

*The European Union's Political and Development
Response to the Democratic Republic of the Congo*

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Acronyms

AAA	Agro-Action Allemande
ACP	African, Caribbean and Pacific countries
AFDL	Alliance des Forces Démocratiques pour la Libération du Congo-Kinshasa
CAG	Conseil des Affaires Générales
CECI-PADD	Centre Canadien d'Etude et de Coopération Internationale
CEPGL	Communauté Economique des Grands Lacs (Great Lakes Economic Community)
CNS	Conférence Nationale Souveraine (National Sovereign Conference)
DAC-OECD	Development Aid Committee – Organisation for Economic Co-operation for Development
DRC	Democratic Republic of the Congo
DDRR	Disarmament, Demobilisation, Reinsertion and Reintegration Programme
DG Dev	Directorate-General for Development
EC	European Commission/European Community
ECDPM	European Centre for Development Policy Management
ECHO	European Community Humanitarian Office
EERP	Early Emergency Recovery Project
EDF	European Development Fund
EU	European Union
EuropeAid	European Agency for International Development
FAO	UN Food and Agriculture Programme
FAR	Forces Armées Rwandaises
FDD	Forces de Défense de la Démocratie (Forces for the Defence of Democracy)
FOLECO	Fédération des ONG Laïques à Vocation Economique du Congo
GTZ	Deutsches Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)
HIPC	highly indebted poor country
IBRD	International Bank for Reconstruction and Development
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ILO	International Labour Organisation
IMF	International Monetary Fund
INGO	international non-governmental organisation
IRIN	Integrated Regional Information Network (OCHA)
MONUC	Mission d'Observation des Nations Unies pour le Congo (UN Observation Mission in the Democratic Republic of the Congo)
NGO	non-governmental organisation
NIP	National Indicative Programme
OCHA	UN Office for the Coordination of Humanitarian Affairs
OAU	Organization of African Unity
PADD	Programme d'Appui au Développement Démocratique
PAR	Programme d'Aménagement de Routes
PATS	Programme d'Appui Technique au Sector de la Santé
PRSP	Poverty Reduction Strategy Paper
RCD	Rassemblement Congolaise pour la Democratie
RIP	Regional Indicative Programme
SADC	Southern Africa Development Community
SWAP	sector-wide approach
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WFP	World Food Programme

Summary

The crisis in the Democratic Republic of the Congo (DRC) is the combined result of long-term structural degradation, medium-term inter-communitarian tensions and short-term regional, military and political conflicts. Over the years, this multi-layered crisis has had disastrous socio-economic effects that are affecting the various regions of the country to different degrees. The root causes of the crisis are the structural degradation, which has benefited some international interests, followed by inter-communitarian tensions and the regional crisis.

After almost 30 years of constant economic, political, and military support, the international community suspended development cooperation with the DRC in 1992. In the decade since then, most donors have sought to address the socio-economic effects of the crisis through ‘humanitarian plus’ programmes under an official ‘humanitarian’ label. They have also responded to the structural crisis with political interventions focusing on ‘democratisation and good governance’ and small-scale ‘human rights’ and ‘civil society capacity building’ programmes. The inter-communitarian crisis has generally been neglected, and the regional and political crises have been addressed within the framework of the Lusaka Accord. Although the situation in the DRC is the same for all donors, they have carried out their interventions using a wide array of strategies and approaches, and have mobilised their institutional capacities in very different ways.

Based on the lessons learned from this diversity, this report presents a set of proposals for improving the EU’s response if the crisis in the DRC should continue. In particular, more integrated political and development interventions that will better address the root causes of the crisis.

Note: The authors would like to stress that this report is based on the situation observed and information collected between January and June 2001, mainly in Kinshasa and the Kivus. The ‘current’ situation therefore refers to the circumstances that prevailed as of June 2001, when the mission last visited the Democratic Republic of the Congo.

1 Introduction

‘Fragile states’ are understood as meaning countries facing latent or protracted conflicts (including situations of war), as countries emerging from conflict (with major uncertainties on their future stability), or as countries indirectly affected by regional conflicts. Their ‘fragility’ can take different forms. In extreme cases, the state structures have disappeared. In other cases, the central state may appear strong (e.g. in terms of military control), but it lacks legitimacy, controls only part of the national territory or fails to deliver even the most basic services (including in development terms). The net result is generally a situation of chronic instability, insecurity, violation of human rights, economic and social collapse, high levels of aid dependency and rising levels of absolute poverty.¹

This study attempts to analyse the development responses of the European Union (EU) and other donors to the Democratic Republic of the Congo (DRC), looking particularly at what could be improved in terms of policies and instruments under the new ACP–EU Partnership Agreement signed in Cotonou in June 2000.² Although the legal framework and the instruments of Cotonou are the same for all 77 African, Caribbean and Pacific (ACP) countries, the challenges of implementing development interventions in politically fragile states are much greater. The polarisation of the political situation and the weakness of the state (in terms of its capacity to deliver basic public services) make all of the obstacles more acute, and the volatility of the political environment makes every policy choice particularly difficult and frail.

In the DRC, the EU’s interventions, like those of any other donor, are determined by the complexity, sensitivity and volatility of the situation, and by political issues – internal, regional and international. Such interventions require a great deal of ‘political awareness’, even in areas that are usually regarded as ‘non-political’, such as the effective delivery of emergency aid to meet the needs of the population, for which the EU is not always well equipped.

¹ According to this definition, a growing number of ACP countries can be categorised as ‘fragile’, making unprecedented demands on the international donor community for complex emergency interventions to help restore stability and to create the conditions in which the pressing development challenges can be addressed.

² The Cotonou Agreement provides a new legal framework and a mandate to the European Commission and EU Member States to ensure stronger links between development interventions and conflict prevention, management and resolution in its Article 11. The essential idea of the Agreement is to use regional, subregional and national capacities to attack the root causes of conflict. It is interesting to note that the Agreement also makes provision for the necessary links to be established between emergency measures, rehabilitation and cooperation on the ground. These provisions have to be considered together with Article 8, which sets the basis for the political dialogue, and Article 96, which establishes limits for consultation, and procedures leading to suspension.

2 Country Overview: Democratic Republic of the Congo

2.1 Political and Social Situation

The Democratic Republic of the Congo (formerly Zaïre) is the fifth largest country in Africa, with a territory of 2.3 million km², a population of around 50 million, and more than 300 ‘ethnic’ groups related to four regional linguistic communities. Combined with their long-held desire for autonomy, these ethnic allegiances mean that the DRC is a highly complex socio-political entity to manage. This complexity and the abundance of natural resources have made the DRC intrinsically precarious. Unity and political stability were maintained during the Cold War only due to the constant and massive economic and military support from Western countries (mainly France, Belgium and the United States directly, or through the United Nations). Notwithstanding this support, the DRC has experienced a protracted and progressively multilayered crisis: a long-term *structural crisis*, medium-term *inter-communitarian tensions*, and short-term *regional and political crises*.

2.1.1 *The Structural Crisis*

Since the beginning of colonial times, the people of what is currently the DRC have lived under an autocratic regime. An autocratic regime may not present structural/institutional problems *per se*, but the system that was set up by King Leopold of Belgium evolved under President Mobutu into a refined form of a kleptocratic regime that ‘mismanaged’³ the country’s resources and was characterised by nepotism and widespread corruption. The rise to power of Laurent-Desiré Kabila in 1997 did not change the nature of the regime.

Besides the economic burden that it imposed on the population, the legacy of the regime had some of the following socio-political effects:

- *The lack of state legitimacy*. There is little popular recognition (except at a local level) of state authorities, which are regarded as ‘external’.
- *The very low public institutional capacity*. ‘Mismanagement’ and successive public sector cutbacks (in response to the ‘stabilisation’ programmes of the International Monetary Fund (IMF) and the World Bank) have progressively undermined the central and provincial governments, and the administrative capacity is now considered to be largely in ruins.
- *Widespread “anti-values”*. Over many years, the widespread predatory practices and the official promotion of anti-values⁴ have meant that the Congolese regard civil/political institutions only as a means to gain access to wealth.
- *The lack of a democratic culture*. Since authorities are regarded as ‘external’, most Congolese do not believe they have to be accountable and that they are entitled to question them. The only recognised popular recourse against the authorities is to pray, and to trade the Congo’s wealth in return for peace (‘let them take what they want, as long as they give us peace’⁵).
- *The development of partly opportunistic civil society*. Successive administrative cutbacks and the gradual destruction of the formal economy, combined with the massive education programme during the Mobutu era, have encouraged the multiplication of top-down civil society organisations that are often used as economic or political springboards for their leaders, rather than to serve the interests of the population.

³ This is a euphemism used by international financial institutions to mean ‘used for its own benefit and related international interests’. In 1986, 18% of state expenditures on goods and services (US\$ 269 million) were unaccounted for.

⁴ Epitomised by the famous ‘Article 15’, popular Congolese saying expressing ultra-developed capacity to cope under worst circumstances.

⁵ A widely held sentiment as expressed by the leader of a civil society group.

Box 1: The Effects of the Structural Crisis

Predatory practices in the DRC have been extensive since the beginning of colonial times, and gave rise to a new concept, referred to by economic historians as *raubwirtschaft*, or a 'robbery economy'. This has produced 'a new type of social organisation in which the military hierarchy, predatory business practices and ethnocentric solidarity are intermingled', which may explain the effectiveness of today's global cartels or organised crime.⁶

The socio-political effects of this system on Congolese society have been so far-reaching that they have 'infected' almost every institution and aspect of social behaviour. Thus anyone in working with Congolese society (businessmen, donors, etc.) must take this reality into account. Although such a system had rarely been seen in the past, comparable systems are now spreading around the world. Understanding and addressing the structural crisis in the DRC may therefore help efforts to detect and correct similar situations elsewhere.

2.1.2 Inter-Communitarian Conflicts

Since the end of the 1980s, 'ethnic' tensions in Zaire/DRC (as in many other African countries) have been used as a political tool to downplay the institutional failure of the regime to ensure a bare minimum standard of living for the population. In the early 1990s these manipulated inter-communitarian tensions exploded into repeated localised, but deadly conflicts⁷ that further ripped apart a social fabric already under stress from the structural crisis. In addition to increasing xenophobia, the inter-communitarian conflicts have destroyed local microeconomic systems between communities (the economic lifeblood of the DRC) and have increased insecurity, leading to rising numbers of internally displaced persons and refugees fleeing to neighbouring countries (mainly Burundi, Rwanda and Uganda). In combination, these factors have contributed to the aggravation of the ongoing structural crisis, and in 1996–97 the violence against the Banyamulenge community sparked the war that led to the overthrow of President Mobutu and brought Laurent Kabila and his Alliance des Forces Démocratiques pour la Libération du Congo-Kinshasa (AFDL) to power.

2.1.3 The Regional Crisis

In the early 1980s, Zaire became the base for armed opposition groups fighting neighbouring governments. With the launch of the 1996 war, foreign countries became direct protagonists in the country's political affairs, aiming at the overthrow of Mobutu. With the 1998 war, the DRC became further entrenched in the regional crisis by becoming the host battleground for seven different African countries, with at least eight foreign militias. In August 1999, the GoDRC, three rebel factions and their five principal military backers signed an accord in Lusaka calling for a ceasefire, troop standstill, disarmament of 'negative forces' and political negotiations. After successive violations (by all parties) of the Lusaka Accord a spontaneous cease-fire was observed in January 2001, following the assassination of Laurent D. Kabila.⁸

All of the factions committed massive atrocities against Congolese civilians, and pitted communities against each other, thus aggravating the inter-communitarian tensions. The war also took its own

⁶ Jean François Bayart, "La criminalisation de l'état en Afrique"

⁷ To give three examples: (1) the cleansing of Kasaians from Katanga in 1992; (2) ethnic clashes in North Kivu, mainly directed against Rwandese-speaking communities, which were aggravated by the arrival of ex-FAR and the Interahamwe in 1994; and (3) ongoing aggression against Rwandese-speaking communities in South Kivu, and among the Bahema and Balendu in the northeast.

⁸ In order to observe the respect of the cease-fire, the United Nations has deployed nearly 500 military observers as part of the Mission d'Observation des Nations Unies au Congo (MONUC).

economic, but localised, toll on the DRC, fuelled the xenophobia against cross-border communities and incited numerous men of all ages to take up arms as the only way to earn a living, thereby compounding the effects of the structural crisis and the inter-communitarian conflicts. Moreover, the war served to divert attention from the structural crisis, as the presence of foreign troops in the DRC fuelled Congolese nationalism and temporarily obscured the lack of legitimacy of the central government.

