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# INSTITUTIONAL ARCHITECTURE SYSTEMS ASSESSMENT FOR FOOD SECURITY POLICY CHANGE: DEMOCRATIC REPUBLIC OF CONGO

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# INSTITUTIONAL ARCHITECTURE SYSTEMS ASSESSMENT FOR FOOD SECURITY POLICY CHANGE: DEMOCRATIC REPUBLIC OF CONGO

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# ABBREVIATIONS

BFS	Bureau for Food Security
CAADP	Comprehensive African Agriculture Développement Programme
CARG	Conseils Agricoles et Ruraux de Gestion
CGIAR	Consultative Group on International Agricultural Research
CNDD	Commission Nationale de Developpement Durable
COMESA	Common Market for Eastern and Southern Africa
CONAPAC	Confédération Nationale des Producteurs Agricole du Congo
CONAREF	Commission Nationale de la Réforme Foncière
CTP	Comité Technique de Pilotage
DSCR	Document stratégique pour la croissance et la réduction de la pauvreté (Poverty Reduction Strategy Paper)
GDP	Gross Domestic Product
DCAFS	Donor Committee on Agriculture and Food Security
FAO	Food and Agriculture Organization of the United Nations
FEC	Federation des Entreprises du Congo
FIDA	Fonds International de Développement Agricole
GDRC	Government of the Democratic Republic of Congo
GIBADER	Groupe Inter Bailleur de l'Agriculture et Développement Rural
IFPRI	International Food Policy Research Institute
INERA	Institut National pour l'Etude et la Recherche Agronomiques
MDGs	Millennium Development Goals
MINAGRIDER	Ministry of Agriculture and Rural Development
NEPAD	New Partnership for African Development
NGO	Non-Governmental Organization
ODA	Overseas Development Assistance
OPs	Organisations Paysannes (Farmer Organizations)
PAE	Public Agricultural Expenditure
PIAP	Programme d'Investissement Agricole Prioritaire

PNIA	Plan National d'Investissement Agricole
PRSP	Poverty Reduction Strategy Program
Re-SAKSS	Regional Strategic Analysis and Knowledge Support System
R&D	Research and Development
SADC	Southern Africa Development Community
SNSA	Service Nationale de Statistiques Agricoles
USAID	United States Agency for International Development
ZAAP	Zones d'Aménagement Agricole Planifié

# PART I: INTRODUCTION AND METHODOLOGY

## PURPOSE OF THE ASSESSMENT

The path and trajectory of policy changes are complex, non-linear processes that are often unique to a particular country. No two countries share precisely the same process but experience has demonstrated that effective processes can and do share similar features; namely predictable, transparent, inclusive, and evidence-based policy-making. A core concern and commitment of African leaders in advancing the Comprehensive African Agriculture Development Programme (CAADP) framework is to establish a policy-enabling environment for the implementation of national agricultural investment plans. In support of this goal and recognizing the critical importance of the quality of the policy change process, the USAID Bureau of Food Security (BFS) is emphasizing the need for an understanding of the Institutional Architecture for Food Security Policy Change.<sup>1</sup>

Institutional Architecture provides an approach for conducting country-level analysis of a country's capacity to undertake Food Security Policy Change<sup>2</sup>, by identifying implementation barriers, designing policy options, and coordinating actions across public and private institutions. This assessment examines the policy-making process through these characteristics, providing USAID, local policymakers, and other key stakeholders with information on possible constraints that could stymie effective policy change. This work will support USAID in providing technical assistance to improve the capacity and performance of the policy change process.

## METHODOLOGY

This study was conducted in Kinshasa in early November 2013, and coincided with the official conference to present the National Agricultural Investment Plan (PNIA). This gathering afforded an opportunity to meet with provincial ministers of agriculture and their senior advisers, in addition to national level actors. Civil society and farmer's associations in the provinces were not accessible, as the study was restricted to Kinshasa. The views of diverse economic actors in the agricultural sector, including transport operators and potential investors, were documented during the PNIA conference. The consultant's prior fieldwork on urban markets and transport costs between Kinshasa, Bandundu and Bas Congo for the USAID-funded Food Production, Processing and Marketing program (FPPM) also informed the context of the study and helped offset the concentration of Kinshasa perspectives recorded during the November visit.

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1 Institutional Architecture is defined as the set of partner-country procedures and processes for data collection and analysis, consultation and dialogue, policy proposal, feedback, approval, implementation, and enforcement.

2 Food Security is defined by Feed the Future as "when all people at all times have access to safe and sufficient food to meet their dietary needs for a productive and healthy life. There are four main components: availability, accessibility, utilization, and stability of food."

## **PART I: MAPPING OF INSTITUTIONAL ARCHITECTURE FOR POLICY CHANGE**

The first step in this process maps out the key systems, processes, and relationships that influence the food security policy development process. This approach involves identifying and mapping the guiding policy framework; the key institutions that hold primary responsibility for implementation; inter-ministerial coordination mechanisms; private and civil society organizations, as well as think tanks and research organizations, that impact and influence the food security policy change process. These factors are examined in the context of the broader economic and social dynamics that impact the policy change environment.

## **PART II: CAPACITY OF FOOD SECURITY POLICY CHANGE**

The second part of this assessment involves an analysis of a country's capacity to undertake transparent, inclusive, predictable, and evidence-based policy change. The country is examined through the following six components of the policy formation process to determine its 'readiness for policy change':

- Policy Element 1: Guiding Policy Framework
- Policy Element 2: Policy Development and Coordination
- Policy Element 3: Inclusivity and Stakeholder Consultation
- Policy Element 4: Evidence-based Analysis
- Policy Element 5: Policy Implementation
- Policy Element 6: Mutual Accountability

Each of these components is analyzed through a set of indicators that determine the capacity and effectiveness of the overall policy change process. Each indicator is assessed using a three-tier rating system, which highlights the level of attention needed to improve the effectiveness of the component. A *Green* rating means the component is realized to a sufficient degree, and additional attention is not required. A *Yellow* rating means that the conditions required to achieve the component are partially achieved, but additional attention is required. A *Red* rating means that significant attention is needed to ensure the component is achieved. Indicators will be accompanied with a narrative analysis of key gaps and constraints to the policy Change process.

