of political or legal avenues to redress the situation, frustrations have risen to a breaking point. They are currently centered on the local and national authorities. The former being seen as an “appendage” of the latter, Regionalism and Bakongo pride can easily slide into xenophobia and exclusion when addressing the question of state employees, revenue from Inga, the port of Matadi or petroleum serving the capital with no “politique de retour” for the populations of Bas Congo. In the short term, delays in the implementation of article 175 (allocation of 40/60% of state revenues) are likely to yield open confrontation between inhabitants of the province and the national authorities over the control of key resources (see below). In the medium term, if these revenues are not seen as advancing the economic recovery of the province, formerly non-violent movements will resort to forms of armed insurrection.

### ***Security Issues***

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The structural problems of army reform are similar to other parts of the country, however they are exacerbated by the largest presence of security services (police, army, Republican Guard) outside of Kinshasa. Following the violence in January-February up to a thousand additional Republican Guard units<sup>50</sup> were sent to Bas-Congo. In late March, there was also a deployment of 500 Police d’Intervention Rapide—also without the necessary logistical support needed to remain autonomous of the population.<sup>51</sup> This follows the general trend of the country: the more security services that are present, the greater the insecurity.

In Colonel Ebeya Camp in Mbanza-Ngungu, a Republican Guard battalion is collocated with a FARDC armoured regiment and the differences between the two units are evident. The commanding officer was asked if there were difficulties between the forces from his regiment and the RG given the difference in resources allocated to each one of them. “Even in heaven, the angels closest to God are better protected than the others”, he replied. Relations have improved but difficulties were particularly acute between the families rather than between the soldiers. The soldiers of both units are received lessons in morals, conduct and relations between military and civilians. However according to local human rights organizations “tracasseries” on the road between Matadi and Mbanza-Ngungu have become even more widespread since February.

The lack of faith in the formal judicial system is even higher in Bas Congo than in other parts of the country. Supporters of the BDK are regularly harassed and intimidated by the police and other armed services. One of the human rights activists we had interviewed had recently been arrested and detained when he refused to pay ‘frais judiciaire’ (legal fees). The victim was detained for two days in the holding cell of the Office of the Military Prosecutor and two days in the prison of Boma. This is one example among several of the use of military tribunals to prosecute civilians.<sup>52</sup> Recently, the head of the UN human Rights Commission, Louise Arbour has publicly

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<sup>50</sup> The Presidential Guard, estimated at around 12,000 operates with no institutional control, no legal mandate, and recruits among its members the most qualified individuals, as well as benefitting from almost all technical and logistical support by the government. As one international advisor stated «The Republican guard are a mobile armed anti-rule of law machine. » Interview Kinshasa July 2007, requested anonymity.

<sup>51</sup> Interviews Monuc. July 2007.

<sup>52</sup> Monuc human rights section, telephone interview Kinshasa, July 2007.

stated that those “who perpetrated summary executions and other crimes during the government crackdown on opposition protesters needed to be prosecuted.”<sup>53</sup>

In the absence of a functioning formal system, the customary justice system plays an important role between the people and the state. However violence (intimidation, beatings, etc) have become a more acceptable mode of conflict resolution among the NeKongo that are widely known for their peacefulness. Following the government reaction to the January-February demonstrations, the Bundu-Dia Kongo, have openly renounced their dependence on uniquely non-violent tactics.<sup>54</sup>

### ***Political***

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Violent repression of demonstrations in Bas Congo brought this Western province back into the sights of the international community. Although tensions are not manifest as they are in Ituri, Maniema, Kivus or Katanga, it is a province with deep-seated internal tensions. Civil society representatives explained that “The central power is mocking us, we are one of the only resource generating provinces [nb: along with Katanga, and to a lesser extent the Kivus, and Kasai], and we have benefited little in terms of roads, health, or support for education.”<sup>55</sup> After the reconfiguration of DRC into 26 provinces, Bas Congo will be the largest mono-ethnic electoral entity, making it a key block that any candidate cannot afford to ignore for the next elections.<sup>56</sup>

Governor Simon Mbatshi Mbatshia’s ascension to the post of head of the province has been seen as largely problematic. The Cour d’appel ruled that the elections were marked by ‘grave irregularities’ and the process by which the governor came to power created the spark for the demonstrations ending in violence on 1<sup>st</sup> February 2007. The governor in particular remains deeply unpopular. This is not only due to his “*political appointment that resembled a selection rather than an election*” but also to his role as the regional representative for SNCZ (railways) when he is said to have dismantled the rails from Boma to Tshela to transport the rails to Equator for Marechal Mobutu.<sup>57</sup> One member of the opposition voiced a widely held opinion that “The governor’s responsibility is to sign contracts in order to siphon off money from the province for the president.”<sup>58</sup>

Not only is it widely believed that the provincial assembly was coopted or corrupted by the Presidential Party of the PPRD, but the governor has done nothing to create a “rapprochement” between the disgruntled population and the provincial and national leaders. This may be due to the fact that he has little independence from his backers in Kinshasa or that he has no desire to address these issues. His solution for the province is based on simple investment with foreign capital and the use of the 40% in order to reconstruct the economic activities of the province.<sup>59</sup>

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<sup>53</sup> Reuters July 27 Geneva. <http://www.monuc.org/news.aspx?newsID=15064>

<sup>54</sup> “We cannot just let the government kill us, without acting. We will fight back.” Private Interview Muanda Ne Msemi. July 2007.

<sup>55</sup> Informal roundtable with civil society representatives and DFID Consultancy team. July 2007.

<sup>56</sup> The current configuration of provinces, makes the baluba the largest mono-ethnic block. However, this block will be sub-divided.

<sup>57</sup> Interview Civil society representatives, Matadi. It is rumoured that the steel railways are currently in Kinshasa, however this could not be confirmed.

<sup>58</sup> Interview Boma. July 2007.

<sup>59</sup> When asked what the most important issue for the province was, the governor responded “to rebuild the economic fabric through massive investment and job creation.” During the interview, only dismissive comments were made in relation to the events of January-February, or current security situation. This was confirmed by interviews with PPRD members close to the president who also dismissed security concerns.

**Elections and BDK in Bas Congo**

*In the democratic dispensation of the DR Congo, citizens can exercise accountability over their leaders is by the ballot or the courts. When these methods fail, the Congolese Constitution specifically upholds the right of citizens to peacefully protest. The BDK has been gravely discriminated against and subject to massive political pressure, and police violence—in part adding to their rising popularity as a channel for the frustration of the Kongo. It is a movement that could increase its religious-ideological penchant for violence against secular state institutions, as well as an exclusive view in relation to “non-originaires.” Without concrete advances in local governance issues and dialogue at a national-provincial level, it is likely that we will see violent clashes between BDK supporters and the national government in the next 18 months.*

The Bundu Dia Kongo (BDK,) a politico-religious movement, has become a sort of spokesperson for the frustrations of the population of Bas Congo. “*Ils osent dire tout haut ce que tout le monde pense tout bas.*”<sup>60</sup> Even the current governor, who has stated his disdain for the BDK, asked the BDK to bring parliamentarians together in order to present a common position to the national government in relation to the question of the retrocession of 40% of the revenues of the province back to the provincial authorities. BDK followers can

express themselves with emotive language, with expressions such as “*There is nothing more sacred than dying for the cause of making sure that laws are respected by the men they are supposed to govern.*” However, it remains a largely non-violent movement that is open to non-violent forms of conflict mediation. Civil society laments the lack of mediation structures to try to find a peaceful resolution. They would like to have a ‘cadre de concertation’ to bring the population, including the communes, sects, religious confessions, NGOs and central government together before September. The BDK has widespread popular support as the only group willing to stand up to the central government and defend them.

According to the governor, the BDK are an “issue to be dealt with firmly to avoid insecurity and attract investors.”<sup>61</sup> This Manichean vision of BDK as an irredentist “Jihadist”<sup>62</sup> movement against a legitimate government promoting economic growth risks to only aggravate existing social grievances to the boiling point. The governor has neither the charisma or the vision to address these issues, and the avoidance of all issues related to the January-February massacres is a sign that the government will likely choose the path of repression when another demonstration occurs.

**Economic**

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Bas Congo is estimated to supply Kinshasa with over 80% of its manufactured goods by connecting the country to the Atlantic, as well as supplying a large (estimates unavailable) quantity of agricultural products to the capital. Like most of the other provinces in the DRC, Bas Congo has been highly marginalized, with the central state extracting revenues earned at Inga, Matadi Port, and the Petroleum sector (Perenco). This was particularly acute in Bas Congo following the deposition of President Kasa Vubu and the resulting opposition to Mobutu in 1964. Up until recently all major private and public positions have been controlled by those from outside of the province (*non-originaires*). This has provided an important rallying point for the BDK, especially in relation to the “expatriate salaries” being paid to those from other parts of the country.

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<sup>60</sup> Repeated by almost every interviewed BDK person, this phrase was apparently an expression used by Kasa Vubu during decolonization.

<sup>61</sup> This opinion about the BDK was also re-iterated by the Mayoress of Boma. Interview Boma. July 2007

<sup>62</sup> Term used by government officials in Kinshasa. Interviews July 2007

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There is currently a Bas-Congo initiative in the framework of the Public Private Partnership (PPP) of president Kabila which would create a free-trade zone between Congo-Brazzaville, Angola, and DR Congo, similar to the CEPGL. There are MoUs between Brazzaville and Matadi for the discharging of commercial goods, but no national legal agreement.<sup>63</sup> Automation and modernization of Matadi port has started but there were no signs of efforts to find alternative employment for those whose jobs are now surplus to requirement. As automation progresses, strikes and discontent can be expected.

