

Researching livelihoods and
services affected by conflict

Where does state capacity come from?

Conjectures from DRC's
new provinces

Working paper 65

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About us



The Secure Livelihoods Research Consortium (SLRC) is a global research programme exploring basic services, and social protection in fragile and conflict-affected situations. Funded by UK Aid from the UK Government (DFID), with complementary funding from Irish Aid and the European Commission (EC), SLRC was established in 2011 with the aim of strengthening the evidence base and informing policy and practice around livelihoods and services in conflict.

The Overseas Development Institute (ODI) is the lead organisation. SLRC partners include: Centre for Poverty Analysis (CEPA), Feinstein International Center (FIC, Tufts University), Focus1000, Afghanistan Research and Evaluation Unit (AREU), Sustainable Development Policy Institute (SDPI), Wageningen University (WUR), Nepal Centre for Contemporary Research (NCCR), Busara Center for Behavioral Economics, Nepal Institute for Social and Environmental Research (NISER), Narrate, Social Scientists' Association of Sri Lanka (SSA), Food and Agriculture Organization (FAO), Women and Rural Development Network (WORUDET), Claremont Graduate University (CGU), Institute of Development Policy (IOB, University of Antwerp) and the International Institute of Social Studies (ISS, Erasmus University of Rotterdam).

SLRC's research can be separated into two phases. Our first phase of research (2011–2017) was based on three research questions, developed over the course of an intensive one-year inception phase:

- State legitimacy: experiences, perceptions and expectations of the state and local governance in conflict-affected situations
- State capacity: building effective states that deliver services and social protection in conflict-affected situations
- Livelihood trajectories and economic activity under conflict

Guided by our original research questions on state legitimacy, state capacity, and livelihoods, the second phase of SLRC research (2017-2019) delves into questions that still remain, organised into three themes of research. In addition to these themes, SLRC II also has a programme component exploring power and everyday politics in the Democratic Republic of Congo (DRC). For more information on our work, visit: www.securelivelihoods.org/what-we-do

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Acronyms and glossary



DRC	Democratic Republic of the Congo
CTAD	Cellule Technique d'Appui à la Décentralisation
PPRD	Parti Populaire pour le Renouveau et le Développement
CNP	Caisse nationale de péréquation
COREF	Comité d'Orientation de la Réforme des Finances Publiques
IMF	International Monetary Fund
USAID	United States Agency for International Development
DHS	Demographic and Health Survey
MP	Presidential majority

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Executive summary



Main findings

The 26 provinces of the Democratic Republic of the Congo (DRC) display significant variations in their basic institutional capacity, down to the effectiveness of their existence and daily functioning. In this paper we provide a first attempt at explaining what accounts for these variations. We first create original measures of provincial capacity that take into account the generally low functionality of the Congolese state and compare these indicators across the 26 provinces. We then investigate the correlates of these capacity indicators. We find that (1) initial structural conditions, such as availability of electric power and the wealth of provinces, make a significant difference in terms of capacity and particularly resource extraction, suggesting that decentralisation can further existing inequalities; (2) new provinces are generally at a capacity disadvantage over old provinces and over the stump provinces of partitioned ones which inherited the existing provincial infrastructure; (3) by and large, mineral resource endowments promote provincial extractive capacity; (4) although there is widespread variation in ethnic homogeneity and polarisation across provinces, it seems to have largely contradictory effects among capacity indicators; (5) the expected political longevity of governors appear related to other capacity indicators and is a function of their success in balancing their relations with Kinshasa patrons and provincial clients.

Methodology

Our results are based on fieldwork carried out in 2017 and 2018 in the provinces of Haut-Katanga, Haut-Lomami and Lualaba, as well as the national capital Kinshasa. We collected original data from provincial and national government agencies, including the *Cellule Technique*

d'Appui à la Décentralisation (CTAD) provincial tax administrations, provincial assemblies and executives.

Policy implications

- Some provinces might make better partners for aid donors than others. Provincial capacity variations indicate where donor investments might have greater payoffs. Provinces like Equateur, Mongala, Tshuapa, Kwilu, Tshopo or Sankuru appear in much greater need of assistance to mobilise resources (or of direct resources).
- The new provinces would benefit from assistance to pass the necessary legislation in their areas of decentralised jurisdiction; that is health, education, agriculture and rural development.
- Given the effects of physical infrastructure on capacity, it appears that any infrastructural investment, even if centralised, should have provincial capacity benefits.
- Inequalities caused by differences in initial wealth and infrastructure as well as natural resource availability suggest that a push to implement the *caisse de péréquation* could be timely. This policy implies that 10% of the total national revenue is concentrated and redistributed to provinces based on their needs.
- It could help for donors to contextualise their interventions regarding the governor's patronage situation. Working with governors who are seen as outsiders to their province or who are outside Kinshasa's power structures might have fewer payoffs; however, pro-democratic working with the latter might appear. With capacity a function of political longevity, it might, counter-intuitively, pay to work with governors who are comfortably embedded in their local and national patronage networks and able to focus on the relatively long term.

1 Introduction

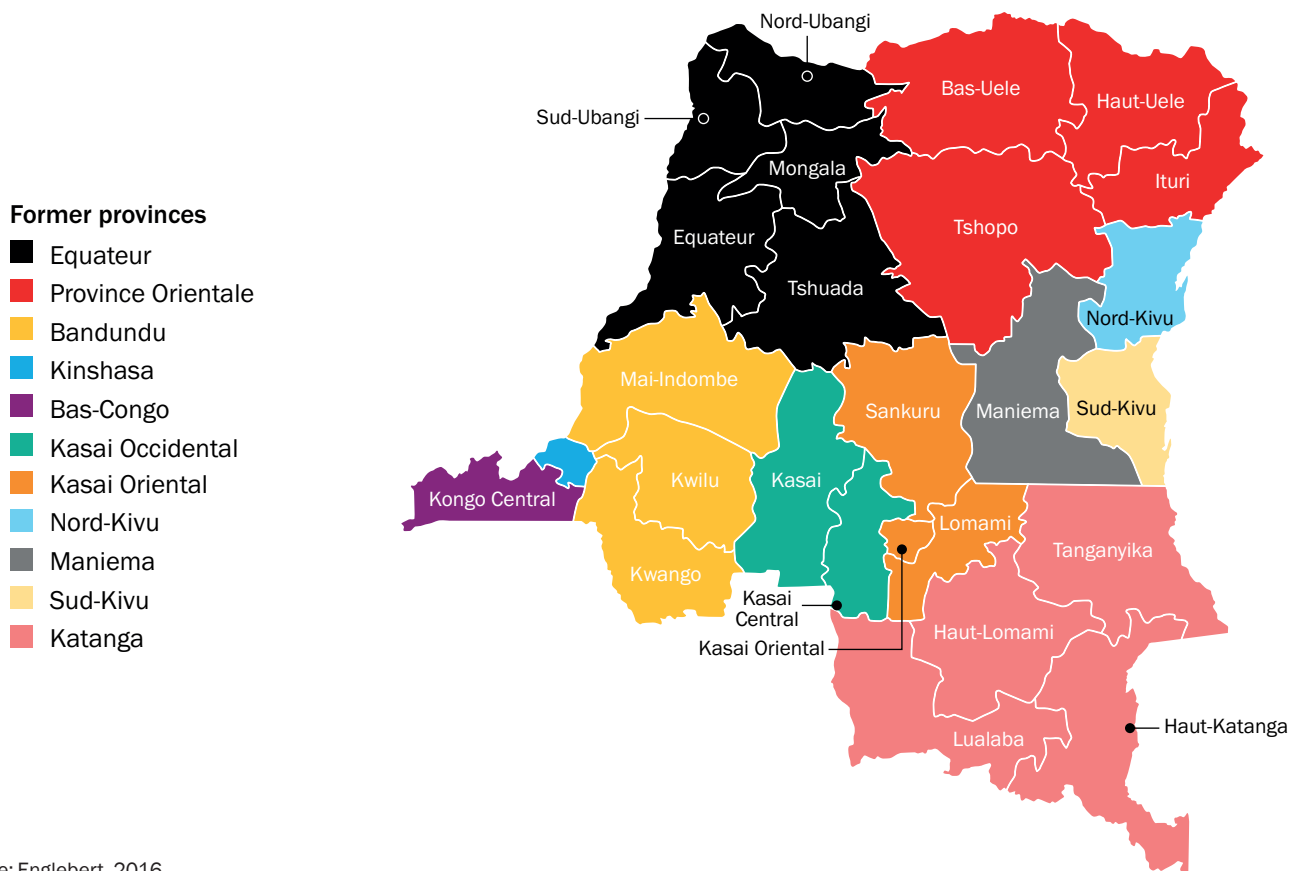
After a long period under authoritarian rule and with recurrent conflict, the Democratic Republic of the Congo (DRC) adopted a decentralised system in its 2006 Constitution, as a way to provide its provinces with a significant degree of political, administrative and fiscal devolution and to prevent further dictatorship and conflict by 'bringing the government closer to the population.' As part of the decentralisation reforms, the number of provinces was raised from 11 to 26 in 2015 in a process known as 'découpage'.

Although centralised despotism characterised most of its history, decentralisation is not entirely unfamiliar to the Congolese. The first few years of independence saw rapid and largely endogenous decentralisation, with provinces going from six in 1960 to 21 in 1964, before Mobutu's takeover in 1965 ushered in a period of intense centralisation and personalisation of power, despite a largely symbolic decentralisation exercise in the late 1980s (de Saint Moulin, 1988; Omasambo and Bouvier, 2014). The country broke down in the 1990s as Mobutu's power dwindled and entered a phase of widespread conflict. After the National Sovereign Conference of 1992 called for a federal system, the 2003-2006 transition regime, which formed part of the negotiations to end the conflict, settled on decentralisation as a compromise between federalists and unitarists (Bouvier and Omasambo, 2013; Englebert & Kasongo, 2016). Provinces obtained significant devolution in the areas of health, education, agriculture and rural development, and shared responsibility with the central government in many other areas.

The Constitution also provided that, within three years, six of the existing 11 provinces would be broken down into 21 new ones, although little thought seems to have been given to the viability of these new provinces (World Bank, 2007, 2010). The vagaries of Congolese politics delayed the implementation of this découpage by a few years. The new provinces were promulgated in 2015 (see Figure 1) and the central government appointed *general commissioners* to run them pending new elections for governors, apparently contradicting the Constitution and defying local autonomy. In April 2016, new governors were finally elected by the new provincial assemblies, many of whom had been the previous commissioners, with the result that the central government in Kinshasa retained significant control.

How have the new provinces fared? Have they been able to take control of the policy areas under their jurisdictions? Are their institutions functional? Have they been able to muster the necessary financial resources to

Figure 1: Congo's provinces before and after découpage



Source: Englebert, 2016.

carry out their mandates? How have they differed from one another in these multiple dimensions of governance? And, if they have encountered different rates of success, what might these be a function of?

These are the questions for which this paper presents preliminary evidence. We gathered our data during four field trips undertaken in 2017 and 2018. Although much of our data covers the whole country, we spent time in three provinces – Haut-Katanga, Lualaba and Haut-Lomami – and add qualitative material from these when it helps flesh out or enlighten our results. Our findings should be construed as suggestive rather than evidentiary, however, both because 26 cross-sectional observations give us few degrees of freedom (an unavoidable necessity for now given the lack of time-series to our indicators, but one which future replications can hopefully bypass), and because statistical capacity is one of the first victims of low overall capacity. As much as possible, we use innovative estimation techniques to bypass the data limitations.

1.1 Variations in provincial capacity

We begin with a simple qualitative comparison of two provinces, Haut-Katanga and Lualaba, in the hope that their trajectories might illustrate the variations in capacity that have developed across provinces since découpage. These two provinces have similar endowments and characteristics, and they were both carved out of the former Katanga province. Nevertheless, they have so far followed very different paths towards capacity building.

1.1.1 A tale of two provinces

In the process of découpage, the former province of Katanga disappeared, to be replaced by four new units: Haut-Katanga, Haut-Lomami, Lualaba and Tanganyika. While both Haut-Katanga and Lualaba inherited the part of the province that is richest in mineral resources and had the most infrastructure, their fortunes have, nonetheless, differed greatly since 2015. Despite hosting the former provincial capital and major city of Lubumbashi, as well as a relatively wealthy and well-educated population, Haut-Katanga has struggled with political instability and ineffective provincial institutions. Lualaba, in contrast, has displayed stability despite

resistance from some segments of its population, and its government has managed to function, extract local resources, and even engage in some infrastructural development. The two provinces also differ significantly in their elite's relations with Kinshasa and the local redistributive demands they face (Englebert et al., 2018).

