

Territorial Decentralization in the Democratic Republic of Congo and Local Development in the City of Likasi

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Abstract: *The Democratic Republic of Congo is a country facing the problem of local development, this is how it was promulgated organic law n° 08/016 of October 07, 2008 relating to the composition, organization and functioning of decentralized territorial entities. This was designed with the aim of bringing the rulers closer to their constituents in view of the red tape observed in the actions taken by the leaders. Hence, local development is the only way to get the territorial entities of the DRC out of this underdevelopment.*

Keywords: Decentralization, Development, Local development

1. Introduction

Territorial decentralization remains an eternal discussion in the Democratic Republic of Congo. This debate is fueled by the greatness of its territory in the face of the defect of its communication channels generating a landlocked which does not facilitate socio-economic development.

The Congolese population in general and that of the city of Likasi in particular are facing acute poverty, the causes of which are justified by the distance of the central administration from the base.

Territorial decentralization in the DRC constitutes a precious tool to contribute to the local development of territorial entities in general and of the city of Likasi in particular insofar as the local authorities enjoy a certain autonomy vis-à-vis the central power.

With regard to our subject, we ask ourselves the question of knowing: does territorial decentralization in the Democratic Republic of Congo contribute to local development in the city of Likasi?

With regard to this questioning of our problem, we respond by saying that despite the fact that territorial decentralization is a management method, the city of Likasi does not enjoy basic development. Among the reasons which justify the underdevelopment of the city of Likasi, there is the lack of urban and municipal elections; the authorities who manage the city of Likasi do not feel indebted to the population insofar as these authorities are not the product of the will of the base.

The management of the mining royalty by the political-administrative authorities in the city of Likasi is not carried out according to the interests of the population; there is also the non-respect of the principle of retrocession by the superior entities and the interference and the non-respect of the city's powers by the provincial government.

2. Definition of Concepts

2.1 Definition of decentralization

The term “decentralization”, in the study of public law and political science, refers to the form of the State, understood as all of the relationships between the central power and the territorial entities that compose it within the framework of the vertical separation of state powers.

The decentralization lingo has been variously defined by several researchers. Within the framework of this study, we retained some authors who developed the theories on decentralization.

MPONGO BOKAKO, considers decentralization as a system of state organization recognizing administrative and financial autonomy for territorial entities within the framework of a unitary state. These entities see themselves as having legal personality and a delegation of powers through an organic law¹

DJOLI ESENG EKOLI Jacques² considers decentralization as not drawing a line which would be the border not to be exceeded but circumscribing an area within which several solutions are also possible and in accordance with the constitution.

Decentralization according to ISANGO IDI WANZILA is a mode of management of public affairs consisting of a transfer of certain powers from the central power to the local authorities which enjoy autonomy of decision for the matters entrusted to them³.

For Ambroise KAMUKUNY MUKINAY and Joseph CIHUNDA HEGELELA, decentralization is a system of

¹MPONGO BOKAKO, *Institutions politiques et droit constitutionnel*, Tome 1, Kinshasa, Ed. EUA, 2001

²DJOLI ESENG EKOLI, J., « Les entités territoriales décentralisées : contrepoids ou contrefort de la décentralisation congolaise ? », in *Congo-Afrique*, n°432, Février 2009, Kinshasa, p.138

³ISANGO IDI WANZILA, « Décentralisation territoriale et pratiques centralisatrices au Zaïre », in *Zaïre -Afrique*, n°223, Mars 1993, p.423

state organization recognizing administrative and financial autonomy for decentralized territorial entities within the framework of a unitary state. These entities are given legal personality and a delegation of powers by an organic law⁴

VUNDUAWE te PEMAKO defines decentralization from three angles: the economic angle, the political angle and the legal-administrative angle⁵.

a) From an economic perspective

Territorial decentralization considers any decentralized entity as an autonomous economic entity, managed by the citizens living on the territory. As an autonomous legal person, the decentralized territorial entity must be free and capable of generating and having its own resources in order to take charge of local public action likely to lead to harmonious socio-economic development.

b) Politically

Decentralization means democratizing, that is to say involving the people in the discussion and management of public affairs, it is also the training of the citizen who will be more interested and will understand local problems more easily.

Through the election of members of the local or urban council, the citizen is involved in the management of public affairs; in addition, the interaction between the population and its leaders increases through the proximity thus established between these two partners.

c) From a legal and administrative point of view

It is the transformation of the execution centers which were the province and the administrative entities into centers of decision and responsibility. To this end, by transferring powers to the Decentralized Territorial Entities, decentralization creates multiple autonomous decision centers and therefore these Decentralized Territorial Entities become centers of power.

2.2. Objectives of decentralization

Whether it is territorial decentralization or technical decentralization, the objectives pursued tend to promote economic development and social well-being. Territorial decentralization in itself pursues several political, economic and social objectives.

a) Political objective

The political objective is that of preserving unity and Jacobin statism capable of stifling regional particularisms and a federalism that the central authorities are repugnant to, because contrary to any requirement of unity and presenting risks of partition or secession more or less long term.