Bas Congo is the only province that has petroleum reserves, with a production estimated at 30,000 barrels/day (20,000 offshore, 10,000 onshore). This is dominated by the company Perenco which bought out the concessions of Chevron (offshore, 1012 Km<sup>2</sup>) and SOCOREP (onshore, 463 Km<sup>2</sup>). These concessions are under contractual agreement with the Congolese state signed in 1969 and extended by Laurent Desiree Kabila in 2000 until the year 2025. The Congolese state is represented by the « sleeping partner » of COHYDRO with supposed interest of up to 20% of the revenues generated. Initial figures indicate that the Congolese state earns around 50 million USD a year (10% of total revenues). Lack of technical expertise, mismanagement and corruption has all contributed to the Congolese state not earning its just value on the concession.<sup>64</sup> Not only have none of these revenues benefited the province, but most recently the company PERENCO has admitted that « large amounts of oil were dumped into the adjoining rivers due to a corroded pipeline.<sup>65</sup> The revenue gained from the Petroleum concessions (and the legality of these concessions!) will be a flashpoint of contention for the effectiveness of article 175 of the constitution.

### **Social**

The first independence and nationalist movements started in Bas Congo and the first capital of the Independent Congo State, (IEC) was Boma. The Nekongo are proud of their history and their culture and that the first president of Zaire was from Bas Congo. But during Mobutu's rule, Bas Congo was kept in check by the appointment of "*non-originaires*" (people from outside the province) as heads of all major public and private entities (SNEL, REGIDESO, ONATRA, governor, Military commander, chief of police) This practice has continued in the post-transition period, fueling local sentiments and opening the way towards xenophobia.

Every person interviewed stated that they were waiting for the 40% of the income of the province, which has been promised to be addressed during the month of September. The minister of plan of Bas Congo stated that "there will be no negotiation. The debt that needs to be paid off, could already be paid by the six months in which there was no retrocession of the funds. In any case, once there is effective decentralization, we will have at least three times as much revenue, and that will mean that the central government's sixty percent will actually be more like 90."<sup>66</sup> The 40% has come to represent a sort of financial last stand off between the province and an extractive center. This could be used as a spark by the BDK to launch important demonstrations against the government, capitalizing on the general discontent of the population with the government authorities.

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<sup>63</sup> Interviews Guichet Unique Matadi Port

<sup>64</sup> Interview Monuc Political Affairs Division, July 2007. Figures are provided for illustrative purposes and are not verifiable without transparent accounting records of the DRC government.

<sup>65</sup> The vice-minister of the environment, Didace Pembe, confirmed the pollution of the local water supply in the rivers of Nzenzi and Siansitu with a « coagulation of oil in these areas of 1.5 meters in depth ». <http://www.mafroma.org/journalpac64.htm>

<sup>66</sup> Meeting with HE Provincial Minister of Plan Photo.

### Aid Responses

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'Donors go to the East' – that is the impression of civil society representatives.<sup>67</sup> Civil society actors were consistently vocal about the “double standards” applied by the national government and the international community to unrest in the Eastern part of the country (Ituri, Kivus) and to the West (Bas-Congo, Bandundu). As summed up by one civil society representative: “The international community negotiates between the government and Nkunda in the Kivus and the Ituri warlords; but refuses to support political negotiations between the central government and the BDK.”<sup>68</sup> Civil society complained that their knowledge of and relations with the population are underestimated, and that their opinions are rarely solicited to reduce and prevent conflicts. They also stated that more locally driven mediation efforts should be supported by the international community.

### Ways Forward

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The elections of the governor by indirect suffrage were in large part favoured by the international community due to the time/resource constraints of conducting another round of direct elections. However, indirect elections for the governor allowed for a wider margin of cooptation and corruption, distancing the Bas Congo population from their leaders who were tasked to represent them.<sup>69</sup> Extreme caution should be approached with the upcoming local elections. This should notably include measures to avoid “Politics as usual” for the local elections. The following actions should be taken:

- Adopt a common position by the international community that political violence to repress opposition members, (notably the BDK) will not be tolerated. This should also include judicial action to be taken against commanding officers in Bas Congo and those responsible for giving the orders from Kinshasa.
- Increase international presence, notably reinforce the MONUC political office, and international electoral observers for the local elections
- Accelerate capacity-building of local organizations to monitor over the 2008 local elections and ensure they are conducted “free and fair”.

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<sup>67</sup> In comparison to the East of the country there is a limited number of international donor agencies, principally UNDP, UNICEF, BTC, and UNFPA.

<sup>68</sup> Although this quote comes from a member of the BDK, it is an opinion shared by a large part of Bas Congo civil society. Interviews Boma, Matadi, Kinshasa.

<sup>69</sup> As one diplomat based in Kinshasa mused “It is much cheaper to buy off the parliament indirectly, then all of the population directly.”

## **Annex 4: Katanga Case Study**

### **Anaia Bewa**

From July 18 to 22, 2007, the team of two DFID consultants, Tony Vaux, Humanitarian Initiatives, and Anaia Bewa, COR, Consulting & Communication conducted a short field trip in Katanga as part of the SCA process. This report covers specific findings on the security, political, social, economic dynamics that threaten stability and peace as well as on the decentralisation process as part of the political development of the country.

### **Background**

Located in the Eastern South of the Democratic Republic of Congo (DRC), the Katanga province is surrounded by Angola, Zambia and Tanzania. Endowed with tremendous natural resources, the province was the first industrialised region in the country. It is part of the Central Africa copperbelt. From colonial times, Katanga has been the economic powerhouse of the country thanks to early investments done in the mining sector. Its political history is marked with many violent events.

### **Security Issues**

Social and economic development is concentrated in the Southern part of the province whereas in North Katanga instability and poverty undermine any development potential. This DDR process was particularly badly managed in this area. Various militia groups still operate in the so-called 'death triangle', between Mitwaba, Pweto and Dubie. Sporadic incursions and attacks against civilians threaten the peace of Northern communities and the stability of the whole province. Warlords such as Macabe are still on the terrain.

All this has generated a feeling of exclusion and xenophobia among the people of the North. One of the most shameful events in the history of Katanga and the DRC was the Luba ethnic cleansing led by Northern xenophobic political leaders while in power in Lubumbashi. Part of the current disappointment of the Northern population resides in the fact that the elections did not raise a new, strong and visible leadership. The newly elected national and provincial deputies are based far away in Kinshasa or Lubumbashi, swamped in political agendas that do not necessarily meet local expectations. Frustration is increased because the area is considered privileged by being represented in the highest position in the country. President Kabila's family originated from Ankoro and yet the people live in total poverty and insecurity.

In this context, decentralization has the potential to trigger instability and conflict. To give peace a chance, the DDR process needs to be finalized through the integration of armed groups into the army. Timeliness is critical to smooth local elections and to ensure the stability of the Northern part of the province. Developing community-focused reinsertion programmes that address both ex-combatants and community members' social and economic needs are also necessary. Additionally, stabilisation programmes should tap on this region's high agricultural potential, focusing on food security and providing the means of rural livelihood.

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### **Political**

Moise Katumbi, the current governor of Katanga, has brought a new dynamism to the province. His family became rich from business related to mining but he was a political refugee during Laurent Kabila's rule, living in Zambia. Since his return he has developed a strong popular base, including president of the DRC's top soccer team. His strong and clear vision meets people's expectations and at the same time, he fills the central power vacuum, alternatively responding to local problems as the Minister of Mining or Minister of Labour. People in the street never refer to the provincial assembly but to the new Governor.

If his personal political agenda cannot be established, his business interests are more obvious. A problem is that he is both businessman and politician. This has enabled him to achieve a monopolistic position through use of his authority. Furthermore, the low financial capacities of new institutions such as the provincial government or assembly open the way to buy support and the voice of politicians.

Among the key external players are the big companies, which have become the main providers of basic services. The security of their investments depends on the stability and development of the province. But the relationship between the companies and the authorities is dangerously close. There was public anger when the trucks belonging to one of the international companies was used to transport FARDC troops in an incident which led to several deaths. Although the trucks may have been commandeered, the negative public perceptions were created.

The Governor and the companies are currently the key players in economic development and their actions may determine whether or not violent conflict occurs. The provincial assembly is dominated by parliamentarians from the presidential alliance, particularly represented by loyalists of his ethnic group the Balubakat through UNAFEC, former governor Kyungu's party. The opposition is only eight percent of the total assembly. Being so weak, the political opposition will not be a true political alternative in the province, particularly during institutional crisis that the political and administrative decentralisation might generate.

This concentration of power presents risks which could be reduced by wider participation and representation. Donor support to civil society and the media will help raise an alternative voice in the province, particularly to face widespread human rights abuses.

### **Social and Economic**

Since the establishment of the mining union created by the colonial power, mining in Katanga has followed an industrial model. GECAMINES is said to have employed as many as 80,000 persons until the early 1990s and was regarded as a state within a state, providing all the basic social services to the population. Even the University of Lubumbashi, with a curriculum tailored to the mining market, was sustained by the national company. Although the province had potential for agriculture, mining moulded the economic architecture.

Mismanagement led to the fall of GECAMINES in the early 1990s. The whole social and economic fabric was destroyed and the workers resorted to artisanal mining for survival. Few programmes were developed to offer an alternative for the jobless population.

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The recent resumed interest of international mining companies in Katanga has led to a change in the mining code. This now encourages a very industrialized type of mining that excludes artisanal miners and small national companies. Up to now, investments from these international companies has exceeded \$4 billion but with relatively few jobs. In some cases, entire villages have been erased from concession areas.