What makes the development of capacities of these two provinces so starkly different? A key explanation might relate to key characteristics of their leadership. In Haut-Katanga, Félicien Katanga Lokunda (an autochthonous ethnic Sanga from the then ruling *Parti Populaire pour le Renouveau et le Développement* (PPRD)) was appointed by Kinshasa as special commissioner in 2015 but struggled to establish strong bonds with the local elite. As a result, it was little-known Jean-Claude Kazembe, an ethnic Bemba, whom the PPRD chose to nominate as their candidate for governor in 2016. The Bemba, however, traditionally supported Moïse Katumbi, the former governor of Katanga, who had by then left the PPRD to become an opponent. Kazembe also had difficult relations with the largest ethnic group in the province, the Lubakat. These issues led to a complicated relationship between him and the local elite, which was aggravated by the fact that Kazembe showed little disposition to play the game of patronage and redistribution with the local and national authorities. Instead, he apparently preferred to 'eat alone', as when he deposited a \$27m tax payment from a mining company into his own private bank account (Jené and Englebert, 2019). Provincial paralysis ensued, with hardly any edicts and no development or investment plan adopted, despite the province's great mining potential. In April 2017, the provincial assembly successfully passed a vote of no-confidence against Kazembe who was then dismissed.¹ He was replaced by Célestin Pandé Kapopo, an ethnic Sanga. While Pandé has been able to pacify the province's politics, it has continued to underperform, despite the recent inauguration of its new government building. Its 2017 budget, for example, was only executed at about 57% and there have been no significant infrastructural projects aside from the governorate.

Neighbouring Lualaba province is a study in contrast to Haut-Katanga. There, the special commissioner appointed by Kinshasa was none other than the national minister of interior and security, with oversight

over decentralisation, Richard Muyej Mangez, a close collaborator of President Joseph Kabila, and a senior member of the PPRD, who also happens to be part of the largest ethnic group in the province, the Lunda.² The province has known no constitutional crisis and has displayed political stability. It passed 10 edicts between April 2016 and July 2017, second only to Haut-Uele among the new provinces. It has raised new taxes, managed to redistribute road tolls and other mining taxes to its benefit, produced a provincial development plan, inaugurated an annual 'Mining Week' courting investments from around the world, started and maintained a fairly elaborate and transparent website, and has engaged in some infrastructural projects such as road paving and the development of tourist sites.

The contrast between Haut-Katanga and Lualaba, so similar in terms of natural endowments but so different in their paths towards the strengthening of capacity, illustrates the variations in provincial capacity that exist across the country. It hints that the ethnic profile of a province and relations among its elites might matter. But more importantly, it suggests that, while relations between provincial elites and Kinshasa matter, they are nevertheless constrained by the necessities of local embeddedness and/or clientelistic redistribution. Before further analysing capacity variations across all Congolese provinces and their correlates in this paper, we first present our measurements of capacity.

1.1.2 Measuring capacity

There is a range of definitions of state capacity. The good-governance literature of international organisations usually limits it to the ability to design and implement policies for growth (Kunicova, 2018) or the 'ability to make and enforce rules, and to deliver services' (Fukuyama, 2013: 350). In contrast, Michael Mann (1984: 189) refers to the capacity 'to actually penetrate civil society and to implement logistically political decisions throughout the realm', a concept he labels 'infrastructural power'. More ambiguous is the notion of extractive capacity, the ability of regimes to extract resources from society (Organski and Kugler, 1980). While the latter is indeed a marker of executive capacity, its predatory potential relates it more equivocally to development.

¹ His official dismissal took almost a year to be approved, apparently due to different negotiations between Kazembe and Kinshasa, but he was ultimately dismissed.

² Estimations indicate that 35% of the population in Lualaba is Lunda. Together with the Tshokwe (17%), who are very close to the Lunda and politically allied to them, they form a majority of the province (Calderon & Englebert, 2019).

Much of the capacity literature takes for granted that some capacity, some functional institutions exist. This is, however, an empirical question. In DRC's decentralised provinces, the state has historically deployed as a coercive actor (Schatzberg, 1989) but, at the time of the 2015 *découpage*, some provinces did not even have the basic physical infrastructure of local statehood, such as official buildings, office space, or essential supplies. Hence, studying capacity variations among DRC's provinces calls for a basic and inclusive definition of the term. By looking at basic indicators of functionality, such as whether there is an agreed upon governor, or whether provincial assemblies actually advance any type of policy, we seek to address the degree zero of capacity. Yet, we also seek to go beyond these indicators by looking, for example, at extractive and budgetary capacity. Our indicators thus allow us to observe a wide range of variations in capacity.

Our very first step is to investigate whether provincial institutions display rudiments of existence and functionality. We measure this in two ways. First, focusing on the executive, we count the number of no-confidence motions and impeachments against governors by province up to December 2017.³ This measure allows us to assess the basic stability of the system, which in turn facilitates investment in capacity. Since the election of new governors in 2016, a large number of provinces have experienced votes of no-confidence and impeachments that paralyse provincial politics and prevent governors from completing their terms. In such an unstable environment, governors may feel less able or inclined to establish policies that could increase capacity.

Looking then at the legislative assemblies, we measure the number of edicts passed by each province, focusing mostly on financial and administrative. This measure allows us to examine the state's infrastructural power and its ability to make rules, in the ways suggested by Michael Mann (1984) and Francis Fukuyama (2013). To assess extractive and fiscal capacity, our second step here is to look at tax-making legislative production as well as provincial budgets, both whether there were any and their level of execution.

To some extent, the Constitution did not care about provinces' viability as it was animated by a political desire to prevent the return of centralised dictatorship (World Bank, 2007, 2010). In addition, when the regime decided

to finally implement *découpage*, it did so without further consideration of readiness as it sought to undermine Moïse Katumbi, the governor of Katanga, who had switched to the opposition and announced he would run for president. It might also have calculated that *découpage* would multiply opportunities for patronage and give the regime an edge in the coming presidential race (which was then scheduled for 2016). Indeed, for each new province, executives and administrations were set up and staff hired. But no new resources were created, and no additional ones allocated.

1.1.3 The degree zero of capacity

Effectiveness of provincial assemblies

To assess if provinces 'work', we count the number of edicts passed by each province since April 2016, focusing mostly on the financial and administrative edicts issued by the provincial assemblies. In a basic way, this measure allows us to examine the state's infrastructural power and its ability to make rules. Edicts are passed by provincial assemblies but must be promulgated by governors. As such, they also measure the capacity of assemblies and governors to work together.

As Figure 2 makes clear, there is wide variation in the legislative production of provinces, ranging from Haut-Lomami, whose sole edict was the 2017 budget, to Haut-Uele with 11 edicts. Although budget and fiscal (those that set new taxes) edicts are the lion's share, there is variation here too, with some provinces significantly more inclined to develop their extractive capacity than others. Interestingly, very few provinces adopt edicts related to development or their areas of jurisdiction (purple).

The data in Figure 2 is limited to the 15 provinces that broke up from existing ones with the 2015 *découpage*. These are the provinces that were created more or less *ex nihilo*. They are the only ones that received missions from the CTAD in 2017, whose reports serve as our source. In general, the six new provinces that inherited the capital and headquarters of the pre-*découpage* province have adopted an attitude of legal continuity, considering that edicts passed before 2015 retained their validity after, with the result that they appear to have adopted fewer edicts since then (that is certainly the case for Haut-Katanga, which has only passed a budget edict since 2016). Figure 3 shows the legislative production of the old provinces before *découpage*

³ Our data set is available at www.pierre-englebert.com/data.

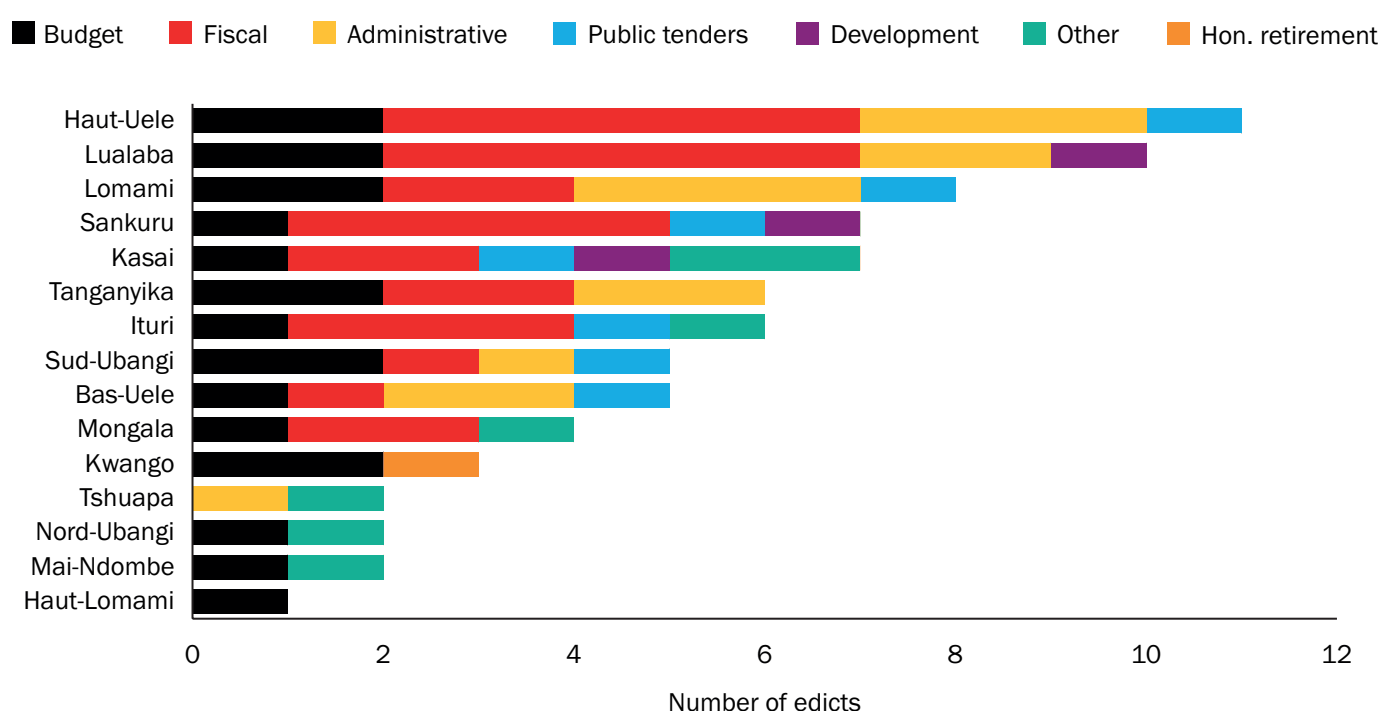
and thus complements Figure 2. Here, too, there is a broad range of variation. Provinces like Bandundu and Maniema passed fewer than 10 edicts in 11 years, and no budget. Kasai-Oriental adopted 33, a vast majority of which were for establishing new taxes. Kasai-Oriental has been a main centre of the opposition to the Kabila regime but its governor, Alphonse Ngoy Kasanji, is a trusted agent of President Kabila and can be thought of as heading an administration of occupation.

It is worth considering the extent to which the provinces are extractive machines in a country where poverty affects some 70% of the population (DFID, 2017; Marivoet, De Herdt and Ulimwengu, 2018). There are almost no edicts in the areas of jurisdiction of the provinces as intended by decentralisation ('development' in the charts). However, this is partly due to the fact that the central government has not yet fully transferred authority to provinces in these areas. Instead, the provinces focus mostly on their own basic function (budgets) and on extracting taxes from local economic activities (fiscal), with the latter dominating all legislative activity. Figures 4 and 5 show the proportion of budget and fiscal edicts as a percentage of the total by province. There are five new provinces that have not passed any fiscal edict. Two are from the old Equateur

province (Tshuapa and Nord-Ubangi), two from the old Bandundu province (Kwango and Mai-Ndombe), and one from old Katanga (Haut-Lomami). In contrast, 57% of the edicts from Sankuru and 50% of those from Lualaba, Ituri and Mongala, are fiscal. Before *découpage*, Kasai-Oriental, Bas-Congo (now Kongo Central) and Province Orientale exceeded 50%. South Kivu and Katanga had the least, but Katanga passed two tax edicts (one on the transformation of copper and another on road tolls for trucks carrying minerals), which brought in the vast majority of their revenue, dwarfing all other provinces, and reduced the need for additional taxes.⁴

The effectiveness of provincial assemblies can also be measured in terms of the number of parliamentary sessions that were held and the number of commissions, where much of the legislative work usually takes place. In both cases, a higher number would indicate, *prima facie*, greater capacity. One cannot rule out, however, the possibility that being able to get the work done in fewer sessions could also be a marker of capacity. Figure 5 shows the results for the 15 new provinces (we do not have equivalent data for the other provinces). It is sorted in ascending order by sessions. The two variables do not appear much correlated. Sankuru and Lualaba, which

Figure 2: Total edicts (2016–2017)



Source: CTAD.