⁴KAMUKUNY, A. et CIHUNDA, J., « Régionalisation, décentralisation et naissance effective de 25 nouvelles provinces en RDC : défis et perspectives de conflits », In *Congo-Afrique*, XL VII, n°434, AvrilISANGO IDI WANZILA, « Décentralisation territoriale et pratiques centralisatrices au zaïre », in *Zaïre – Afrique*, n°223, Mars 1993, p.423

⁵VUNDUAWE te PEMAKO, « Nouvelle organisation territoriale politique et administrative du zaïre », in *Zaïre – Afrique*, n°166, Juin-Août, 1993, p.328

b) Economic objective

The other objective responds to a concern for optimizing economic development in that the proximity of power or authority within reach of the citizen would be a source of efficiency. This means that bringing governments closer to the governed would make public action flexible and promote the efficiency sought by decentralization in order to boost the country's socio-economic development from the bottom up.

c) Social objective

The third objective is to bring the citizens closer to power and manage the community in the best interests of its members by finding timely solutions adapted to the expressed or latent needs of the population given the means available. Thus, decentralization, due to its participatory policy, makes it possible to overcome the criticisms that have been made of devolution, because in the latter, decisions are always taken on behalf of the State by one of its agents⁶

2.3 The pros and cons of decentralization

It should be noted that decentralization as a mode of management has on the one hand the advantages and on the other hand the disadvantages and on the other hand the disadvantages.

1) The advantages

They can be grouped into four series:

- Decentralization has the advantage of operating a division of labor by decongesting state affairs with the consequence of sharing responsibility between the central government and local entities. It involves the population in the management of public affairs at the local level. It therefore allows learning about democracy.
- It has the advantage of promoting the harmonious development of the country by taking into account local particularities or sensitivities. It therefore ensures the unity of the country in diversity.
- It promotes much more transparent management of state affairs through local bodies or representatives of the people elected or designated by it.
- It allows greater specialization in the realization of tasks of community interest. By way of example, we can cite tasks of community interest which are taken over by decentralized public services.

2) The disadvantages

Three types of disadvantages are often put forward: decentralization tends to crumble or atomize power by the multiplicity of decision-making centers, resulting in a kind of cacophony within the state. Because, if there are so many heads there are as many ideas. It therefore promotes a kind of political libertinism and a certain indiscipline because the authority of the state is diluted. As a result, decentralization tends to weaken the state.

- It promotes the waste of resources due to the multitude of management and decision-making centers across the country;

⁶RIVERO, J. et WALINE, J., *Droit administratif*, 18^{ème} éd., Paris, Dalloz, 2000, p.312

- It promotes local particularism, tribalism, regionalism, nepotism.
- In practice, benefits are often given to family and friends.

2.4. Centralization

1) Concept

Centralization is the system of administrative organization which consists in locating decision-making power at the top of the State, that is to say at the level of the central authority in the capital, other communities and which can act only through delegation. Indeed, centralization concerns all administrative tasks which overlap on the national territory in the hands of the State; it assumes them by a hierarchical administration⁷. It should be noted in passing that the central administrative power is constituted by the President of the Republic and the Ministers. In principle, this power must act on all parts of the national territory and on all services. The particularity of this system is therefore that all public affairs are the responsibility of the State or of the central administrative power which manages them through the various public services directly dependent on it.

Thus, centralization does not recognize administrative districts as having any legal status, since they do not have legal personality. They are in fact only simple administrative and territorial divisions, that is to say simple frameworks intended to allow a rational establishment of the services of the State on the whole of the territory. Under these conditions, the State, the only public person for the whole of the national territory, assumes alone, from its budget and through its agents, the satisfaction of all needs of general interest. Ultimately, the state dictates everything, above all decides and controls everything. Note that Jean RIVERO believes that the centralization as described is by no means theoretical: the Administration designed in France by BONAPARTE corresponded to it fairly exactly⁸. If one can situate such an administrative organization only at such an era, the interesting question that must be asked is that of how centralization manifests itself in practical terms? In reality, centralization in the true sense of the term does not exist because it is mitigated by devolution.

Two forms of centralization are possible, namely:

- Concentrated centralization or concentration;
- Deconcentrated or attenuated centralization, that is to say deconcentration.

In the concentrated centralized system, we had just seen it when we circumscribed the notion of centralization in its most rigorous form, power is held by the center, everything is decided there and nothing is delegated to the periphery. Here, all powers are exercised directly by the state, without an intermediary. Thus, a single will starting from the center of the state is transmitted to the last ends of the country.

It must be said that this form of centralization is theoretical because even in totalitarian regimes. The state cannot alone decide everything and do everything from the capital.

⁷RIVERO, J. et WALINE, *Précis de droit administratif*, Paris, Dalloz, 1994, p.267

⁸RIVERO, J. et WALINE, *Op.cit.*, p.267

As for the decentralized centralized system or deconcentration, which is a technique of administrative organization consisting in handing over important decision-making powers to agents of the central power placed at the head of various administrative districts, within the same public person, consisting of distributing agents and distributing powers between a central administration and decentralized services, also called external services⁹.

