

DECENTRALIZATION IN DEMOCRATIC REPUBLIC OF CONGO: CONSTITUTIONAL PROVISIONS AND CONSTITUTIONAL REALITY

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Abstract

The Democratic Republic of Congo's (DRC) 2006 Constitution enshrined ambitious decentralization provisions— creating 26 provinces, elected local assemblies, and mandating that provinces retain 40% of domestic revenues – as a break from decades of centralization under Mobutu Sese Seko. This paper seeks to examine why have these formal decentralization provisions largely failed in practice? The qualitative, document-based policy analysis of publicly available official sources (World Bank, IMF, IGC, UN, etc.), reveals that the constitutional-legal framework has been undermined by weak administrative capacity, political resistance from the center, and inability to enforce constitutional mandates. Further, insufficient institutional capacity and deliberate political obstruction by central elites have produced a persistent gap between law and practice. Effective decentralisation requires substantive legal and fiscal reforms coupled with capacity building and people's empowerment to ensure that people are brought back in democracy and governance became citizen-centric. This is fundamental to societal transformation , substantive democracy and sustainable development.

Keywords: Decentralisation, Democratic Republic of Congo, Constitution, Governance, Civil Society, Administrative reforms

Introduction

One of the most dramatic changes in the rule of law in the post-Cold War period has been decentralization which has been adopted by the developing nations. In Africa, Asia, and Latin America, governments have adopted the practice of decentralization as a means of increasing democratic participation, improving service delivery and bringing government closer to citizens. The Democratic Republic of Congo is a particularly interesting example of studying the implementation of decentralization, as it has adopted a decentralization model in the Constitution of 2006 after decades of centralization in totalitarian rulers and civil war. The 2006 Constitution in the DRC invented a detailed decentralization framework that aimed at changing the nature of governance by decentralizing both political, administrative, and financial

powers to the province and local governments to a significant extent. This constitutional promise was both local desires to gain legitimacy and domestic concerns to be governed and be under control, and the pressure by the international community to reform the government in rebuilding the post-conflict states. Decentralization was seen as a radical departure with centralist history following forty years of extreme centralization and the state breakdown of two destructive wars under the authoritarian rule of Mobutu Sese Seko. The provisions in the constitutions guaranteed the election of local assemblies, making large fiscal transfers to provinces, the transfer of priority competencies such as health and education, and the systems that would guarantee fair development throughout the country.

Almost twenty years after the constitution was adopted, however, there is a significant disjunction between what the law requires and what it actually exemplifies. Provinces have been getting a fraction of constitutionally entitlement revenues. Elections on local level were postponed more than fifteen years. The fundamental state business has been left under the central government control although the provinces have been assigned the same roles in the constitution. The failure of this implementation is posing very crucial questions as to what are the obstacles to effective decentralization in weak, post-conflict states and the politics economy issues that resist decentralization despite official support of the decentralization process.

This paper discusses the conceptual underpinnings of decentralization, reviews the constitutional decentralization system of the DRC in the historical context, captures systematic failures of decentralization in fiscal, administrative and political aspects and gives a recommendation of how decentralization can work effectively in the country in the areas of governance, involvement of civil society and participation of citizens. The main thesis is that whereas DRC has a strong constitutional framework of decentralization, the execution of the same has been actively sabotaged by a political opposition of the central authorities, the lack of institutional capability and the lack of the mechanisms to enforce the constitutional requirements. This gap between formal institutions and actual practice allows one to understand wider issues of governance reform in the post-conflict African states.

Decentralization: Conceptual Dynamics

Decentralization is the deferred authority, responsibility and resources of the central government to the sub-governmental levels. The original justification lies in the fact that the decisions to be made on governance

must be made as near to the people as possible so that they can contribute to the decision making process. It also makes sure that policy decisions and programme decisions are made in the most effective way possible using local knowledge and preference and capabilities. This is a long-standing political philosophy idea that has been developed in theory and implemented in a variety of settings.

