

Congo-Kinshasa leans toward federalism

The new 26 provinces hope to escape the fate of the old “provincettes”

BY THOMAS TURNER



REUTERS/DANIEL LEWIS

The wealth that caused the wars: a copper-mining complex towers over the town of Lubumbashi in Katanga province, Democratic Republic of Congo.

NOW THAT THE DEMOCRATIC Republic of Congo (DRC) has held its first free elections in 40 years – in 2006 – following a bloody five-year civil war that ended in 2003, it is laying the groundwork for power sharing among 26 provinces and for accommodating its four national languages.

As the country attempts to recover from that war, the question of federalism is once again on the agenda. The DRC is one of Africa’s largest and most populous states, with 68 million people and 700 local dialects. These characteristics help to explain the persistent struggle, both during the colonial era and since independence, to find the “right” formula to balance central control and uniform rules against decentralized administration that would take into account local conditions.

The source of much of the fighting has been over the spoils: the DRC holds 30 per cent of the world’s cobalt reserves plus 10 per cent of all copper, in addition to uranium, gold and oil.

The country’s new president, Joseph Kabila, son of former president Laurent Kabila, and Prime Minister Antoine Gizenga, are both heirs to the centralist tradition in Congolese politics. Of the 60 parties represented in the new National Assembly, only three small parties have the word “federal” or “federalist” in their names, and none of them have more than eight members in their caucus.

However, this is not the only indicator of the strength of federalist sentiment or ideology in the country.

Under the new Constitution, approved by a 2005 referendum, the existing 11 provinces – Kinshasa, Province Orientale, Kasai Oriental, Kasai Occidental, Maniema, Katanga, Sud-Kivu, Nord-Kivu, Bas-Congo, Équateur and Bandundu – are to be split up by September 2009, creating 26 provinces. The Constitution is silent on whether the system of governance is either federal or unitary.

Sharing power with the provinces

Like many federations however, the DRC has to accommodate diversity. The vast country of 68 million people with four times the area of France has 250 ethnic groups and as many as 700 local languages and dialects. It has turned to a quasi-federal system to accommodate diversity.

One example of this quasi-federal system is that the Senate of the DRC is now elected by the assemblies of the provinces. Senators now come from and are chosen by their respective provincial legislatures. This is part of the new constitutional order in the DRC in which the powers are divided between the national, provincial and even local levels. Second, a Conference of Governors was created by the Constitution to give voice to the provinces. The Conference, chaired by the president, has a mandate to

“assure harmony among the provinces themselves” and to “provide advice to the two orders of government.” Third, a constitutional court has been established to settle disputes between the central government and the provinces over competence in any area.

To protect diversity, there are four recognized national languages, each of which is used as a common language in different regions: Kikongo, Lingala, Tshiluba and Swahili, in addition to French – the official language. Every law passed by the central government in Kinshasa must be published in all four national languages within 60 days.

Federalism and its opponents

Constitutionally, the DRC has had an ambivalent relationship with federalism. In the rush to independence in 1960, the new state was given a “Fundamental Law” that would run out after four years. After independence, there was a chain reaction whereby various parties carved out miniature provinces that they could dominate. These new provinces purportedly had to meet certain criteria, including “viability” and a minimum population of 700,000. Most of the “provincettes” (as journalists dubbed them) corresponded to one, or occasionally two, colonial districts. Setting up the new areas created jobs for politicians and administrators and brought government closer to the people. But it also set off a new round of ethnic conflict. Provincial police forces functioned as miniature armies, seizing territory from their rivals.

Federalism remains controversial, however. This is partly because of the various secessionist movements and civil

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wars that followed the first government after independence in 1960, led by Patrice Lumumba, who was assassinated in 1961.