⁴ On pre-*découpage* provincial revenues, see Englebert & Kasongo, 2016.

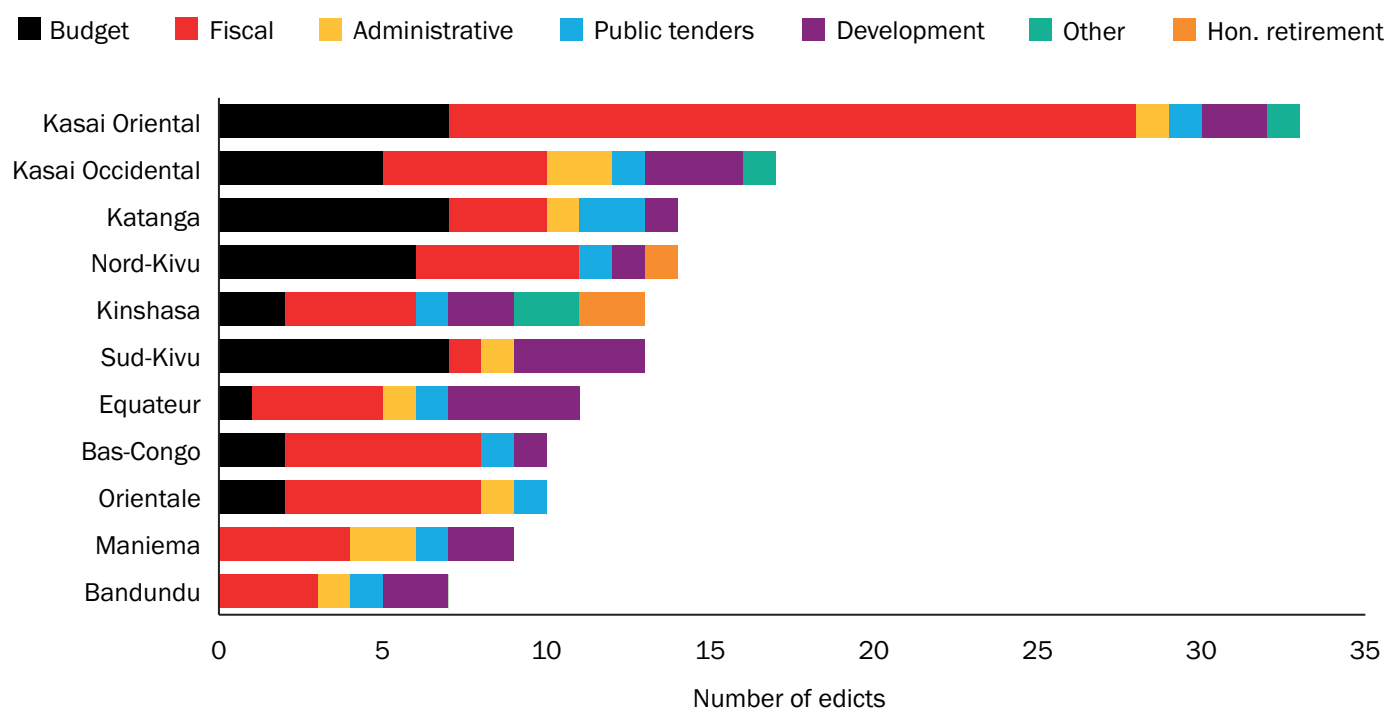
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passed the most fiscal edicts, did not need more than four sessions to do so (three sessions are required by law for all provinces; the other ones are 'extraordinary' sessions called for by provinces as needed for additional debates or legislation).

Revenue generation and budget management

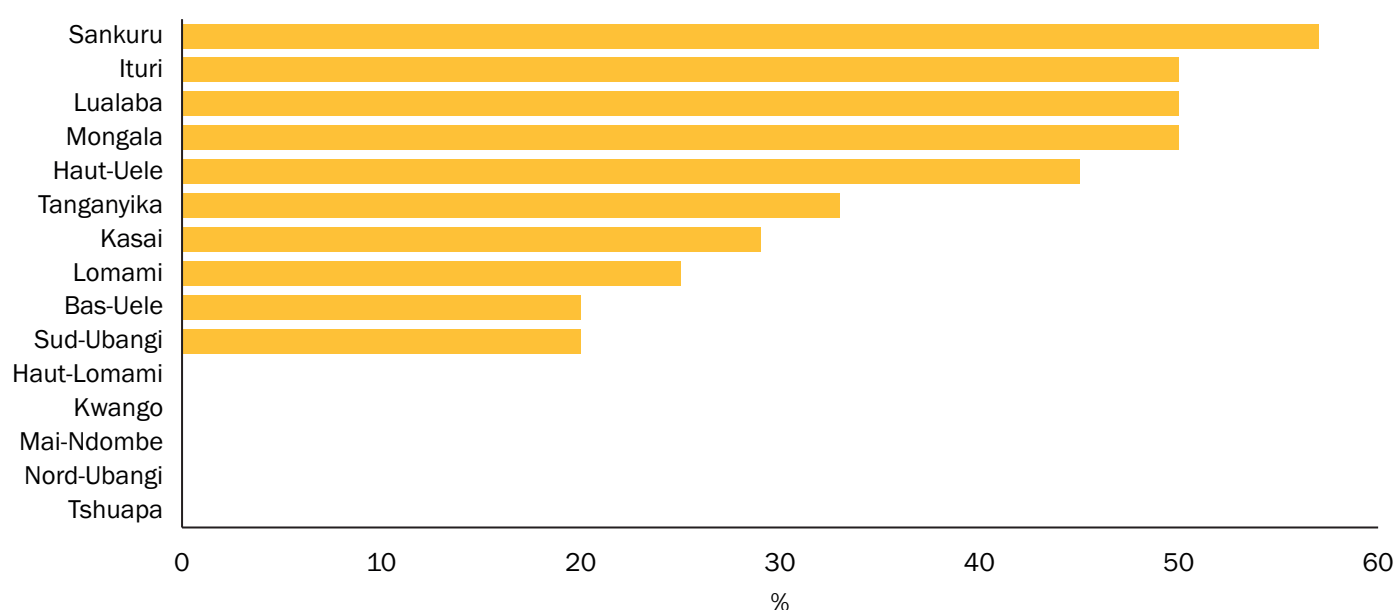
Constitutionally and legally, there are three ways for provinces to obtain revenue. First, provinces are supposed to keep 40% of the national income raised at the provincial level. Not only has Kinshasa never

Figure 3: Total edicts (2007–2016)



Source: Ministère des Relations avec le Parlement, 2016.

Figure 4: Percentage of fiscal edicts (2016–2017)



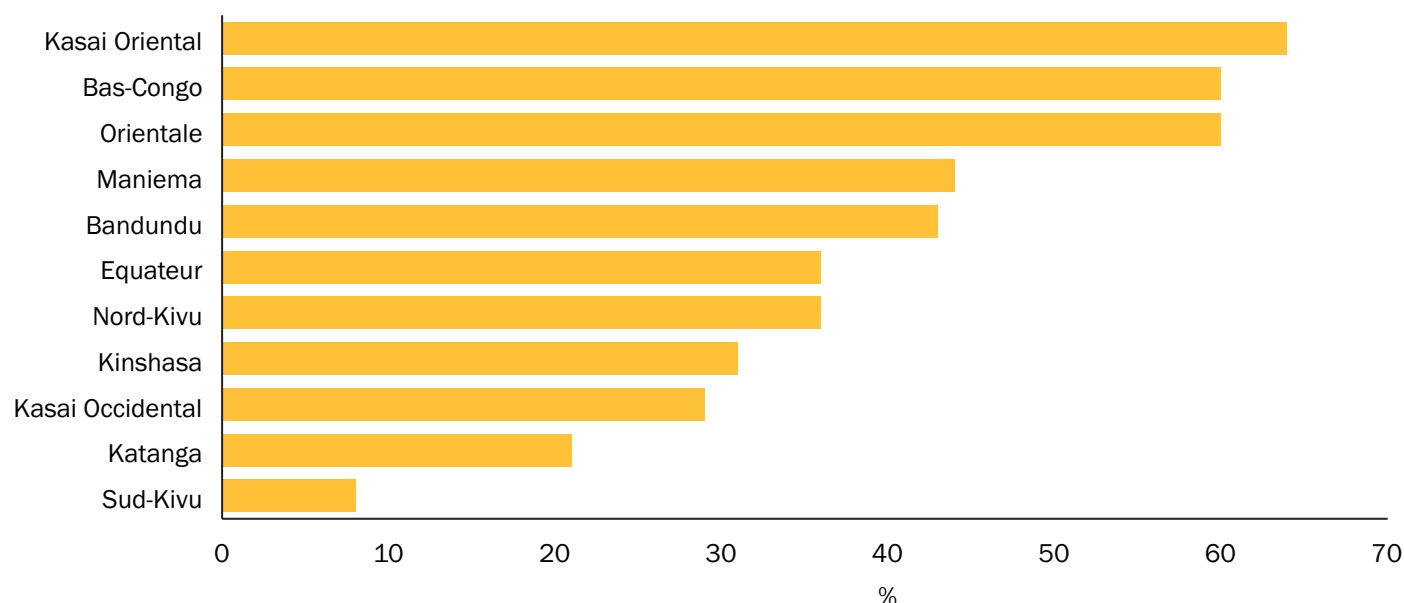
Source: authors' estimates based on data from fieldwork.

Where does state capacity come from?

allowed provinces to keep these resources but it has also retroceded much less than this share to them over the years (Englebert and Kasongo, 2016). The consequent shortfall affects the provinces' day-to-day functioning and hurts the possibilities of success of the decentralisation process. We do not include this

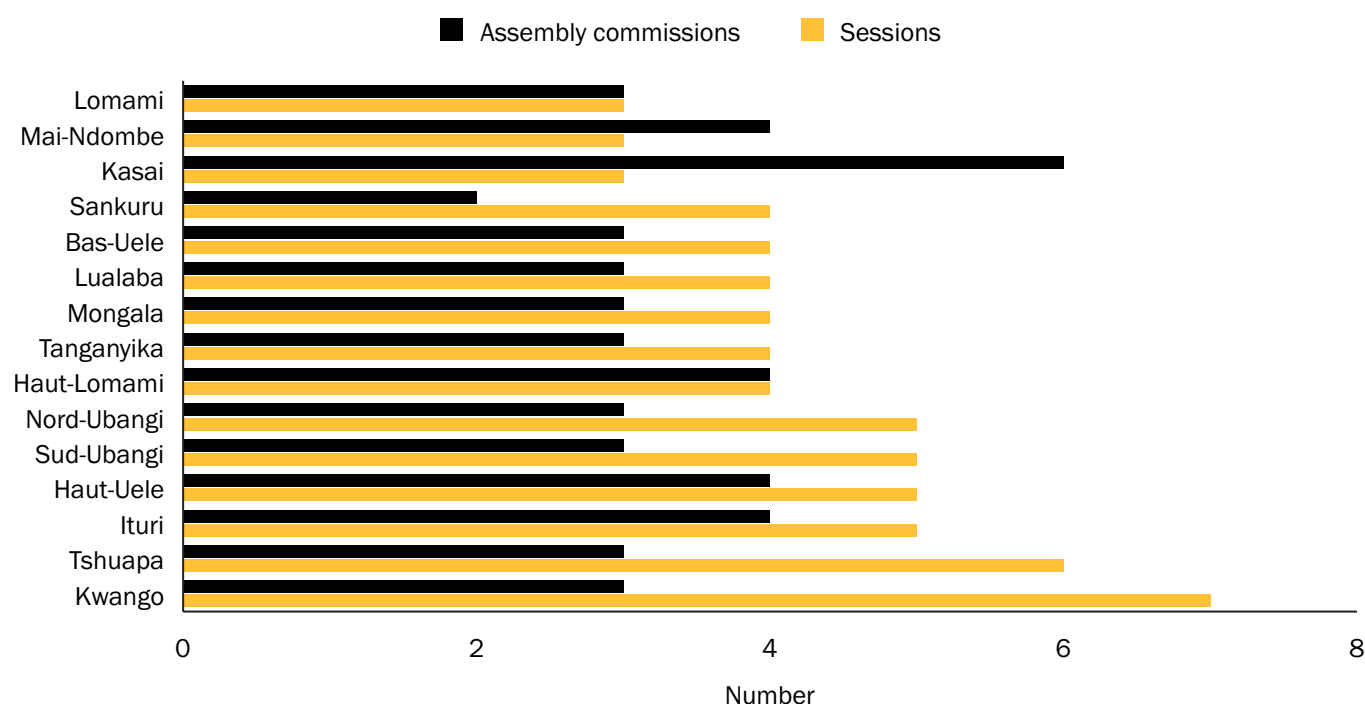
retrocession in our measures of capacity as it derives from a complicated calculus involving provincial wealth and resources, as well as provincial influence in Kinshasa. Instead, we return to a modified version of it among our variables measuring covariates of patronage below.