## **PART III: CHALLENGES AND DELAYS TO THE AGRICULTURE LAW**

The third part presents a cursory overview of key challenges, debates and ramifications of the Agricultural Law (*Loi Agricole*), whose current formulation is widely perceived as a hindrance to increased agricultural investment and sector growth. The views expressed here are those of interviewees met in the course of this analysis, and not the author's. Popular interpretations of the law, particularly the contentious Article 16, do not appear to be based on a purely legalistic reading of the code but are instead informed by fears of a return to state-driven expropriation fueled by nationalism, the formula of patrimonial governance most familiar to Congolese today (e.g., '*Zairianisation*'). The section tries to capture the realities of the law as well as its prevailing interpretations, at times highly divergent.

## Overview of the Food Security Change Process in DR Congo

Under Africa Union's New Partnership for Africa's Development (NEPAD) and with COMESA support, the Government of the Democratic Republic of Congo (GDRC) initialized the CAADP process in 2009, signing the compact in March 2011 in the presence of key stakeholders, including farmers' organizations, private sector firms and chambers of commerce, international donors and representatives of regional economic communities of which DRC is a member. The next step in the process was to develop a National Agricultural Investment Plan (PNIA), obtain national level validation (following critical reviews from NEPAD and FAO) from stakeholders and organize an official launch event, or 'business meeting', which occurred in Kinshasa on Nov. 7-8, 2013. Publicly inaugurating the PNIA served to announce the level of financial commitments from GDRC, the private sector and international donors, identify priority funding gaps to fill, and obtain expressions of interest from private investors. A total of \$5,730m is budgeted for the PNIA, with only \$857m currently committed (93% from donors, 7% from GDRC). There is no dedicated, independent M&E entity responsible for tracking activities and measuring impact or growth.

In this regard, GDRC is demonstrating some political support for the CAADP process and making limited progress against its commitments. The CAADP process and the resulting PNIA, while results remain to be seen, have been salutary for the GDRC by making more explicit actions needed to address the country's famously poor business climate. Concrete improvements are slow to materialize, and many vested interests remain, but domestic awareness of this problem is now high among Congolese. The PNIA requires internal and external coherence with extant agricultural and food security policies of the DRC and the regional bodies to which it is beholden. Internally, these policies are the *Note de Politique Agricole* (2009) and the *Stratégie Sectorielle de l'Agriculture et Développement Rural* (SSADR, 2010); regionally these are the CAADP itself, the *Document de Stratégie de la Croissance et de la Réduction de la Pauvreté* (DSCR, Congo's Poverty Reduction Strategy Paper) and the Millennium Development Goals. Again, while the results of this coherence are yet intangible, the process itself has helped reduce the country's political and economic isolation in the region.

In interviews and public pronouncements, government officials are confident that their chosen path, the PNIA, is compliant with CAADP principles, objectives and metrics. While its conditions for success are indeed challenging, officials claim that it will modernize and monetize Congo's vast agricultural potential, transforming the lives of the country's rural poor, nearly all of whom are isolated, subsistence farmers. Overseeing the operation of the PNIA are three high-level committees, the *Comité de Pilotage*, the *Comité Technique* and the *Comités Provinciaux de Pilotage*. The two former are centrally located; the latter exists at the provincial level. Finally, the PNIA consists of five sub-programs:

- Development of agricultural industry and related agro-business activities (forestry, animal husbandry)
- Food security management
- Agricultural research, extension and training
- Governance, gender mainstreaming and capacity building for public institutions in the sector
- Climate change management

In terms of specific commitments, PNIA aims are twofold. First, it seeks to increase public agricultural expenditure (PAE), with a prescribed goal of 10% by 2020, the most salient Maputo Declaration expenditure target. In late 2012, PAE was at 2%, the lowest among its Central African neighbors,<sup>3</sup> although officials maintain that in 2013 they have surpassed 3%. Second, the PNIA will fuel growth in the agricultural sector to reach the CAADP sector growth rate target of 6 percent (i.e., the portion of GDP from agriculture). These metrics are causally linked, for at least 10% PEA is required to achieve an annual growth rate of 6%. Since 2012, the GDRC has disbursed a total of \$40m on agriculture, research and training. At the current rate of public spending and without significant foreign investment, GDRC will not reach its 2020 target of 10% PAE.

As a preparatory exercise for the PNIA and to stir a dormant history of PAE, the GDRC began in 2012 to solicit proposals for agricultural activities from provincial governments, to be funded from Kinshasa and outsourced to local actors, but managed and monitored by state provincial institutions. The first year (2012-2013) of this initiative, the *Campagne Agricole*, saw the disbursement of \$20m across eleven provinces. The money was transferred to provincial governments, who commissioned local implementers (private service providers and farmer organizations) to execute the activities. Provincial government was tasked with oversight and impact analysis. Only five provinces have subsequently reported on their activities and accounted for monies received. For the 2013-2014 campaign, GDRC committed \$80m, but has only disbursed \$20m so far, pending reporting from the previous season. The Prime Minister's Agricultural Adviser, John Ulimwengu (former IFPRI staff), was doubtful that the full \$80m will be disbursed, but did expect \$20m more to materialize in early 2014.