The theoretical roots of decentralization were rooted in the classical arguments on how the political power should be structured. The early modern theorists such as Machiavelli took into consideration republican thought that decentralized forms of power might offer a check against tyranny and permit successful governance (Machiavelli, 1998). This aspect was worked out in the eighteenth and nineteenth centuries in a more systematic way when the emerging democracies had to struggle with the central coordination and local autonomy. The findings of Alexis de Tocqueville on American democracy in the 1830s made a point on the importance of local institutions in order to create schools of democracy in which people learn how to participate in civic affairs and become attached to democratic systems of governance (de Tocqueville, 2000). According to Tocqueville, municipal institutions are the sources of strength in the free nations, they offer a place of citizen interaction and checks to centralized power (de Tocqueville, 2000) of the centralized power. John Stuart Mill also believed that local government was a necessity to political education because he held that civic capacity was cultivated when citizens participated in local government and avoided the alienation of citizens experience when government was remote (Mill, 1861). More extreme forms of decentralization emerged in the nineteenth century in the form of federalist and anarchist ideologies. Pierre-Joseph Proudhon suggested that political organisations ought to grow out of the bottom up by voluntary linking of autonomous societies as opposed to authority imposed by centralised states (Proudhon,1979). His federalist thought process stressed upon the fact that true freedom means the decentralization of power between many centers as opposed to sovereign central authority (Proudhon,1979). These theories were a symptom of a more general conflict in industrializing societies between the temptations of centralization which modern states had and the demands of local self-determination.

Moreover, in the twentieth century the thought of decentralization grew to include economic aspects and perspectives of development. The most detailed description of the decentralized government was given by Mahatma Gandhi in his scheme of Gram swaraj or village self rule

(Gandhi, 1997). Gandhi had a vision of political structure in form of self governing village republics that would take care of themselves through traditional panchayat system but who would be dependent with the surrounding societies (Gandhi, 1997) . He posited that real democracy had to be pursued at the grassroots by individuals at all villages instead of being pursued by the far-flung people. Gandhi was of the opinion that concentration of economic or political power was against the fundamental principles of participatory democracy. His point on the autonomy of villages and the use of local resources affected the implementation of the Panchayati Raj system in India after independence(Gandhi, 1997) . In 1957, the Government of India appointed the Balwant Rai Mehta Committee that put these Gandhian principles into administrative form and suggested a three-level system of democratic decentralization that was the first explicit usage of that term in government paperwork. Economic theorists also added other views on why decentralization may enhance the status of resource allocation and development. In 1973, E.F. Schumacher wrote a book titled *Small is Beautiful: Economics as if people mattered* that questioned the assumptions which favored large-scale industrialization, and suggested that human-scale technologies and decentralized economic systems were more appropriate to the needs of the community and environmental sustainability (Schumacher, 1973). Schumacher noted that organizations become large and will inevitably pursue the goal of being small in bigness through decentralization to achieve an efficient level (Schumacher, 1973). He insisted that it is larger nations that require internal organization and decentralized development strategies more(Schumacher, 1973). Friedrich Hayek also came to similar conclusions of market economics suggesting that centralized planning would never be as efficient as dispersed decision making since knowledge is not in the hands of a central authority but is scattered across society (Hayek, 1945). In his seminal 1945 essay *The Use of Knowledge in Society*, Hayek argued that economic issues demanded rapid adaptation to local time-place contingencies and decisions made by people who were well-informed about the local conditions and not central boards in distant locations. Although Hayek spent most of his work on market economies, his arguments about dispersed knowledge and the inability of centralized information processing can be applied equally to governance of the public sector.