Figure 5: Percentage of fiscal edicts (2007–2015)



Source: authors' estimates based on data from fieldwork.

Figure 6: New provinces: assembly commissions and sessions (2016–2017)



Source: authors' estimates based on data from fieldwork.

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The second source of income was expected to come from the Caisse nationale de péréquation (CNP), an equalisation fund with the objective of ‘reducing the disequilibrium across provinces’. The fund was meant to take 10% of the total national revenue and redistribute it to provinces according to need. As of 2018, although the law setting up the CNP had finally been promulgated, there was still no evidence of it being effective.

Finally, provinces are allowed to raise their own taxes, and laws in 2013 and 2018 identify what taxes can be raised by provinces versus other levels of government. The provinces have not hesitated to seize upon this authority and the main legislative activity of their assemblies has been tax creation by far, as the graphs on edicts suggested. In every province, the first decree was usually to set up a tax agency and, in some provinces,, it remains

the only one. Yet, the revenue from these taxes largely fluctuates according to wealth of the province. For most of them, while the burden on citizens can be considerable, the effects on the budget can be trivial.

We report in Table 1 the size of provincial revenue as a measure of extractive capacity. The wide variation in budget size is worth noting, with Kinshasa, Kongo-Central, Haut-Katanga and Lualaba all exceeding \$100m, while four out of the five former Equateur provinces have budgets around or below \$30m, of which they still fall very short in execution. In execution rates, Kwilu, Tanganyika and Lualaba are the best, with Lualaba executing a very large budget at near 90%. At the bottom end, Kwango only executed 1% of its 2017 budget, or (mal-)functioned with a budget of less than \$40,000. Nine provinces ended up with execution rates below 50%.

Table 1: Provincial budgets, retrocession transfers and provincial extractive capacity (US\$ or %)

Province	Budget 2017	Execution 2017	%	Transfers 2017	Residual 1	Residual 2
Bas-Uele	–	–	–	2,352,941	–	–
Equateur	26,917,253	17,842,783	66	53,287,197	(75,432,526)	(40,346,021)
Haut-Katanga	145,727,069	83,992,749	58	54,671,280	42,491,349	25,259,516
Haut-Lomami	83,741,991	53,770,495	64	3,667,820	38,685,121	28,166,090
Haut-Uele	53,383,394	25,517,279	48	3,598,616	8,373,702	(113,495)
Ituri	59,162,292	18,036,040	30	2,837,370	15,778,547	(7,058,824)
Kasai	52,162,292	34,504,601	66	3,944,637	6,768,166	8,650,519
Kasai Central	70,423,507	43,672,635	62	40,830,450	(17,647,059)	(6,415,225)
Kasai Oriental	54,681,597	32,228,737	59	38,754,325	(30,934,256)	(16,470,588)
Kinshasa	285,686,871	156,884,229	55	124,567,474	103,806,228	53,633,218
Kongo Central	133,707,943	55,008,876	41	89,965,398	(6,456,747)	(24,705,882)
Kwango	59,990,424	391,630	1	2,629,758	16,193,772	(24,567,474)
Kwilu	59,851,160	57,434,475	96	89,965,398	(81,660,900)	(23,183,391)
Lomami	33,849,031	18,186,738	54	2,768,166	(10,173,010)	(6,892,734)
Lualaba	133,415,555	118,452,315	89	4,705,882	87,197,232	92,041,522
Mai-Ndombe	44,155,111	16,875,802	38	2,283,737	664,360	(7,889,273)
Maniema	30,074,038	21,029,615	70	22,837,370	(36,678,201)	(16,955,017)
Mongala	31,903,379	–	–	1,730,104	(10,934,256)	–
Nord-Kivu	90,813,702	58,028,253	64	40,830,450	2,851,211	7,958,478
Nord-Ubangi	25,766,471	8,223,804	32	1,799,308	(17,093,426)	(16,193,772)
Sankuru	34,195,274	2,093,532	6	3,806,228	(11,072,664)	(23,667,820)
Sud-Kivu	62,585,242	43,217,331	69	37,370,242	(20,899,654)	(4,297,578)
Sud-Ubangi	30,498,294	3,525,359	12	2,214,533	(12,871,972)	(21,176,471)
Tanganyika	82,806,078	78,597,344	95	8,304,498	32,664,360	50,034,602
Tshopo	79,111,721	26,911,903	34	44,982,699	(13,771,626)	(25,882,353)
Tshuapa	35,036,269	–	–	3,598,616	(9,965,398)	–

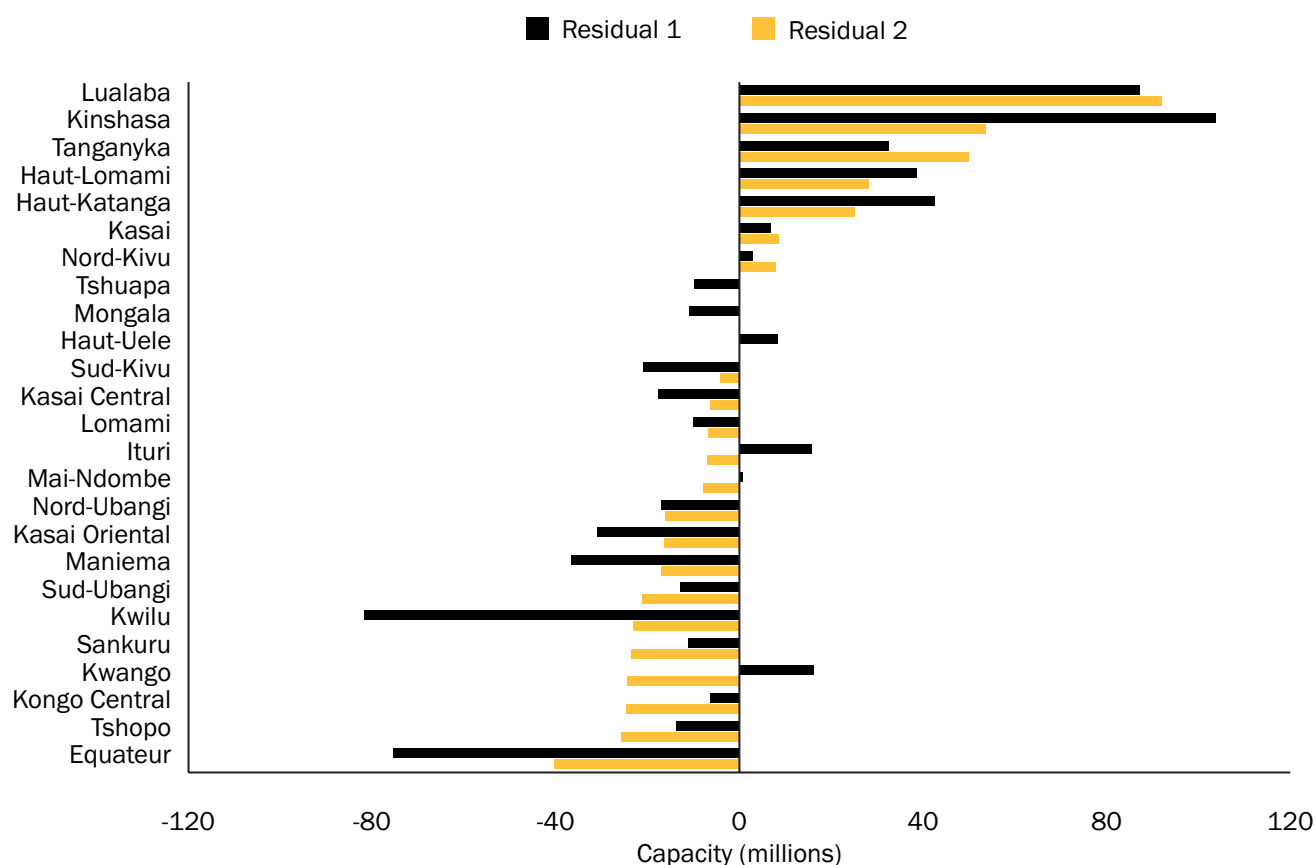
Sources: COREF, Ministère du Budget.

The budgets in Table 1, as submitted for audit by provinces to the *Cour des Comptes*, and as obtained by us via the *Comité d’Orientation de la Réforme des Finances Publiques* (COREF), do not distinguish between local revenue and transfers from Kinshasa. The national Ministry of Budget does release data on the execution of transfers to provinces, but these include payments of salaries to deconcentrated personnel in the provinces, which are not part of provincial budgets, making any reconciliation practically impossible. The correlation between transfers from Kinshasa and the size of provincial budgets is $r=0.69$, suggesting the importance of these transfers in provincial finances. The correlation is $r=0.60$ for transfers and executed budgets. One way to get an impressionistic estimate of the provincial capacity to extract taxes is to do a linear regression of provincial budgets on retrocession transfers and use the residual (that is, the part of the budgets not explained by transfers) as a proxy for local tax revenue. The resulting figure will not actually represent local taxes but the variations in it among provinces should approximate the variations in their fiscal capacity.

Table 1 shows these residuals. Residual 1 derives from regressing the 2017 budget as voted on transfers; Residual 2 from regressing budget execution on transfers. Residual 2 is more representative of actual provincial finances, whereas Residual 1 captures the fiscal ambitions of provinces. Numbers in parentheses indicate negative values. Of course, no province had negative tax revenue. A negative number means their tax revenue fell below the predicted value inferred from the average relationship between transfers and budget for all provinces. Positive values suggest the province outperforms compared to the average; negative values that it underperforms. The actual residual figures have no meaning in and of themselves, but their relative magnitude can be interpreted as an indication of provincial extractive capacity.

Figure 7 sorts provinces by Residual 2 and then Residual 1 to illustrate estimated variations in provincial extractive capacity. The provinces that display the greatest relative extractive capacity are the four former provinces of Katanga and Kinshasa, which also tend to be among

Figure 7: Estimated provincial extractive capacity



Source: authors' estimates based on data from fieldwork.

the richest (aside from Tanganyika and, less so, Haut-Lomami). Lualaba's performance is telling: it is the best performer in terms of execution estimates and has both a high budget and a high rate of execution despite apparently very limited transfers from Kinshasa. Haut-Katanga, which has a larger budget than Lualaba, ends up with lower execution figures and much weaker extractive capacity, albeit still among the best in the country. This finding is in line with the description of the two provinces we presented at the beginning of the paper. While Haut-Katanga has struggled, due in part to the lack of a political figure capable of negotiating with the national and local elites, Lualaba offers a relatively successful case of decentralisation with high rates of budget execution and a leader that has been able to navigate the political dialogue at the different levels or deploy sufficient capacity to impose himself at the local level.