A middle scale mining model may be part of the solution but there has been little coherence in finding a response. Key local actors, such as PACT, EMAK (the artisan diggers union), civil society organisations and provincial authorities are still working in different directions.

## **Annex 5**

### **THEMATIC STUDY ON DECENTRALISATION**

**Anaia Bewa**

#### **I. Introduction**

1. The Congolese political and territorial management is transformed by the decentralisation process. The Constitution enacted in February 2006 has changed the country governance system. Actually, through decentralisation, provinces as well as other decentralised territories become autonomous and get the decision power over their human, administrative, economic, and financial resources. It is a total transfer of power, responsibilities and resources from the central to the local level, in order to improve democratic governance facilitate local and national development.

2. Although, decentralisation is a very complex and difficult democratic process, the Democratic Republic of Congo (DRC) seized it as a key step in the democratisation path. Its ultimate goal is to promote democracy and development, based on the following principles: subsidiarity, autonomy, efficiency, proximity, development, and participation.

#### **II. History of Decentralisation in the DRC**

3. From colonial times until 1982, the Congo has always been under a very much centralised political system. Rebellions that broke out in 1963, multiplying the number of provinces – from 6 to 21- pushed the central government to adopt a federalist constitution.

4. After his accession to power in 1965, Mobutu's first political measures focused on restoring the national unity and a strong state through a centralised regime. It was the first administrative and political centralisation of this nation. He reinforced the central public administration, reduced the number of provinces from 21 to 7, abolished provincial governments and assemblies, and changed local authority's elective position to an appointed one. Later, in 1974, he achieved his political reform by the establishment of a monolithic party, the People Movement for Revolution (MPR) and, inspired by the Chinese model, merged it to the state, as the state's party. At the same time, all the executive, legislative and judiciary powers were concentrated in the President's hands. Strangely enough, this dual centralisation was, in its political and administrative form, the exact opposite of the current decentralisation plans.

5. A couple of years later, the centralisation of power showed its limits in the incapacity of the central to manage efficiently security, economic, political and social issues of the peripheries. Based on this admission of failure, Mobutu enacted in 1982 the decentralisation programme, called the Vunduawe Law. The main characteristics of this administrative and territorial decentralisation were:

- New territories denomination;
- Legal autonomy of the five territorial layers;
- Determination of national and regional fields of competence;

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- Establishment of three main decentralised bodies at all level: the local authority (executive), regional assembly and local council (deliberative and control institution), and the MPR party committee;

6. Created by the authoritarian regime, the decentralisation process encountered inevitable pitfalls. Lack of political will to transfer power, loyalty of local authorities to the President rather than to the population, lack of financial resources, lack of financial autonomy, incompetent local leaders, bad governance and corruption never brought the impetus expected from this reform.

7. In 1997, the new rulers changed the denomination of the DRC territories back to former names of 1973. Province, district, territory, sector, city and commune replaced region, sub-region, rural zone, urban zone, etc

8. Finally, the decree of July 1998 reorganised the Congolese public administration and territorial organisation by restricting the legal administrative autonomy only to province and town. It has also instituted executive and deliberative bodies, as well as reinforced de-concentrated public services. At the beginning of the war, this reform was a move back to a strongly centralized state as before the 1982 reform.

### **III. Decentralisation in the New Constitution**

9. The decentralisation provisions in the Constitution were designed during the period of the political transition in the DRC. Former belligerents and political opposition reflected on the new form of the state that has to emerge from the post-conflict environment. The authors' ambitions as well as the drafting environment made this decentralisation a singular and critical process.

10. The Constitution established the main features of Congolese decentralisation: legal entity; new territorial boundaries; share of competences between the central and the peripherals; financial autonomy; local level institutions, etc

#### **Legal Entity**

11. Under the new Constitution, the DRC has 25 provinces plus Kinshasa, the capital. All are legal entities. Provinces have exclusive competencies different from the central State. In addition, provinces share specific competencies with the central power and also the national revenues, respectively representing 40% and 60%. However, the sub-sharing of the 40% between provinces and the lower territorial levels are not clarified yet.

12. All provinces include further decentralised levels of governance (city, commune, sector and chiefdoms) which are also legal entities. Based on the principle of subsidiarity, this territorial subdivision aims to create a fresh impetus for development.

13. The Constitution also designates the Constitutional Court as the highest jurisdiction in case of conflict between the central power and provinces.

#### **New Territories Boundaries**

14. The new provinces are: Bas-Uelé, Equateur, Haut-Lomami, Haut-Katanga, Haut-Uelé, Ituri, Kasai, Kasai Oriental, Kongo central, Kwango, Kwilu, Lomami, Lualaba,

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Kasai Central, Mai-Ndombe, Maniema, Mongala, Nord-Kivu, Nord-Ubangi, Sankuru, Sud Kivu, Sud Ubangi, Tanganyika, Tshopo, and Tshuapa.

15. Most of the former provinces have been split into three or four units. Five out of the eleven will not be subdivided: Kinshasa, Bas-Congo and the former Kivu Province which has already been divided into North and South Kivu, as well as Maniema. In many cases, former districts have become province. However, many of the new Provinces have questionable boundaries that relate neither to ethnicity nor historical social group cohesion or economic development.

### **Share of Competences between the Centre and the Periphery**

16. The Constitution defines the competences of the state's entities. The article 202 specifies 36 domains being of exclusive competences of the central State. The article 204 determines the responsibilities of provinces in 29 fields of competence, while the article 203 lists 21 comparative competences of both the central State and provinces. This mixture of competences shows the high level of collaboration needed between the two levels to push forward the development of the country and the potential for institutional conflict unless a clear and coherent national institutional strategic plan is in place.

### **Financial Autonomy**

17. The central State and provinces have distinct budget as stipulated in the article 171 of the Constitution. This means they both draft and enact separate budgets every year (article 175).

18. To support the financial autonomy of provinces, 40% of the national revenues is to be allocated to provinces. Hence, 60% of the national revenues will go to the central level while 40% will stay at the provincial level. But the Constitution does not specify any implementation plan or calendar. It simply mentions that a law will fix the nomenclature of other local taxes and their modus operandi.

19. The National Adjustment Fund (NAF) has been established as a legal and State entity. It was commissioned to finance public projects, to ensure consistency by regulating and adjusting the development gap between provinces and decentralised territories. Every year, the public Treasury will fund the NAF with 10% of the national revenues.

20. The National Audit Office has the control of provincial and decentralised territories' finances in its prerogatives (article 180).

### **Local Level Institutions**

21. The main provincial institutions are the provincial Assembly and government (article 195).

22. The provincial Assembly is the deliberative body on issues relevant to the province's competences. It also ensures the control of the provincial government, as well as of provincial and local public services.

23. The provincial government includes a Governor, a Vice-governor and ministers. The two first are elected by provincial deputies for a five-year mandate. The Governor appoints ministers from or outside the provincial Assembly.

24. Institutions of other decentralised territories are not specified in the Constitution. The organic law will determine them.

### **IV. Critical Issues on Decentralisation**

25. Decentralisation leads to a dramatic transformation of the social, economic and political life of the nation. It deeply alters the relationship between institutions, people and communities, as well as their relationship to power and responsibility.

26. As well as the expected democratic benefits, decentralization could have negative effects. The change is taking place in a very precarious environment including a context of:

- Decades of centralised power;
- Political exclusion;
- Weak national and local governance capacities;
- Lack of provision of basic services such as education, health care, etc;
- Disorganisation and sometimes absence of public administration;
- Lack of permanent mechanisms for people's participation;
- Absence of the rule of law and respect for human rights;
- Deteriorated and highly dependent economy;
- Weak leadership

27. It is important therefore to view decentralization in relation to this specific context.

### **Factors relating to conflict**

#### **Unitarianism and Federalism**

28. Federal and unitary states may be considered in relation to their differences at the national level and relationships between the centre and peripheries-

- 1) At the national level, power in a unitary state is centralised and the legislative and judiciary represent weak counter-power. In a federal state, shared powers are managed in a decentralised way.
- 2) In a unitary state, power is highly concentrated at the centre which determines the level of de-concentration and autonomy at the periphery. By contrast, in a federal state power is located both at the centre and at the periphery in a manner that is guaranteed under the Constitution.

29. The DRC claims to be a unitary state but the Constitution has created ambiguity about the provinces. Even if the Constitution is silent about their form, provinces are likely to operate as federal states, with local government and deliberative bodies. Decentralisation confers on provinces a special status different from that of other decentralised entities. This clear distinction, specified in article 3, is also demonstrated in the articles describing provincial institutions, transfer of competences and resources, sharing of power, and competitive competences with the central State (articles 195 to 206).

30. Provincial leaders have quickly understood the new prerogatives that the Constitution gives to their entity. Hence, they claim for an immediate exercise of this "federalist power". But as stated above, the unitary state, with a culture and practises of centralisation, will still tend to maintain power at the centre. Furthermore, from a hierarchical model, it may seek to determine the level of autonomy of provinces,

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putting itself in a conflicting position with the Constitution. The new Congolese Constitution has created a structural dilemma.

31. The state's inherent resistance is currently being expressed through administrative delays. The scapegoat of the Government is the Minister of Interior, Decentralisation and Security (MIDS). The weakness of the process at the beginning and the authoritarian way under which the decentralisation project was developed perverted the relationship between the provinces and the Minister. Therefore, any support to the Ministry is perceived as reinforcing the centre against the Constitutional power of provinces. For instance, governors and provincial deputies have threatened to boycott UNDP provincial workshops, as well as the National Forum on Decentralisation if the Ministry of Interior is still the main organizer. In an unexpected way, provincial institutions made up largely of the ruling alliance members, have become the only active political opposition.