By the late twentieth century, decentralization had become one of the key texts in development policy and public administration. Such scholars as Dennis Rondinelli worked out systematic models of understanding various

types of decentralization and how it was applied to the developing world. In the early 1980s, Rondinelli identified the difference between deconcentration, delegation, and devolution as various methods to transfer authority that had different implications of the outcomes of the governance (Rondinelli, 1981). Deconcentration transfers workload between the central ministries to the field offices and central control is retained. Delegation gives managerial responsibilities within the locality and makes them answerable to the central authority. Devolution establishes sub national entities with legal powers to perform functions delegated to them with autonomy. This analytical clarity assisted the policymakers in developing decentralization reforms applicable to specific situations and goals. Modern theorists distinguish between a number of different types of decentralization. Political decentralization is a process through which the decision making capacity is passed to the elected local officials and this establishes democratic accountability at the subnational level as well as enabling the citizens to elect and to hold the local leaders accountable. Administrative decentralization reallocates the power and responsibility of the government functions among the government levels using different mechanisms. Fiscal decentralization gives powers to relate revenue-generating and expenditure to the subnational governments such as tax authority, intergovernmental transfer, and local borrowing potential. Fiscal decentralization is necessary since the political and administrative decentralization is empty without proper resources. Moreover, economists such as Wallace Oates developed the fiscal federalism theory that examines efficient distribution of governmental goods to levels of government based on the premise that local governments have an advantage in delivering services whose benefits are confined to their geographical locations due to the capability of local governments to adjust the delivery to local need and tastes (Oates, 1972). Nevertheless, the theory and practice indicate serious problems in the process of decentralization implementation. The administrative capacity of local governments to exercise transferred functions may be wanting especially in the developing countries whereby trained staffs and institutional infrastructure is rare. The risks that are involved in elite capture are that decentralization will only replace the corruption and patronage at national level with that at the local level without offering better governance to the ordinary citizens. The incomplete fiscal transfers are detrimental to decentralization whereby central governments decentralize without resources. In most cases, the true transfer of power is hindered by the political opposition of central authorities that enjoy centralized control even though policies on decentralization are in place.

The knowledge of these conceptual underpinnings and chronic difficulties presents a crucial rubric to the interpretation of particular instances of decentralization, especially where grand constitutional promises have faced institutionalized obstacles to implementation as in the Democratic Republic of Congo.

Historical and Constitutional Context of Decentralisation in DRC

The decentralization adopted by the Democratic Republic of Congo in 2006 cannot be perceived outside of its traumatic colonial history and political course after independence. Belgian colonialism has left the country with an extremely centralized structure of administration that was strengthened by subsequent regimes instead of being abolished. To comprehend why decentralization became a constitutional necessity in 2006 one must look at this historical trajectory of colonial exploitation, authoritarianism and state collapse and negotiated reconstruction.

The Belgian colonial rule developed a governing regime with one of the most extractive and centralized systems in the continent. Young and Turner (1985) record the creation of Bula Matadi by colonial rule, which essentially meant breaking stones to make the rails but was adopted to depict the crushing capacity of the colonial state, becoming identical to taxes and prisons. The colonial regime systematically deprived Congolese nationals administrative posts and deprived them of access to quality education and the resultant capacity deficiencies would haunt the independent state. By the 1960 Independence Day, the nation had neither operational political structures nor skilled human resource with whom an efficient government could be administered. This first decade of post-independence was marked by provincial fragmentation and secessionist movements that would heavily influence future views on the subject of decentralization. Between 1960 and 1963, the Katanga province, which was rich in minerals, tried to secede with the Belgian assistance, and wanted to have control over copper resources independent of the central state. This was a traumatic event, together with other regional tensions, the assassination of Prime Minister Patrice Lumumba in 1961, and entrenched suspicions of decentralization that would result in the loss of national cohesion due to the capture of resources by provincial elites or foreign forces. When Mobutu Sese Seko took over power in 1965, he initiated three decades of hyper centralization characterized by personalist dictatorship rule. In an analysis of the Zaire state by Young and Turner (1985), they evaluated how Mobutu turned into a parasitic predator of his