## Analysis

These initial investments from central government are evidence of 'political will' towards a more robust agricultural sector, yet it is widely believed that central government, line ministries or the provincial institutions do not possess the technical capacity or resources to disburse or track this funding effectively and transparently. Nor are they able to measure its impact against any baseline, as none was taken at the start of this initiative. Except for high level officials, all those inside government interviewed for this study agreed that major irregularities mar the handling of these provincial procurements—diversion, double accounting, and logistical failures are the most common criticisms of the *Campagnes Agricoles* thus far.<sup>4</sup> Provincial Ministers of Agriculture and Rural Development (MINAGRIDER) met in Kinshasa during the PNIA 'business meeting' professed divergent views: some openly critical, others diplomatic and supportive.

Outside of government, skepticism regarding the PNIA and the government's commitment to agricultural sector growth is high. The primary criticism, heard from donors and the Congolese private sector, accuses the GDRC of failing to commit to sweeping infrastructural renovation (communications, transport, electricity, etc) as the *sine qua non* of national economic growth, and instead shifting that burden onto the international firms it assumes are lining up to invest. Yet no foreign firm would consent to such a capital outlay, particularly given the country's dismal

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<sup>3</sup> "Complying with the Maputo Declaration Target. Trends in Public Agricultural Expenditures," ReSAKSS, 2012: [http://www.resakss.org/sites/default/files/pdfs/ReSAKSS\\_AW\\_ATOM\\_2012\\_FINAL.pdf](http://www.resakss.org/sites/default/files/pdfs/ReSAKSS_AW_ATOM_2012_FINAL.pdf)

<sup>4</sup> Logistics failures refer to procurements of seeds, tools, tractors or fertilizer that never arrive at their intended destination in time for the planting season, if at all.

business environment. Serious potential investors would expect to see government planning and budgets to this end, yet beyond the PNIA the GDRC has no comprehensive plan to address the country's deeply eroded infrastructure, or resolve its regulatory morass and lack of legal protection for private enterprise generally. The much-vaunted government infrastructure renewal effort ('Cinq Chantiers', completed just before the country's 50<sup>th</sup> anniversary) was limited to major cities and not explicitly linked to any national economic growth plan, in agriculture or other sector.

A greater deterrent cited by many subjects interviewed for this study is the current *Code Agricole*, whose Article 16 stipulates that in order for land to be granted for agricultural development the title-holders, developers or recipients of the land must be comprised of a majority of Congolese nationals or the GDRC itself. The prevailing perception is that this eligibility criterion applies to all private enterprise or investment in the agricultural sector, when it is limited to the title-holder(s) of the land being used.<sup>5</sup> As such it is still seen by many as deterring foreign investment, and the terms are being revisited. For detractors, the Article appears sufficiently loose to allow a repeat of the country's disruptive episode of nationalization ('*Zairianisation*') in 1973,<sup>6</sup> whereby foreign private businesses in country were expropriated by fiat, their assets stripped thus provoking capital flight. This legacy is still felt today, both among potential investors who consider Congo as too risky (unpredictable and unstable), and in the anti-entrepreneurial economic policies of the current administration.

As the primary articulation of the country's agricultural growth strategy, the PNIA reads like a joint venture in search of investors, and has yet to inspire confidence among potential private sector actors, domestic or foreign. Yet GDRC officials are very optimistic that these two initiatives—the PNIA and the *Campagnes Agricoles*—constitute a promising start to meeting the country's CAADP commitments, and on paper this is true. But besides the non-existence of reliable infrastructure in the country's interior (essential for large scale agricultural production and trade), the other main deterrent for foreign investors is the cost of doing business, so high that local produce cannot compete with cheap imports. The country's urban centers, particularly Kinshasa, are flooded with imported versions of Congo's basic foodstuffs, these being cheaper than their local versions, except for cassava. Non-perishable imported staples include palm oil, maize, beans, sugar, rice, and wheat flour. Some locally grown fresh produces are sold in street markets, but Kinshasa's few modern supermarkets stock mostly imported produce because local supply chains are irregular.

The current predominance of cheap imports began as colonial infrastructure finally and irretrievably collapsed in the mid-1990s, interrupting the regular flow of produce into Kinshasa and causing food prices to soar. Allowing cheap imports was initially intended as a stopgap measure, but the massive challenge of infrastructure rehabilitation was postponed indefinitely. Now as then, local produce is uncompetitive because high transport costs and extortion rackets along main arteries deter trade, production and investment by local economic actors, all the way

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5 Les terres agricoles sont concédées aux exploitants et mises en valeur dans les conditions définies par la loi. Toutefois, le requérant remplit en outre les conditions ci-après : a) être une personne physique de nationalité congolaise ou une personne morale de droit congolais dont les parts sociales ou les actions, selon le cas, sont majoritairement détenues par l'Etat congolais et/ou par les nationaux.

6 <http://www.country-data.com/cgi-bin/query/r-15067.html>

down to village level farmers. GDRC's infrastructure renovation projects are sporadic, non-strategic and uncoordinated with specific economic growth planning per sector, as seen with the recent *Cinq Chantiers* initiative.

The impact of systematic rent-seeking on agricultural trade is another crippling deterrent to rural agricultural production and commerce. Detailed studies<sup>7</sup> exist of the various forms these rackets take but their general format sees rural producers paying a fictive tax or invented fee to enter a market area (truck stop or port) in hopes of selling to a waiting truck or boat. Buyers who travel out from urban centers must pay fees to access rural markets and then at dozens of subsequent stops (road blocks) on their return trip to Kinshasa or other urban center. An additional barrage of taxes is demanded of vehicles entering Kinshasa markets, to offload and resell produce to urban distributors. Accordingly, the number of trucks and boats transporting rural produce to Kinshasa has declined, despite a re-paved *Route Nationale 1* connecting Kikwit, Kinshasa and Matadi. Without means of evacuation from the interior, commercial opportunities cease, and Congo's rural farmers remain stuck in subsistence, non-commercial farming.