32. The second level of difficulty lies in administrative issues. Decentralization is intended to improve the efficiency of public administration and allow people's participation in the local development process. But in its relationship with the provinces the central State tends to reorganise the public administration in way that maintains its control. The challenge is to determine the scope and the field of transferred competencies and services between these two levels of the state. The current decentralisation project tends to propose more a de-concentration approach than a real administrative decentralisation. The Government has recommended the creation of de-concentrated territories in parallel to decentralised territories (draft organic law, article 8).

### Corruption, Impunity and Patrimonialism

33. In the PRSP, corruption, impunity and bad governance have been identified as the main causes of poverty. The benefits go to the political elite rather than the majority of people. This was a factor in the civil and armed conflicts war of the 1990s. Furthermore, patrimonialism has allowed mismanagement to continue. The same factors will limit the positive effects of decentralisation, particularly in the education and health sectors. The same factors that led to Mobutu's overthrow are still present today. Decentralization may simply empower local elites at the expense of the population.

34. Elections have brought high expectations of democracy. Failure of local governments to ensure delivery of basic social services and a better welfare while maintaining their kleptocratic behaviour could provoke an implosive situation. The reason is that the shift of responsibility of state's failure allows a more localised, thus concentrated conflict. From a conflict perspective, some provinces are more subject to civil tension than other, particularly those where the legitimacy of political leaders is in doubt because of questionable elections.

35. To overcome such problems there needs to be good governance and transparency. The key component of good governance is the reform of the justice sector to curb the impunity that nurtures corruption. But the limitations of the current justice system were demonstrated during the elections when the Supreme Court was put in a very compromising posture. The establishment of three higher justice bodies is the proposed solution: the Cassation Court for all civilian matters, the State Court for all public administrative issues and the Constitutional Court addressing all law related disputes on constitutional issues. The High Court of Judges is responsible for ensuring independent appointment of judges.

36. Engaging the population in the decision-making processes will promote transparency and accountability of local leaders. Furthermore, it will address issue of the access to local resources and the sensitive issue of civil servant payment.

### The division of Provinces

37. The territorial division set out in the Constitution is highly sensitive with regard to population density, ethnicity and electoral ambitions. The land issue has been a key factor in most of the local conflicts in past years. For decades, communities have fought against one another, locally and regionally, for possession of land. Access to land gives access to food, shelter, agriculture fields, and revenues. Thus, the land provides a sustainable livelihood, an economical independence, as well as a social integration that ensures stability. These fundamental human rights are at risk in most of the highly populated areas of the country.

38. Therefore, it is not surprising to note the correlation between the country's highest density in the East and instability. Land is the scarce resource of the Kivus and at the same time the means to exercise local power. Most clashes are focused on access and possession of land. Furthermore, the neighbouring countries of the Kivus experience the land issue even more acutely. Territorial division is bound to create risks.

39. However Provinces are divided, some ethnic groups will be demographically bigger than the others and therefore able to dominate the electoral process. The culture of sharing power within the same group will reinforce the dominance of the majority and tyranny over other ethnic groups might lead to disengagement from common development goals or even conflict. It can also happen that a minority ethnic group could also impose its tyranny over the majority thanks to financial power and political manipulation.

40. Representation should be a fundamental conflict-sensitive principle in the decentralisation process. Local institutions as well as laws have to take into account the representation and participation of all social groups.

### Pace

41. After thirty-two years of dictatorship, sixteen years of transition, and five years of war, people are impatient to see the rebuilding of the country. Through the electoral process, the Congolese population expect new institutions, new leaders as well as a new governance approach that will clearly and quickly respond to their basic needs and to development challenges. However, the people, the politicians and the institutions have divergent expectations.

42. At the grass-root level, people think that the new institutions will bring an immediate change to their social and economic status. But so far, decentralisation is an elite-driven process. Politicians are playing with the people's overall impatience. Many governors have already raised the promise of a better life as soon as the 40% will be implemented. This puts increasing pressure on all institutions involved in the decentralisation process. For example, the National Adjustment Fund is critical to ensure an equitable development of less wealthy provinces and contribute to the country's financial engagements. But neither this, nor transparent financial arrangements in the Provinces are in place.

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43. Although, the article 3 of the Constitution does not mention a chronology for the political and administrative transformation, some articles from key laws on decentralisation state the necessary timing. For instance, the division of provinces is set to take place within three years. But there is no strategic overview to align the centralist will of the central government, the provinces' insistence on high speed and the people's expectations. The time management requires a strategic plan that brings together a common vision, a provincial development plan and information towards population. If not, a mismatched calendar of these different actors will fuel confrontation and clashes.

### *New Political Role of the Wealthy Provinces*

44. The Two provinces are likely to lead the decentralisation process: Katanga and Bas-Congo. Historically, these two provinces have led the main political and social changes at the national and the local levels since the early 60s. Katanga was the province at stake because of secessionist pressures during the independence period while Bas-Congo was politically active at that time. Recently Bas-Congo has suffered political violence.

45. In both provinces, decentralisation is perceived as a readjustment process. People have suffered years of frustration and feelings of injustice. While their basic social needs were not fulfilled, the exploitation of natural resources generated revenues that went to individuals at the central level and to Western countries. The mood of 'provincial revenge' is particularly strongly felt in these two wealthy provinces that have suffered from a low level of development despite a very profitable natural resources. The people of Bas-Congo and Katanga seem determined to push for their social and economic rights till the end. The elections have woken up the population and civil society organizations are working to exercise their new democratic rights. There is potential for violent conflict if urban manifestations and strikes become caught up in the agendas of provincial extremists or are strongly repressed.

46. New national models may emerge from these two provinces. Provincial leaders may be able to fill the gap of strong leadership at the centre. Their political influence is increasing at the national level. They will accelerate the process towards political autonomy and drive the province to operate and behave as a federal state. Their local revenues will provide them with the capacity to address their own development challenges and address the population's needs.

47. This puts the provinces in a very strong position to negotiate with Kinshasa especially as Kinshasa depend on them for revenues. This is an important shift of power and influence and may have far-reaching political results.

### **V. Challenges and Opportunities**

48. Democratic decentralisation is a stated goal of many developing countries but there are considerable institutional and political challenges involved in making it a reality. Central institutions and agencies may be reluctant or unwilling to share significant powers with local governments, even if official government decentralisation programmes are underway.

49. But decentralisation is, in principle, a powerful tool for achieving a balance of power. It can help to overcome conflict that arises from years of political and social

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exclusion. Decentralisation also addresses the ethnicity dimension of the Congolese politics. The political decentralisation chosen by the Congolese Constitution allows elective bodies to address population concerns. Therefore, it provides the means to share power among various communities and ethnic groups and improve participation of minorities and vulnerable people.

50. Decentralisation should deepen democracy and consolidate peace. The transfer of competences from the top to the bottom should be seen as a great opportunity for leaders to take decisions that affect positively and immediately people's lives. In the DRC, the success of decentralisation is linked to stakeholders' capacity to use decentralisation as a tool to challenge abuse of power and to promote public participation in the state and development matters.

51. Otherwise, decentralisation is a threat to the state's stability and ultimately to peace. Decentralisation should be an outcome of the democratic process, pushed by social demands for more autonomy and by internal and external pressures on the government to fulfil its commitments in favour of a rational, efficient and strong state. But there is a risk that the Congolese process will be little more than a struggle for power.

52. Overcoming local elite capture and generating genuine local participation will be extremely difficult. Institutional and political mechanisms need to be explored and supported to facilitate effective decentralisation that will rebuild the state from the lower level. This process shifts the emphasis from institutions' capacity building to local groups' capacities building. And a particular attention has to be given to the development of external accountability through appropriate local structures and mechanisms such as civil society organisation, local elections, etc.

53. In general, donors' support to the decentralisation process focuses on promotion of good governance and service delivery as well as on institutional capacity building. The DRC process requires donors' short-term caution and long-term resilience through aid provided in a longer perspective. Their assistance has to explore the challenges of developing institutional mechanisms for hierarchical control and internal accountability which are potentially subject to considerable abuse and elitism. As part of the post-electoral support to the DRC, donors should push for a comprehensive strategy on decentralisation.

54. The scope of decentralisation has to be assessed not only from the political perspective but also the administrative, fiscal, and social ones. There is a need for further study of these issues at all levels. Thus, a further study on decentralisation will inform on local institutional and political structures, process, and challenges in developing institutional mechanisms. It will explore conflict triggers related to DFID governance/decentralisation programme in the overall environment. This will help identify structural elements conducive to decentralisation and principles that mitigate expected conflicts.

## Annex: 6

# Education and Conflict in the Democratic Republic of Congo (DRC)

Tony Vaux

### Introduction

This paper examines the relationship between education and conflict in the DRC and draws out implications for DFID's support to the World Bank Education Sector Support Project.<sup>70</sup> The analysis of conflict in DRC derives from the SCA undertaken in July/August 2007. During that mission special investigations were made about conflict issues including interviews with education specialists, officials and union representatives in Kinshasa as well as Lubumbashi. The analysis of the education sector in DRC draws particularly on the World Bank Education Country Status Report.<sup>71</sup> Unless otherwise stated statistics used in this paper are drawn from this source. Reflecting DFID priorities the paper is focused particularly on primary education.