own people by hyperinflation, mass corruption and policies that lured the people into abject poverty despite the massive mineral wealth of the country. Mobutu abolished the provincial system completely and instead of the elective provincial governors, centrally appointed the regional commissioners who were answerable to the presidency. This administrative system had all significant political economic authority in Kinshasa and marginalized regions systematically. The Mobutu government was an example of neopatrimonial governance whereby dismal state institutions were mainly used to enrich themselves through patronage networks instead of delivering services to the people. Moreover, the overthrow of the Mobutu regime and the resulting Congo Wars of 1996-2003 ruined the institutions of the state and produced desperate needs of governmental change. Laurent-Desire Kabaka came to power in 1997 through the First Congo War, and soon after, his government was sucked into the Second Congo War in 1998. It was a war with several African nations, various armed factions, and with disastrous human cost where an estimated three million deaths due to the conflict were registered. The war split the nation into regions that were governed by various armed groups and their foreign supporters effectively tearing the land Mobutu had reigned as a centralized dictatorship.

Inter-Congolese Dialogue became the negotiated channel of the Second Congo War ending and rebuilding the legitimate government. The negotiation process that was established on the 1999 Lusaka Peace Accord, ended hostilities amongst the six African nations and helped to withdraw foreign forces in addition to establishing a platform on which political talks would be held (Africa Center, 2025). Moderated by high South African participation followed by Nelson Mandela and then Thabo Mbeki, the Inter-Congolese Dialogue took a turn to disarm military figures with the civil society making up about 40 percent of the signatories to the final agreements (Africa Center, 2025). The Ugandan-backed Movement for Liberation of Congo signed a partial agreement with the government and the political opposition groups on 2 April 2002 which provided a system of multi-party government (Apuuli, 2004). But the Rwandan supported Rally of Congolese Democracy was initially unwilling to sign and the negotiations were to proceed further. The Global and Inclusive Accord of 16 December 2002 made a power-sharing system that had a single president and four vice-presidents, representing various armed and unarmed groups (Center of study of Violence and Reconciliation, n.d.). On 1 April 2003, the Transitional Constitution was adopted that made the DRC a unitary decentralized state instead of federal one, and on 7 April

2003, Joseph Kabila was inaugurated as a transitional president (Inter-Congolese Dialogue, 2002). The peace agreements specifically assigned legislative role in decentralization, electoral process, and other related institutions to the support of democracy to the Senate, which had the duty of preparing a draft post-transition constitution (Inter-Congolese Dialogue, 2002). Decentralization became one of the main commitments of such negotiations due to a number of reasons that are interconnected. To begin with, the grievances of the region about the manipulation of resources especially in the mineral endowed provinces such as Katanga and the Kivus required mechanisms that would see the local communities enjoying the returns of the natural resources that will be extracted on their lands. Anti-corruption and accountability policies and fair control of national resources aimed at stabilizing the mining industry were the Sun City Accords (Africa Center, 2025). Second, the disintegration of the nation throughout the war demonstrates that hard-core centralization was merely unsustainable and invalid. Third, the international actors such as the United Nations and donor governments advocated the reforms in governance with the focus on the local participation and accountability as the key to the post-conflict reconstruction. Fourth, the civil society groups that had mobilized during the war called on the democratic local governance as the central element in preventing the recurrence of future authoritarianism. The Inter-Congolese Dialogue came in as the negotiated solution to the end of the second Congo war and reestablishing legitimate government. The dialogue based on the 1999 Lusaka Peace Accord, ended the hostilities between six African countries and then helped to withdraw the foreign militaries and provided the conditions under which the political negotiations were to take place (Africa Center, 2025). The Inter-Congolese Dialogue, mediated with high levels of South African involvement, by Nelson Mandela, and later Thabo Mbeki, transformed the focus of protagonists of the military to those of the civilians, with civil society making up about 40 percent of the signatories to the final accords (Africa Center, 2025). On 2 April 2002, the government, Movement for Liberation of Congo supported by the Ugandan community and political opposition groups signed the partial Sun City Agreement that introduced a multi-party government framework (Apuuli, 2004). Nevertheless, the Rwandan supported Rally of Congolese Democracy did not sign at first and demanded additional discussions. The signed agreement on 16 December 2002 in Pretoria formed a power-sharing system having one president and four vice-presidents who represent various armed and unarmed forces (Center of study Violence and Reconciliation, n.d.). On 1 April 2003, the delegates approved the Transitional Constitution that stated that the DRC