2) The advantages and disadvantages of centralization

Centralization is a form of administrative organization that has advantages and disadvantages on the one hand.

a) Advantages

Three groups of advantages can be advanced:

- At the administrative level, centralization in its form of deconcentration makes it possible to ensure rational management of public affairs: because the Central Administration has, at low cost, the technical assistance necessary for any operation of a few sizes and which, most often, are lacking in local authorities, centralization therefore offers the advantage of efficiency, because it is free from quarrels of local policy, and uniformity in the treatment of similar problems across the national territory;
- From a socio-political point of view, centralization in its deconcentrated form, has the advantage of favoring nationalism, patriotism, national cohesion and of discouraging tribalism, regionalism, in short the fact of departing from unity;
- At the socioeconomic level, deconcentration also has the advantage of favoring large projects of national interest often requiring large foreign investments. Examples: Inga and Inga - Shaba, etc.

b) The disadvantages

These drawbacks can be presented at three levels:

- At the administrative level, it is criticized for centralization the danger of standardization and that of ignorance of local particularities or realities. Furthermore, centralization does not encourage rapid decision-making at the right time;
- At the socio-political level, centralization is undemocratic and promotes authoritarianism. And its overly authoritarian character generally leads to the demotivation of the administrative staff and the demobilization of the administered;
- At the socio-economic level, strong centralization can sometimes lead to injustices and accentuate inequalities. Hence centralization can present a danger to the harmonious and balanced development of the whole country.

c) Definition of local development

Local development, also called grassroots development, is a process using local initiatives at the level of small communities as an engine of economic development¹⁰.

⁹DU PUYF, et al., *L'Administration en miettes*, Paris, Fayard, 1985, p.92

¹⁰Pecquer, B., *Le développement local*, Syros, 2^{ème} Ed. Revue et augmentée, 2000

2.5 Impact of territorial decentralization and local development in the city of Likasi

Territorial decentralization was introduced as a management method to facilitate the development of entities at the grassroots. Local development is based on participation and consensus, on the other hand, decentralization contains the expression of a right of substitution. Decentralization must be addressed to groups and allow the emergence of organizations based on voluntary membership, associating the populations with the implementation of policies, thus giving rise to participation by an individual citizen.

1) The lack of local elections

Indeed, the absence of local elections limits participation and on the other hand leads to the centralization of local power and makes local authority in the city more powerful at the risk of abusing its power. Indeed, the process of decentralization launched with a view to favoring the rapprochement between rulers on the one hand and the governed on the other for basic development has always been subject to procrastination. This reflects the politicization of this process with deliberate intention to slow down its momentum. In relation to this situation, local authorities feel much more accountable to the central government from which they derive their legitimacy than from the bottom up. This is why some development projects are dragging on.

2) Failure to comply with the retrocession principle by higher entities

The principle of retrocession of revenues in the Democratic Republic of Congo is an asset for all territorial entities as underlined by article 115 of organic law n° 08/016 of October 07, 2008 relating to the composition, organization and functioning of decentralized territorial entities and their relations with the State and the provinces which state that "decentralized territorial entities are entitled to 40% of the share of national revenues allocated to the provinces"¹¹. We note that the hierarchy has always reserved a very large share of the revenue and only yields to the city of Likasi debris and sometimes nothing at all. For the entity under examination, only the retrocession of national revenues reaches the city, although shabby and irregular in relation to the city's development program, while the revenues of a provincial nature in terms of retrocession never arrived in despite related complaints. This situation means that the city of Likasi is unable to develop and ensure the well-being of the population. This is how the basic structures in the city of Likasi have significantly deteriorated (roads, water supply, electrical energy, rehabilitation of state heritage, etc.).

3) Interference and non-respect of the city's powers by the government

Indeed, since the promulgation of the law on decentralization, the provincial government interferes in the execution of the missions devolved to the city without any respect for the competences of the latter. This is particularly

the case for the maintenance of urban roads or the layout of wastewater collectors, public lighting, etc.

4) Management of the mining royalty by the politico-administrative authorities in the City of Likasi

The innovations of the mining code of the Democratic Republic of Congo give hope to the population. But the mining royalty, which is the basis of these hopes, does not always reassure as to its good management.

The mining royalty is intended for community development projects and initiatives for the interest of the population, unfortunately the mayors who are beneficiaries of these funds are wasting these funds. This can be seen in the overpricing of projects, the design of projects that do not meet the aspirations of the base.

The advent of the mining royalty in the Democratic Republic of Congo in general and in the city of Likasi in particular constitutes an opportunity for the politico-administrative authorities to enrich themselves illegally insofar as they are not the object of control of on the part of the population especially that there are no deliberative bodies.

3. Conclusion

Territorial decentralization in the Democratic Republic of Congo and local development in the City of Likasi was the theme under investigation for our article.

In the light of our investigations, we affirm that decentralization is synonymous with local development. But it happens that the practice of decentralization as desired by the constituent encounters obstacles for the emergence of local development. This is due to the lack of political will on the part of our leaders through the lack of organization of local elections, poor management of the mining royalty, non-compliance with the principle of retrocession and above all interference and non-compliance powers of the city by the provincial government. It is these different clues that plunge the city of Likasi into underdevelopment.

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