### 1. School enrolment and attendance

Primary education in DRC was relatively good during the colonial period with an estimated 70% enrolment rate at the time of independence. But the colonial system did not favour secondary and tertiary education. These were badly neglected and mainly limited to technical and vocational subjects. Policies in the Mobutu era set out to reverse these trends and by 1992 89% of boys were enrolled in primary school (less attention was given to girls but the average was still over 80%). Since then there has been a rapid decline especially following the conflicts of 1996 onwards. The most recent figure for the primary school Gross Enrolment Rate is 64% and still declining.<sup>72</sup> This is low even for Africa. In secondary and tertiary education enrolment rates remain a little above the average in the region although much reduced from earlier levels and with sharply declining levels of quality. Secondary and tertiary education remains largely confined to elites. Only 40% of children who enter primary school go on to secondary education and only 2% reach higher education.

The Gross Enrolment Rate for boys is higher (72%) than for girls (56%) and dropout rates for girls are higher (see below). Children are often enrolled very late (only 12% of children in the first grade are aged 6 or less) and often miss subsequent school years. Primary school enrolment and retention rates are sensitive to wealth ranking with a range of around 10% variation between the wealthiest and least wealthy families.

The decreasing level of primary enrolment is only partly due to the direct impacts of war. At the height of the war in 2001, a World Bank Survey found that cost was the most important cause of dissatisfaction (45%) with quality coming second (36%).<sup>73</sup> The survey found that affordability was the reason for non-attendance in 57% of

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<sup>70</sup> World Bank (2007) *Project Appraisal Document*

<sup>71</sup> World Bank (2007) *Poverty Diagnostic –DRC Chapter 6*, World Bank

<sup>72</sup> The reliability of these figures can be questioned. They are likely to be much lower and high dropout rates make GER only a limited part of the picture..

<sup>73</sup> World Bank op cit p79

cases whereas schooling disrupted by war was the problem in just 12% of cases, school destruction in 5% and children recruited as soldiers 3%. The remarkable spread of education during the <sup>74</sup>Mobutu era is confirmed by the fact that distance from school is cited as a reason for non-attendance in only 10% of cases.

### 2. The problem of cost

For many years even before the period of conflict, teachers' salaries remained almost unchanged. Regularity of payment has declined particularly in recent years. Since the early 1990s very few new teachers have been appointed to the government payroll but the number of children has increased especially in urban areas. Enrolment rates in urban areas are much higher than in rural areas (72% compared with 44%). In order to cope with this problem schools have taken on unqualified teachers who remain outside the government payroll.<sup>75</sup> Nationally 38% of teachers are now in this category (known as non-mechanise or NM teachers). Their salary is derived from fees charged to parents. In order to cover the cost of the new teachers and pay supplements ('motivation fees') to the registered teachers, parents now pay a high proportion of school costs, perhaps over 75%.

In public (government-managed) schools the range of charges for education is extensive. The official annual capitation charge (Minerval) now amounts to only 2% of total fees. It is supplemented by 'motivation' charges for teachers (47% of fees), running costs (21%), exam fees (16%) and other charges for repairs etc. The World Bank survey estimates the cost of a child in primary education as \$30 per year and the total average cost of education per household as \$150 per year.<sup>76</sup> However, the latest research suggests that these figures are exaggerated.<sup>77</sup> The fees per child in Grades 1-5 average \$13 rising to \$17.5 in Grade 6. Further costs for uniforms etc add about \$9 giving an average cost per child of around \$25. For larger, poorer families the costs of education for all children are likely to be prohibitive. In effect the costs lead to marginalisation of poorer children and girls.

The level of teacher salaries (around \$28-30 per month at primary level) is low by Sub-Saharan Africa standards.<sup>78</sup> There are considerable problems of payment and sometimes funds allocated for teachers' salaries disappear through corruption. Moreover, higher officials, who also receive low salaries, have come to expect payments from those below them in the chain of authority. Teachers have to pay back part of their salary (or have it deducted at source) to supplement the pay of higher officials. This system of payments seems to have come about because basic levels of payment from government have become inadequate. The charging of fees reflects practice in other sectors (health, police etc) and is now deeply entrenched. It is thought that substantial amounts reach the highest levels of authority. Parents are paying not only for their children's schooling but for the entire educational superstructure.

Corruption, low salary levels and non-payment of teacher salaries by government lead to further negative effects. Teachers seek bribes for letting children pass examinations or for showing them exam questions in advance. This benefits children who can pay while poorer children fail their exams and have to repeat a grade, at

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<sup>74</sup> World Bank op cit p87

<sup>75</sup> Not all NM teachers are actually unqualified, nor are all registered teachers qualified.

<sup>76</sup> World Bank op cit p87

<sup>77</sup> Johan Verhaghe –personal communication

<sup>78</sup> This is expected to rise substantially in 2007-8, perhaps to \$50.

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considerable cost. Poorer children sometimes have to work for teachers, cultivating their fields. Either way the result is a high dropout rate among poorer children, especially girls

The highest prevalence of NM teachers is in the areas most devastated by the wars, notably northern Katanga, Maniema and North Kivu where the proportion is 60%. There are reports that the best teachers from Bukavu and Goma in the East are being headhunted to work in Rwanda.<sup>79</sup> The average number of students per teacher across the primary system is 32 (18 in secondary schools) which is not particularly high for Sub-Saharan Africa but absenteeism and uneven distribution of teachers leads to serious overcrowding. Classes of over 50 are reported to be common, especially in urban areas.

The negative impact on girls' education is greater because parents tend to give preference to boys when they have to make choices. Faced with financial difficulties, parents tend to withdraw their youngest children first on the basis that they have invested least in them. The next strategy is to withdraw girls.

### 3. Religious schools

As a legacy of the colonial period, most primary schools (72%) and secondary schools (64%) are still managed by religious institutions using state subsidies.<sup>80</sup> In DRC these are referred to as public schools. In practice there is not a real distinction between public and private schools because all of them charge fees.<sup>81</sup> In the case of religious schools the fees are sometimes lumped together into a single charge, which may be higher than in non-religious schools. Quality of management is said to be higher in religious schools but dissatisfaction on grounds of cost is actually higher (54%) than for public schools. There is evidence to suggest that fees charged in religious schools not only pay for school costs but produce a 'profit' for the church.<sup>82</sup> Despite using state funds, church schools openly discriminate in favour of children from their own religion.

### 4. Public financing

Although lack of public finance because of the war is often cited as a direct reason for non-payment of teachers' salaries, the truth is not quite so simple. The public contribution to education has been dropping as a percentage of the national budget (down from 25% in 1980 to 6% in 2001) and amounts to only 0.6% of GDP, well below the Sub-Saharan average of 4% of GDP.<sup>83</sup> Despite the impact of aid inputs, spending for social services amounts to 7% of public expenditure compared with 18% for defence and 14% for the Presidency (including Republican Guard). Although the government is formally committed to using HIPC funds to reduce school fees this does not seem to have had any significant impact, and in the current year HIPC funds have been directed only to vehicles, printing and school rehabilitation.

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<sup>79</sup> Vlassenroot, K and H Romkema (2007) *Local Governance and Leadership in Eastern DRC*, unpublished paper

<sup>80</sup> Down from 85% of primary schools at the time of independence.

<sup>81</sup> There seem to be very few private schools, and those located mainly in Kinshasa.

<sup>82</sup> Johan Verhaghe –personal communication

<sup>83</sup> World Bank op cit p86

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Within this declining education budget, primary schools have fared the worst. Public spending per student on secondary education is nearly double the primary level and eight times as much at tertiary level. The spread of funding across primary schools has been uneven with the highest allocation per pupil in Kinshasa and Lubumbashi where the population is relatively well off. Official teacher salary levels in Kinshasa are twice as high as in the rest of the country, mainly because of special payments for transport.<sup>84</sup> Government contributes only about \$3 per year per primary student<sup>85</sup> whereas parents pay around \$30<sup>86</sup>. Moreover, the World Bank found 'an astonishing variation' in charges across Provinces and across schools. Better-off areas pay more in additional fees. The 'motivation' fee paid to teachers in Kinshasa is nearly six times the amount paid in Bandundu.<sup>87</sup>

### 5. Other Problems

These include-

1. Lack of teacher training: nearly half the teachers today are unregistered and mostly untrained. Some teachers are registered without being qualified and qualified teachers receive little further in-service training. Teacher training establishments tend to focus on subjects such as commerce which can be taught privately.
2. Dilapidated buildings. Virtually no public investment has been made in school buildings since the early 1990s. Parents have to pay for maintenance and upkeep, and this is gradually becoming more expensive.
3. Lack of textbooks and materials. Commonly only the teacher has a textbook and this will be very ancient.
4. Out of date curriculum. The curriculum dates back to colonial times. An attempted modernisation around 2000 was a failure. While the curriculum may be adequate for some subjects, there are particular problems in teaching history and civic education. In the absence of a curriculum, teachers make up their own ideas which may reflect selective understanding and personal biases. In a context of conflict these might include incitements to ethnic tension and social exclusion. Peace education has not been introduced into the curriculum.
5. Mixed age classes. Because of high drop out rates and repetition associated with costs, classes typically reflect a wide range of ages. This can bring some advantages (older children helping younger ones) but only if teachers are trained in the special skills necessary.

Teacher Union representatives and education officials say that these problems are insignificant compared with the problems caused by fees. As the World Bank also concludes- *'The DRC is very much off-track towards the fulfilment of MDGs, and until the fee issue is addressed, most other needed reforms in the sector cannot be effectively tackled.'*<sup>88</sup>

### 6. Social and economic impacts

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<sup>84</sup> World Bank –Appraisal Document pp39-41

<sup>85</sup> Ibid

<sup>86</sup> Johan Verhaghe –personal communication.