Political stability and executive-legislative relations

The installation of new provinces after *découpage* did not go smoothly everywhere. Between October 2016 and the end of 2017, provincial assemblies produced no fewer than 17 no-confidence votes for its governors, 14 of which resulted in the governor's impeachment. Some of these motions were initiated by provincial assemblies pushing back against governors imposed from Kinshasa. Others were initiated by Kinshasa to rein in governors

from opposition parties who showed too much autonomy. And some resulted from the joint activism of Kinshasa and provincial assemblies. We return to the distinction on the motions' origins in the discussion on patronage below. Table 2 lists the motions by province. There were additional motions that did not pass and which we did not include, as well as some motions against vice-governors and against provincial assembly presidents. Most governors who suffered from no-confidence motions were eventually impeached and lost their jobs. Some were able to resist, usually with Kinshasa's assistance. At times, the constitutional court struck down some motions for procedural flaw or another reason.

Most interesting in terms of capacity might be the provinces that do not appear in this list. They are Kasai, Kasai Oriental, Kongo-Central, Lualaba, Tanganyika, Kinshasa, North-Kivu, Mai-Ndombe, Bas-Uele and Haut-Uele. All of the provinces from former Equateur (four of which are also the worst ones in terms of budget) have had motions. We return to discuss these results in the section in patronage below. These motions depict an element of capacity closely linked to stability, and not necessarily a 'democratic' inclination to get rid of bad governors. The fact that a governor is not able to finish his term and is, in turn, impeached after just a few months after being elected, by the same provincial

Table 2: Provincial no confidence motions against governors since 2016

Province	Governor	Party	Date	Outcome
Equateur	Tony Cassius Bolamba	Independent	Sep. 2017	Replaced
Mongala	Bienvenu Essimba Baluwa Bolea	Independent	Oct. 2017	Replaced
	Aimé Bokungu (Acting VG)	MP	Jan. 2017	Replaced
	Louis Mbonga Magalu Egbanda	MP	Jul. 2018	Survived
Nord-Ubangi	Marie-Thérèse Gerengbo	PPRD	Jun. 2017	Survived
Sud-Ubangi	José Makila Sumanda	Independent	Dec. 2016	Replaced
Tshuapa	Cyprien Lomboto	MP	Oct. 2016	Replaced
Kasai Central	Alex Kande Mupompa	Independent	Oct. 2017	Replaced
Lomami	Patrice Kamanda Tshibangu Muteba	MP	Dec. 2017	Survived
Sankuru	Berthold Ulungu Ekunda	MP	n/a	Survived
Haut-Katanga	Jean-Claude Kazembe Musonda	PPRD	Apr. 2017	Replaced
Haut-Lomami	Célestin Mbuyu Kabango Mukolwe	PPRD	May 2017	Replaced
Kwango	Larousse Kabula Mavula	MP	Jul. 2017	Replaced
Kwilu	Godel Kinyoka Kabalumuna	MP	Jul. 2017	Replaced
Tshopo	Jean Ilongo Tokole	MP	Aug. 2017	Replaced
Maniema	Pascal Tutu Salumu	PPRD	Dec. 2017	Replaced
South Kivu	Marcellin Cishambo	PPRD	Oct. 2017	Replaced

deputies now impeaching him,⁵ indicates a lack of capacity to function within the existing institutional set-up.

1.1.4 A compound measure of capacity?

To what extent do these multiple measures of capacity correlate with each other and capture different dimensions of the same reality? The fact we do not have data for all provinces for each indicator undermines, to a degree, the possibility of aggregating them all into some compound indicator of capacity. Nonetheless, a correlation matrix (Table 3) hints at some relationship among some of these indicators. Although it falls short of

significance there is a correlation between edicts and the size of budgets voted, as well as a negative correlation with motions. Given the small number of observations, these results are somewhat encouraging.

The ideal statistical situation would be to produce the first principal component of these different indicators to aggregate them meaningfully in a new index. However, there are not enough observations with values for all the variables on the correlation matrix, making the exercise largely futile until further data can be collected. In the rest of this paper, when investigating the correlates of capacity, we pick different indicators separately.

Table 3: Correlation matrix of some provincial capacity indicators

	edicts	bud~oted	residu~1	residu~2	commis~s	sessions	motion~n
Edicts	1.0000 26						
Budget voted	0.2426 25	1.0000 25					
Residual	-0.0722 25	0.7298* 25	1.0000 25				
Residual	0.0018 23	0.6265* 23	0.8422* 23	1.0000 23			
Commissions	-0.2454 15	-0.0829 14	-0.0751 14	-0.3058 12	1.0000 15		
Sessions	0.0625 15	0.1047 14	0.1084 14	0.0702 12	-0.3079 15	1.0000 15	
Motions no confidence	-0.2609 26	-0.3782 25	-0.3590 25	-0.4477* 23	0.1560 15	-0.3844 15	1.0000 26

Source: authors' estimates based on data from fieldwork.

⁵ See, for instance, the case of Tshuapa, whose governor Cyprien Lomboto was removed from power 5 months after his election.

2 Correlates of provincial capacity

Despite the data's shortcomings, it is possible to investigate what other variables might be associated with variations in provincial capacity. While it is too soon to infer causality, some patterns appear robust enough to be considered as preliminary evidence on the roots of provincial capacity.

2.1 Initial conditions

Obviously, provinces are not created entirely *ab nihilo*. They inherit and function upon a physical environment, particularly in terms of infrastructure. Although the quality of the latter is usually dismal across the country, small variations can have an impact on what we call the degree zero of capacity, or its embryonic development.

There are fundamental dimensions to initial conditions. The first one deals with physical capital, that is, what kind of basic infrastructural capacity each province inherits. Second is wealth. Although poverty is widespread across the country, some regions are undoubtedly better off than others, whether because of access to mineral resources, to international trade, or to the services of a large city. Finally, initial conditions include the experience of government. Provinces created in areas that never had any degree of previous self-governance undoubtedly face different challenges from those that are successors to earlier institutions.

2.1.1 Physical capital

The conditions at the time of *découpage* varied greatly across the provinces. Whereas the provinces where former provincial capitals were located benefited from the relatively large share of human capital they had attracted over the years, most new provinces lacked the material and human resources necessary to install a functioning bureaucracy. Although the *découpage* law called for new provinces to divide the resources of the province from which they emanated, it was practically complicated to share and transport existing assets, and many personnel were unwilling to relocate to provinces that often appeared as backwaters. Finally, fixed assets like buildings were mostly non-existent in many newly created provinces. Even in a place like Kolwezi, the capital of Lualaba, where there has historically been significant development because of mining activity, we were told that 'all the experienced people stayed in Lubumbashi. Certain financial resources were distributed, but not the expertise' (interview October 2017). In some of the new provinces where no government building existed, such as Haut-Lomami, the government settled in former private residences dating back to the

colonial era or in buildings that belonged to the former mining parastatal Gécamines (and which date back to its colonial predecessor, the Union Minière). Table 4 below indicates the buildings where provincial assemblies meet in some of the new provinces.

By and large, the best physical and human capital is available in Haut-Katanga and Lualaba, Tshopo (Kisangani), Equateur (Mbandaka), Kasai-Oriental (Mbuji-Mayi) and Kasai-Central (Kananga). Kwango and Kwilu also benefit from their proximity to Kinshasa and access by paved road.

As an illustration, Table 5 shows the difference in human resources in two provinces of former Katanga. Lubumbashi, the previous capital of Katanga is now the capital of Haut-Katanga. The city is quite cosmopolitan due to the arrival of workers from other parts of Katanga (and from the Kasais). In contrast, Haut-Lomami's capital

is Kamina, a remote city in a landlocked province with arduous access by land and a diminutive airport. After découpage, Haut-Katanga still has a much higher ratio of government employees than Haut-Lomami. Although the population ratio is 1.5:1 to Haut-Katanga's benefit, the ratio of government employees is 8.3:1. Moreover, many of the Haut-Lomami provincial hires were locals with significantly less experience than public servants in Haut-Katanga.

The baseline conditions at the time of decentralisation define the amount of effort that the regional government needs to exert to improve governance in the province. This moment of decentralisation represents, to quote Lipset and Rokkan (1967), a critical juncture that occurred in different ways in different provinces, according to the context of the province. These differences in initial conditions no doubt play a central role in subsequent capacity development. After all, the amount of effort that needs to be exerted in a province with low physical and human capital is higher than the effort needed to improve governance in a place with more capital.

As an illustration of initial physical capital, Figure 8 displays night lights' intensity, a proxy for economic development (Chen and Nordhaus, 2011; Michalopoulos and Papaioannou, 2013; Mveyange, 2015; Pfeifer, Wahl and Marczak, 2016; Sutton, Elvidge and Ghosh, 2007). As the map makes clear, only Kinshasa, Lubumbashi and

Table 4: Meeting locations of new provincial assemblies, selected provinces

Province	Location
Sankuru	Catholic charity
Bas-Uele	Court building
Kwango	Catholic high school
Lomami	religious convent
Mongala	former territoire building
Nord-Ubangi	non-profit association building
Sud-Ubangi	Evangelical temple
Tanganyika	tent for plenary sessions
Haut-Lomami	cultural association of railroad workers
Haut-Uele	church
Ituri	former theatre
Mai-Ndombe	high school
Kasai	Mennonite meeting room

Source: mission reports from CTAD, 2017.

Table 5: Government personnel, Haut-Katanga and Haut-Lomami provinces

Province	Political personnel	Administrative personnel	Support personnel
Haut-Katanga	136	657	994
Haut-Lomami	72	96	48
Ratio HK:HL	1.89	6.84	20.84
Ratio population		1.5	

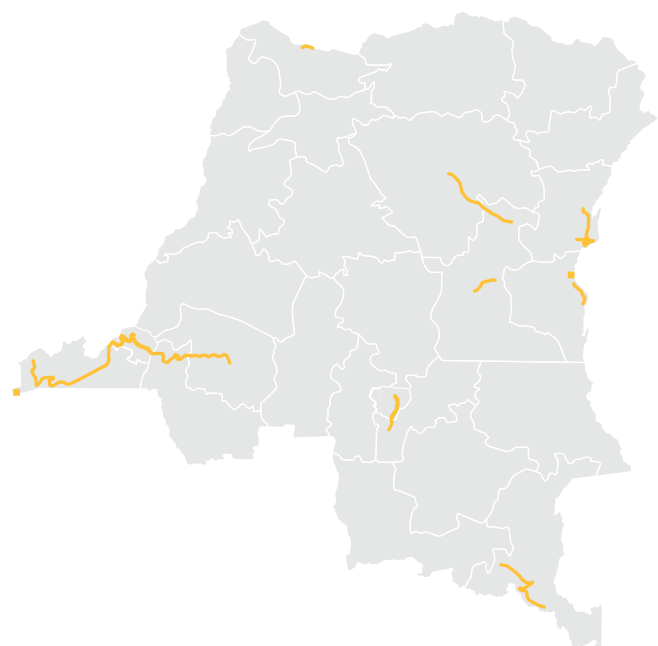
Source: authors' estimates based on data from fieldwork.

Figure 8: Night time lights, DRC 2013



Source: elaborated with data from the National Center for Environmental Information.

Figure 9: Paved roads, DRC 2016



Source: elaborated with data from the Open Street Map data of the World Food Program.

the Copperbelt into Lualaba show some concentration of night lights. Much of the rest of the country is in the dark.

The road situation is not much better (Figure 9). The country has fewer than 2,548 miles of paved roads in a territory of 905,400 square miles, concentrated mostly around Kinshasa (Kongo Central, Kwango and Kwilu provinces), from Kasumbalesa on the border with Zambia to Kolwezi in Lualaba, and a few more segments near Goma, Bukavu and Kisangani. Access to the rest of the country is difficult, particularly during the rainy season. In June 2018, during the dry season, it took us 22 hours to drive the 282 miles from Likasi, Lualaba, to Kamina, Haut-Lomami on 'National Route 1'.

Initial physical capital conditions appear to affect the subsequent development of provincial capacity. Table 6 shows the correlation coefficients between a few measures of physical conditions and of capacity. The indicators are always in the expected direction and often

significant. In other words, the situation one inherits are the conditions of the environment in which capacity-building efforts take place. Capacity building is harder for some provinces than others.