The PNIA is ambitious in its vision and consistent with relevant policy frameworks, but its significant shortcomings reflect the GDRC's general inability to recognize and address the country's primary obstacles to economic growth—its unregulated business environment (including legal protection, national banking systems, transparent registration procedures for businesses and availability of credit) compounded by a very thin, highly unreliable infrastructure (power, transport, communications, etc). At the local level, a pervasive system of local rackets and market distortions inhibits production, trade and transport, yet central government has announced no initiative to tackle these rackets. This inaction is deliberate, as the rackets are a vital means of generating revenue that is then passed up the public service ladder to provincial government elites and, ultimately, Kinshasa.<sup>8</sup>

So while the country's initial progress on CAADP appears solid and promising, the risks and difficulties of doing business in Congo, compounded by the absence of national infrastructure, do not bode well for future progress. The PNIA offers no solution to these problems, but seeks to shift the burden onto donors and potential investors. As a reflection of the GDRC's technical and institutional capacities, it is no surprise that the PNIA fails in this respect; it is symptomatic of the country's "weak or unwilling institutions"<sup>9</sup> despite its grand vision for agriculture as a key driver of economic transformation for the country's poor. Either way, the prospects for GDRC progress against its CAADP commitments are not optimistic in the medium to long term.

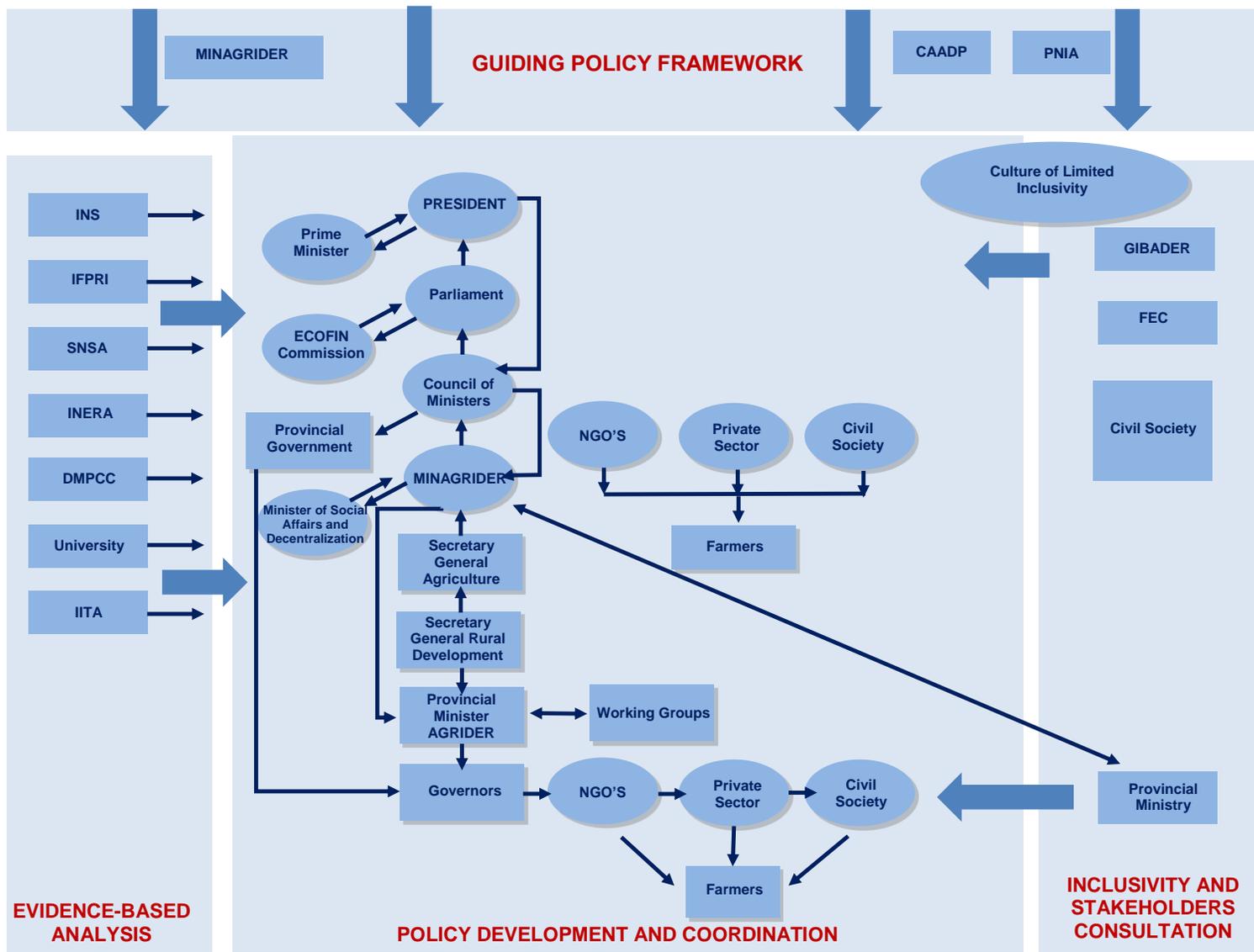
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7 <http://www.streetnet.org.za/docs/reports/2012/en/CongoReport.pdf>

8 Eriksson Baaz, Maria with Olsson, Ola, 2011, "Feeding the Horse: Unofficial Economic Activities within the Police Force in the DR Congo", *African Security*, Volume 4, Issue 4.