was a unitary decentralized state, and not a federal system and Joseph Kabila was sworn in as its transitional president on 7 April 2003 (Inter-Congolese Dialogue, 2002). The peace accords clearly vested the Senate with the responsibility of preparing a draft post-transition constitution as well as gave it legislative authority in issues touching on decentralization, electoral process as well as the institutions of democracy (Inter-Congolese Dialogue, 2002). There are a number of reasons, which intersect, that led to the decentralization becoming a fundamental commitment in these negotiations. To start with, the grievances of the regions due to the exploitation of resources, especially in mineral rich provinces such as Katanga and the Kivus demanded mechanisms that will ensure that the locals are benefited by the natural resources that are being extracted in their areas. The Sun City Accords aimed to normalize the mining industry by the inclusion of anti-corruption and accountability policies and fair distribution of national resources (Africa Center, 2025). Second, the disintegration of the nation during the war demonstrates that strict centralization could not be supported and justified. Third, the efforts of the international actors such as the United Nations and donor governments propagated governance reforms and local involvement and accountability as a necessary tool to rebuild the country after the conflicts. Fourth, the mobilized civil society organizations which had participated in the war insisted on democratic local rule as the key to the prevention of future authoritarianism.

2006 Constitution and Decentralisation: A Clinical Analysis

In 2006, the constitution was amended by a referendum held on 18 December 2005 and promulgated on 18 February 2006, and provided the extensive decentralization structure in place today. This constitutional design was based on hopes of being able to escape decisively both the colonial heritage of centralized extraction and the post-independence cycle of authoritarian personalism. The framers developed a three-level system with the central government, 26 provinces instead of 11 in the past, and the decentralized territorial government in the form of cities, communes, sectors and chiefdoms. The Constitution granted significant political, administrative, and fiscal power to the subnational levels and introduced the systems which were to provide the both vertical accountability among the levels and horizontal equity among the regions. It was an ambitious structure that reflected negotiated agreement based on decades of disastrous warfare on how to constitute a legitimate government in a huge, diversified, resource-endowed nation that had suffered from severe state failure.

Implementation Failures: Drawbacks and Limitations of Decentralization in the DRC

Parameter	Legal Provisions	Actual Implementation/ Gaps
1. Fiscal Transfer to Provinces	Article 175 mandates provinces receive 40% of national revenue collected within their territory. (Sources: Constitution, 2006)	Provinces received far less than the constitutional 40%. Early decentralization studies show provinces received significantly below legal entitlements, often under 10%. (Sources: World Bank, 2011; Zongwe, 2019; ISS, 2023)
2. Transfers to ETDs	Organic Laws 08/012 & 08/016 require systematic provincial transfers to ETDs. (Sources: Organic Laws, 2008)	Transfers are irregular, discretionary, and far below legal requirements. (Sources: World Bank, 2011; IGC, 2023)
3. Provincial Division Timeline	Articles 2 & 226 require subdivision from 11 to 26 provinces within 36 months after new institutions took office. (Sources: Constitution, 2006)	Subdivision occurred only in 2015, approximately five years late, delaying decentralization implementation. (Sources: World Bank, 2011; Weiss & Nzongola-Ntalaja, 2013; ISS, 2023)
4. Provincial and Local Elections	The Constitution mandates direct elections for provincial assemblies and local councils. (Sources: Constitution, 2006)	Provincial elections repeatedly delayed; local elections were not held for many years, leading to centrally appointed local officials. (Sources: International Alert, 2012; BTI, 2020; IMF, 2022)
5. Transfer of Competencies	Articles 201–204 assign provinces competence over health services, primary education, and local infrastructure. (Sources: Constitution, 2006)	Competences remain largely un-transferred, with central ministries retaining functional and financial control. (Sources: World Bank, 2011; World Bank, 2021; World Bank, 2022)
6. Fiscal Transfer Mechanism	The Constitution & PFM laws require a formal fiscal transfer mechanism for provinces and ETDs. (Sources: Constitution, 2006; Organic Laws 2008)	As of 2021, a formal mechanism still needed definition, causing irregular and discretionary transfers. (Sources: World Bank, 2021)