Box 2: The Regional Dimension

The regional problems are partly due to the politico-military conflicts that have spilled over from neighbouring territories into the DRC, and vice versa. This mutual influence is deeply rooted in the history of the region. Crises in neighbouring countries have resulted in inflows of millions of refugees to the Congo, while the recent crisis in the DRC sent refugees by the hundreds of thousands to neighbouring countries.⁹

Since independence, the Congo has promoted and actively participated in various regional/continental integration initiatives, such as those of the Great Lakes Economic Community (CEPGL), the Southern Africa Development Community (SADC), the Organization of African Unity (OAU). Since 1998, however, several neighbouring countries that are members of those initiatives have sought to exploit the DRC's resources, providing vivid examples of possible variations in the interpretation of the term 'regional integration'. In this context, any reference to regional integration has *de facto* the connotation of promoting a country's occupation, and this has led to an increasingly 'isolationist' attitude among many Congolese. Nevertheless, there is evidence of an emerging different attitude to 'regional awareness', such as 'solutions without borders must be found to problems without borders'.

2.1.4 The Political Crisis

Following the overthrow of Mobutu by the AFDL in 1997, growing tensions arose among former political partners. The failure of the factions to reach a satisfactory compromise, combined with growing antagonism between the new President Laurent Kabila and his foreign allies, culminated in the 1998 war against former AFDL leaders, each of them backed by former AFDL allied foreign armies.

In addition, non-violent opposition groups clashed with President Kabila after he took power. Even though the consequences these confrontations were not as serious as those of the war, the leaders nevertheless continued to block solutions to the structural crisis, and further ripped apart the already strained social fabric. The 'inter-Congolese political negotiations' could provide a possible frame for resolving the political crisis.¹⁰

The political and social situation as of June 2001

All four layers of the crisis are still in force. The situation is generally improving, but is still uncertain, in part due to the fact that the root causes of the crisis are seldom addressed by the dominant ideology (see Box 3), and also because each layer of the crisis is fuelling the others.

⁹ According to the UNHCR, there were 335,800 refugees living in the DRC (mainly from Angola, Burundi, Rwanda and Sudan) and 125,000 Congolese wishing to repatriate from third countries. However, these are probably 'infinitesimal' fractions of the actual numbers.

¹⁰ Article III, paragraphs 18 and 19, and Annex 1, Chapter 5, of the Lusaka Accords both refer to the 'inter-Congolese political negotiations'.

Box 3: Explanations for the Crisis

Congolese from all sectors of society offer two main sets of factors to explain the crisis in the Congo:

- *External*: the crisis is being caused by neighbouring countries (especially those to the east) who have exported their political/military/economic problems to the DRC; if foreigners leave, the country will emerge from the crisis.
- *Internal*: the root causes of the crisis are internal, but are being exacerbated by external factors; the Congolese people must address their own problems just as much as the foreigners must leave.

Most of the government officials and civil society leaders interviewed for this study believed that the external factors were responsible. This belief, together with the population's fatigue, may serve to increase the xenophobia and the further manipulation of ethnic tensions.

2.2 The Economic Effects of the Various Crises

The economic resources of the DRC are vast and diverse, and fall into two categories. First, the easily accessible resources (mainly minerals) attract short-term 'investors' (adventurers, mercenaries and organised crime) and offer neighbouring countries 'undisclosable' reasons for their military presence. These foreigners have taken advantage of the political instability to access and export raw materials without observing social regulations, environmental concerns, or paying customs duties. Second, the country's 'industrial resources' (minerals, timber and energy) will require large-scale, long-term investments to launch or resume production. These resources are of interest to large corporations and investors who need peace and political stability in order to ensure a return on their investments. They also prefer to deal with as few administrative representatives as possible, and hence favour a strong centralised state.

The economy is in an advanced state of collapse, and is characterised by subsistence agriculture, the lack of basic social services, and commercial activities engulfed by the informal economy. Each layer of the crisis has taken a heavy toll on the economy, but the most disastrous effects have been produced by the structural plundering and neglect since the early 1960s. The inter-communitarian, regional and political crises have added to the already disaster (see Box 4). Although the structural crisis was quantitatively more devastating, almost all interviewees referred to the 1998 war as the main cause of economic destruction. The end result is a socio-economic disaster that has affected all regions of the country, albeit to varying degrees.

Although dramatic, the precise magnitude of the humanitarian crisis is unclear (according to different sources, between 1 and 16 million people are vulnerable) and its geographical distribution (regional, urban/rural) uncertain. This uncertainty is largely due to the existence of the widespread but little understood informal economy, in which women are generally recognised to play a major role.¹¹

Box 4: The Slow Economic Collapse in the DRC

In 1962, per capita GNP was US\$ 1140. By 1985, it had fallen to US\$ 380, by 1997 to US\$ 130, and by 2001 it had virtually halved to US\$ 70.

¹¹ As an indication of the importance of the informal economy, the official average monthly salary is between US\$ 5–10, whereas the cost of living (housing, food, transport, health, etc.) for an average family is about US\$ 300 per month.

2.3 Key Challenges facing the DRC

From an analysis of the various layers of the crisis, it appears that the primary cause has been the kleptocracy, which found common ground with international interests. The other causes have been the inter-communitarian tensions and the regional crisis, although to some extent both of these were induced by the first. These interlocking crises mean that the DRC is facing multiple challenges, some of them specific to one or another crisis layer, others resulting from the overall crisis:

The structural crisis

To address the causes of the structural crisis is a challenge in itself. Those who profit from the system are bound to resist the emergence of truly legitimate and people-oriented institutions. On the other hand, it is difficult for the Congolese to mobilise themselves to address this issue for a number of reasons:

- anti-values are now so deep seated;
- many Congolese are linked to the system in one way or another;
- all their energies are devoted to survival activities;
- the strategic capacities of civil society are very limited; and
- there are no large-scale democratic organisations that are able to oppose those who are profiting from the situation.

While addressing this issue, it might be difficult for the Congolese to consider one of the only consensual solutions envisaged before the 1998 war: to establish a decentralised system.¹² Indeed, because of the foreign military presence, any reference to decentralisation is regarded as a pretext for the country's official disintegration and partition. Moreover, to change the Congolese mindset away from anti-values will take time and will need continuous short-term incentives and reinforcements, so that any efforts are likely to be very fragile and prone to setbacks in the process of building legitimate institutions.

For all of these reasons, the structural crisis must be addressed in very creative ways if tangible and sustainable results are to be achieved.

Inter-communitarian tensions

Solving these tensions in sustainable ways will require, among other things, rebuilding genuine inter-communitarian confidence and neutralising the prevalent anti-values. Both will require time and a political will that will be difficult to generate among those who are still benefiting from these conflicts.

The regional crisis

The only way for the DRC to find a durable peace is to develop its defence and security capacities and to address the security concerns of neighbouring countries, as well as the underlying political and economic reasons for their presence in the DRC.¹³ Neither of these solutions will be easy to implement in view of the lack of capacity of the Congolese military (see Box 5) and the increasing isolationist attitude.

¹² Very few observers imagine that the DRC could be managed in the people's interests by a strong central authority. A decentralised system is considered by most to be the only way to ensure DRC democratisation. (This was also the conclusion of the 1992 'Conférence Nationale Souveraine', CNS).

¹³ 'If the socio-economic problems of bordering countries are not addressed we will never have peace in the Congo'. Interview, Kinshasa, June 2001.

Box 5: The Lack of Military Capacity

Since independence, Zaire/DRC has never had a genuine military capacity to defend its territory from internal or external attacks. It has always had to rely on Western technical and logistical support, and on 'invited' forces, including UN troops and mercenaries in the 1960s, French soldiers and mercenaries in the 1970s, and mercenaries and neighbouring countries troops in the 1990s.

The political crisis

There is a risk that the 'inter-Congolese political negotiations' will become the forum for individuals to serve their own short-term personal interests (as happened during the CNS) rather than the real answer to the popular need for legitimacy.

The economic crisis

The international community must be able to address appropriately and jointly the country's short- and long-term economic needs, which range from the most basic humanitarian assistance to 'more sophisticated' needs (**like access to currency and market circuits to be able to supply the cities**). An effective response to all of these needs will have to include a mix of humanitarian and development interventions that are not usually combined in intervention plans (national or local). Also, a coordinated economic response will be difficult due to the lack of security, the degraded infrastructures and the limited means of communication.

In responding to the situation in the DRC, local and international actors must take into account the following factors:

- *The need for popular ownership to ensure sustainability.* Both local and foreign actors are anxious that the DRC 'returns to normal' as soon as possible. However, the lack of local strategic capacities raises the danger that identifying problems and their solutions will be done 'from the outside', without real consideration of the people's interests. Sustainable and equitable solutions to the crisis cannot be achieved without developing the strategic capacities of both the government and non-governmental groups, which will be a time-consuming process, and is unlikely to alleviate the immediate effects of the crisis.
- *The need for a global response to the crisis that is adapted to local realities.* The DRC's multilayered crisis needs creative interventions so that all of the causes and consequences are addressed simultaneously, in order to produce sustainable and equitable solutions. Because of regional differences in the effects of the crisis, effective responses will also have to be tailored to suit local realities that may not be well understood in detail. Appropriate responses to the crisis therefore demand well planned, targeted, coordinated and iterative global as well as local interventions.¹⁴ In view of the exodus of trained individuals from the rural areas to Kinshasa, the concentration of donors and donor actions in Kinshasa, the communication and transportation difficulties, and the sheer size of the country, taking full account of and responding correctly to countrywide realities will require special efforts.
- *The lack of financial, institutional and human resources.* An appropriate response to the crisis will entail the mobilisation of enormous financial, institutional¹⁵ and qualified human resources, which the country obviously lacks.
- *The need for international aid.* The DRC's lack of financial resources will mean that it is reliant on international public and private support. Because of the poor results of aid in the past and the bad

¹⁴ See, for example, the World Bank note, *Reprendre la chemin du développement; les défis économiques et sociaux*, and *OCHA Projet de relance du Congo Phase I*.

¹⁵ For assessment, strategic planning, monitoring, coordination, etc.

reputation of the DRC, Western publics may be reluctant to support their governments in increasing aid to the DRC. Moreover, until the DRC qualifies for assistance under the Highly Indebted Poor Countries (HIPC) Initiative, it will be unable to obtain funding from international financial institutions, and thus will have to depend on emergency grants, bilateral assistance and European Commission aid.

3 International Donor Responses to the DRC

3.1 International Responses in Historical Perspective

The Mobutu era: during and after the Cold War

Between 1965 and 1990, during the Cold War, the Western countries' interests in the DRC ensured that it was entitled to continuous and growing flows of aid and numerous IMF/World Bank 'stabilisation' and 'reform' programmes (1967; 1979; 1981; 1983–85; 1986; 1987–90). The aid continued despite the repeated reports of 'mismanagement', the accumulating debts, recurrent civil rights violations and the rising poverty. Nevertheless, the substantial volume of aid did not prevent the country falling into a prolonged structural crisis, with disastrous socio-economic consequences, but actually fuelled it.

With the end of the Cold War, one of the political consequences was that most Western countries decided to distance themselves from Mobutu. In 1990, after several warnings (in 1989 and 1990) to Mobutu about his 'mismanagement', and given 'evidence that he had indeed not kept his word as a soldier',¹⁶ the World Bank and IMF suspended their aid to adjustment programmes. Between 1991 and 1993, on the pretext of 1991 human rights violations and the insecurity following the 1991–93 army riots launched by Mobutu in major cities, most donors first suspended and then closed their development aid programmes, and some even closed their embassy. Some countries, including Canada and Japan, rushed at the opportunity afforded by the first riots to withdraw almost overnight, while others such as Germany and the EU allowed their ongoing programmes to come to an end in the following years. The Commission unilaterally suspended EDF aid to Zaire in 1992, in line with Article 366 of the Lomé IV Convention.

After suspending their development aid, most donors reoriented a fraction of their former funds for 'humanitarian' programmes (in reality they designated programmes that circumvented the DRC government and worked with NGOs and INGOs), and waited for the situation to improve before resuming business as usual. The EC reoriented its aid in 1995, in two programmes focusing on roads and the health sector, with funding at less than 60% of pre-1993 levels. In comparison with normal bilateral operations, the EU has been one of the most important donor agencies since 1993.