2.1.2 Wealth

Most new provinces are exceedingly poor and under-developed. In 2010, the International Monetary Fund (IMF) anticipated that only two of them would be economically viable (IMF, 2010). Thus, variations in readiness in terms of physical and human capital were compounded by widespread poverty and income inequality. Using estimates captured by the United States Agency for International Development's (USAID) Demographic and Health Survey (DHS) of 2013-2014, we observe significant wealth inequality across DRC's provinces (USAID, 2014). The USAID wealth index captures access to basic public goods, housing conditions (toilet facilities, material of principal floor, walls and roof, cooking fuel, among others), and ownership of selected assets. The index assigns each household to a quantile with 0 being the 'lowest level of wealth, poorest' and 5 the 'richest level'. We weighted this information according to the household weights to get the wealth index by province (Table 7).

This index shows a ratio of about 3:1 in provincial wealth before *découpage*, with Kinshasa the richest and Tshuapa the poorest. It is often, but not always, the case that provinces where capitals of the former provinces were located became relatively wealthier after *découpage*, while new provinces became poorer on average. This situation might be exacerbated for landlocked provinces, with no exit either to the sea or to an international border, and for provinces with little or no minerals available. This is the case of the provinces of Lomami and Haut-Lomami, where minerals are not abundant and whose little agricultural product cannot easily be sent to other provinces or abroad, for lack of decent roads. These provinces then have limited opportunities to develop, which reduces their taxing potential. Without sufficient transfers from Kinshasa, the local governments might turn fiscally predatory with little intention to increase capacity,

Table 6: Correlates of capacity and physical capital

	Edicts	Budget voted	Budget executed	Motions
Night lights	.42*	.77*	.75*	-.38*
Light access	.40*	.32	.13	-.23
Electricity	.22	.88*	.72*	-.14

Source: authors' own.

Table 7: Wealth index by province

Province	Wealth index
Bandundu	2.44
Kwango	2.09
Kwilu	2.50
Mai-Ndombe	2.69
Equateur	2.18
Equateur	2.49
Tshuapa	1.74
Mongala	2.10
Nord-Ubangi	2.26
Sud-Ubangi	2.23
Orientale	2.61
Tshopo	2.60
Ituri	2.65
Bas-Uele	2.40
Haut-Uele	2.78
Nord-Kivu	3.29
Sud-Kivu	3.35
Maniema	2.67
Katanga	3.36
Haut-Katanga	4.21
Lualaba	3.37
Haut-Lomami	2.45
Tanganyika	2.14
Kasai Oriental	2.96
Kasai Oriental	3.81
Lomami	2.67
Sankuru	1.84
Kasai Occidental	2.52
Kasai	2.09
Kasai Central	2.86
Kinshasa	4.97
Kongo Central	3.55

Source: elaborated from DHS Congo–USAID, 2013–2014.

as the effort to do this may be larger than the potential benefits.

Provincial wealth correlates greatly with our indicators of capacity. The index correlates at $-.38^*$ with motions, $.60^*$ with edicts, $.82^*$ and $.74^*$ respectively with voted and executed budgets, and $.45^*$ and $.40^*$ with budget Residuals 1 and 2.

2.1.3 Practice of statehood

Our indicator of edicts includes the total sum of edicts for provinces that were not broken up. For those provinces that used to be headquarters of old provinces, we impute all the edicts of that former province up to découpage. While this approach creates a bias towards these successor provinces, it also represents reality as they all appear to have taken over the legislative output of their predecessor. To verify whether having had the experience of being a province facilitates capacity, we performed a series of tests on capacity indicators other than edicts. The results are usually consistent in favour of old and stump provinces.

As Table 8 indicates, older provinces generally perform better than their newer counterparts. The difference is significant with the size of budgets ($P < 5\%$), their execution ($P < 10\%$), and the execution rate ($P < 10\%$). There is, however, no meaningful difference in the rate of motions between the two. We conclude that past practice of governance appears to have a positive impact, at least on fiscal capacity.

2.2 Natural resources

The effects of natural resources on state capacity and economic development are likely multiple and contradictory. In a well-endowed country like DRC, abundant resources can provide low-effort sources of income, reducing the incentive to reach deeper into society for revenue and endangering both the administrative apparatus of the state, the social contract,

Table 8: Comparing capacity among older and newer provinces

Indicator	Old provinces	Newer provinces	p value
Budget, voted (2017)	140 billion	78 billion	.04**
Budget, executed (2017)	79 billion	46 billion	.08*
Execution rate (2017)	61%	45%	.06*
Motions	64%	67%	.54

Source: authors' estimates based on data from fieldwork.

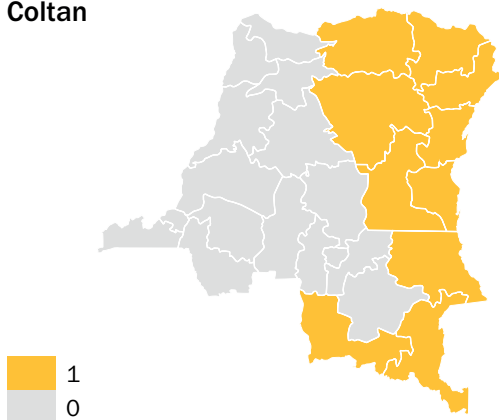
and the development of property rights (Barro, 1989; North, 1990; Ross, 1999, 2015). Conversely, the availability of natural resources can attract investments in provinces and bring about taxes as well as infrastructure development. We therefore wonder to what extent the presence of commodities might have the potential to positively affect provincial state capacity. In an environment characterised by precarious governance with scarce elements that facilitate the reach of the state, the availability of natural resources might generate different opportunities for the provinces. In principle, provinces with mineral endowments could use these rents to provide public goods and increase the state's reach.

Although we do not argue that the presence of minerals will immediately bring an increase in state capacity, we wonder whether the absence of a source of income such as mineral rents might complicate the context for the new provincial governments. The presence of rents

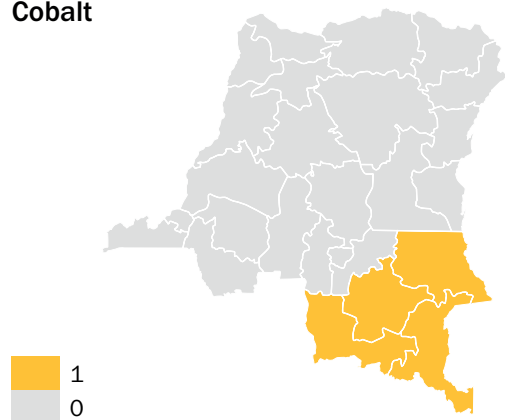
reduces the cost of investment in capacity and may facilitate the development of the province. This argument on the potential positive effects of commodity rents has been previously advanced by Saylor (2014) and looks at the circumstances under which governments fulfill these requests. Desire to maximize private profit: citizens believe that new public goods can help them achieve their economic goals and lobby the state for their provision. To do so, the state needs to generate new power and do things they have not done in the past. They do not only need to supply the public goods but maintain them and that strengthens state capacity. – This goes in line with Douglas North's new institutionalism, where the provision of property rights provided the elements for the rise of modern states in Europe. (North, Douglas, 1981 who states that whenever the government has a direct stake on increasing capacity during commodity booms, it will do so. Menaldo, (2016) and Bräutigam, et al. (2011) also posit that commodities have the potential to play a positive role in state capacity formation.

Figure 10: Mineral presence

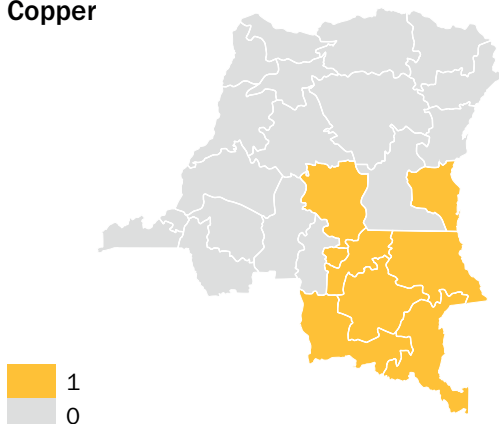
Coltan



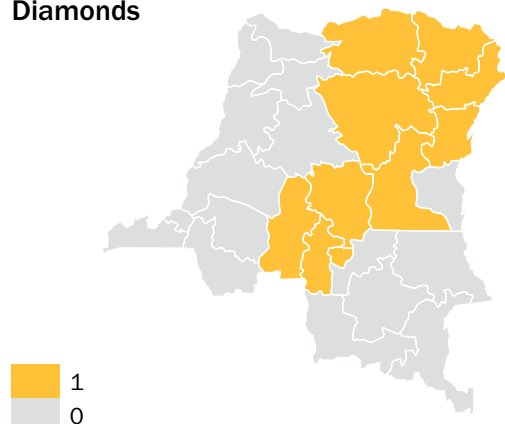
Cobalt



Copper



Diamonds



Source: elaborated with data from Congo Mines, 2018.

The distribution of minerals in DRC is not random. As Figure 10 makes clear, cobalt and copper can be found in the former Katanga provinces, mainly in Lualaba and Haut-Katanga, where there is also some coltan (and other minerals like uranium). Coltan mainly lies in the eastern Kivu provinces. Diamonds cut more of a south-west to north-east axis, covering the Kasais and former Orientale province. However, the near total breakdown of MIBA industrial mining in the Kasais, and the artisanal nature of diamond exploitation in Orientale, reduce the impact of this resource on local capacity.

While virtually every Congolese province holds mineral resources, not all do so in the same quantity and the resources are not systematically or industrially exploited everywhere. Figure 11 shows that industrial mining (which implies firms to tax) happens mostly in former Katanga (copper, cobalt), Kasai-Central (diamonds), Maniema and the Kivus (gold). Artisanal mining is widespread around the country's whole mineral belt, with

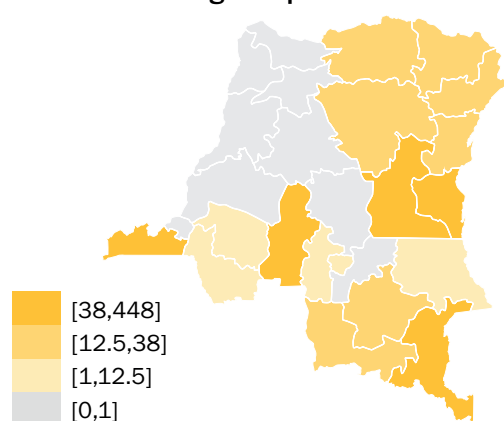
peaks in largely the same regions as industrial mining plus diamonds in Tshopo.

Of course, mining's benefits could be undone by the possibility that the presence of natural resources may lead to conflict (Berman et al., 2014). In Eastern Congo, the lack of official control over the years has driven the formation of a difficult environment full of corruption and patrimonial networks that look for immediate enrichment and prevent a strong regional state from developing (Tshibambe & Mukohya, 2008). Sanchez de la Sierra (2018) analyses this case in mineral-rich areas in Eastern Congo, where armed groups replace a weak state to serve as monopolies of violence, provide local goods and create taxation systems.

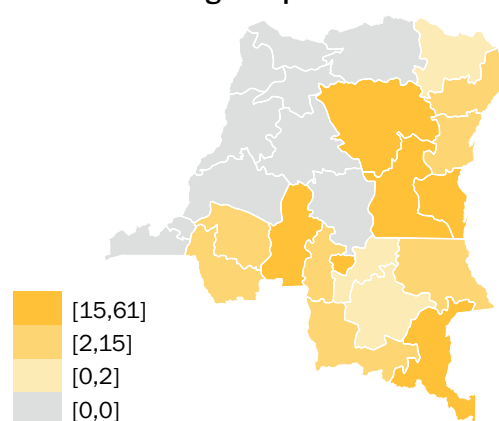
Table 9 displays the main correlation coefficients between capacity indicators, the number of mining permits, and the presence of certain minerals in a province. Legislative output (edicts) appears unaffected

Figure 11: Mining companies and permits, DRC

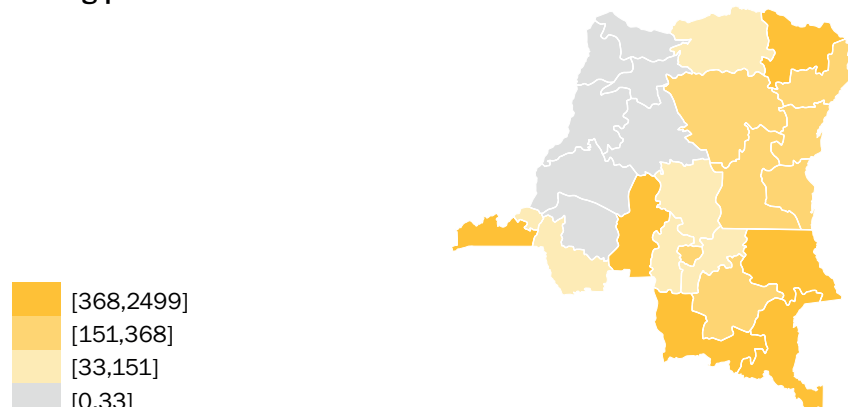
Industrial mining companies



Artisanal mining companies



Mining permits



Source: elaborated with data from the Ministère des Mines, Congo 2018.

by minerals, although there is a significant positive effect of diamonds. This is largely due to the fact that Kasai-Oriental, the diamond capital, passed 33 edicts between 2007 and 2015, 22 of which were for new taxes. Motions also seem largely unaffected, aside from a negative effect of coltan. This could be due to the fact there have been no motions in South Kivu and Tanganyika, two provinces where coltan is mined. It is when we turn to budget (we show budget voted and Residual 2 here for parsimony, but the results are broadly consistent with the other fiscal measures) that the impact is most visible. This is not surprising in an economy still largely dominated by extractive industries. Budget size is significantly correlated with mining permits, coltan, cobalt and gold. The taxing capacity of provinces is significantly correlated to mining permits, coltan, cobalt, copper and gold. Hence, on average, resource endowments are neutral to positive for provincial capacity.