Parameter	Legal Provisions	Actual Implementation/ Gaps
7. Provincial Budget Autonomy Execution	The Constitution separates central and provincial finances, ensuring autonomy of provincial budgets. (Sources: Constitution, 2006; Organic Laws 2008)	Provinces show low budget execution due to insufficient resources and late transfers. Execution in some sectors - 50%. (Sources: World Bank, 2021; World Bank, 2022)
8. Equalization Fund	Article 181 establishes the Caisse Nationale de Péréquation financed by 10% of national receipts to reduce provincial inequalities. (Sources: Constitution, 2006)	The fund was legally activated only in 2016 and has transferred limited, irregular resources, with weak operational impact. (Sources: KAS/Mantuba-Ngoma, 2013; World Bank, 2022; ISS, 2023)
9. Administrative Autonomy	Article 3 guarantees provinces and ETDs legal personality and autonomy in managing resources. (Sources: Constitution, 2006)	Actual autonomy weak: central government retains significant control, especially via appointed local administrators. (Sources: International Alert, 2012; Zongwe, 2019; BTI, 2020)
10. Ministry of Decentralization (Institutional Capacity)	Although not explicitly mandated by the Constitution, the Government created a Ministry of Decentralization and Territorial Organization to implement constitutional decentralization provisions (Articles 2, 175, 181, 201–204). (Sources: Government Decrees; Constitution, 2006)	The ministry was abolished in the 2011 presidential restructuring, weakening institutional support for decentralization. Later reconfigured under other names, but the 2011–2014 gap caused major delays in implementation. (Sources: Weiss & Nzongola-Ntalaja, 2013; World Bank, 2011; Zongwe, 2019)

Almost a decade after the full decentralization in the 2006 Constitution, the discrepancy between the Constitution and its real practice is still striking. According to the official reports by the World Bank, International monetary fund, and International growth centre systematic failures have been recorded in the fiscal, administrative, and political aspects. These shortcomings of implementation destroy the constitutional promise of bringing the government to the people and equitable development among the provinces. The facts indicate that, although the DRC has strong legal provisions in the areas of decentralization, there exists a severe lack of political will, institutional capacity and enforcement mechanisms.

Decentralization of fiscal policies has been most catastrophic in terms of the transfer of revenues to provinces. Article 175 of the 2006 Constitution requires the provinces to be given 40 percent of the national revenue gathered by the provinces. Nevertheless, the world bank reported that the provinces had only 6 to 7 percent of taxes between the period 2007 and 2013 as compared to the 40 percent that are necessitated in the constitution, which is 85 percent short (World Bank, 2011). This huge disparity between the law and reality has continued due to the central ministries holding revenues in Kinshasa even when the constitution dictates otherwise. This is because the provinces do not have financial resources to implement their competence mandate thus making political and administrative decentralization superficial. The 2021 Country Partnership Framework by the World Bank has affirmed that revenues are still being dispersed without regard to the requirements of the constitution, and leaves the provinces with significant funding shortfalls that cannot easily govern and deliver services (World Bank, 2022).

Transfers to lower-level Decentralized Territorial Entities are worse still than provincial assignments. The Organic Laws have a system of transfer of resources by provinces to the ETDs which are the grassroots of governance i.e. the cities, the communes, the sectors, the chiefdoms. In a study conducted by the International Growth Centre, it was shown that in 2011, an estimated 3.1 percent of the money that was supposed to flow to the local decentralized organizations did (Henn et al., 2023). The World Bank affirmed that provinces make transfers to ETDs at provincial discretion and informally and not systematically and transparently (World Bank, 2011). This is a discretionary way of ensuring that provincial elites deny local governments much needed resources by sustaining the centralized reign on the provincial level and deprives communities of the rewards of true local autonomy.