In the meantime, Mobutu brought further chaos to his country by launching the *inter-communitarian crisis* in Katanga and North Kivu, which brought no particular reaction from the donor community. It took the Rwandan genocide in 1994 and the aftermath of the war to initiate a massive international humanitarian response in the DRC, but still with no substantial concerns about the ever-worsening situation for the Congolese. The donor community attempted to manage the spillover effects of the Rwandan crisis by again supporting the weakening Mobutu regime for some time, but this merely created the conditions for the regional and military crises in the DRC to explode in 1996. The immediate result of this was the replacement of Mobutu by Laurent Kabila.

The post-Mobutu era

The replacement of Mobutu by the self-proclaimed President Laurent Kabila was a strong enough improvement in the situation for some Western countries (e.g. Canada, the United States and the EU) to reopen their embassies and/or to start thinking about relaunching their development aid. But Kabila soon upset most Western countries, which in turn decided to stay on hold, and to wait for better times. However, during the last year of Kabila's rule, the EC took the initiative to launch a process of programme formulation to utilise outstanding EDF funds. Under Kabila, the structural, inter-communitarian and regional crises in the DRC became more deeply entrenched, and finally a new political crisis emerged, which sparked the 1998 war. After the assassination of Kabila and replacement

¹⁶ World Bank (1999), *Aid and Reform in Africa: Papers – The case of the Democratic Republic of Congo*, p.8.

by his son Joseph early in 2001, followed by progress on several fronts,¹⁷ most donors decided that the ‘better times’ had finally come, offering a real window of opportunity.

3.2 The Current Situation

3.2.1 Major Players

For the purpose of this study, the ‘major players’ are assumed to include donors that either contribute considerable amounts of aid to the DRC (in the form of humanitarian and development assistance), and/or are considered for some reason by other donors to play a leadership role in the country or the donor community, and/or have a long history of cooperation with the Congo.¹⁸

3.2.2 Mandates

The structural/institutional crisis

Since the early 1990s, almost all donors, including the EC, have stressed the need for ‘democratisation and good governance’ in their political declarations and programme documents, as well as the importance of resolving the structural/institutional crisis to ensure sustainable peace and development. Since 1992, they have included ‘human rights’ and ‘civil society capacity building’ components in their programmes, but at a very low level of involvement. In the case of the EC’s programmes, such components are (and will continue to be) concentrated in the capital Kinshasa, with some in Banbundu and Bas Congo and surrounding areas.

When the new government of Joseph Kabila opened the apparent ‘window of opportunity’, donors gradually increased their promotion of human rights, transparent management and democracy, ‘public institution capacity building’, ‘democratisation’ and ‘support to the justice system’ in their programmes. Donors also seem to have high expectations of the ‘inter-Congolese political negotiations’ in resolving these issues.¹⁹

Inter-communitarian conflicts

Despite the destructive potential of these conflicts, very few donors are openly addressing them in the DRC.²⁰ There is almost no reference to this issue in donors documents consulted by this study and very few interviewees from the donor community referred to this issue. *The EC has no project to address this issue.*

The regional and military crises

All donors recognise the Lusaka Accord as the framework for interventions to help resolve the regional and military crises. The donors’ main mandates in relation to these issues are the deployment of the UN Observation Mission in the Democratic Republic of the Congo (MONUC), and the implementation of the Disarmament, Demobilisation, Reinsertion and Reintegration (DDRR) programme (World Bank/ILO, UNICEF, the EC, etc.). There are also mandates to provide support to political discussions and summits between the authorities in the DRC and neighbouring countries, to exert strong diplomatic

¹⁷ ‘... d’importants progrès sur plusieurs fronts’, World Bank note, *Reprendre la chemin du développement: les défis économiques et sociaux*, p.5.

¹⁸ The study took into consideration the IMF/World Bank, the UN family (FAO, MONUC, UNDP, UNHCR, UNICEF, WFP), the EU, Belgium, Canada, France, Germany, the ICRC, the Netherlands, Sweden, the UK and the USA.

¹⁹ See for example, World Bank note, *Reprendre la chemin du développement: les défis économiques et sociaux*, pp.7, 8 and 13.

²⁰ With the exception of a regional Canadian project (CECI-PADD, which operates in the eastern provinces; see Box 17), some small funds provided by Germany and the Netherlands to support local initiatives, and an OCHA project (still being negotiated). There are some local initiatives to address these tensions, but their funding is low and they are finding it difficult to convince donors of the importance of the issue.

pressure on Rwanda and Uganda to withdraw from the DRC, and to provide some support to a regional dialogue (i.e. to support the establishment of permanent dialogue between civil societies in the region). The EU Council's diplomatic contribution to these efforts was the nomination in February 1996 of a Special Envoy to the Great Lakes region (Mr Aldo Ajello). But his initiatives do not seem to have been equally appreciated by the EC and EU Member States, which have strongly limited his capacity to formulate a common regional policy. There are no other international initiatives, nor, apparently, is there a will to neutralise the 'negative forces', even the foreign armed groups (Burundian, Rwandan and Ugandan), whose presence is one of the causes of the crisis, giving neighbouring countries a chain of disclosable reasons for their presence in DRC (see Box 6).

Box 6: The Interahamwe and the FDD: Problems that won't go Away

There are currently no international initiatives to deal with the Interahamwe and Burundi's Forces for the Defence of Democracy (FDD), even though there is ample evidence of their organised movements from the DRC to fight in Rwanda and Burundi. Rwanda officially confirmed that it 'will not leave the DRC until the last *génocidaire* [i.e. Interahamwe] has been brought to justice'.²¹ FDD officials reaffirmed they would not recognise the August 2000 Arusha agreement nor the July 2001 transitional agreement, and would maintain their military pressure on Burundi (from South Kivu and Tanzania). The current strategy of disarmament is limited to the Lusaka mandate of the Joint Military Commission and the United Nations to 'create mechanisms of disarmament', and for the signatories 'to create favourable conditions for the accomplishment of this objective'.

The political crisis

The Lusaka Accord is the officially recognised framework for all interventions to help resolve the political crisis. Donors are either supporting the process logistics (e.g. the EC, with EUR 200,000), or are using diplomatic efforts to bring the protagonists to the negotiating table and come up with a workable solution. However, many of the international community's initiatives aimed at the DRC government (such as the EC's decisions to resume discussions about a national authorising officer, and agreements between Belgian, Italian and US authorities with the DRC government) have led many protagonists and observers to comment that the international community is *de facto* supporting one Lusaka signatory against the others.

The economic crisis

Because of the official 'humanitarian' focus of their interventions since 1992, most donor programmes, including those of the EC, have addressed the economic consequences of the crisis, such as the destruction of infrastructures and humanitarian needs). Moreover, a rapid survey of donor programmes implemented since 1992 reveals that most of them have been 'socially' oriented (e.g. health, education and human rights) rather than 'economic' (support to production and trade). This observation seems to be confirmed by the repeated complaints of beneficiaries (civil society and government actors) that there are 'too many socially oriented programmes' and too few 'economic and integrated programmes'. In view of these observations, the government of the DRC and the World Bank have asked donors to become more involved in the economic sector, and to take advantage of the window of opportunity to help the country out of the crisis.²²

Possible change of mandate

In July 2001, the government of the DRC presented a short-term priority programme as the basis for discussion among donors. This was the first government proposal (since 1993) that donors agreed to use as the basis for their interventions. If donors adhere to the plan, their mandate will change from a playing a leadership role (since 1991 donors had defined their own intervention plans) to a more *supportive role*, and to assist the government to achieve its objectives.

²¹ Official statement of President Paul Kagame of Rwanda, at the memorial for the [victims of the?] genocide, 4 April 2001.

²² World Bank note, *Reprendre la chemin du développement; les défis économiques et sociaux*, pp.6-8, and Annex 2: Un agenda indicatif pour ranimer l'activité économique.

3.2.3 Strategies/Approaches

Although the situation is the same for all donors, they have adopted a very wide range of strategies and approaches on various aspects, but with some major trends, as follows:

- *Ownership/sustainability.* The ‘weight’ attached to sustainability concerns varies among donors and even within agencies (such as the EC). Some express great concern about this issue, and have tried to translate it into operational strategies adapted to various dimensions (such as by changing the nature of aid and the programme beneficiaries). Others show little concern, or frustration about the lack of sustainability of their programmes, explaining that ‘with humanitarian interventions, ownership is zero’. Some donors (including the EC) comment that in the absence of a national plan of action is reducing their capacity to adopt a supportive role, making it very difficult to promote national ownership.
- *Working with local actors.* Between 1992 and 1999 donor interventions were executed almost exclusively through international and local NGOs and other private organisations, even when the beneficiaries were state-owned institutions (health centres, schools and research centres). Consequently, capacity building programmes were also almost exclusively aimed at local NGOs and civil society organisations. Since 2000, most major donors have signed cooperation agreements with the government (see Box 7). Some donor programmes (notably Belgium) have also begun to involve ministries in Kinshasa, with components aimed at reinforcing their capacity. With the ‘window of opportunity’ opened by President Joseph Kabila, the government in Kinshasa is becoming more involved in the design and execution of programmes. In particular, the government is collaborating with the World Bank in the preparation of the interim Poverty Reduction Strategy Paper (PRSP), which is intended to be the basis for future donor interventions.

Box 7: Donor Cooperation Agreements

The European Commission: During an official visit of President Joseph Kabila to Brussels in March 2001, the EC notified the 8th EDF envelope of 120 million Euros voted by the EU Council to begin a 24-month test period for EDF cooperation, probably in early 2002.

Belgium: In July 2001 the Belgian Prime Minister, Secretary of State, and Minister for Development Cooperation visited the DRC (east and west), and signed four bilateral agreements with key ministers in Kinshasa totalling almost EUR 20 million.

France: France is currently cooperating with the Minister of Education, Health and Culture, and is expected to sign direct bilateral agreements worth about US\$ 4 million.

USAID: The DRC has an outstanding debt of over US\$ 2 billion to the US government, even though under the Brook Amendment, the United States cannot engage in bilateral development cooperation with heavily indebted countries. In October 2000, however, the US Congress passed a law permitting a waiver of the Brook Amendment in order to enforce measures such as good governance, administrative systems (taxes, customs), child survival and disease fund, and the rule of law. The DRC benefits from over 14 million USD of aid by this waiver.

World Bank: The World Bank has approved a post-conflict programme to finance an Early Emergency Recovery Project (EERP), which will focus on strengthening the capacities of key government institutions, and on road reconstruction. The grant is US\$ 50 million, and the DRC will eventually qualify for debt relief under the HIPC Initiative after it pays off its arrears (around US\$ 306 million) to the IDA and the International Bank for Reconstruction and Development (IBRD).

Even though the EC Delegation shares other donors' approach to working with NGOs, it has maintained close political links with the government in Kinshasa, thus facilitating the execution of projects. For example, the Delegation was able to obtain wide-reaching access for workers in the Programme d'Aménagement de Routes (PAR), while other programmes faced substantial delays. Since March 2001, all activities within the framework of the roads and health sector programmes (PAR and PATS) have been carried out in constant communication with the relevant authorities in Kinshasa. The 8th NIP will continue along the same lines, but with more substantial capacity building programmes for government institutions, in order to ensure sustainability.

There is no official representation of the EC or of any EU Member State in the east of the country except for its ECHO office in Goma. All Member States have very limited contact with the rebel leaders; such contacts are normally limited to 'strict questions of security, and doing everything possible not to be seen as legitimising any given group'.²³ The Commission works cautiously, performing a complicated balancing act between working to alleviate the appalling conditions of the population and 'preserving a certain parity of power between actors so one can increase the willingness of the parties to seek peace'.²⁴ During his visit to the DRC in July 2001, the Commissioner for Development, Poul Nielson, met with the Kinshasa government as well as authorities in the east, and stressed that 'EDF money would only be granted to reinforce the territorial integrity of the DRC'.²⁵

- *The nature and amount of aid.* As mentioned above, most programmes address basic economic needs, while the causes of the crisis are addressed either through diplomatic instruments, or not at all. No single donor is addressing all levels of the crisis in its aid programme. Some observers have pointed out that despite the overwhelming economic needs, the DRC is probably receiving the smallest amount of aid per capita in the world.