<sup>87</sup> World Bank –Appraisal Document p46

<sup>88</sup> Vlassenroot and Romkema op cit p12

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Schools rarely tolerate non-payment of fees. Children who default on fees are put under pressure to pay by teachers and then expelled. Lack of financial means is the reason for expulsion from school in 69% of cases. Primary school children often miss periods of education, including whole years, because they cannot afford the fees. At the end of their school course they may fail exams because they cannot pay bribes. This leaves them even without the school certificate after many years work and expense. The value of the school certificate has anyway been debased. The quality of education is such that nearly half the children completing primary education cannot read and write. As a result the educational system produces large numbers of young people who do not achieve their aims, whatever their sacrifice and talent.

At a time when democracy is beginning to take root and spread in DRC, the people are becoming less capable of using democratic methods. They cannot absorb information even if it is available, nor do they learn basic skills of problem-solving and communication. This limits the involvement of Congolese in their own development. It is a problem that applies at all levels including local aid projects-

*'Most reconstruction projects will be depending on foreign expertise and exclude Congolese that lack the specific skills, which will limit local ownership and the local support of these projects.'*<sup>89</sup>

Lack of education fuels resentment against 'outsiders' who take jobs which local people feel should go to 'insiders'. The real reason may be nepotism and patronage rather than lack of skills, but nevertheless lack of qualification can be used as a way of excluding local people. As a result people may be persuaded to support xenophobic activity in order to protect their jobs and livelihoods.

Secondary and tertiary education also leads to frustration and creates a specific problem of age differentials-

*'As most employers prefer staff that finished their education before the erosion of the educational system started, many new graduates remain jobless.'*

Older people with better education from the Mobutu era get jobs and leave young people unemployed. Frustrated young people with no jobs, no education and easy access to weapons are a common cause of violence and conflict, especially in West and Central Africa.<sup>90</sup>

Teachers say that their main problem is the humiliation of having to request payment from the children they teach. They feel that this undermines their position of authority and leaves them open to jokes and satires by the (paying) children. This leads to demotivation and further undermines the quality of education. This argument may seem strange to those who are used to fee-paying private education<sup>91</sup> but it is important to note that DRC only developed a private fee-paying system very recently. The religious schools have always been essentially state-funded. The attitudes of teachers and inherent resistance to change is a part of the problem that could be addressed relatively easily by debates with teacher unions and teacher training. Although free primary Education for All (EFA) should be an aspiration it is not on the cards for the foreseeable future. In such debates it may be more realistic to take a pragmatic and gradual approach, accepting the necessity for fees in the short-term and setting limits to the negative effects.

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<sup>89</sup> Vlassenroot and Romkema op cit p12

<sup>90</sup> See for example Richards, P (1996) *Fighting for the Rainforest –war, youth and resources in Sierra Leone* James Currey

<sup>91</sup> Not only in the West. In Nepal for example local fee-paying schools existed long before public education.

### 7. The relationship between conflict and education

The relationship between conflict and education is two-way.<sup>92</sup> Conflict has effects on education and education has effects on conflict. It is often assumed that education is a benign influence but modern studies emphasize that education also has negative impacts in relation to conflict, particularly by promoting ethnic tensions.<sup>93</sup> Isolated teachers can follow and spread their own prejudices. Further research is needed to determine whether teachers are taking advantage of the lack of clarity in the curriculum to promote social tensions and violence. It is quite possible that teachers share their own frustrations with children and help to fuel the flames of violence either against the state or against 'outsiders'. With an increasing likelihood of identity politics, as described in the SCA, this needs close attention.

Similarly, an uneven spread of resources for education between social groups can also cause tension, as in the case of aid funding of elite schools for Tutsis in Burundi.<sup>94</sup> This suggests that DFID's 'national' approach is the right one, although detailed checks might need to be made to prevent local distortions.

But the key risk in the case of DRC, is the tendency towards the economic and social exclusion of families unable to afford education. This will contribute to long-term causes of tension and conflict. More immediately, the frustration of young men at not being able to get jobs because of lack of education could be a direct factor in local conflict. This frustration adds to the general sense of unmet expectations and alienation from the state which has been cited in the SCA as an important potential source of conflict today. By tackling the issue of school fees, DFID is clearly on the right track.

Among long-term impacts, education is increasing the divisions between urban and rural areas, between Provinces and between the 'haves' and the 'have-nots'. The experiences of poorer children may be particularly acute because their poverty is put on display in public and teachers often use non-payment as a reason to humiliate children in front of the class. There is a particular tendency to marginalise girls both economically and socially. This is likely to lead to lower levels of commitment to health and education when these girls come to bring up their own families. Mothers' education has been widely noted as a major contributor to child health. Lack of education may also lead to marginalisation of women from positions of responsibility and reduce their political representation.

As a trigger point, the threat of a strike by teachers is likely to spark off strikes and demonstrations in other sectors as noted in the SCA. Teachers went on strike in 2005 but not in 2006, probably because of the elections. Little has been done to address their demands and tension is now running very high. Parents have considerable sympathy for the teachers, acknowledging that the rise in school fees is because of government failures rather than simple greed by teachers.

A final factor is the expectation that education would improve and fees disappear after the war and elections. Various officials are said to have made promises along those lines and resentments are beginning to mount as time goes on without any change, or even a further deterioration in the situation.

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<sup>92</sup> This identification of issues draws on Smith, A and T Vaux (2003) *Education, Conflict and Development* DFID Issues Paper, London

<sup>93</sup> Bush, K. D and D Salterelli (2000) *The Two Faces of Education in Ethnic Conflict*, UNICEF

<sup>94</sup> Jackson, T (2000) *Equal Access to Education – a peace imperative for Burundi*, International Alert

### 8. Current aid responses in DRC

Unfortunately the deep-rooted problems of primary education in DRC are not susceptible to 'quick fix' solutions. One-off and local projects will have little impact and may lead to wider inequalities. Moreover, the problem of fee-paying undermines all other attempts at improvement. Education kits, such as supplied by UNICEF have made limited progress in improving standards and will do little to reduce social exclusion.<sup>95</sup> USAID has a programme to finance income-generating activities at community level to finance local schools but this is limited to Equateur and South Kivu. This does not seem to be a useful strategy for addressing issues of social exclusion because poorer areas might have the least chance of running successful projects. Belgian Cooperation has made a significant financial commitment (\$47m) including provision of textbooks for selected classes in Maths and French. But textbooks in other subjects and classes are lacking. NGOs are mainly engaged in specific education projects, especially rebuilding schools in conflict areas.

Donor involvement in education in DRC has in fact been remarkably low. During 2003-5 education was less than 5% of all donor activity (\$60m out of \$3.3bn including \$1.1bn of humanitarian aid). Among bilateral donors Japan, Canada, Italy, Sweden, Switzerland, France and the USA are providing small inputs. UNICEF and UNESCO are both engaged in local projects for reducing school fees but only the World Bank/DFID project (scheduled for 2008-2010) is on a scale commensurate with the problem.

### 9. DFID Funding for Education

DFID's input to the World Bank Education Sector Support Project (ESSP) is aimed at reducing the cost of education to parents by subsidizing fees for running costs and by putting 30,000 NM teachers onto the government payroll. It also includes-

1. Consultancy support to the World Bank
2. Support for a comprehensive census of teachers
3. Support for a school mapping exercise
4. Funds to assist with reforms to government's payment system
5. Support for a civil society monitoring system
6. A conflict assessment
7. Consultancies relating to management of the input

This input clearly targets the root of the problem. In user surveys, providing good salaries to teachers is clearly identified as the key strategy for improvement (42% of responses). But does the World Bank/DFID project lead to a sustainable future for education or does it let government off the hook?

Something in the region of \$120m per year would be needed to make primary education free in DRC. The DFID/World Bank input of \$150m budget over 3 years (not all for reducing fees) should have a sharp sudden impact, but will this simply mean that government saves what little it previously allocated to education and ignores the crisis that will come when the project comes to an end?

Lack of commitment to primary education and failed promises from government are at the root of the problem and need to be tackled as otherwise the project will simply

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<sup>95</sup> World Bank op cit p88

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add to the alienation and frustration that may lead to conflict. DFID/World Bank must secure absolute commitments to link HIPC funds to education and to increase the proportion of government spending for education.

Secondly, the current input does not take sufficient account of decentralization, identified in the SCA as a crucial issue in relation to conflict. The World Bank surveys show that by local or Provincial control is considered to be nearly as important as paying teachers properly (31% of respondents rated this as the key issue compared with 42% for teachers' salaries). The new Constitution is not clear on decentralization of education and the issue is complicated because the heads of administrative structures at the decentralized level (EADs) already have some control of education. Whatever the complexities the DFID/World Bank input cannot ignore decentralization. Provincial authorities should be closely involved and the opportunity should be used to debate and explore the issues.

### **10. Recommendations (in relation to the Annotated Fragile States Principles for DRC –see SCA Section 3.2.)**

The basic principles are listed below followed in some cases by part of the annotation. This is followed by recommendations in bold.

#### **1. *Take context as the starting point.***

Under this Principle it is noted firstly that-

'DRC is now going through a period of profound political change in which decentralization should be the key focus for donors.'

The DFID/World Bank project should align with and support decentralization.

Secondly-

'There is a danger that donor activity may contribute to unmet expectations or fuel corruption if it is not backed by political will and synchronised with progress in tackling the culture of impunity. While donor activity must reflect current realities it must also be based on robust requirements'.

To avoid false expectations the project should be conditional on government commitments to increased spending on education.

#### **2. *Do No Harm***

Children should not be enticed into an unsafe environment.