An example of institutional dysfunction in fiscal decentralization is the Equalization Fund provided by Article 181 of the Constitution. The Constitution requires the 10 percent of national revenues be used to fund a National Equalization Fund which is meant to alleviate inter-provincial inequalities by helping the disadvantaged provinces by investing in them. But there has been ineffective, uncertain, and delayed implementation. It was not until 2016, ten years after its constitutionalization that the fund

was legally brought into operation. Transfers have been infrequent and haphazard even post-activation with a weak operational effect (World Bank, 2022). The lack of clear standards to disburse and the absence of accountability systems imply that the fund will not fulfil its constitutional role of guaranteeing fair growth in this multifaceted and expansive land.

But, most fundamentally, fifteen years following the adoption of the constitution the government still has not outlined a formal system to support fiscal transfers to the provincial and local governments as stipulated in the Constitution of 2006 as also in the Public Financial Management Law of 2011. The Enhancing Collection of Revenue and Expenditure Management Project launched in December 2021 by the World Bank clearly sought to assist the government in defining this formal mechanism because the government recognizes that the lack of systematic transfer processes is the reason for irregular and discretionary allocations, which disrupt decentralized governance (World Bank, 2021). The absence of predictable transfers systems in a formula nature means that the subnational governments are not in a position to plan their budgets or provide services, no matter how many competencies the Constitution gives them.

Fiscal deficits are exacerbated by administrative and institutional failures. Articles 2 and 226 of the Constitution mandated that the 11 existing provinces should be subdivided into 26 provinces in 36 months of creation of the new institutions in 2006 with an ultimate target of completion by 2010. This simple administrative restructuring however, has not happened until 2015, five years later (World Bank, 2011). This latitude delayed the creation of provincial assemblies, competency transfer and fiscal arrangements, which brought the whole process of decentralization to a delay. This institutional leadership and technical capacity required to administer complex reform has been removed by the elimination of institutional leadership and institutional technical capacity by the abolition of the Ministry of Decentralization and Territorial Organization which was established to coordinate implementation (Weiss & Ntalaka Nzongola, 2013). The institutional gap, which was reconstituted in altered form later, created significant delays in implementation and a sense of momentum between 2011 and 2014.

Provincial budget implementation shows how poorly functioning administration systems and limited resources hinder good administration

despite a few funds being given to provinces. Analysis of the health sector by World Bank, which is given as provincial competence in Article 204, revealed that in 2017, the execution of the available resources in this area was at only 54 percent (World Bank, 2021). The provincial health authorities were not to play a significant role in the budgets and were not getting their promised retrocessions as it was constitutionally guaranteed. In 2017, per capita health spending was only 21 USD, with the government spending only 2 USD out of it, compared to the spending by households as well as external income. The process of health decentralization is still characterized as being on paper, but constitutional, by the World Bank (World Bank, 2021). Poor execution rates are as a result of delayed transfer of funds, poor administrative capacity and governance challenges that make the provinces unable to convert the little they get into actual service delivery.

The inability to impart the competencies can be described as the greatest contradiction of promises of the constitution. Articles 201-204 give provinces exclusive competence with regards to health service, primary education and local infrastructure among others. The project documentation of the World Bank in 2021 ensured that the transfer of significant government functions to provinces according to the constitution has not yet occurred (World Bank, 2021). The Constitution provides sectors the provinces ought to control with functional and financial control by the central ministries. This is non-transfer where even after the formal decentralization, real decision making concerning education, health, and infrastructure is still concentrated in Kinshasa. The provinces are constitutionally accountable to services, but not budgets, staffing, or programmatic decision-making thus there is an accountability gap when there is no effective governance over these areas by the central or provincial government.

Political decentralization has been strategically stalled by delaying the electoral process and centralizing the appointments. The Constitution provides national, provincial and local assemblies directly elected to guarantee democratic accountability. Since the year 2006, provincial elections have been postponed several times, weakening the position of provincial governments (International Alert, 2012). The local elections did not take place until December 2023, seventeen years after it was adopted in the constitution, so in the meantime, local administrators were centrally

appointed but not locally elected (BTI, 2020; IMF, 2022). Article 3 of the Constitution grants provinces and ETDs a legal personality and independent control over their resources, but the central government retains much control particularly via appointed local administrators who report upwards to the central government and not downwards to the citizens at the local level (International Alert, 2012; BTI, 2020).