Some actors, including the World Food Programme (WFP) and the UN High Commissioner for Refugees (UNHCR) are addressing economic needs, but their interventions are limited to strict humanitarian/emergency programmes. Others (the EC, FAO, UNICEF, the International Committee of the Red Cross (ICRC) and bilateral agencies) are combining humanitarian with development or 'quasi-development' programmes. As for the EC, the European Community Humanitarian Office (ECHO) has adopted a broad interpretation of its 'humanitarian plus' mandate.

For many donors (including the EC), the change from humanitarian to more sustainable development assistance seems to be defined by the extent to which the government of the DRC is involved in the design and execution of programmes. At a coordination meeting of all major donors, the difference between humanitarian and development aid was made quite clear: 'Public institutional capacity building in the east is impossible, hence all actions in the east are humanitarian, whereas actions in the west can be geared more towards a development perspective'. In line with this thinking, the EC's 'humanitarian plus' approach will be reinforced in the 8th NIP, with the addition of a substantial capacity building element for government institutions in Kinshasa.

- *Sectors covered.* Between 1998 and 2001 most donors restricted their interventions to the east of the country, but many now have programmes on both sides of the front line (e.g. Canada, the EU, FAO, ICRC, UNDP, USAID). Some are still acting only in the Kinshasa-controlled sector (France, the World Bank). But even now, most of the donors working on both sides of the front line are implementing a significantly larger proportion of programmes in the Kinshasa-controlled sector than in the rebel-controlled sector, even for humanitarian programmes. Of those acting on both sides, some (ICRC, USAID) are doing so in an integrated plan of action for the whole country,

²³ Interview with a diplomat.

²⁴ EC Working Document, *Evaluation of EC Rehabilitation Budget Lines B7 3210 and B76410*.

²⁵ The exact implications of this statement for the disbursement of EDF monies are not yet clear. See Integrated Regional Information Network (IRIN), July 18, 2001.

while others (the EC, Canada) are acting both sides almost by coincidence, having defined and executed separate plans through different organisations with different mandates, often with little or no coordination.²⁶ While interventions in the west are always managed from Kinshasa, most of those in the east are managed either from Kigali or Nairobi, or the donor's head office (Canada, the EU, FAO), although some are managed from Kinshasa (Belgium, ICRC). As of June 2001, the main trend is to repatriate interventions on both sides in Kinshasa, since the government's openness to east-west travel and the deployment of MONUC personnel means that it is now easier to cross the front line from Kinshasa.

- *Addressing different needs on the ground.* One characteristic of the crisis in the DRC is that it is affecting different regions of the country (in terms of security and the socio-economic consequences) to very different degrees. Some donors (Belgium, the EU,²⁷ FAO, ICRC, UNICEF) have taken these differences into account and have adapted their programmes to suit local circumstances, whereas others are implementing more homogeneous programmes (France, UNHCR, WFP).
- *Geographical basis for programme orientations.* Despite the important regional dimension of the crisis, most donor interventions are country-based, i.e. they are defined solely on the basis of an assessment of the situation in the DRC (Belgium,²⁸ Canada,²⁹ France, the EU,³⁰ the Netherlands). Others are carrying out regional interventions, i.e. defined on the basis of a situation assessment in relation to neighbouring countries or integrated in a regional programme (Belgium, Canada, the EU, ICRC, Sweden).

3.2.4 Institutional Capacities

Framework of analysis

Within most donors (and within the EC even in the decision pipeline for the DRC) different sets of views are used to explain the key issues, giving rise to different frameworks of analysis. Box 8 presents examples of the extreme views on some issues; there may be other points of view that may fall anywhere between these extremes. Thus, to address some issues, one framework may be predominant, but for others, different donors or within a single donor pipeline opposing frameworks may be accorded either more or less weight.

²⁶ For the EC, these 'coincidental' interventions are made through DG Dev funds in the Kinshasa-controlled area and through ECHO in the east.

²⁷ The EC's local adaptations are not the result of a planning process in an integrated country-based approach, but rather emerged from differences in the mandates and approaches of ECHO and DG Dev.

²⁸ Belgium had a country-based programme until it presented its plan of action (29 June 2001), which was region-based.

²⁹ Canada has a country-based programme covering mainly the Kinshasa-controlled sector, which is managed from its Embassy in Kinshasa, as well as a separate regional programme based in Kigali, which acts in both Kivu as well as in Rwanda and Burundi.

³⁰ The EC's DG Dev programme, covering the Kinshasa-controlled sector and managed by the Kinshasa delegation, is country based, while the ECHO programme, covering the rebel-controlled area and managed from Nairobi, is region-based (Great Lakes).

Box 8: Different Views on Key Issues

Appropriate solutions to the crisis:

- Drive the occupying forces back to their own countries; once peace resumes, then development will be possible in the DRC.
- Address all causes of the crisis, otherwise sustainable peace and development will be impossible in DRC.

Rwanda's security concerns:

- Rwanda's security arguments (for occupation) are exaggerated: there may be a few Interahamwe left (50–2000), but not enough to threaten their security. Hutu combatants are not Interahamwe and it is legitimate that they should fight for their own country.
- Rwanda's security concerns are based on fact; there are still between 15,000 and 40,000 Interahamwe left, who are well equipped, well trained, with cash and heading east from their hideouts in the DRC.

The legitimacy of DRC authorities:

- Joseph Kabila's regime is legitimate because he holds the country's capital, popular support for him is growing, he is well intentioned towards peace, economic reform and good governance, and he has been recognised by Western countries and UN agencies. The rebels have no legitimacy because they do not control the capital, they are puppets of the occupation forces, they have been recognised by no one, they are not well intentioned towards peace, and they have no popular support.
- No one group has more legitimacy than another: none has real popular support ('Kabila reached for outside support because he didn't have it from the inside'), all of them rely on external forces, and all are equal under the Lusaka Accord.

Reaction times

Although the situation is the same for all donors, some (such as Canada, ECHO, the Netherlands and the United Kingdom) are frequently mentioned by beneficiaries and other donors as being very quick to adapt their programmes or grants in response to the changing situation. Other donors (such as Belgium, the UN Commission on Human Rights (UNCHR), and particularly the EC) are frequently mentioned as being very slow. Also, the same donor may have both slow and rapid programmes (e.g. Belgium: slow, and its new Justice programme, rapid; and the EC: very slow, with ECHO, rapid). The main factors that contribute to the rapid reaction are decentralised decision mechanisms and procedural flexibility.

Flexibility

Most beneficiaries complain that donors lack operational and institutional flexibility to adapt to changes in the DRC. The EC's bureaucratic procedures were repeatedly cited as being too strict or too complicated and dissuaded many potential partners from applying for financing.

Donor coordination within the DRC

There are several formal and informal mechanisms for donor coordination. For almost three years, EU Member States and the EC have held monthly meetings in Kinshasa, called by the EC delegate, which are attended by embassy first secretaries or chiefs of cooperation. These meetings are intended mainly for information sharing about the situation in the DRC and about ongoing and planned projects. Regularity of attendance varies among Member States. There is also some operational coordination between the EC and Member States on sector-specific projects, but very little strategic coordination.

Under the UNDP's mandate, the UNDP representative is the resident coordinator for UN agencies working in the DRC. Since January 2001, the UNDP representative has also been appointed humanitarian coordinator, with the UN Office for the Coordination of Humanitarian Affairs (OCHA) as its permanent secretary. Within this framework, OCHA holds weekly meetings for humanitarian actors (NGOs and agencies).³¹ Other donors (including EU Member States) also hold formal *ad hoc* meetings on specific issues (health, human rights, etc.).

³¹ Access across the front line to unreachable destinations through MONUC flights has reinforced the role of OCHA as coordinator for interventions in the East of the country.

Regional coordination and communication

As mentioned above, several donors have attempted to define and execute their programmes within a regional framework (ECHO, ICRC, Sweden). Whether or not they have adopted an integrated regional approach, most have put in place regional communication mechanisms:

- most (ECHO, Sweden) have regional coordinators/desk officers, based either in the region or at headquarters;
- some (Belgium, the EU) have special envoy(s) circulating in the region; and
- a few (ICRC, the Netherlands) organise regular meetings for their delegations in the region.

Most donors, even those with regional programmes, do not hold direct meetings for their delegations, both because funds are not provided for that purpose, but also (mainly) because of sharp disagreements between delegates about the set of explanations used for the DRC, as is often observed in crisis-affected countries when different delegations are acting with different protagonists. Also, and most surprisingly, direct meetings between delegations are sometimes held even if there is no regional programme.

Finally, even if a donor has multiple mechanisms (such as different regional coordinators for specific programmes), these mechanisms are not necessarily coordinated. For instance, DG Dev, EuropeAid and ECHO all have regional coordinators, but the desk officers within DG Dev and ECHO are not necessarily have corresponding countries.³² Together with the Special Envoy, these are the only regional communication mechanisms used by EC; there is no information sharing or coordination among EC delegations in the region.

Human resources

Most donor representatives we met complained about the fact that for most of their staff this is their first assignment, whereas the complex context of the DRC demands staff with experience, preferably in other fragile states. For example, within the EC Delegation, out of seven newly appointed young expatriates, five have one year's experience or less, and for three of them this is their first overseas posting. The reason most often given by all donors for this lack of senior professionals (who have precedence over junior staff in the choice of assignments) is the lack of incentives for them to choose a post in a fragile country.

Material resources

Although almost all major players in the DRC had issued political statements stressing the importance of working in both the east and the west of the country, there is little incentive or institutional flexibility to facilitate this. For example, to move across the front line can mean travelling to Europe and back to Nairobi or Kigali before entering the rebel-controlled zone, which costs far more than was previously budgeted. Even moving within a zone can involve the use of a plane rather than the planned ground transport. A donor may react either by cancelling a programme that crosses the front line, or by trying to increase the budget, but the latter may take so long that the effect is the same. Another frequent complaint, especially by consultants, is the difficulty in obtaining multiple passports, to avoid harassment when working on both sides of the front line.

Institutional memory

In such a prolonged crisis, donors are finding it difficult to build up an institutional memory in the field, which can limit their capacity to respond appropriately to an ever-changing situation. For example, most young interviewees on their first assignment could not provide us with information on either the DRC situation or their employer's past interventions) going back more than two or three years. This lack of institutional memory can have serious consequences when coping with a crisis that has lasted more than 35 years.

³² Within ECHO, the desk officer is responsible for Rwanda and the DRC; within DG Dev for Rwanda and Burundi, while within DG Dev DO another for the DRC

3.2.5 Aid Flows

Aid flows to the DRC, 1996–99 (US\$ million)

	1996	1997	1998	1999
European Union (Commission)	88.6	95.80	47.77	50.67
Germany	24.80	12.10	8.14	7.58
Belgium	10.87	76.30	49.08	44.32
Spain		0.92	0.59	0.86
France	8.15	3.90	3.45	4.72
Greece		0.04	0.03	0.03
Italy		1.07	4.33	4.38
Netherlands	4.80	5.00	5.80	8.45
Portugal		.007	–	0.03
United Kingdom		1.77	10.03	2.68
Sweden			18.33	9.32
TOTAL	137.22	197	147.55	133.04

Source DAC-OECD

3.3 Linking the EC's Development Response and the Political Dimension

3.3.1 The EC's Aid Response and the CFSP

In its political response to the situation in the DRC, the EC has used multiple tools:

- the nomination of a Special Envoy to the region in February 1996 as a European Council's Joint Action;
- common declarations, positions or communications related to the conflict;³³
- since 1998, regular diplomatic pressure on the protagonists in the conflict, either through an adviser or other diplomatic channels, to come up with a peace agreement (the Lusaka Accord) and to implement it; and
- since 2000, the DRC has regularly been included on the agendas of meetings of the Conseil des Affaires Générales (CAG) and the Africa Working Group; and
- the Belgian presidency was mandated by the European Council to act on its behalf in the Great Lakes Region, giving priority to supporting activities that would foster political stability.

These political responses have had and are still having significant effects on the EC's aid response to the DRC, both positive and negative:

- some EU Member States blocked the DRC Country Strategy Paper for several months, due to their diverging political points of view regarding the crisis, thus forcing EC in the meantime to rely on budget lines and humanitarian funds and restricting its capacity to respond to needs in the field;
- the proclaimed linkage between a more comprehensive aid programme and the effective implementation of the Lusaka Accord;
- the absence of any kind of linkage between the aid programme and the resolution of the structural and inter-communitarian crisis; and
- the implementation of a common European position on the DRR programme.