The timing, location and environment of schools should be examined by teachers in associations with PTAs and children to determine risks from natural disasters and security threats, taking special note of risks to girls. Methods for recording human rights violations against school children should be developed.

#### **3. *Focus on state-building as the central objective***

As annotated-

'Progress will be limited as long as the culture of impunity prevails.'

The project must include a strategy to address the abuse of upward payments in the education system. World Bank/DFID must ensure that its input is not counteracted by increased fee-taking or corruption in the transfer of funds. This will need to be monitored carefully. As funding for education becomes more regularised, officials and teachers who take bribes or extract illicit fees should be challenged. Independent tribunals may be necessary to root the practice out of the education system.

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Secondly-

‘Most crucially the state must be viewed as more than the centre and more than a specific political grouping. In particular, the notion of the state must embrace provinces and their aspirations.’

Debates and policy discussions should embrace a wide range of actors, not only central government. This should include political opposition and decentralized authorities.

There are likely to be different approaches in different Provinces. Work should be done to examine and compare these different approaches and to develop the best models for Provincial representation and control.

### **4. *Prioritise Conflict Prevention.***

It is the government’s responsibility to address teachers’ demands for increased pay in a sustainable manner. False promises and projections based on project inputs should be challenged. The project should not be used as a tool to avert strikes.

### **5. *Recognise the political-security-development nexus***

The Principle supports-

‘Constant efforts to spread the concepts of downward accountability and representation. These should be integrated into all project designs in the form of representative local committees etc. Public audit should be required at least on an annual basis.’

The project should widen the function of Parent-Teacher Associations to include oversight of schools, including the practice of annual public audit.

Teacher unions should be involved in the project and have an input into its implementation.

### **6. *Promote non-discrimination as a basis for inclusive and stable societies.***

The project could usefully include guidance for teachers on civic education and minimum standards for tolerant attitudes and behaviours on the part of teachers.

Ideally the make-up and spread of teachers should be monitored (ideally to include ethnicity, religion, origin and gender) and systems introduced to ensure that minorities are properly represented in the teaching profession.

### **7. *Align with local priorities and/or systems***

The Principle includes-

‘At the central level, support to develop capacity and deliver services should be related to general improvements in governance in order to make these inputs sustainable. Aid levels must be aligned at least to an extent with progress on basic problems such as non-payment of staff and the culture of impunity.’

The project should include robust provisions for achieving sustainability and rates of disbursement should be proportional to progress.

### **8. *Agree on practical coordination mechanisms between international actors.***

Donors should coordinate around a Sector Wide Approach (SWAp).

This should include an independent monitoring programme which might be entrusted to civil society organisations and provide a sample survey, at least annually, of

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crucial issues such as enrolment rates, repetition rates, dropout rates, costs and gender balance.<sup>96</sup>

### **9. Act fast.... But stay engaged for the long-term**

The DFID/World Bank Project does exactly this. The problem is to balance short-term and long-term objectives. Principle 4 should be the central focus.

### **10. Avoid pockets of exclusion**

The geographical spread of the project should be monitored from a conflict prevention perspective.

### **11. Summary of recommendations**

1. The DFID/World Bank project should align with and support decentralization.
2. To avoid false expectations the project should be conditional on government commitments to increased spending on education.
3. Children should not be enticed into an unsafe environment.
4. The project must include a strategy to address the issue of upward payments in the education system.
5. Debates and policy discussions should embrace a wide range of actors, not only central government. This should include political opposition and decentralized authorities. Teacher unions should also be involved in the project and have an input into its implementation.
6. The project should widen the function of Parent-Teacher Associations to include oversight of schools, including the practice of annual public audit.
7. The project could usefully include guidance for teachers on civic education and develop minimum standards for tolerant attitudes and behaviours on the part of teachers.
8. The make-up and spread of teachers should be monitored (ideally to include ethnicity, religion, origin and gender) and systems introduced to ensure that minorities are properly represented in the teaching profession.
9. The project should include robust provisions for achieving sustainability. Rates of disbursement should be proportional to progress.
10. Balance short-term and long-term objectives around conflict prevention.
11. The geographical spread of the project should be monitored from a conflict prevention perspective.
12. Donors should coordinate around a Sector Wide Approach (SWAp).

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August 2007

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<sup>96</sup> A highly effective monitoring mechanism supports the Education SWAp in Nepal and could be used as a model.

## **Annex 7: Principles for conflict-sensitive aid in DRC**

### **Background**

DRC is included in the list of fragile states and this remains a useful perspective, despite the current peace agreements, because of current challenges, notably conflicting interests over decentralization and the weakness of the ruling political alliance. During this period of turbulence donors should use and adapt the Principles for Good Engagement in Fragile States.<sup>97</sup> Once these issues are resolved, normal development criteria may become more appropriate. A reason for using the Fragile States Principles rather than devising new ones is that they can reasonably well be adapted to the DRC context and already have some status and legitimacy. DFID in particular has emphasized the need to work effectively in fragile states if MDGs are to be achieved.<sup>98</sup> The following is an interpretation of the Fragile States Principles in the DRC context-

#### **1. 'Take context as the starting point'**

DRC is a complex country with a history of conflict during most of the last decade. Strategic plans should be based on conflict analysis. Capacities and political will have both been undermined by the near collapse of the state during the war and the political compromises that were necessary to secure peace. This means that the scale, pace and forms of aid must be adjusted to the actual context rather than theories. In particular, a context of weak capacity and political turbulence is not conducive to long-term infrastructure investments at the central level.

DRC is now going through a period of profound political change in which decentralization should be the key focus for donors. There is a danger that donor activity may contribute to unmet expectations or fuel corruption if it is not backed by political will and synchronised with progress in tackling the culture of impunity. While donor activity must reflect current realities it must also be based on robust requirements.

#### **2. 'Do No Harm'**

'Do No Harm' is a limited objective in DRC where donors are funding more than half the national budget. They should aim to 'Do Good' but at the same time watch out for negative effects of aid. Silence in relation to the culture of impunity will do harm. Donors should focus on cases in which donor funding is involved such as the practice of filling government departments with people from a particular group.

#### **3. 'Focus on state-building as the central objective'**

This principle must be interpreted with special care in relation to DRC. Although a 'fragile' state in many respects, DRC is not so much a 'weak' as a 'predatory' state. Abuse of power is a major problem. Support for 'state-building' can too easily

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<sup>97</sup> OECD-DAC (2007) *Principles for good international engagement in fragile states*, OECD-DAC Paris

<sup>98</sup> DFID (2005) *Why we need to work more effectively in fragile states*, DFID London

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become support for a ruling group and lead to marginalisation of other groups and the formal opposition. This increases centrifugal forces and can contribute to conflict. Donors should be careful not to reinforce a predatory and exclusive central state. This implies that 'state-building' strategies must challenge the state in so far as it condones the culture of impunity, and they must take a very pluralist view of the institutions of state to ensure that aid does not reinforce a narrow political clique.

The state must be viewed as more than the central group of power-holders and 'state-building' must embrace political opposition, oversight bodies, accountability mechanisms, and government administration at all levels including provinces and districts. Indeed, within this wide notion of 'state-building' the focus should be on those that reduce the concentration of power rather than those that hold power. Those in power do not need help to reinforce their position but those that represent broader democratic interests are likely to lack resources and support. This is not to say that there should be no support for central government but that this should be balanced across other bodies and institutions as well.

Bearing in mind the crucial importance of decentralization, building capacity at provincial level even at the expense of central capacity, should be the main focus of support. Ways of consulting with provincial authorities should be integrated into all activity. Donors should also re-model their programmes, if necessary, to ensure that provincial representatives are involved. The principles of downward accountability and representation should be applied vigorously. Where NGO activity is supported at provincial level it should be linked into provincial administration.

### **4. 'Prioritise Prevention'**

This analysis shows that DRC is still at risk of violent conflict especially in relation to decentralization. War will destroy all other advances that aid may bring about. Therefore the key strategic focus should be on conflict prevention. When flashpoints can be easily identified donors should work together to develop quick responses. In the case of artisanal miners, for example, a regional plan could be developed in association with union representatives and local authorities.

### **5. 'Recognise the political-security-development nexus'**

Democracy offers the best chance of reducing insecurity and predation. Successful elections at national level now need to be backed up by diligent work on democracy at the Provincial level. This means not just focus on elections but constant efforts to spread the concepts of downward accountability and representation. Such principles should be integrated into all project designs in the form of representative local committees etc. Public audit should be required at least on an annual basis.

A prerequisite for accountability and representation is better availability of information. Facts about donor aid should be made widely available and donors should insist that those they work with should do likewise. But it is important to make a distinction between information and downward accountability. 'Participatory' and 'consultative' processes often mean little more than the spread of some limited information. Downward accountability implies that changes can be made as a result of these discussions. It also implies that participants should speak for those they represent rather than themselves. Donors should design programmes to link consultation processes to decision-making.

**6. 'Promote non-discrimination as a basis for inclusive and stable societies'**

This is particularly important in the case of decentralization. Donors should monitor the pattern of 'winners and losers' and plan aid strategies to compensate for the more extreme inequalities. The participation and representation of women is particularly important to achieve an inclusive and stable society.

Patronage systems often take the form of preference for people from a particular locality or ethnic group. This causes resentment among those who are excluded. In order to identify and challenge such practices it is necessary to monitor patterns of employment. Donors should insist on such systems and on transparency with the findings. Donors should also monitor their own local staffing.