9 [http://siteresources.worldbank.org/INTDEBTDEPT/Resources/468980-1316457581843/CaseStudy\\_DRC\\_2\\_V2.pdf](http://siteresources.worldbank.org/INTDEBTDEPT/Resources/468980-1316457581843/CaseStudy_DRC_2_V2.pdf). Similarly apt, other analysts have characterized Congo's public institutions as 'extractive', as opposed to 'inclusive' (Acemoglu and Robinson, *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, 2012).

**FIGURE 1: DR CONGO'S GUIDING POLICY FRAMEWORK MAP**





# PART II: CAPACITY OF FOOD SECURITY POLICY CHANGE

## POLICY ELEMENT 1: THE GUIDING POLICY FRAMEWORK

*Congo's policy framework around agriculture and food security is recent, and predominantly donor driven. Besides the Maputo Accords and the CAADP themselves, the PNIA coheres with the Document de Stratégie de la Croissance et de la Réduction de la Pauvreté (DSCR, 2011), which is divided into four strategic pillars. The PNIA is aligned with the second pillar, "Diversify the economy, accelerate growth and promote employment through the development of infrastructure that supports production activities." Also of note is the Stratégie Sectorielle de l'Agriculture et Développement Rural (SSADR), which is the strategic planning document for rural agriculture and development. In addition, the "Loi portant principes fondamentaux relatives au secteur agricole" was promulgated in 2011, and purports to regulate agricultural activity in DRC. Finally, the PNIA recognizes the 2008 National Policy on the Integration of Gender, Promotion of Family and Protection of the Child.*

*The GDR is also a signatory to several international conventions on the management of natural resources, environment and climate change, including the UN Framework Convention on Climate Change (UNFCCC), the UN Convention on Bio-Diversity (CBD), the UN Convention to Combat Desertification (UNCDD). The PNIA specifically references each of these conventions in its presentation.*

### OVERVIEW

DR Congo's overarching framework for guiding national agricultural development between 2012 and 2020 is the *Plan National d'Investissement Agricole* (PNIA), officially adopted in March 2013. Its overall objective is poverty reduction through sustainable economic growth and infrastructure development. According to the PNIA, expressions of interest are expected from international agribusiness firms, at which point state officials will negotiate attractive terms and financing, and then oversee the projects working in pre-identified zones called 'Agro Industrial Parks' in the PNIA. According to this outsourcing model, foreign investors will drive agricultural production and economic growth with plantations and industrial-size farms, and shoulder the burden of generating the necessary infrastructure to reach local markets, points of evacuation and, eventually, exportation. Local farmers will be employed directly or the firms operating under the PNIA will buy locally produced foodstuffs. The potential scope and range of these projects is vast for, according to the PNIA, 71% of the Congolese population is rural and depends on subsistence farming. No farmer census has been conducted, however.

Overseeing the operation of the PNIA are three high-level committees, the *Comité de Pilotage*, the *Comité Technique* and the *Comités Provinciaux de Pilotage*. The two former are centrally located; the latter exists at the provincial level.

As such the PNIA is the first 'action plan' to emerge from the policy framework documents and international conventions listed above. It is divided into five programs:

- Promotion of industrial agriculture and agri-businesses
- Management of food security, nutrition and strategic reserves (grain banks)
- Research, extension and agriculture training

- Agricultural governance, gender and institutional capacity building
- Adaptation to climate change

## **CAPACITY FOR POLICY CHANGE INDICATORS**

### **Clearly Defined and Consistent Policy Framework**

*Status: Yellow*

Current policy documents and frameworks are intrinsically but not always mutually coherent, a resolvable problem and therefore denoted as ‘yellow’. DR Congo has produced a clearly defined long and medium-term agricultural development and food policy framework in the PNIA. This investment plan has been vetted and approved by an inclusive set of national partners, governmental and non-governmental, as well as NEPAD and FAO. It seeks to mobilize private and public resources towards investments that will help the GDRC approach its commitment to allocating at least 10% of the national budget to agriculture in order to achieve 6% sector growth rates. The PNIA is an open invitation to foreign investment and yet Article 16 of the *Loi Agricole* states clearly that aspiring landholders must first demonstrate a majority composition either of Congolese nationals or the state itself. There are no constraints on the national origin of the investment capital itself, yet many perceive this to be the case. Article 16 was introduced by the President’s Office after a law without it passed the Senate and Parliament, the result of over a year of consultation with the Congolese Chamber of Commerce (*Federation des Entreprises du Congo*, or FEC), civil society and farmers’ organizations. As it is, the Agricultural Law risks deterring private investment, and thereby undermine the PNIA. But the example demonstrates the unpredictability of policy development in DRC, and the dominant, often arbitrary influence of the Executive Branch and/or President’s Office.

### **Predictability and Transparency of the Policy-Making Process**

*Status: Yellow*

This indicator is denoted as ‘yellow’ given the frequency of Executive interference or reversal of legal language provided in a bill already passed by the Senate and Parliament. The absence of legal restrictions on this interference is equally problematic.

The process of developing a legal parliamentary-approved policy is fairly clear. However, prior to a consideration by the Government or Parliament a draft policy or proposed law (bill) may be subject to a number of influences and amendments by a range of different actors, and there is no specific path this process must follow, or a defined set of organizations to be consulted. Most importantly, the policy development process lacks rules to constrain executive interference in the formulation, promulgation and implementation of national policies and laws. This has led to surprising, definitive and unilateral interventions in the language of a law, and the case of the *Loi Agricole* illustrates this tendency.

An equal threat to consistency and predictability of the policy-making process is the frequency with which ministers are replaced or terminated by the Executive. This practice undermines continuity in policy and implementation, and encourages corruption given the anticipated limited tenure of each incoming senior appointee.