³³ For example, Council Common Position of 8 November 1999 concerning EU support for the implementation of the Lusaka ceasefire agreement and the peace process in the Democratic Republic of Congo, 1999/722/CFSP, *Official Journal*, L 286, 9 November 1999, pp.0001–0002.

3.3.2 The EC's Aid Response and the Inter-Congolese Political Negotiations

As do most other donors, the EC seems to hope that the inter-Congolese political negotiations will precise a sustainable solution to the political crisis. The EC has issued several declarations linking increased EC aid, and its deployment in the east, to the positive outcomes of these negotiations. As of June 2001, however, the negotiations were still in progress, making it impossible to assess the real consequences of the declarations on the EC's aid response. Also, even if the negotiations were to come up with a decentralised political system, the EC, as all other donors, has not yet figured out how it would cope with a decentralised cooperation system, even though this was the choice of the CNS and is included in the Cotonou Agreement.

3.4 The Added Value of the EC: Perceptions of other Donors and Beneficiaries

For most donors and beneficiaries interviewed, the EC is perceived as just another donor, a sort of 16th Member State with significant funds, but with little political space to coordinate donor actions, even those of the EU Member States. The added value of the EU seems to be mostly in its financial capacities compared with other 'bilaterals', since EC funds are donations rather than loans (like those of the multilaterals). Also, many interviewees commented that EC may be the only donor present in the DRC with the resources necessary to undertake important projects (like roads and large infrastructures) that could have significant impacts.

It is also appreciated that the Delegation has maintained its presence with a full staff and has continued its programming despite the absence of Member States. The EC's lack of a colonial heritage makes it less prone to accusations of bias (e.g. the resumption of EC cooperation did not generate the same type of opposition as did the Belgian relaunch, even though the EC envelope was much more important). EU Member States also appreciate the Delegation's diplomatic leverage to influence decisions; For example, the Delegation was able to negotiate security access for all staff working in the interior of the country.

However, all donors recognise that the very slow response, in terms of the disbursement of funds and programme execution, is a major problem. Several partners have expressed an interest in working more closely with EC, but also their frustration with the incredibly long response delays. The low level of confidence based on past experiences,³⁴ and scepticism regarding the EC's capacity to deliver, have led many potential partners to regard the EC as the last donor they would approach when implementing a project. Some EC officials even admitted that, because of this slow response, they are now reluctant to show interest in attractive projects, preferring not to promise anything in order to avoid raising expectations they feel quite sure they will not be able to fulfil.

Finally, many national non-state actors are unaware of the EC's programmes for financing local groups, or are confused by its complicated financing procedures.

3.5 Major Trends in International Donor Responses

Throughout the donor community there is a very strong desire for the DRC to return to normality. Apparently as much as the Congolese themselves, the donor community is tired of the crisis and is

³⁴ International NGOs interviewed stated that they had been promised financing by the EC, and so had not solicited funds elsewhere, but the funds were not released in time, forcing them to temporarily suspend some projects.

‘longing for peace and tranquillity’.³⁵ Most donors therefore appreciate (and support) apparent ‘window of opportunity’ provided by President Joseph Kabila. It is worth noting that this optimism is almost always justified by the indications of the goodwill of the president, or of key ministers, rather than on the basis of a structural analysis. This ‘need-to-do-something’ attitude is leading to another major trend, which is that many donors are reformulating (or thinking about reformulating) their cooperation as ‘post-conflict’ rather than ‘crisis’ programmes. Yet another trend is the increasing repatriation to Kinshasa of the management of projects being executed in the east, since it is now easier to cross the front line from Kinshasa.

Finally, many donors are considering linking at least part of their interventions (humanitarian and development) to the MONUC deployment areas. This is seen as a way to make the presence of MONUC personnel more acceptable to the local population, to facilitate logistical support, and to offer a higher level of security for international staff working in the field.

3.6 Key Challenges facing the International Donor Community

3.6.1 *Political/Strategic Challenges*

The structural crisis

Given the donors’ willingness to resolve the structural crisis, supporting appropriate, equitable and sustainable solutions will require a twofold strategy. First, within in the DRC, donors will need to support the emergence of new grassroots centres of legitimacy that could develop into large-scale democratic organisations. Second, Western countries will need to strengthen international legislation and judicial mechanisms that will ensure that wrongdoers do not go unpunished. This twofold strategy presents a number of challenges for the donor community:

- *Amending the usual donor intervention time frame:* Solving the structural crisis in the DRC is a long-term and complex mandate that will require amendments to the usual donor time frame and specialised instruments.
- *Resuming budgetary support:* The question of whether to resume budgetary support (and if so, for what purpose and how?) will have to be examined from the point of view of its impact on the structural crisis.
- *Engaging in international military interventions:* Both warlords and ‘adventurers’ are still profiting from the absence of the rule of law in the DRC, and are often linked (organically or objectively) by common interests. They are also generally violently opposed to the emergence of new centres of legitimacy. Addressing the structural crisis may mean having to counter the warlords, which may require military interventions in addition to diplomatic efforts. For the past 10 years, the international community has been very reluctant to undertake military actions.
- *Unregulated global economy:* The process of globalisation over the past 20 years has facilitated the expansion of an unregulated economy and socially irresponsible actors, to the detriment of local populations and their potential to create legitimate institutions.
- *Broadening standard strategies and approaches:* ‘Democratisation’, ‘human rights’ and ‘good governance’ interventions may not be sufficient to address the structural crisis in the DRC. The challenge is therefore to broaden these standard strategies and approaches, taking into account the linkages between the global framework and local circumstances.

³⁵ *Aid and Reform in Africa: Papers – The case of the Democratic Republic of Congo*, p.14. This refers to the Congolese attitude ‘when Mobutu took over power through a bloodless coup d’état in 1965’ after the five ‘chaotic years that followed independence’.

The inter-communitarian crisis

Donors are understandably reluctant to help local actors to resolve inter-communitarian conflicts, despite their devastating consequences, because they are often politically manipulated. Moreover, limited donor understanding and involvement, makes any kind of coherent response difficult.

The regional crisis

It will be difficult for donors to promote regional political and civil dialogue between the DRC and neighbouring countries without regional support programmes that address all regional concerns (e.g. security issues, armed militias, refugees, the political and economic situation in neighbouring countries, etc.), and corresponding national programmes. It will be even more difficult without effective regional coordination and communication mechanisms among the donors themselves. Even with such mechanisms, however, integrated regional support programmes cannot rely on indigenous regional programmes in a regional crisis, since they are unlikely to be developed by neighbouring countries at war. Also, the donor community can not provide serious support to this area of the crisis without directly addressing the pending problem of ‘negative forces’.

The political crisis

Maintaining a balance between all the protagonists in a political crisis is difficult, in order not to fuel the conflict. This may also be a matter of security for donors, particularly for the EC Delegation, since any false step in one way or the other could eventually endanger not only EC staff, but all other European workers as well. But, as noted above, most observers and protagonists in the conflict tend to view the political and economic recognition of the Kinshasa government by Western countries as a sign of their support to one of the Lusaka signatories. Even if these perceptions do not correspond to the real intentions of the donor community, in a crisis perceptions are just as important as reality, as has been shown in most DAC-OECD studies on conflict. If the donor community really wants to be neutral on this issue, it must manage its political and ‘technical’ interventions with some sensitivity to the perceptions they may generate among the different political actors.

Economic needs

Donors are being forced to respond simultaneously with both humanitarian and development instruments, often in the same location with the same beneficiaries. This will greatly challenge their institutional capacities, in terms of flexibility, coordination and human resources.

Overall crisis

Adopting a supportive role to ensure local ownership and sustainability

It is now generally accepted that local ownership is a critical factor in ensuring peace and development. In other words, sustainable and equitable solutions to a crisis cannot come from the outside; the donor community therefore needs to play a supportive rather than a leadership role in defining problems and identifying solutions. It is worth noting that one of the principles underpinning the ACP–EU partnership agreements is the local ownership of the development strategies framing the National Indicative Programme. Further, the Cotonou Agreement establishes the use of political dialogue as the main instrument for addressing issues of common interest, which is particularly well suited for this supportive role. Nevertheless, donors may find it difficult to play a supportive rather than leadership role, for a number of reasons:

- the situation in the DRC is so degraded at all levels that it may be difficult for genuine local solutions to emerge;
- members of the international community are so eager to for the DRC to return to normality, and their resources are so large, that it may be difficult for them to refrain from imposing their own solutions (see Box 9); and
- in view of the lack of local institutional capacity, and the ‘brain drain’ from rural areas, they will have to resist local pressures for them to take the lead.³⁶

³⁶ As an indication of the degree of institutional deterioration in the DRC, several local actors insist that one or another donor (Belgium, UNDP) should play a leadership role.

Box 9: Inappropriate Donor Attitudes

The Goma refugee crisis in 1994. According to local actors, international humanitarian aid workers landed in Goma two years after the arrival of refugees from the rural areas and three weeks after Rwandan refugees. However, the international organisations made little effort to build upon existing local actions, and treated local actors with insolence.

Pockets of development around current MONUC deployment areas. According to local and international actors, the new organisations in these areas have not done as much as possible to consult existing actors, leading them to feel redundant and frustrated. However, local people have appreciated some initiatives (such as MONUC's music broadcasts on the radio), even though they may have highlighted their dependency.

Choosing appropriate local actors for sustainability and ownership

'How do you choose the actors you work with in order to attain sustainability?' This was one of the most difficult questions for many of our interviewees. Public institutions have seldom worked in the interest of the population, a democratic culture is almost absent, cynicism is widespread and civil society is partly opportunistic. Choosing the right actors is critical for local ownership and sustainable development, but it is difficult for international staff to make accurate assessments of potential local actors. Many donors have looked for 'pockets of credibility' and the absence of corruption in public or civil institutions, basing their decisions almost solely on individual goodwill and personal capacities, with the inherent risk that these individuals will be expected to bring about long-term institutional results.

Matching support programmes with the diversity of the country's needs

Appropriate support to help resolve the DRC's multilayered crisis will require substantial international funds, both public and private. For example, the cost of a sector-wide approach (SWAP) to rehabilitate the health sector has been estimated at US\$ 2–3 billion.³⁷ It may be difficult to mobilise public funds to address a situation with no mechanisms to ensure management accountability, which increases the sensitivity of the issue of providing budgetary support (see Box 10). Such support would also create a dependency on international donors, increasing the temptation for them to play a leadership role, and delaying the emergence of local strategic capacities.

Box 10: Budgetary Support

In order for the state to play its role and introduce reforms, there needs to be a minimum operating budget (for salaries, communication, transportation, etc.). A lack of liquidity can actually encourage corruption as a means of survival for those working in the public sector, and thus could fuel the structural crisis.³⁸

Allocating direct budgetary aid is a highly sensitive political decision. In a crisis, such support must be directed towards all involved parties (factions and countries) in order to avoid accusations of double standards (as occurred in the conflict between the DRC and Rwanda), or of fuelling the war and the structural crisis. For a country actively involved in a war, it is very difficult to prevent the funds being used directly or indirectly for the war effort. In addition, the use of expatriates for monitoring and evaluation may be perceived as a form of neo-colonialism and as a way for foreigners to gain access and control over certain strategic sectors.

As long as the political crisis continues, the equitable distribution of support to both sides of the front line will be a major challenge for donors, who may be caught between political considerations. For donors without a decentralised presence on the ground, it may be difficult to respond to specific local

³⁷ For comparison, for neighbouring Rwanda, the cost of a SWAP in the health sector was estimated at US\$ 30 million.

³⁸ See the ECDPM studies on European Aid to Burundi and Rwanda.

needs and will also be demanding on their procedures, since they are used to managing programmes in a rather linear way.

Finally, the multiplicity of the EC's intervention tools (e.g. the Common Foreign and Security Policy (CFSP), DG Dev, ECHO), and the fact that many of the 15 EU Member States have different interests in the region and frameworks of analysis, mean that it will be more challenging for the EC than for other donors to develop a coherent strategy.

3.6.2 Institutional Challenges

Differences in frameworks of analysis

For any donor, the failure to choose the right framework of analysis and to share it through the whole intervention pipeline can neutralise the effectiveness of a response. For instance, a donor can experience difficulties in designing integrated approaches/programmes and in reacting appropriately to the changing situation because key persons in different areas do not share the same understanding of strategic issues. Needless to say, coordination among donors may be hard to achieve when opposing sets of explanations are mutually perceived as being based on divergent national interests. This will be a particular challenge in implementing the DDDR programme, which will require large resources and concerted political will. This will be difficult if donors do not perceive problems in the same way (see Box 8, Rwanda's security concerns).