2.3 Ethnicity

Découpage had, for principal effect, to create more ethnically homogeneous provinces (Boshwaa, 2015). Englebert et al., (2018) find that 11 of DRC's provinces now have one majority ethnic group and all provinces have seen the relative size of their main ethnic group increase compared to before découpage. Furthermore, the authors also found that, at least in former Katanga, provincial governments amplify the demographic homogenisation with a tendency for dominant groups to monopolise government agencies to their benefit, with the consequence that some ethnic groups find themselves under- or unrepresented. While this exclusion might make some groups more vulnerable, there are also arguments that coethnicity favours collective action (Habyarimana et al., 2007) and that ethnic homogeneity predisposes public entities to better governance (Easterly and Levine, 1997; Habyarimana et al., 2007) and better

infrastructure (Alesina et al., 2002; La Porta et al., 1999). Ethnic homogeneity might also reduce the pressure for local redistribution and facilitate the identification of clients by Kinshasa. Incumbents in more homogeneous areas may be more willing to invest in capacity if they believe their group will be able to keep most of the gains and if they think the probability of being removed from power is low.

Table 10: Estimates of ethnic fractionalism by province

Province	Herfindahl index
Bandundu	0.88
Kwango	0.39
Kwilu	0.85
Mai-Ndombe	0.68
Equateur	0.85
Equateur	0.80
Tshuapa	0.14
Mongala	0.68
Nord-Ubangi	0.59
Sud-Ubangi	0.66
Orientale	0.94
Tshopo	0.87
Ituri	0.82
Bas-Uele	0.82
Haut-Uele	0.80
Nord-Kivu	0.65
Sud-Kivu	0.78
Maniema	0.81
Katanga	0.85
Haut-Katanga	0.88
Lualaba	0.80
Haut-Lomami	0.36
Tanganyika	0.63
Kasai Oriental	0.75
Kasai Oriental	0.33
Lomami	0.73
Sankuru	0.40
Kasai Occidental	0.71
Kasai	0.84
Kasai Central	0.41
Kinshasa	0.90
Kongo Central	0.12
National	0.97

Source: authors' estimates based on data from fieldwork.

Table 9: Correlation matrix between resources and capacity

	Edicts	Motions	Budget	Residual
Mining permits	.19	-.19	.42*	.56*
Coltan	.14	-.34*	.43*	.39*
Diamonds	.39*	-.29	-.18	-.19
Cobalt	-0.7	-.14	.74*	.83*
Copper	.25	-.23	.23	.46*
Gold	.01	-.34	.37*	.57*

*<10%

On the other hand, it must be noted that ethnic homogeneity might also undermine accountability. Ethnic heterogeneity calls for ‘representativeness’ in provincial governments (Englebert et al., 2018) and thus favours inter-ethnic balance which has the capacity to prevent authoritarian rule to an extent. Homogeneity might instead favour more tyrannical governments as the leader of a specific group gains control of the institutional apparatus. Similar experiments with ethnically homogeneous provinces in the early 1960s led, at times, to exclusionary outcomes.⁶

As Table 10 shows, with the exception of Haut-Katanga and Kasai, every new province has less ethnic diversity than the larger province to which it belonged before. At the same time, however, there is widespread variation across provinces with some, like Kongo-Central or Sankuru showing minimal heterogeneity while others, usually with large towns, displaying heterogeneity indices in the upper 80s.

It is, however, also possible that ethnically homogeneous environments might harbour other divisive alternative socio-cultural distinctions, which *découpage* could have made more salient. In Haut-Lomami, for example, where almost everyone is a Lubakat, and ethnic heterogeneity stands at 0.36, the province was destabilised in 2017 when its assembly impeached the governor in part because he was seen as privileging his territory of origin within the province over others (interview June 2018). Bazzi & Gudgeon (2017) similarly found that, although more homogeneous subnational units reduced intra-region conflict in Indonesia, they increased conflict among newly polarized units. In general, constructivist scholarship predicts that the relevant level of ethnic

identity adjusts to the prevailing institutional environment (Posner, 2005).

The relationship between increased homogeneity and provincial capacity is somewhat ambiguous and, at times, counterintuitive. To differentiate its effects on new and old provinces, we do one round of correlations for all provinces and one for just the new provinces in Table 11. We measure heterogeneity with the Herfindahl index from Table 11, and polarisation as (Herfindahl index) x (1-Herfindahl index). The value of polarisation peaks at 0.25 for provinces where the Herfindahl index is 0.50 and diminishes on either side of it.

When looking at all provinces together, polarisation is significantly associated with an increase in no-confidence motions, which makes sense. Somehow, budget size rises somewhat with heterogeneity, which might be coincidental to the high level of heterogeneity in Kinshasa and Haut-Katanga, but polarisation reduces budgets. The same pattern is visible when it comes to budget execution rates.

Focusing on new provinces only, there is a strong association between heterogeneity and edicts, perhaps because Haut-Uele and Lualaba, which have the greatest legislative output, both score 0.80 on the Herfindahl index. It is not surprising, however, that polarisation reduces legislative output as it might divide provincial assemblies. It is not clear why heterogeneity reduces motions, but, again, the rise in motions associated with ethnic polarisation makes more sense. No significant pattern is present regarding budget execution. While these results are ambiguous, ethnicity does not seem to be a rigid determinant of provincial performance.

Table 11: Correlation matrix for capacity and indicators of ethnic heterogeneity and polarisation

	Edicts	Motions	Budget	Execution
All provinces				
Heterogeneity	-.01	-.06	.17	.25
Polarisation	-.07	.22*	-.49*	-.46*
New provinces				
Heterogeneity	.60*	-.38*	.19	.26
Polarisation	-.35*	.41*	-.17	-.30

*<10%

⁶ We are grateful to Herbert Weiss for bringing this argument to our attention.

2.4 Patronage

2.4.1 The political longevity conundrum

The stories of Haut-Katanga and Lualaba, with which we started this paper, hint at the extent to which Congolese governance offers a particularly extreme case of the duality of rule that characterises much of Africa (Englebert and Dunn, 2013). On the one hand, Congolese elites have formal recognisable governance roles and operate within recognisable formal institutions whose performance can be evaluated. On the other hand, they also function in parallel structures, as members of fairly vertical and centralised networks where clientelism and ethnicity matter, the goals of which are largely acquisitive and redistributive (Jené and Englebert, 2019).

Schematically, patron-client relationships take place at three levels. First, they unfold within ethnic groups. Members of ethnic communities want their elites in government so they can find the resources with which they will take care of their community, whether in the form of employment, material assistance, local development projects, etc. Second, they develop among elites within specific regions. Important regional actors, who derive their influence from their formal position, their ethnic status, their wealth or from a particular connection with even higher authorities, act as patrons towards lesser regional elites with whom they exchange resources and positions for loyalty. Finally, patron-client relations also prevail in the rapport between provincial/regional elites and national ones. Kinshasa elites, organised as networks that straddle formal institutions around the president, systematically seek to control provincial elites as a tool to influence the allocation of resources across the country.

One particular feature of Congolese patronage is the extent to which the flow of resources goes both ways, from the local to the national and vice versa. In its simplest form, patronage involves the exchange of resources by the patron for the political support or loyalty of the client. At times, when the resource is a position (a 'prebend' in Weberian terminology), its beneficiary might be expected to share some of the material benefits with the patron, almost as a form of tribute. In DRC, however, this latter practice appears unusually developed, and provides the context for very significant extraction by patrons of the resources mobilised by clients.

The Congolese refer to such upward transfers as *operation retour*, *rapportage* (as in reporting to one's superior) or *retrocession*, an ironic reference to public funds officially returned to their source.

The prevalence of *rapportage* in DRC cannot be overstated, nor can the unusual ways in which it binds patrons and clients together. In their study of the national police in Kinshasa and Bukavu, (Baaz and Olsson, 2011: 228) have shown that a large part of the illegal fines extracted by police agents '[...]are transferred upward in the hierarchy'. Obtaining and staying in a lucrative post 'involves making arrangements with higher ranking commanders, with certain agreements being made with regard to percentages of income or fixed amounts that are to be transferred upward in the system' with the understanding that keeping one's position depends on one's 'ability to feed superiors'. Similarly, Malukisa and Titeca (2018) have shown how high-ranking political interests based on kinship and family and rising all the way to the presidency control the informal extraction of revenue from Kinshasa markets. In our own fieldwork, we encountered personnel from deconcentrated services in provinces who reported individually sending regular payments back to Kinshasa benefactors (interviews 1-1, 3-11).

The evidence suggests that the same principles apply to provincial governors. Although they are elected by provincial assemblies, candidates from the Presidential Majority (MP) or PPRD ruling party are largely picked by Kinshasa, following local consultations, and are then obligated to their Kinshasa patrons and expected to use the power of their office to generate and informally redistribute resources upwards (interview 1-2). The two-way traffic of resources in this system appears to create a different bond between patron and client than in more conventional patron-client relations. Normally, the client is the one in the more vulnerable and dependent position. But in a *rapportage* setting, the patron is also rather dependent on the client. For the patron to wield his power, he needs at least in part the resources that are sent up from his clients. Kinshasa's dependence for resources on politically-appointed personnel was illustrated by a letter sent in September 2018 to all the administrators of state-owned enterprises by the secretary-general of the MP requesting their support in organising for the electoral campaign of MP candidate Emmanuel Ramazani Shadary and reminding each of them of their obligation to send

\$1,500 monthly to the MP.⁷ As long as they can pay up, Kinshasa's dependence on these elites provides the latter with a degree of stability.

However, while local elites might want to maximise the strength of their patronage relation with Kinshasa to make themselves indispensable, they must do so under the significant local constraints that their own provincial clients also expect resource redistribution. They are thus engaged in a two-level game. The relative strength of other local elites, like members of provincial assemblies and leaders of *mutuelles* (ethnic associations), and these other elites' own relative compliance with Kinshasa, will help determine the success of governors. A number of variables are likely to affect both the strength of *rapportage* and the power relations between the governor and other provincial elites. As a result, however, dominant as it is in Congolese politics, patronage does not always map out across the territory.

It is commonly expected that decentralisation can improve local governance. However, the capacity of decentralised units to provide effective governance derives in part from their elites' willingness to invest in governance. This willingness is, in turn, partly a function of the time horizons faced by these provincial elites. At least since Olson (1993), we know that rulers build time into their governance. Specifically, the longer their time horizons, that is, their expectation of longevity in office, the more likely they are to turn from 'roving' to 'stationary banditry', to use Olson's words, or the more likely they are to develop capacity and produce some degree of governance. The underlying argument is that, with time, rulers can accrue more resources over the long run by fostering their productive base than by looting all assets at once. Stories of Congolese ministers stealing even the curtains of their office as they are removed from their position after mere months, dramatically illustrate Olson's logic. Although Olson developed his argument with national elites in mind, it applies equally to sub-national ones. We would thus expect Congolese provincial governors to invest in their province's capacity as a function of their expectations of political longevity.