## Clear and Functional Legislative System

*Status: Red*

The Constitution provides the legal framework for the legislative system with clear steps for drafting the provisions of a bill and its passage. Executive interference is the norm rather than the exception, however. There is little legislative staff support or legislative research capacity assigned to Parliamentary committees. The predominance of impunity for suspects in uniform, particularly in cases of sexual violence and rape, erodes popular confidence in the newly passed legislation and their enforcement through the justice system. Studies appear regularly that document the degree to which the judiciary system and enforcement of existing legislation have become ‘commodified’; i.e., sentences, fines and court proceedings are ‘for sale’ and not blind or purely evidence-based.<sup>10</sup> For these reasons the indicator is denoted as ‘red’.

## Appropriate Dispute Resolution Process/Judicial Framework

*Status: Yellow*

The legal framework for the Judiciary is adequately developed and articulated in the 2006 Constitution, but in practice the Judiciary is neither strong nor independent, and civil cases are generally settled out of court. Parliamentarians are disinclined to challenge the policy decisions of the President, the Prime Minister or the line ministries, as adherence to the majority party alliance is essential to career advancement. DR Congo remains very weak in so-called ‘demand-driven reform’ processes; the usual avenues of public pressure (media, civil society, ‘activist parliament’) are, like the Judiciary, neither independent of vision nor strong as institutions.

Progress on these fronts is very slow but possible and many donors are funding programs to these ends; for this reason the indicator is denoted as ‘yellow’.

## Clearly Defined Institutional Responsibilities

*Status: Red*

Institutions may have officially decreed mandates but their operations, impact and success are subject to heavy political interference. This fluidity and co-determination between the political and economic sphere in Congo dates back to independence; it is a long entrenched norm and alone explains why politics remains the country’s most lucrative career choice—it is therefore denoted as ‘red’.

The official mandates of most Ministries are accepted as clear, yet their productivity, degree of influence with the Executive, the size of their budget and provincial reach vary significantly and can change abruptly with the departure and arrival of a new Minister. Agriculture and food security are inherently crosscutting areas in a country where 80% of the population depends upon agriculture for their livelihoods. Their importance and support from the Executive and Parliament should be paramount. However, interviewees frequently mentioned that elected and appointed officials within the MINAGRIDER were foremost interested in short-term commercial gains made possible by their position, and that their public service interests were secondary or

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<sup>10</sup> <http://www.ictj.org/publication/judgement-denied-failure-fulfill-court-ordered-reparations-victims-serious-crimes-0>;

<http://www.un.org/apps/news/story.asp?NewsID=47755#.U3WDt61dWyM>

nil. The *Federation des Entreprises du Congo* underscored the conflicts of interest this raised for the PNIA and *Campagne Agricole*: FEC member companies claimed that they were not considered for procurement opportunities because politicians did not want competition against their own commercial interests, their NGOs or their farmers' associations ('Opération Retour' in local parlance). In the practice of commerce, this means that only agricultural enterprises and investments with political backing or favor can be expected to succeed.

Finally, it remains unclear how the PNIA's three high-level committees, the *Comité de Pilotage*, the *Comité Technique* and the *Comités Provinciaux de Pilotage* will work at the provincial level, and with what funding, staffing and mandate. Given the current technical weaknesses, low budgets and insufficient and aging staff in the MINAGRIDER and its provincial offices, it is unlikely that these three oversight bodies will be any different.

## RECOMMENDATIONS

1. Regarding agricultural development and the promotion of investment in the sector, of primary and immediate importance are programs to support the MINAGRIDER (national and provincial offices) to make existing laws (proclamations, regulations, directives) more readily available to the public (on-line and in print), starting with agriculture and food security-related laws and policies. Typically characterized as 'anti-corruption' programming, in essence the greater availability of legal and administrative information online would do much to dispel the myth that DR Congo is an impossible business environment. Such a publicity campaign would include all relevant taxes and fees associated with commercial farming, fisheries and animal husbandry, and commercial transport.
2. Also of immediate utility and quick impact, USAID may consider providing technical support to the *Comité de Pilotage*, the *Comité Technique* and the *Comités Provinciaux de Pilotage* to develop and operate a pilot web-based legislation tracking system that records the passage of legislation through Parliament, and make this available to the public. In addition, with the MINAGRIDER, establish a website to show, track and report on the *Campagne Agricole* per province, as well as progress of the PNIA in terms of donor contributions, government funding, and private sector investments. The GDRC commitment to reach 10% of GDP to agriculture is a matter of public concern and the population should be able to track this. NGOs and media cannot reliably report on these issues.
3. Finally, of great importance but not immediately actionable (because longer-term public sector reform), viable strategies to address institutional responsibilities and their propensity for market interference should be studied and assessed for potential impact, including negative political blowback for USAID. Demand-driven approaches should be explored; specifically raising public awareness and expectations as to what specific ministries should be doing, services they provide and commitments made. Currently most Congolese have no expectations of their ministries, which only enables their absence of public accountability and further undermines the emergence of any culture of public service among elected and appointed officials. These are crucial changes and needed urgently, but they will take time.

## POLICY ELEMENT 2: POLICY DEVELOPMENT AND COORDINATION

*The national government, particularly the Prime Minister's office, predominantly oversees the formulation of national and macro-level policies and strategies. The Loi sur la Décentralisation (2008) stipulates administrative decentralization to the provinces and that provincial agricultural and food security administrations are responsible for executing policies and programs such as the Campagne Agricole and reporting on annual activities. While policy-making in DR Congo is ultimately determined by the Executive Branch and the Prime Minister's office, it can be influenced by multilateral and bilateral donors and lenders, who provide budgetary support, program finance and project support that represent up to 50 percent of DR Congo's overall investment and recurrent expenditure.*

### OVERVIEW

The Ministry of Agriculture and Rural Development (MINAGRIDER) is the main institution for agricultural and food security policy development, with the majority of agricultural development programs and projects determined by foreign donors, as the Ministry does not lead with its own strategic plan. To cover this funding gap and promote better coordination between donors, the coordination body *Groupe Inter Bailleurs Agriculture et Développement Rural* (or GIBADER) convenes monthly and sometimes invites Ministry representatives, although these latter are not standing members. The MINAGRIDER is divided into two main organizational departments: the *Secrétaire General de l'Agriculture* and the *Secrétaire General de Développement Rural*. The Prime Minister's office, and his Agriculture Adviser, is central to implementing the PNIA, with responsibility for prioritizing investments, designing and coordinating projects, and assessing potential impact.