Reconciling the need for a rapid response and for caution

Experience has shown that crisis resolution processes are marked by successive stages of progress and setbacks. Nevertheless, such a process must take advantage of windows of opportunity that appear, rather than to wait for ideal conditions, which would only increase the risk of setbacks. Donors need to reconcile the need to respond rapidly to a window of opportunity, and to be cautious in order to avoid possible setbacks.

Maintaining flexibility

As mentioned above, maintaining the ability to respond appropriately to a changing situation represents challenges to the linear procedures of many donors. **It seems that the budget lines have permitted the EC to have a certain amount of flexibility, but they are rigid enough to leave little space to enable local actors to maintain the roads, or to address specific objectives in the health sector.** *Programs and Budget lines permitted the EC to have a certain amount of flexibility, by maintaining important aid flows to the DRC, even after the suspension of bi-lateral cooperation. However, EC administrative rigidity and complexity prevented the EC from offering the most pertinent solutions to constantly changing problems*

Improving coordination

The views of our interviewees on the current formal and informal coordination mechanisms varied greatly. It seems that donors have so far been able to cope with very loose coordination mechanisms, since many of them find it unnecessary to make them more formal due to the enormous range of needs and the scarcity of resources in the field. However, some donors noted that the current mechanisms will prove ineffective if one of the proposed global plans is launched. But given the need for coordination, defining how this is to be achieved will also be a challenge. Although donors generally believe that the government should chair a coordination unit, some government officials and civil society representatives believe that 'coordination should be done by the UNDP with a permanent secretary assigned by the government'.

Improving regional coordination

Integrated regional programmes will need regional coordination, both within and among donors. In view of the current poor level of coordination and communication, donors have a long way to go to resolve these problems.

Inappropriate human and material resources

For donors to play a long-term supportive role with substantial funds, to respond rapidly but with caution, and to maintain flexibility will undoubtedly strain their human and material resources. For example, playing a true supportive role is not an easy task, and in a fragile situation it will be a definite challenge even for skilled professionals. To attract such professionals, donors will need to offer incentives and to be creative in view of the shortcomings of their standard human resources recruitment procedures.

The lack of institutional memory

Even for highly skilled personnel, working to resolve such a prolonged crisis is very hard on the nerves and on morale, making it difficult to ask them to accept long-term assignments. In this context, building up an institutional memory is difficult, and cannot rely on individuals.

Establishing institutional mechanisms for intervention

The decision to establish ECHO in the east of the DRC, and EDF programmes in the west was not based on needs assessments (humanitarian versus development needs), but rather on the lack of an adaptable mechanism for disbursing aid in rebel-held territories.

4 Adaptations in Donor Responses

This section looks at some donor adaptations that have had positive effects on the situation in the DRC and which could inspire the EC's response in the future. The mission also identified some adaptation opportunities that the donors have missed, or which have had negative impacts on the situation.

4.1 Political/Strategic Adaptations

The structural crisis

During the Cold War most donors simply ignored the structural crisis in Zaire, even when the kleptocratic nature of the Mobutu regime became obvious. At the end of the Cold War, they expressed diplomatic concerns about 'human rights' and 'democracy', while gradually introducing relatively small-scale initiatives into their 'humanitarian' programmes to address these issues. These components were small in relation to the actual needs; experience has shown that in the DRC (as in other countries) the impacts of the structural crisis have been much less serious than those of the other levels of crisis, and often produce deceptive results regarding true democratic legitimacy and culture. Some local initiatives aimed at supporting the emergence of new centres of legitimacy do exist, although most of them operate at a very local level and are finding it very difficult to obtain funding (see Box 11).

Box 11: Emerging Centres of Legitimacy: the Pole Institute in North Kivu (EZE, Germany)

The Pole Institute is a forum as well as an applied social science research centre on inter-communitarian and institutional issues. Since 2000 the Institute has been carrying out an action research programme on grassroots institutional legitimacy based on inter-communitarian coexistence. The Institute is currently financed by the German EZE, but the level of funding is inadequate in relation to the needs generated by the scale of the problems it is attempting to tackle. Other donors have been approached, but so far none has agreed to support this initiative.

The inter-communitarian crisis

Donors failed to react when in 1991 Mobutu launched the first inter-communitarian clashes in Katanga and North Kivu. They also did not refer to this issue as a reason for their withdrawal or as a condition for their return, despite regular incidents that aggravated the conflicts. It was only in 1997–98 that some donors (Canada, Germany and the Netherlands) began to react by allocating small amounts of aid to support local initiatives in the Kivus, while other similar initiatives received no donor support (see Box 12). The only large-scale strategic adaptation to address these conflicts has been an OCHA project, which is still under negotiation.

Box 12: Local Initiatives to address Inter-Communitarian Conflicts

Barza in North Kivu (no funding)

The 'Barza Intercommunautaire' is a non-political permanent forum for negotiation that was founded in November 1998 by a group of 'wise men' from each of eight 'indigenous' communities in North Kivu. The Barza are intended as a means to bring to an end the inter-communitarian clashes that have been ongoing since 1991. The group meets regularly to discuss issues raised by one of the eight communities, and to find peaceful solutions to conflicts that may arise. The group is currently working to set up Barza in all villages in the province.

Together with other complementary initiatives in North Kivu, the Barza have been able to find peaceful and sustainable solutions to some conflicts and to promote peaceful coexistence. There has been no 'ethnic' violence in the Barza sphere of influence since 1997, despite regular attempts by one or another authority or armed group to spark new clashes. Moreover, partly as a result of the Barza work, there is now a trend among the displaced people to settle in multi-ethnic rather than mono-ethnic villages in North Kivu. Despite repeated requests to donors, the Barza has not received any financial support.

UGEAFI/EMO in South Kivu (Novib, the Netherlands)

Although the Barza initiative has been a success in North Kivu, an attempt to create a Barza in South Kivu failed, apparently because it was believed to have been organised by the RCD authorities. An interesting initiative for inter-communitarian mediation in South Kivu was launched by UGEAFI (a local NGO) and EMO (a church organisation) based in Uvira. In 1999, these two organisations and seven others decided to address the cause of the ethnic clashes between the Babembe and the Banyamulenge over the past ten years (both groups were represented in these organisations) by including villagers in the analysis of the problem and the formulation of solutions. Following a seminar attended by local representatives from both groups in September 1999, the participants organised pacification campaigns and mutual visits between the two groups in 1999 and 2000. As a result, in 2000, the two communities resumed the commercial links that had been cut for many years. Unfortunately, the intensification of the war and the availability of light weapons in the area created a 'window of opportunity' for extremists of both groups to neutralise (by terror or murder) the moderates who favoured reconciliation. UGEAFI receives small institutional funds from Novib.

The regional and military crises

From the 1980s until 1996, and even in 1994–95 when Interahamwe and Burundian Hutu militia settled in Zaire, the response of Western countries regarding the foreign armed groups operating from Zaire was to keep away from the issue, while providing irregular relief to the humanitarian consequences of the crisis.

When the first regional war began in 1996, almost all Western countries actively or passively helped the progress of the war. Most favoured the AFDL against Mobutu and his foreign militia allies, with the notable exception of France, which supported Mobutu until the end. They also timidly tried to provide specific humanitarian relief to the people (Congolese and refugees) affected by the war. There was no threat of sanctions (diplomatic, commercial or aid) against the participating neighbouring countries.

When the second regional war was launched in 1998 against the then President Laurent Kabila, the first reaction of most Western countries was again to keep a distance while trying to provide humanitarian relief. It was only when it became obvious that the intended outcome of this second war (the overthrow of Kabila) could not be achieved that Western countries partly changed their political strategies. They started very active diplomatic initiatives to bring the protagonists to the negotiating table, until they came out with the Lusaka Accord. They then pushed the signatories to implement the Accord, with more pressure on the Kinshasa government. Although no diplomatic or military actions were taken to neutralise the warlords and 'negative forces', and very few initiatives to support civil regional dialogue, as a result of that blocked war, the donors started taking into account regional dynamics in their aid programmes.

With the arrival of Joseph Kabila to power and the subsequent deployment of MONUC personnel, the pressure shifted from the Kinshasa government to Uganda, Rwanda and Burundi, the last two security concerns being less accepted. Again, no diplomatic or military steps were taken to neutralise the warlords and ‘negative forces’, while the Mai-Mai were no longer considered to be ‘negative forces’. Very little support was provided to civil regional dialogue initiatives, and humanitarian relief specifically aimed at the people affected by the activities of these groups was supplied at a snail’s pace.

The political crisis

When the political crisis exploded with the launch of the 1998 war, Western countries did nothing at first. After the war stalled, their responses were political (via diplomatic approaches and declarations) and economic (conditionalities to aid), but with a shift of emphasis from one side to the other. As long as Laurent Kabila had held power, most diplomatic and economic pressures had been aimed at his government to make him negotiate and implement the Lusaka Accord. The one exception, France, tried (unsuccessfully) to shift that pressure onto the rebels, arguing that the Kabila government was the only legitimate authority in the country, and that the rebel leaders were only ‘puppets of the invaders’.

When Joseph Kabila came to power, most Western countries adopted the French point of view, showed more signs of recognising his government and shifted the pressure onto the rebels. As of mid-2001, it is still too early to predict the outcome of this new political situation.

Supporting popular ownership and sustainability

In the early 1990s, with the shift to international and local NGOs as execution partners, and despite the crisis and the ongoing conflicts, some donors and INGOs, even those with a humanitarian mandate, were able to take into account sustainability in their strategy. Some donor programmes, including those of FOLECO and ECHO (see Box 13) adopted a supportive role, and promoted popular participation in defining (short-term) problems and in formulating solutions and implementation. This shift to local partners could also have been an opportunity to develop the much needed civil society strategic capacities. Unfortunately, very few donor efforts, if any at all, were devoted to this task. Even well intentioned and properly managed programmes to reinforce civil society organisations were usually restricted to ‘technical’ support because of the need to maintain their ‘technical’ capacities, and also to avoid accusations of ‘playing politics’.

Box 13: Sustainability in a Prolonged Crisis

Fédération des ONG Laïques à Vocation Economique du Congo (FOLECO; countrywide, GTZ, Germany)

This programme has adopted an economic approach to ensure sustainability by using a combination of small financial and existing resources in order to capitalise on the local human resource potential. FOLECO aims to assess, develop and reinforce the local capacity for self-management, and to encourage dialogue among local actors to ensure the sustainability of communities. It is developing mechanisms of consultation with civil society organisation to enable them to choose means of rehabilitation, thereby fostering local ownership.

ECHO: the success story of 'humanitarian plus' in Goma (east zone, EC)

ECHO is based in Goma and operates throughout the eastern Congo, with an adapted 'humanitarian plus' mandate, and has supported several programmes that have proved to be more sustainable than most 'development' programmes in the country. With funding amounting to EUR 35 million, ECHO has been able to implement 'development in crisis situation' programmes for the past two years. The reasons for their sustainability lie partly in ECHO's willingness to prepare the ground for another development agency to take over whenever feasible. The intervention, based on two major sectors (health and food security), has been crafted along the way to respond to the chronic situation. In both sectors, the achievements are impressive:

- The *public health* intervention is geared towards the delivery of basic medicines. The idea is to maintain sustainable economic structures, perpetuating the habit of paying for basic health services (extremely low prices, calculated according to the cost of living). ECHO provides medicines for free, but by paying a symbolic amount for them, the community provides the resources for minimal medical staff salaries. Each partner INGO is responsible for a particular geographical area, and for designing its own mechanism, as long as it serves the same purpose and follows the same basic principles: provide medicines and services (but not for free), and use the proceeds to cover the costs of salaries and operations. Some 10% of ECHO's activities and funds are systematically devoted to pilot projects for improving and fine-tuning further interventions.
- The *food security* interventions have gone at least as far into the 'grey zone'. One of the partners, Agro-Action Allemande (AAA), has built or repaired kilometres of roads, with the objective of distributing seeds and allowing local people to reach local markets, thus encouraging them to produce, sell and buy agricultural products. The intervention is conducted in close collaboration and dialogue with the local communities and authorities (local development committees, churches, etc.), and addresses reciprocal interests. For instance, unused antique bulldozers are 'borrowed' by local authorities, restored for free, used for two years, and then handed over as new to the original owner.