Expectations of longevity for governors derive in turn from their ability to service upward patrons under the constrain of taking care of downward clients. The basic functionality and subsequent capacity of the provincial government are conditioned by the resolution of this initial conundrum,

and the sustained reproduction of the arrangements it entails. Thus, we observe that newly elected provincial governors typically spend weeks, if not months, trying to form their 10-member provincial cabinets in a delicate first iteration of their two-level game. Before they can invest in capacity, they face the trade-off of competing *rapportage* and patronage transfers.

This is similar to the trade-off identified by (Besley and Persson, 2009, 2010, 2011) in their model on the origins of state capacity. However, while Besley and Person suggest that potential capacity builders face a trade-off in the use of their disposable resources between providing public goods and redistributing their resources as private patronage transfers, provincial governors in DRC face the more basic dilemma of balancing the demands of their resource claimants, that we assume will always exist. It is the resource sharing in this first period that will increase the possibility of the governor staying in power and building capacity.

In short, the likelihood that a province develops a basic degree of functional capacity might depend on the expectations of the governor's political longevity. These expectations are, in turn, a function of his success in resolving the double-patronage game or in maximising his utility to Kinshasa without alienating his local clients. If we are right, our model suggests the opposite outcome from Lambright (2010) who showed that patronage reduced district capacity in Uganda because it made local politicians vulnerable. In our model, for a given level of local redistributive demands, it is the strength of the relationship with Kinshasa that determines local stability.

2.4.2 Measuring political longevity: no-confidence motions

As discussed earlier, there were 17 no-confidence motions against governors between October 2016 and the end of 2017 (Table 2). These motions provide a ready-made measure of governors' political longevity, as most of them resulted in impeachments. Until now we have used these motions as an indicator of capacity, which they are, to the extent that they capture the quality of the executive-legislative relation. Here we use them as an indicator of political longevity. Recall from Table 3 that motions correlated negatively with all other capacity indicators, and significantly so with budget residuals (our measure of

⁷ <https://afrique.lalibre.be/25208/rdc-la-mp-appelle-ses-mandataires-a-passer-a-la-caisse/>

local extractive capacity). Thus, there is some prima facie evidence that other capacity indicators are associated with or affected by the no-confidence motion environment of a province. This observation allows us to separate motions from other capacity indicators and consider them here as a step between patronage and capacity, following this basic model:

patronage → longevity → capacity

Motions have the added benefit that their origins can be distinguished. Indeed, some motions are initiated ‘from below’, that is, by provincial assemblies, and others ‘from above’, that is, by Kinshasa. Sometimes they result from the coincidence of actions from both below and above. With the assistance of Georges Kasongo Kalumba, a political sociologist from the University of Lubumbashi who studies DRC’s political elites, we coded all 17 motions as to whether they came from above, from below or both. This exercise should allow us to distinguish longevity as a result both of taking care of patrons above and clients below.

Table 12 displays the results. When the total is one and there is also one observation each for below and above, then the motion had mixed origins. There were 13 motions from below (suggesting the extent to which provincial assemblies resisted the governors appointed by Kinshasa), and five motions from above, when Kinshasa either changed its mind about a client or the latter proved too autonomous from national authorities.

2.4.3 Dimensions of the double-patronage game

A governor’s longevity as it derives from his or her exposure to motions, derives from the resolution of the two-level patronage game. This resolution possibly depends on several variables that modulate the respective influences of Kinshasa and other provincial elites. Understanding capacity variations becomes partly a question of understanding the regional distribution of these variables. First among them is whether a governor is politically affiliated with the ruling PPRD or the MP, which would obviously facilitate the relationship with Kinshasa and predispose him or her (there is one female governor) to more longevity compared to an independent or an opposition governor, who would be a more unreliable source of rapportage.

Similarly, whether a governor comes from a mostly national or provincial professional trajectory could be a significant variable. Provincially embedded governors

Table 12: No confidence motions against governors

Province	Total	Below	Above
Bas-Uele	0	0	0
Equateur	1	0	1
Haut-Katanga	1	1	0
Haut-Lomami	1	1	0
Haut-Uele	0	0	0
Ituri	0	0	0
Kasai	0	0	0
Kasai Central	1	1	0
Kasai Oriental	0	0	0
Kinshasa	0	0	0
Kongo Central	0	0	0
Kwango	1	1	0
Kwilu	1	1	1
Lomami	1	1	0
Lualaba	0	0	0
Mai-Ndombe	0	0	0
Maniema	1	1	1
Mongala	2	1	1
Nord-Kivu	0	0	0
Nord-Ubangi	1	1	0
Sankuru	1	1	0
Sud-Kivu	1	1	1
Sud-Ubangi	1	0	0
Tanganyika	0	0	0
Tshopo	1	1	0
Tshuapa	1	1	0

Source: authors’ estimates based on data from fieldwork.

might be more likely to privilege their provincial clients over their Kinshasa patrons, and vice versa. We studied the political biographies of the 26 governors and codified them dichotomously on their national trajectory.

How well a province is represented in the distribution of ministerial portfolios in national government might also indicate the strength of that province’s elites’ patronage relation with Kinshasa (Lambright, 2011). In DRC, the need to have collective representation of provinces and/or ethnic groups in government is a well-established norm (de Saint Moulin, 2003; Englebert et al., 2018; Young and Turner, 1985). But in the implementation of this norm some provinces or groups tend to do better than others, a difference that is likely to reflect political and/or patronage influence. Gina Lambright (2010) measured central government patronage towards Ugandan districts

by counting the number of national cabinet members from each district. We use a similar measure with a few variations. In addition to the percentage of cabinet members from each province, we also measure the ratio of that percentage to the percentage of the country's population that comes from that province to determine whether a region is over- or under-represented. We code the ethnic and provincial origins of ministers in the 2018 Tshibala government (which included opponents).

Although patronage relations tend to include upwards payments and are quite different from official transfers from Kinshasa to the province, we nevertheless use information from official 'retrocession' transfers to seek inference about patronage. Specifically, bearing in mind that retrocession transfers are a function of the amount of national revenue produced in each province, we regress them on provincial wealth. We then use the residual of the regression as an estimate of patronage rewards for provincial authorities, bearing in mind that one would expect this residual to be 0 under no other influence. In this respect, we look at transfers for personnel costs, functioning costs and public investments.

Although Congolese politics is much more complex than a government-opposition dichotomy and the opposition is more 'managerial' (Kabuya-Lumuna, 1995) than political, in the sense that it usually wishes to replace the incumbents rather than offer new policies, we can, nevertheless, expect that provinces where the opposition is strong might make more local redistributive demands as they would conceive of less coincidence between their interests and those of the Kinshasa elite than in pro-government provinces.

Finally, within a province, representation might take place at the level of territories, the administrative unit immediately below the province. This might particularly be the case when provinces are more ethnically homogeneous. In such instances, groups might seek representation along territorial lines. Territories often overlap with sub-ethnic dimensions like clans. In this case, the more territories a province, the more local demands, presumably. The number of territories ranges from three in Mongala to 12 in Kongo Central.

Table 13 captures our preliminary results by showing how the above variables correlate to the motions from above and from below. Two results stand out. First, there is a significant decline in motions from above when the governor comes from the ruling party or presidential majority. Conversely, there is a significant increase in

motions from below when the governor was 'parachuted' from Kinshasa but has not had a significant prior political trajectory in the province. These two results provide preliminary evidence for the notion of the double patronage game. The rest of the results are harder to make sense of. An increase in the share of provincial representation in government increases motions from above. This is possibly related to how many notions come from provinces from former Equateur, which also has significant representation because it contains several prominent ethnic groups with individual representation demands. When normalising the ministerial share by population share, there is no longer any significant effect. Financial retrocession transfers from Kinshasa to pay provincial civil servants are also significantly correlated with motions from both directions. Might this indicate that the richer the province (transfers are proportional to the contribution of a province to national revenues), the more conflictual the local politics? It is also unclear why a stronger preference for opposition politicians might result in fewer motions from above, except that most of the former Kasai provinces, where the opposition dominates in public opinion, are tightly under the governorship of regime insiders sent there to keep local politics under lid.

Table 13: Correlates of motions from below and above

Motions	From below	From above
Governor PPRD/MP	.21	-.33*
Governor national background	.46*	-.14
Province share of government	.13	.40*
Remuneration transfers	.34*	.50*
Preference for opposition	.17	-.37*
Number of territories	-.06	.14

Source: authors' estimates based on data from fieldwork.

3 Conclusions and policy implications

In this paper, we relied on the experience of DRC's newly decentralised provinces to derive conjectures about the factors associated with the early stages of institutional capacity. We first designed original indicators of provincial capacity, including legislative output (edicts, as well as the proportion of edicts focused on taxes); the number of assembly sessions and commissions; the number of no-confidence motions against governors and their impeachments; and the size of budgets and their rate of execution (including estimates of local extractive capacity). Based on these indicators, and despite generally low levels of capacity, we observed widespread capacity variations among DRC's provinces.

In a second stage, we explored correlates of these capacity measures. Our main findings are that (1) initial structural conditions, such as availability of electric power and the wealth of provinces, are significantly correlated with capacity and particularly resource extraction, suggesting that decentralisation can further existing inequalities; (2) while there are no differences between older and newer provinces in terms of no-confidence motions, new provinces are generally at a capacity disadvantage in terms of budget size and execution over old provinces and over the stump provinces of partitioned ones which inherited the existing provincial infrastructure; (3) by and large, mineral resource endowments promote provincial extractive capacity, but have no clear association with edicts and motions; (4) although there is widespread variation in ethnic homogeneity and polarisation across provinces, it appears to have ambiguous effects among capacity indicators, namely, ethnic polarisation goes with reduced budgets but ethnic heterogeneity with greater ones, polarisation raises motions and reduces edicts, but heterogeneity lowers motions and raises edicts; (5) the expected political longevity of governors appear related to other capacity indicators and is itself a function of their success in balancing their patronage relations with Kinshasa patrons and provincial clients. On this latter point, it is worth noting again that PPRD governors and those with more national than provincial backgrounds face significantly more motions originated from provincial assemblies than other governors, suggesting struggles for local control despite Kinshasa's attempts at stifling decentralisation.

Given the limitations of the data, prudence is called for with policy implications. Nonetheless, for donors interested in promoting provincial capacity building, there are a few potential implications from our findings. One of the main ones is that some provinces might make better partners for aid donors than others. It is tempting

to select provinces for priority interventions based on absolute need, like poverty levels. But provincial capacity variations indicate where donor investments might have greater payoffs. In terms of financial capacity, for example, it does not make much sense to work with Kinshasa, Haut-Katanga or Lualaba. Provinces like Equateur, Mongala, Tshuapa, Kwilu, Tshopo or Sankuru appear in much greater need of assistance to mobilise resources (or of direct resources).

In terms of edict, non-partitioned provinces and the stump provinces of partitioned ones already benefit from significant legislative architecture (with some variation). The new provinces have been catching up largely through the adoption of fiscal, budgetary and administrative edicts. Assistance is needed for legislation in their areas of decentralised jurisdiction, that is health, education, agriculture and rural development. In these areas, as well as other development-related issues, only Kasai, Lualaba and Sankuru have so far each adopted only one edict. No other province has yet legislated in these areas for which they were initially decentralised. Some of this shortcoming is due to Kinshasa's reluctance to transfer effective competence, personnel and resources to provinces in these areas and to it dragging its feet to adopt the necessary legislation for effective

decentralisation. Nevertheless, the constitution and the 2008 law on the free administration of provinces constitute sufficient legal grounds for entrepreneurial provincial governments to launch policy initiatives. Donors might be well inspired to work with these provinces to pass the necessary legislation.

Beyond these recommendations, things can get murkier. Given the effects of physical infrastructure on capacity, it appears that any infrastructural investment, even if centralised, should have provincial capacity benefits. Regarding many other variables (wealth, ethnic makeup, natural resources), there is not much to be done. However, the inequalities implied by these variables suggest that a push to implement the *caisse de péréquation* could be timely. Finally, for patronage, it could help for donors to contextualise their interventions in regard to the governor's situation. Working with governors who are seen as outsiders to their province or who are outside Kinshasa's power structures might have fewer payoffs, however pro-democratic working with the latter might appear. If capacity is indeed a function of longevity, it might, counterintuitively, pay to work with governors who are comfortably embedded in their local and national patronage networks and able to focus on the relatively long term.

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Where does state capacity come from?

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