### CAPACITY FOR POLICY CHANGE INDICATORS

#### 2.1 Approved Food Security Investment Plan/Policy

*Status: Yellow*

This indicator is denoted 'yellow' because despite the existence of relevant plans and policies, the machinery to engage them with actual investments and projects is unclear and subject to political influence. The PNIA is approved, but the mechanism to guide resource allocation and use is weak, as seen in the last two years of the *Campagne Agricole*. Allocations to developers ('exploitants') appear to be made without due diligence nor are they assessed using consistent technical and economic criteria. Coordination among GIBADER members is judged by most participants to be effective, but it cannot substitute for the PNIA leadership structure the MINAGRIDER and PM office have conceived, nor can it substitute for private enterprise and farmers organizations. Coordination with the private sector is very poor, even hostile, for reasons that surpass the modification of Article 16 of the *Loi Agricole* by the President's Office regarding a majority Congolese stake as the primary eligibility criterion for any initiative seeking to receive land for agricultural development. It is after all the private sector, not the MINAGRIDER, donors or UN agencies (FAO etc), which is best suited to develop any concession allocated by authorities.

Interviewees from government, the private sector, and the donor community indicated that the degree of collaboration and inclusion of various stakeholders in the development of the PNIA was acceptable, but that without an Agriculture Law that clearly promotes and safeguards

entrepreneurship, the current climate of mistrust will undermine the PNIA and nothing will have changed.

## 2.2. Predictable Policy Agenda and Priorities Developed

*Status: Yellow*

The primary policy document is the National Agricultural Investment Plan, or PNIA, and its growth priorities are clearly consistent with CAADP commitments. Its agenda or plan to attain these goals is ambitious yet aspirational as it is essentially a marketing exercise in search of capital; for this reason the indicator is denoted as 'yellow'.

Senior government officials in Kinshasa and the provinces support the agenda; donors and mid-level civil servants in the MINAGRIDER, and particularly the FEC, insist it is unrealistic; a fig-leaf for another agenda. "[The PNIA] is propaganda to woo foreign investors and COMESA donations so they can steal," claimed one senior donor representative in the presence of mid-level Ministry officials, who agreed. Detractors are numerous: while they admire the PNIA they note the country's unchanged investment climate ('difficulty of doing business') and deplore government's low technical and administrative capacities to deliver.

## 2.3. Work Plans

*Status: Yellow*

The *Programme d'Investissement Agricole Prioritaire* (PIAP) is the PNIA's three-year workplan (2014-2017) whose overall aim is to "stimulate a sustained annual growth rate in the agricultural sector of 6% [...]". An acceleration of the PNIA, it aims to concentrate the efforts of public sector involved in agricultural productivity but like the PNIA relies heavily on private sector investment for the creation of *Poles d'Entreprises Agricoles* (PEA) in each province. The instigation of large commercial agriculture activities is presumed to pull entire provinces immersed in subsistence farming (*agriculture familiale*) into a mode of profitable farming, simultaneously increasing provincial employment rates. Improving the "policy and legal" agricultural environment is emphasized as key to success.

Conceptually the PIAP's five components are laudable and coherent but the plan itself is largely descriptive, rarely prescriptive in terms of specific actions to be undertaken and by whom. It acknowledges the need for greater technical capacity at the national and provincial ministerial levels, both for oversight and delivery, but does not elaborate how this will be undertaken: for this reason the indicator is denoted 'yellow'.

## 2.4. Coordination

*Status: Yellow*

Coordination among donors has improved through the GIBADER yet joint planning and ownership as led by MINAGRIDER remains unrealized; for this reason the indicator is 'yellow'. The sole multilateral vehicle for coordination between donors and MINAGRIDER is the GIBADER, which includes JICA, USAID, UNDP, UNOPS, SNV, IITA, World Bank, AfDB, WFP, FAO, Belgian Embassy, EU, and IFAD. While government participation is irregular and not mandated, various government officials periodically join proceedings to explain a policy, contribute to coordination efforts and discussion proposed interventions. From the government

side, the Secretary General of MINAGRIDER sometimes joins, the CAADP focal point, and the PM's Agriculture Adviser. The meetings are presently chaired by a representative from WFP/FAO/FIDA. This forum was involved in the preparation and planning for the PNIA Business Meeting in early November 2013, but according to FAO and GIBADER administrative leadership, many of its recommendations were ignored.

Regarding coordination between the MINAGRIDER and the PM's office (*Primature*), information sharing and meetings are ad hoc. The MINAGRIDER leads the process of the CAADP and PNIA, informing the Prime Minister as appropriate. For the *Campagne Agricole*, it is decided by the Primature and implemented by the MINAGRIDER, given its hierarchical relationship to the provincial Inspectors and Agriculture Ministers.

## **2.5. Administrative/Secretariat Support**

*Status: Yellow*

CAADP has one 'focal point' designated by the MINAGRIDER, which designed the PNIA with a three-part coordination and oversight structure, the *Comité de Pilotage*, the *Comité Technique* and the *Comités Provinciaux de Pilotage*. As the PNIA was only officially adopted in March 2013, it is unclear how these oversight committees will function; the PNIA itself is not explicit. Pending further clarification and leadership, the indicator is 'yellow'.