In 1964, a constitutional convention was held in the capital of the former Kasai province. The Luluabourg Constitution was explicitly federalist. It consecrated the political victory of the federalist moderates over the Lumumbists, disempowered after the assassination of Lumumba three years earlier. Later that year, a civil war broke out between the Lumumbists and the central government. In 1965, when the tide had turned against the Lumumbists, the army commander, Colonel Joseph Mobutu, seized power and began restoring order. He re-established most of the colonial provinces. Only the Kongo people and the Luba-Kasai retained their own provinces.

However, Mobutu deprived the provinces of their separate governments. An administrator, who could not be a local person, headed each province, district and territory. The prefectural administrators were incorporated into Mobutu's party-state, and given political functions alongside their more strictly administrative ones.

Mobutu's tentative moves

Late in the 1980s, the Mobutu government began experimenting with territorial administration. The territorial reforms got tangled up in the broader struggle between the aging dictator and forces that were calling for democracy. When multi-party political competition resumed at the beginning of the 1990s a flock of parties appeared on the scene, some opposing Mobutu and some supporting him.

The Congolese political landscape was remodelled twice. The war of 1996–97 brought Laurent Kabila to power with the backing of Rwanda and Uganda. However, in the war of 1998 to 2002, Rwanda and Uganda backed a collection of Kabila's opponents and this second war ended in a stalemate. Kabila and his successor, Joseph Kabila, held a southern belt including Kinshasa and Katanga. Rwanda and the Congo Democratic Rally

(*Rassemblement Démocratique Congolais, RCD*) held the east. Uganda and the Congolese Liberation Movement (*Mouvement de Libération du Congo, MLC*) held the north.

So, after a long war and long peace process, a new constitution was drafted and approved in 2006 and elections held. The new Constitution represents a compromise between federalists and centralists. This Constitution has some unitary attributes in that it provides for supervision by the central government of the decentralized territorial entities and nomination of governors and vice governors by the president of the Republic. Elements of federalism can be seen in the division of competencies between the central government and the provinces, and the administrative autonomy of the provinces.



Supporters in Kinshasa celebrate the victory of President Joseph Kabila in the Democratic Republic of Congo, November 2006.

Empowering the provinces

The Constitution specifically lists the competencies of the central government and of the provinces as well as concurrent competencies. The central government shares with the provinces powers including regulation of radio, television and cinema; civil and traditional law; land and mineral rights and environmental protection. The provinces are responsible for education from preschool to secondary. Also, the provinces have been given independent financial means including land tax, taxes on rental income and motor vehicle taxation.

The new Constitution may create jobs for the political class and bring administration and government closer to the people. The big test will come during the

next round of elections. The elections of 2006 generated large-scale violence, as parties and associated militias attempted to establish control over one region or another. The various militias are to be disbanded or integrated into the national army, and the police force is to be national as well. It is unclear whether these measures will suffice to ensure peaceful elections in the future.

A crucial question concerns the distribution of political power between the centre and the regions. The attempted secession of mineral-rich Katanga and South Kasai, and the chaos of the era of the "provincettes" (1962–66) discredited federalism. In turn, 30 years of Mobutu's dictatorship discredited extreme centralization. The *Rassemblement Démocratique* party called for federalism, which had the effect of tainting that position. President Joseph Kabila and Prime Minister Antoine Gizenga face problems posed by a secessionist sect among the Kongo people in the West and of Hutu and Tutsi militias in the East.

Sharing mineral revenues

The 2006 Constitution does address the vexing question of how to divide revenues from mineral resources. The provinces can retain 40 per cent of national revenues derived from their territory. Resource-rich provinces, like Katanga, thus keep a large share of the money from their mineral deposits. The

Constitution also creates an "equalization fund" to redistribute up to 10 per cent of national monies to infrastructure projects in poorer provinces. This strikes a three-way balance among the rich provinces, the poor provinces and the central treasury in Kinshasa. It remains to be seen whether this can translate into a practical check on centralizing and secessionist forces in the DRC.

Congo's riches should benefit all of its people. That presupposes balance between the interests of the central government and the provinces. What that balance should be is for the Congolese to decide. Many fear, however, that excessive provincial autonomy could serve as an invitation for continued foreign interference. 