The core strategy that ECHO has developed in Goma is first to fund a pilot project, then to implement it, to consider ways of improving on it, and to create a forum of NGOs to support the teams. An AAA representative noted that donors were uncomfortable with funding rehabilitation during an ongoing conflict, let alone development. This uneasiness has led most local NGOs to 'divert' emergency and humanitarian funds to implement mid-term or even long-term interventions.

ECHO's 'humanitarian plus' has proved to be sustainable, it has a built-in handover mechanism, provides pockets of security, maintains people's dignity, is flexible and is continuously reassessed and fine-tuned. However, it is now reaching its own limits, and is heavily dependent on expertise acquired on the ground that could be lost if staff members leave, highlighting the lack of institutional memory.

Ownership and choice of local actors

The shift towards NGOs as implementing partners provided an opportunity for donors to reinforce established civil society organisations as a means to develop popular ownership. Most donors have included civil society capacity building components in their programmes for that purpose, though they are rather standardised. Unfortunately, when starting a new programme, some donors or INGOs have tended to create new Congolese NGOs, rather than counting on existing, experienced organisations. In doing so, they have contributed to the expansion of the 'opportunistic' civil society and the weakening of established groups, thus reducing the impacts of their civil society capacity building efforts.

Moreover, since some of these *ad hoc* NGOs have had links with the kleptocracy, they may have contributed to the structural problem rather than to its solution.

The nature of aid

Following the suspension of structural aid in the early 1990s, Western countries adopted (and maintained until recently) a new strategy, ‘humanitarian plus’ – aid programmes under a ‘humanitarian’ label. This represented a major adaptation to the situation in the DRC (see Boxes 13 and 14). Within this framework, several adaptations were made to mandates and programmes. Hence, the initial strategic goal of the EC’s road rehabilitation programme (PAR), ‘improvement of living conditions and reopening of economic space in Kinshasa’,³⁹ had to be adapted for security reasons into an emergency intervention programme that was limited to the ‘physical rehabilitation of infrastructures.’

With the closing of the window of opportunity, many donors began to reformulate their programmes as ‘post-conflict’ (rehabilitation and reconstruction) interventions, but still with a ‘humanitarian’ label in order to avoid official debate about the resumption of structural aid.

Box 14: The ICRC – in the Bicycle Business?

Complex crisis situations demand inventive solutions. Called into Kasai Oriental to provide emergency aid, ICRC’s assessment indicated that food was available, but out of reach because of the poor state of the roads. Trucks could not pass, but bicycles could. The ICRC’s *prêt-velo* project, with a budget of less than US\$ 8000, is designed to give families in Kasai Oriental a means of transportation so that they can buy and sell basic food supplies. The programme offers loans to buy 100 bicycles at US\$ 80 each, which can be used to transport up to 120 kg of food over distances of 30–120 km. The cyclists earn between US\$ 20 and 30 per trip and make two or three trips per month. Once the loans are repaid the ICRC uses the revenue to purchase additional bikes.

Avoiding working on the east side of the front line

The socio-economic consequences of the crisis have been more dramatic on the east side of the front line. Since 1988 most bilateral agencies have halted or dramatically reduced their aid programmes (even their strictly humanitarian ones) in the east, for political or administrative reasons (they were unwilling to do anything that could be interpreted as supporting the rebels and invaders; it was not possible to cross the front line from Kinshasa). Yet, with the same political awareness, some donors (mainly multilaterals and the EC) had programmes that were not so different from those of bilaterals in the west. It seems, therefore, that the reason for not working in the east showed a lack of political will or creativity rather than the existence of insurmountable obstacles to aid.

Adapting to local needs

Most donors have made at least some effort to adapt their programmes to local specificities, and some have gone a long way in this direction. The most successful adaptations have been the result of regular and local needs assessments, coupled with the use of appropriate instruments and procedures (see section 4.2).

4.2 Institutional Adaptations

Sharing frameworks of analysis

There have been no noticeable initiatives in this area.

³⁹ EC (1995) *Rapport Annuel Coopération entre l’Union Européenne et la République Démocratique du Congo*.

Rapid response mechanisms

Some donors, such as the Netherlands and the UK, have adopted decentralised decision-making procedures, with a capacity to adapt rapidly to the ever-changing needs, but the example most often cited by interviewees (donors, government, civil society) was Canada (see Box 15). It is interesting to note that even though Canada's global envelope is relatively small in comparison to other donors, this rapid reaction capacity is much appreciated. Most interviewees also thought that Canada's envelope was much larger than it is in reality, suggesting that decision decentralisation can also raise visibility. It was noted, however, that the effects of this rapid reaction capacity were observed only close to the decision centres (Kinshasa for most donors, Goma for ECHO).

Box 15: Canada's Decentralised Management

The Canadian Embassy in Kinshasa manages four thematic funds (health, gender, democracy and local initiatives), each with about US\$ 250,000. Decisions on the allocation of funds to projects (grants of less than US\$ 50,000) are taken by the cooperation officer or the ambassador. The person in charge of each fund is a local expert, who does the project assessment or evaluation and follow-up. Out of a total of about US\$ 1.1 million, overheads do not exceed US\$ 100,000, with maximum disbursement in the field. The benefits of this management style are numerous:

- local experts have the time, resources and knowledge to assess projects;
- overhead costs are low;
- small funds have a high impact; and
- rapid and flexible response to adapt to changes in the situation.

Budgetary flexibility

The EC has reallocated the arrears from 5th and 6th EDFs to finance 'humanitarian' and rehabilitation programmes, permitting the Delegation to function with funding at 60% of its pre-1993 levels. The Delegation can directly finance civil society organisations, through budget lines, without the approval of the national authoring officer. However, it should be noted that although budgetary flexibility has allowed the EC to maintain an important presence in the DRC, the administrative inflexibility, and the excessive bureaucracy of rehabilitation programmes and budget lines have limited the Commission's ability to have an impact proportional to its resources.

Other donors have also used flexible funding channels. Belgium, for example, used its 'Peace and Conflict' budget line for its new (launched in June 2001) 'Justice' programme. Combined with decentralised decision making, it has devised powerful tools that can be continuously adapted to field needs and changes in the situation (see Box 16).

Box 16: The Belgian 'Peace and Justice' Envelope

This envelope allows sector-wide financing rather than programmes limited to national borders. It also permits interchangeable financing between different countries without *ex-ante* justifications, permitting rapid responses to changes in country dynamics.

Administrative flexibility

Donors used to execute most of their programmes through public institutions. Following the suspension of structural aid in the early 1990s, however, the shift to using international and local NGOs as execution partners was a major institutional adaptation. It allowed donors to maintain their presence and aid, sometimes at substantial levels as for the EU, even though public channels were closed. It also

permitted them to adapt their interventions to the *de facto* privatisation of most public services (schools, health centres, etc.).

After much debate within the EDF Committee, it was decided to resume EU development cooperation (the 8th EDF) for a 24-month test period. This constituted an adaptation of the normal five-year programming cycle. The Canadian-funded programme CECI-PADD also provides a good example of an adaptation in the programming cycle to respond to the crisis situation (see Box 17).

Box 17: CECI-PADD: Adaptation of the Programming Cycle

The Programme d'Appui au Développement Démocratique (PADD), funded by the Centre Canadien d'Etude et de Coopération Internationale (CECI), is a regional programme to reinforce civil society for democracy development. PADD was formulated before the outbreak of the 1998 war, and was launched in January 1999, with a very tight time schedule and budget.

Because of the close relation between its expected outcomes and each country situation evolution, the programme introduced quarterly situation reviews, with related strategy and performance indicator adjustments for each country as much as for the regional level. But because of the tight schedule and limited resources, the project management team choose to make these adjustments without taking precious time rewriting the logical framework, and passed on these adjustments in the quarterly reports to CECI and donor headquarters.

This continuous adjustments and very short programming cycles permitted a very high performance on the ground (which was recognised in the donor's final evaluation report). However, these changes created tensions between the project management team and the donor's head office, which complained that the adjustment process did not respect the regular programming cycle.

Effective regional coordination

Some donors (such as the ICRC) seem to have established very effective regional field coordination and communications, which has implications for the representations in countries surrounding the DRC. There is no particular or innovative recipe for success, other than the political will to do it.

Higher number of personnel

Since 1992, the EC Delegation has maintained its staff of eight, despite cuts in the EDF. Although this adaptation was unintentional, due to technical delay in relation to a regional mandate, it allowed the Delegation to finance and follow up civil society organisations directly, without using an INGO as a semi-operational interlocutor. If properly exploited, this could be a favourable factor for civil society capacity development. It will also allow a quick and smooth transition when the important 8th NIP funds are released back to the EDF. Experience from this adaptation 'by default' should be fully evaluated and documented in order to draw lessons for other fragile countries.

Multiple passports

The Swiss procedure for issuing multiple passports is very simple. Anyone with an acceptable justification (such as working in a conflict zone) may have multiple passports. No specific notice is included in any passport, thus avoiding alerting customs officers. Only one passport can be withdrawn from the administration at a time, the others being kept safe. When the person has to travel on a different passport they are simply exchanged.

Institutional memory

There have been no noticeable initiatives in this respect.

5 Proposals for an Improved EU Response

One of the ambitions of the Cotonou Agreement is to address the ‘root-causes [of crisis and conflict] in a targeted manner, and with an adequate combination of all available instruments.’ In order to achieve this ambition, the EU must improve its ability to respond to circumstances as they arise. The following proposals are based on consideration of the following question: in view of the challenges facing DRC and the donor community, how should the EU act if the prolonged crisis in the DRC continues?

5.1 Proposals related to Political/Strategic Challenges

Support sustainable and equitable solutions to the root causes of the crisis in the DRC

Policies. The EU could improve its interventions in this area by formulating and implementing a twofold strategy: support grassroots centres of legitimacy and strengthen international financial regulatory systems. This strategy should be based on policies that will ensure complementarity between development aid and the CFSP, such as:

- Integrate the usual ‘democratisation’, ‘human rights’ and ‘good governance’ components into more elaborate and locally adapted programmes throughout the DRC. These will facilitate the emergence of new grassroots centres of legitimacy that could develop into large-scale democratic organisations. Election support interventions would also benefit if they are formulated in concert with these ‘legitimacy emergence’ programmes.
- Base the above interventions on sound cultural/social/political research into local expressions of legitimacy and their relation to power, as well as into related issues, including ‘social and political identity’, ‘popular political ownership’, ‘population and formal justice’.
- Consider, in addition to the specific ‘legitimacy emergence’ programmes mentioned above, the structural crisis as a cross-cutting issue that can be addressed in other programmes through strategies to ensure the choice of appropriate local actors, participatory approaches, etc.
- Enact and enforce European legislation restricting economic activities that have directly fuelled the crisis, such as arms trafficking, the diamond trade, etc.; promote the implementation of similar international legislation; support related attractive non-governmental initiatives (such as the ‘Bite the bullet’ small arms control campaign). Recipient countries could institute systematic diamond tracing systems or support NGO campaigns such as the recent one on Coltan (‘no blood on my mobile phone’).
- Enact and enforce European legislation promoting ‘socially responsible practices abroad’ for European public and private corporations; develop and implement financial incentives for socially responsible practices; and support related attractive non-governmental initiatives.
- Enact and enforce European legislation restricting the use of financial havens and dubious international financial transfers. Member States could, for instance, give financial incentives or rewards (publicity?) to companies that adopt and apply strict codes of conduct.
- Enact and enforce innovative European legislation regarding war crimes and crimes against humanity, while reinforcing the International Criminal Tribunal for Rwanda (ICTR); and promote the inclusion of economic crimes in the developing body of international law. Belgium, for example, has conducted a coherent fight against impunity within and outside the borders of the country of origin. Most Member States support existing international criminal tribunals, but the creation of a new one is each time involves a titanic struggle at the Security Council. The Congo would certainly be no exception. Another path would be to broaden the mandate of the ICTR in relation to war crimes and crimes against humanity perpetrated in the Congo since the ‘first war’.

Instruments: In order to implement the above policies:

- structural crisis interventions must be developed with long-term programming cycles;
- built-in programming methods must allow modifications in response to a changing situation, with a delocalised presence to ensure constant monitoring in close partnership with appropriate local actors;
- a factor ‘impact on the structural crisis’ should be included in every programme framework and in discussions on issues such as the resumption of budgetary support and HIPC debt relief; and
- when choosing actors for such ‘legitimacy emergence’ programmes, critical attention should be paid to their ‘legitimacy sensitivity’.