**7. 'Align with local priorities and/or systems'**

At the central level, support to develop capacity and deliver services should be related to general improvements in governance in order to make these inputs sustainable. Aid levels must be aligned at least to an extent with progress on basic problems such as non-payment of staff and the culture of impunity. The capacity of provinces to meet their new responsibilities is lacking and needs donor support. At the local level, in the absence of a functioning justice system most people have to use customary or informal justice systems. These should be recognised and developed at least until other systems are in place.

**8. 'Agree on practical coordination mechanisms between international actors'**

Conflict prevention may provide a focus for coordination among donors in DRC. Two key areas are identified in this report. In relation to decentralization donors should set up mechanisms to monitor the impacts and watch for conflict risks. In relation to the culture of impunity donors should establish benchmarks for progress, monitor them and make explicit linkages to aid funding.

Donors should ensure that all programmes include mechanisms for response to human rights violations. Where any member of such programmes encounters a violation in the course of their work they should make a report. Managers should have clear responsibilities in relation to human rights. As violence against women is particularly widespread and does not always receive a proper response from the justice system, donors should work together to develop a strategy to reduce SGBV with national targets.

**9. 'Act fast.... but stay engaged long enough to give success a chance'**

In the context of DRC this is a repeat of Principle 4 –keep a long-term focus on conflict prevention. Conflict analysis will help to identify specific high risks which need to be addressed rapidly and flexibly and also draw attention towards deeper underlying problems which should be the focus of attention –in this case, decentralization. A full prevention strategy also includes long-term issues such as participation in decision-making and representation of women.

**10. 'Avoid pockets of exclusion'**

Any attempt to avoid pockets of exclusion implies an ability by donors to work together and align their programmes around a strategic approach. This is particularly important in relation to decentralization as noted under Principle 8.

## Annex 8

### Scenarios for DRC

1-2 year timescale using DFID Fragile States Team Suggested format for Scenario Planning

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Description of scenario over agreed timeframe	<p>Government backtracks on decentralization</p> <p>Fragmentation of the political alliance leads to unstable/short-term/corrupt governance and widespread <b>violent conflict</b> along centre-periphery lines;</p> <p>Possible direct challenge from within ruling group;</p> <p>Presidential Guard used for law and order;</p>	<p>Government supports decentralization</p> <p><b>Fragmentation of the political alliance</b> leads to unstable/short-term/corrupt governance but may stop short of violent conflict;</p> <p>Possible emergence of new leadership;</p>	<p><b>Local violence</b> undermines decentralization;</p> <p>Artisanal miners and militias mobilise against government forces; rise of ethnic violence;</p> <p>The centre intervenes and becomes involved in <b>violent conflict</b> along centre-periphery lines;</p> <p>Fragmentation of the political alliance;</p>	<p><b>War</b> in the East with or without decentralization issue;</p> <p>Resources and land issues become involved;</p> <p>Possible interference/intervention by regional powers;</p> <p>Widespread ethnic tensions and further local conflict;</p>
Risks (positive or negative) for DFID's engagement and likelihood of risks	<p>State revenues decimated; non-cooperation of Provinces; risk that donors are blamed for government actions;</p>	<p>Existing agreements with Ministers etc are undermined;</p>	<p>DFID is seen as supporting the centre and becomes a target;</p>	<p>Government becomes discredited for partisan roles or mass abuse of human rights;</p>
Appropriate objectives for	Efforts to align	Continued active and flexible	Support to Provinces	Strong stand on human

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	<b>Scenario 1</b>	<b>Scenario 2</b>	<b>Scenario 3</b>	<b>Scenario 4</b>
DFID's policy and programmes	decentralization promises, processes and expectations; press for non-legalistic solutions;	support for decentralization;	especially volatile/marginal groups such as artisans;	rights, humanitarian aid, conditions for withdrawal of development aid
Most appropriate aid delivery mechanisms to achieve objectives	Parliamentary bodies, informal groupings, civil society;	Continued support through central and Provincial structures;	Through Provinces and Province-level civil society;	Direct delivery through NGOs. Support to MONUC.
Implications for future size of aid framework	Considerable reduction;	Some reduction as long-term capital projects will not be viable;;	Some reduction because Provinces may lack capacity to take up funding;	Reducing, although humanitarian action and MONUC should be fully funded;
Implications for other policy engagement	Strong diplomatic pressures may be needed to maintain legality of government actions;	Support for fully pluralist state including role of opposition;	Pressure to prevent abusive roles for Presidential Guard;	Diplomatic efforts to prevent conflict becoming regional

## **Annex 9: Background**

### **Anaia Bewa**

#### **Dictatorship and War**

The DRC is emerging from decades of dictatorship and misrule made worse by years of civil war resulting in large numbers of victims throughout the country. In December 2002, the Pretoria Accord resulting from the Inter-Congolese Dialogue held in Sun City, South Africa, was signed by all belligerent parties, the political opposition and civil society to end the fighting and establish a government of national unity. The DRC transition process formally started on 30 June 2003 with the installation of a power-sharing Transitional Government, with representatives from former warring factions, the non-armed opposition and civil society.

The Global and Inclusive Agreement provides for, among other things, the holding of democratic elections. Putting in place the appropriate and required legislation, was the first major step in preparing for the elections, followed by the holding of a referendum which was held successfully and laid the groundwork for the forthcoming elections scheduled to begin on 30 July 2006. The DRC will, in the next phase, need to respond to certain challenges, priorities, needs and issues such as the reunification of the country, the integration of the army, putting in place an effective and credible election management body, intra-political and permanent dialogue among the various stakeholders, and the involvement of CSOs. To do so, the country will need the support of international partners and the United Nations Mission.

The DRC has gone through many decades of authoritarian rule and a 15-year-long transition period. Ex-President Mobutu Sese Seko, who had come to power in 1965 by overthrowing an elected government, abolished the one party system in April 1990, introduced a multi-party system and liberalised the political scene. The regime, however, was kept stable by the still functioning security forces while the socio-economic situation deteriorated and the state disintegrated further. The two pillages in 1991 and 1993 completely destroyed Congo's economic fabric and structures, and the country has not yet recovered from this collapse.

In 1996, Laurent Désiré Kabila started a rebellion march that ended by toppling the Mobutu-Regime. The new ruler removed the few democratic achievements of the first transition period. In July 1998, he had expelled his Rwandan and Ugandan allies. These neighbouring countries invaded the DRC first, and then started to support a set of different rebel groups. The war that arose was fuelled by the exploitation of Congo's mineral resources, and affected the stability of the whole Great Lakes Region.

The Lusaka peace process started in 1998, but remained unsuccessful. Only in 2001, after Laurent Kabila's assassination, the negotiations gained momentum under the new president, Joseph Kabila, and the ceasefire was largely respected. By the end of 2002, most of the foreign troops had left the country. The Inter-Congolese Dialogue between the government, rebel groups, the political opposition and civil society groups led to the *Global and Inclusive Peace Accord* and the transitional Constitution that determined the transition's end on 30 June 2005, with a one year extension option.

## **Political Transition and Peace**

A power sharing agreement according to the 1+4 formula confirmed Joseph Kabila as the country's president while also putting in place four vice-presidents representing the main rebel groups (Jean-Pierre Bemba (MLC), Aziras Ruberwa (RCD), the former government (Abdoulaye Yerodia) and the non-armed political opposition (Arthur Z'ahidi Ngoma). Last minute negotiations included three smaller rebel groups (Mai-Mai, RCD-KLM, RCD-N) that became part of the transition institutions. The positions in the two houses of Parliament as well as the five citizens' institutions were filled according to the principle of sharing between all belligerents and key stakeholders.. All but the National Assembly were headed by civil society representatives.

Consensus was adopted as the general decision making principle. All institutions were given the mandate to conduct a peaceful transition and to prepare the ground for the holding of elections and the institutionalisation of a democratic system. The Parliament had to draft essential laws, among others the laws on nationality, the constitutional project, the referendum law and the electoral law. The Independent Election Commission (CEI) organised the constitutional referendum as well as the presidential and legislative elections (national and provincial assemblies). The High Authority of the Media supervised the ethics of the media and regulated the political parties' and independent candidates' access to the media during the campaign period. The Human Rights Observatory fought for the guarantee of political and civil liberties in all provinces and monitored political manifestations. The Truth and Reconciliation Commission as well as the Ethics and Anti-Corruption Commission suffered from major constraints since the main national actors were neither interested in fighting corruption nor in disclosing the truth about the human rights violations committed during the conflict..

Globally, the 2003 – 2006 transition period was relatively peaceful. Except one major political conflict that arose around 30 June 2005, the initial date sets for the elections and the end of the transition. Opposition parties, mainly the UDPS, protested against the extension of the transition, which they considered to be illegal. Furthermore, violent conflicts in the Eastern Congo continued through rebel activities and harassment of local population.

The reform of the security sector proceeded only slowly, and local warlords were not willing to exchange their access to profitable resources like gold, coltan or diamonds for a place in the newly integrated Congolese army, FARDC. Only in late 2005, MONUC together with FARDC, launched a strong military offensive which helped to improve the security situation in most of the unstable regions. In some parts of the east as well as in Katanga, where some militias are still active, the situation has not improved substantially. Nevertheless, these ongoing local conflicts hardly had an adverse effect on the elections, and voters' participation in the Eastern provinces was higher than anywhere else in the country.

All things considered, the transition succeeded, despite many challenges and deficiencies. The new constitution was approved by a referendum in December 2005 and promulgated in February 2006. With the newly elected National Assembly already in place, Congo's new president inaugurated in December 2006. The provincial assemblies were elected as well as the local government appointed at the beginning of this year. Although the second election round's final results were not accepted by all political leaders, the peace and transition process finally will have provides a solid basis for Congo's democratization, development and stability.