The mobilization of domestic revenue is at very low levels that flattens the whole fiscal structure of decentralization. According to the records made by the World Bank, domestic revenues have been around 10 percent of GDP since 2016, which is one of the lowest in Sub-Saharan Africa (World Bank, 2022). Even in the event that the central government remitted the constitutional 40 percent to provinces, absolute sums would be too small to deliver any meaningful services in a country of the size of Western Europe with a population of about 90 million. This low revenue mobilization combined with inability to transfer shares as stipulated in the constitution coupled with inconsistent and arbitrary allocation of shares and poor administrative ability is a perfect storm and cannot allow effective decentralized governance. The systematic failures of implementation in the DRC indicate that the challenge of decentralization is not a matter of constitutional design, which is not so bad, but rather why political economic factors do not allow decentralization of power, structural capacity is underdeveloped and conflict with a mechanism to help enforce constitutional compliance. All these failures indicate that the success of decentralization is based on political good will rather than the design of the constitution but on institutions and enforcement resources. Central elites oppose the idea of devolution of power since centralized power can be used to provide patronage networks and exploit resources to serve some selfish interests. Local and provincial governments are not equipped to perform the functions assigned by them through lack of administrative power, trained human resources and financial resources. Lack of enforcement has made it possible to flout constitutional requirements without reprisals. Decentralization needs to be effective by undertaking far-reaching reforms that will cover these barriers. Fiscal reforms should be such that urgent compliance with constitutional revenue transfer is realized using transparent formula-based reforms (World Bank, 2022). The Equalization Fund has to be operationalized with specific disbursement requirements. The central transfers should be complemented by increasing

the provincial revenue mobilization capacity, to allow the subnational governments. The administrative capacity should be done in a systematic approach through renewed decentralization of ministries coordination, financial management and service delivery training programs and definition of the competencies to avoid overlaps (World Bank, 2011). The implementation progress should be monitored and barriers identified by the monitoring systems. There should be political reforms that guarantee democratic accountability by organizing election at each level. The civil society bodies must assume the crucial functions that require responsibility and oversight of the governance. Civil society organizations played a critical role in leading the DRC to multiparty elections, were involved in peace negotiations, and continue to be at the forefront in calling democratic reforms (Africa Center, 2016). Civil society participation on electoral accountability can be seen through the deployment of the networks of almost 40,000 election observers by the organizations like the National Episcopal Conference of the Congo (CENCO) to track voting in the Democratic Republic of the Congo (Agenzia Fides, 2018). Government needs to defend civic space and not curtail freedoms by insinuating bans and harassing journalists. Citizen participation needs to be formalized and allow participation in local planning and budgeting. The civic education program designed by the Catholic Church established local committees as the prototype base of the community governance participation, and more than 4,000 facilitators encouraged the clear revenue management using 1473 parishes (UK Parliament, n.d.). The same structures have to be institutionalized in the government processes with budget transparency and accountability mechanisms. Such barriers as low literacy and geographic isolation demand the continued investment on the public awareness. It is only after considering that implementation is a political decision that successful decentralization will happen.

Conclusion

The Democratic Republic of Congo's 2006 Constitution established one of Africa's most comprehensive decentralization frameworks, reflecting consensus from devastating conflict to legitimate governance. Nearly two decades later, systematic failures across fiscal, administrative, and political dimensions reveals that constitutional promises remain largely unfulfilled. This gap between formal institutions and practice perpetuates centralized

governance despite constitutional commitments to democratic decentralization. The democratic governance and equitable development motivating constitutional decentralization depend on translating legal commitments into institutional practice genuinely bringing government closer to citizens. It requires political will, bureaucratic commitment and people's determination.

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