Help local actors to resolve inter-communitarian conflicts

Policies: Because of the importance of inter-communitarian conflicts in the DRC, and in view of the EU’s political will to work in the areas affected, the EU could include interventions to address this issue in its aid programmes, whether ‘humanitarian’ or ‘development’ oriented. Such interventions could include stand-alone ‘inter-communitarian’ programmes or programme-specific components, or translated into a specific approach in apparently unrelated programmes such as infrastructure construction and rehabilitation (as in the OCHA’s ‘Relance du Congo – Phase I’ programme). Appropriate inter-communitarian interventions could have favourable effects on the resolution of the structural crisis.

Instruments: As for the previous proposal:

- the strategy for addressing this issue has to be developed with a revolving programming cycle, with a delocalised presence to ensure constant monitoring in close partnership with appropriate local actors;
- a factor ‘impact on the inter-communitarian crisis’ should be included in every programme framework; and
- when choosing actors for such interventions, critical attention should be paid to their ‘inter-communitarian sensitivity’.

In addition, since most inter-communitarian tensions are the result of political manipulation, all interventions in this area must be preceded by a political impact analysis to fine-tune the strategy, and followed by regular political impact evaluations.⁴⁰

Develop appropriate regional responses

Policies: Since it is unlikely that the protagonists in the conflict will develop a regional indicative programme (RIP), a regional support programme is also highly unlikely. On the other hand, a regional crisis needs to be addressed regionally (‘problems without borders need solutions without borders’). Also, given the limits of developing a regional consensus among EU donors, the solution is to facilitate any formal and informal means of regional coordination and communication through which regional actions may eventually emerge.

Instruments: Efficient regional mechanisms could be organised through the following measures:

- ensure that all the regional divisions and boundaries used by the EC, DG Dev, ECHO and EuropAid match, so that officers who need to take concerted action will refer to the same geographical area, thus facilitating common initiatives and coordination;
- appoint a regional political adviser mandated only for the Great Lakes region in one of the delegations. The adviser’s task would be to develop, maintain and share a regional framework of analysis and to identify possible concerted EU actions. He or she would work in close cooperation with the person in charge of political analysis in each delegation. The existing regional political adviser is responsible for a much larger geographical area, and has to share his time and energy between two complex crises (in the Horn of Africa and the Great Lakes region);

⁴⁰ Those wanting to act on this issue are advised to consult publications (in the DRC or elsewhere). There is a wealth of unexploited informative analysis that is available in the region.

- organise regular information sharing meetings for desk officers and regional coordinators who cover the same region in all DGs and agencies;
- organise regular information sharing meetings for representatives working in the same region, and for those in charge of political analysis, if they are different. The regional political adviser should also attend all of these meetings; and
- organise exchanges between delegates in the region. For them to spend a few weeks twice a year working in a delegation ‘on the other side’ would facilitate the emergence of a more tolerant and collaborative attitude.

Due to its regular presence in all the countries involved in the conflict in the DRC, the Commission is in a good position to support regional meetings between different representatives. These meetings would allow information sharing, would send a signal of tolerance to the conflict countries, and could pave the way for improved collaboration in sector-specific projects.

Maintain a political balance between intentions and perceptions

Instruments: Because of the importance of perceptions regarding this crisis, it is essential that the potential political impacts of all decisions are assessed and that all programmes are constantly monitored.

Adopt a supportive role in order to promote local ownership and sustainability

Policies: The experiences of other donors indicate that the EU could do more to enhance sustainability by playing a supportive role and by encouraging participatory approaches and orientations. Such orientations are essential to address the structural degradation and inter-communitarian tensions, but large-scale infrastructure rehabilitation programmes could also benefit.⁴¹ The EU would then have to refrain from its tendency to adopt a leadership role. It will also have to develop innovative participatory approaches in its interventions, such as infrastructure rehabilitation, and build up the strategic capacities of local actors so they can effectively play a leadership role.

There are few examples of innovative means of supporting the development of local strategic capacities that will benefit the population, in an environment dominated by anti-values, but some new approaches involving long-term donor commitment include:⁴²

- reinforcing the administrative capacity of public institutes. Civil servants could be required to commit themselves to remain in public service for 5–10 years after graduation, and government to pay them well. Similar experiments in countries such as Botswana have been successful, and deserve serious attention; and
- reinforcing the strategic capacity of socio-political research centres or fora dedicated to developing participatory action research interventions.

Instruments: After being developed, the adapted participatory approaches will have to be implemented through the usual programmes, supported by procedures manuals and other materials, training for programme officers, and follow-up measures.

Promote local ownership and sustainability by choosing appropriate local actors

Policies: In view of the state’s inability to provide for the basic needs of the population, the EC has to work within the framework of political dialogue with the government in order to initiate a system of decentralised cooperation as envisaged in the Cotonou Agreement. The involvement of appropriate local actors is essential to ensure sustainability, but the choice of actors may be difficult for international actors who wish to base their judgements on factors other than just personal qualities.

Instruments: During evaluation, special attention must be paid to policy flexibility in order to avoid selecting actors based on administrative criteria, to the detriment of sustainability. Programme staff need

⁴¹ Such as limiting the tendency of the local population to ‘recycle’ materials intended for road construction or maintenance.

⁴² Related modalities must be tailored to the country.

a country-specific ‘toolbox’ to help them choose legitimate local actors. These ‘toolboxes’ could be elaborated by the political analyst based in the Delegation. Programme officers should also be encouraged to collaborate with local staff, especially in monitoring the impacts of projects.

Adapt to local needs on the ground

Policies: Even though the EC’s decision to work in sectors such as transportation and health will address some very important needs, there is work to be done to adapt participatory action research (PAR) methodologies to address the needs of local beneficiaries. For example, 55% of project funds are spent on paving roads, but the local people have asked for more unpaved roads. Adequate participatory approaches could help, and consultation outputs used to make real-time strategic adaptations in a changing context.

The differences in conditions (in terms of security, needs assessments, inter-communitarian tensions) throughout the country demand differentiated responses. While waiting for the government’s interim Poverty Reduction Strategy Paper, the EC should develop a country strategy paper that takes into account regional specificities. Even with the EU’s multiple intervention tools, efforts could be made to bypass the limited agency mandates and to link all of the EU’s efforts in an integrated country-wide initiative, with local adaptations. Such a country-wide programme would need to cover both sides of the front line and include flexible objectives.

Instruments: In view of the poor communications throughout the DRC, the EC’s presence outside Kinshasa could help it to respond appropriately to the needs of local populations. For example, in order for the Delegation to fund effective operations in the east of the country, it must have an official presence in the area.

Adaptations in the responses to local needs might also be facilitated by the appointment of a national political adviser in the Kinshasa Delegation (and in all delegations in politically fragile states). He or she could be tasked with providing EU staff with regular monitoring reports about the country situation and the evolution of programmes. This exact profile of this post and the recruitment procedure would need to be developed. This position would only be relevant to the extent that it is closely coordinated with the regional political adviser and the Special Envoy.

To respond to local specificities requires differences in the rhythm of programme execution. Such a modulated response is only possible with an administrative flexibility that would permit, for instance, the same component to be executed at a different pace in different locations depending on changes in each situation, or which would allow funds to be reallocated from one component to another.

5.2 Proposals related to Institutional Challenges

Establish a common framework of analysis

Instruments: To ensure that all staff share a common framework there should be no need for additional instruments other than the appointment of regional and national political advisers, and the organisation of information sharing meetings.

Increase the speed of response

Instruments: In view of the EC’s reputation as a particularly slow mover, any effort to increase the impact of EU aid in the DRC should aim to reduce delays, with the following instruments:

- The Commission is currently studying ways to decentralise the decision-making process. A rapid reaction capacity was observed only among donors close to the decision centres, which suggests that in a crisis situation where the problem is poor communications, there should be several decision

centres in the country. Therefore, the EC outside Kinshasa should be provided with decision-making powers to enable it to respond rapidly and appropriately to needs in the field. Such steps will have to be adapted if ECHO is the sole EC institution in a location.⁴³

- The EU could set up national and regional ‘trust funds’, which should be substantial (±EUR 50 million?), but with different country/region maxima, determined using appropriate criteria and mechanisms. For example, there could be simple procedures to add to a fund when needed; Member States should be able to contribute directly to a fund without the need for the unanimous agreement of all Member States; it would be managed directly by the Delegation, and maybe also at other decision centres, either by the delegate or a EuropeAid officer in the Delegation; and it should be monitored with strict *ex-post* controls. The authors believe that it would be easier to create such trust funds for fragile states than to modify existing financial instruments.
- The contributions of the national political adviser should also accelerate the reaction time, since any request could be analysed in relation to existing situation reports.
- Article 284.3 of the Cotonou Agreement could be special disposition in the new NIP to allow the rapid disbursement of funds.

Improve administrative flexibility

Instruments: Any move to increase the impacts of EU aid in the DRC will require the simplification of administrative procedures. Since all crisis situations are characterised by successive ups and downs, repeated programme reformulation should be the rule in order to keep up with the evolving situation. Also, participatory approaches will be effective only if they are accompanied by greater flexibility in the EC’s procedures. The EC therefore needs to review its procedures in order to allow such reformulations. The Commission is currently studying ways to decentralise the decision-making process, and to reduce the administrative procedures for ECHO programming.

Improve coordination

Instruments: Linking all EU efforts in an integrated, country-wide initiative will need more formal coordination mechanisms between all EU intervention tools. The above-mentioned national political adviser analysis could contribute to this improved coordination mechanism.

Provide appropriate human and material resources

Instruments: In addition to the appointment of the national political adviser (who should be assigned to a delegation as soon as a country qualifies as a fragile state), the need for additional human resources should be assessed based on the programme load. However, all human resources systems should be adapted to ensure that the most appropriate professionals are recruited and retained, e.g. workload, profiles, incentives, etc. All personnel assigned to the DRC, or any other fragile state, should receive special training relevant to the situation, such as the framework of analysis, stress management in a conflict situation, negotiating skills, security procedures, etc. All professionals should also be provided with appropriate tools, both intellectual and material, such as a ‘model intervention’ in a crisis situation,⁴⁴ multiple passports, and regular follow-up training as the situation evolves. Administrative flexibility will also be needed to provide these professionals with appropriate resources, in particular adaptable budgets, multiple passports, etc

Develop an institutional memory

Instruments: The EC lacks an institutional memory in the DRC. With the high turnover of staff assigned to fragile countries, building an institutional memory cannot rely only on individuals, but also on systems. The EC should therefore pay special attention to developing and implementing such systems.

⁴³ For instance, the only EU representation in the east of the country was ECHO in Goma. Even though ECHO had no official mandate to represent the EU in the east, it was regarded as the official Commission representative.

⁴⁴ See CREDAF (2000).

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Interviewed Organisations

Chef de Mission, Agro-Action Allemande, Goma
Conseiller, Belgian Cabinet of Development Cooperation, Brussels
Conseiller, Belgian Cooperation , Kinshasa
Ministre Conseiller, Belgian Embassy, Kinshasa
Project Manager, Great Lakes, Christian Aid
Emergency Rehabilitation Field Manager, Greater Horn Dept, DFID, UK
Représentant, ECHO, Goma
Conseiller genie civile et infrastructure, European Union, Kinshasa
Chef de Délégation, European Union, Kinshasa
Représentant, FAO, Rome/RDC
Attaché de la Coopération, German Embassy
Conseiller FOLECO, GTZ, Kinshasa-Limete
Chef de délégation, ICRC, Kinshasa
International Alert, Great Lakes Team, UK
Senior political analysts, International Crisis Group

Programme Director, International Human Rights Law Group
Director, International Rescue Committee, Bukavu
First Secretary, Japanese Embassy , Kinshasa
Représentant Spécial du ministre des affaires étrangères pour les affaires humanitaires, Belgium
Political affairs officer, MONUC, Kinshasa
Country Representative, Nationaal Centrum voor Ontwikkelingsamenwerking 11.11.11., Belgium
Coordinateur Afrique, NCOS-11.11.11., Belgium
Chef d'unité, OCHA, Gombe-Kinshasa
OXFAM, Kinshasa
Ambassador, Portugese Embassy
Great Lakes Division, RCN
Ministre/Chargé d'affaires, Swedish Embassy, DRC
UNDP, Kinshasa/Geneva
Coordinateur Great Lakes, UNHCR
US Embassy, Kinshasa
USAID, Kinshasa
Coordinator, World Bank–ILO DDDR programme

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