## **2.6. Technical Capacity**

*Status: Red*

Given the extreme weaknesses of state agriculture institutions, technical capacity or expertise is commonly believed to reside with specific individuals within a given institution. The high performance of a given institution is generally attributed to individuals and their relationships with the President's Office (patrimonialism in action); rarely is this due to the delivery systems or internal governance intrinsic to that institution. To illustrate, an erroneous but widely held view heard during this research is that the PM's Agriculture Adviser and former staff member at IFPRI, John Ulimwengu, is the primary author of the PNIA and the government's best hope for agricultural reform. In truth the PNIA was researched and drafted by experts on loan from the FAO, African Development Bank and COMESA. Private sector is where most technical expertise lies but collaboration with government is poor, given the long history of anti-entrepreneurial policies and practices of the GDRC. For this reason the indicator is denoted 'red'.

## **2.7. Political Support and Approval**

*Status: Yellow*

The indicator is 'yellow' because patronage networks supercede deliberative, transparent process in generating political support and consensus around a given policy initiative. Agricultural and Food Security policies are informed by the donor coordination group (GIBADER), UN agency 'Clusters', the FEC, the PM's office and his Agricultural Adviser, and the MINAGRIDER. Legal codification of such policies is ultimately determined by the President, and explains the long delay in reaching agreement on contentious articles in the current *Loi Agricole*. Executive influence and decisions are not evidence-based or empirically-grounded in sound economic growth strategy or the agricultural realities and challenges currently faced by

the country. Presidential interference in the promulgated version of the *Loi Agricole* is seen in the revisions on land concessions (majority Congolese) resulting in the current confusion around national ownership quotas for private investment. According to the FEC and other interviewees, this result was the opposite of the approved draft version of the law, the result of a long consultative process involving the Government, National Assembly, Senate, private sector, civil society and farmer's groups.

## 2.8. Engagement of Parliament/Legislative Body

*Status: Yellow*

The PNIA and the *Programme d'Investissement Agricole Prioritaire* (PIAP) have the support of the MINAGRIDER, the private sector (FEC), and farmers' organizations. After a long consultative process, Parliamentarians drafted the *Loi Agricole* to conform to this vision: stimulate agricultural growth, reduce poverty, and improve the business climate for agriculture with a pro-investment national law. Upon reaching the President's Office, however, the law was redrafted unilaterally and without consultation. While many stakeholders decry the altered Article 16 as the culprit, they are equally disturbed by Presidential fiat and the undermining of due process. Parliament is demanding a compromise; final resolution is expected but slow. This indicator is 'yellow' given the generally inclusive process of drafting the *Loi Agricole* and PIAP, while the Executive and President's Office retain a free hand to intervene and override at will.

## RECOMMENDATIONS

1. First, growth in the absence state institutional capacity is unsustainable. The intense focus on CAADP metrics and PNIA rollout should not eclipse Ministry technical needs and capacity deficiencies, which should be equal priority. After all, policies without institutions to drive them are stillborn. For starters, the policies and objectives informing the PNIA should contain explicit implications for official agricultural and rural development policies, specifically the institutional reform of the MINAGRIDER and its provincial offices. To profit fully from the opportunities created by CAADP and the PNIA, the GDRC should commit to a comprehensive capacity building investment in the MINAGRIDER and its provincial entities—a *Cinq Chantiers* for the public agricultural sector. The *Service Nationale de Statistiques Agricoles* (SNSA) is one example among many of a vital state service whose technical capacity and human resources are atrophied and inadequate to the task of the range of M&E work associated with the PNIA, including the baseline surveys against which progress must be measured.
2. Second, growth without infrastructure renewal is illusory. Given the PNIA's heavy commitment to agribusiness as the primary driver of agricultural growth in the next seven years, foreign investors cannot be expected to compensate for decades of infrastructural decay. This is a state responsibility. The PNIA should also serve as an inter-ministerial opportunity to rally Executive commitment to renovate a basic infrastructural grid across the interior, one sufficient to attract investors and allow existing agricultural activities to expand and evacuate their produce. Irrigation systems, local energy sources, transport (bridges, roads and river barges), port maintenance and dredging will allow isolated production areas to access markets and buyers (trucks, boats). These are urgent crosscutting needs that are not exclusive to the agricultural sector alone, and cannot be realistically covered by private investors or foreign donors in country.

## POLICY ELEMENT 3: INCLUSIVITY AND STAKEHOLDER CONSULTATION

*DR Congo's PNIA process is aligned with the vision, principles and strategic elements of the CAADP; it has solicited the direct participation of public institutions, relevant ministries, research institutions, farmer organizations, civil society, private sector firms and their representative body (Federation des Entreprises au Congo, FEC), as well as financial and technical donor agencies. Beyond the direct implication of these diverse actors, cross-sectoral collaboration was initiated between the MINAGRIDER and technical working groups from other Ministries. Outside of government, key players such as the FEC and farmer associations complain that their good faith efforts to inform government resource allocation and planning comes to naught when agricultural policies and laws undermine economic growth. This was most evident in the decision by the President's Office to alter key articles of the Loi Agricole after its validation by the Senate, and more than a year of close deliberations with the FEC and others. For many of those interviewed for this analysis, inclusion and participatory processes led by government are cosmetic exercises to please international donors and implementing partners or to delay official action.*

### OVERVIEW

With its focus on concrete national results within a strict timeframe, the CAADP compact has had a salutary effect on all actors in the agricultural value chain, raising expectations and with this a call to action. But no actor has been more motivated to act, lead and deliver than government itself. As such, the PNIA development process (2010 to 2013) generated a sustained focus on more timely, structured coordination and communication between ministries, donors, farmer groups, civil society and the private sector to produce the investment plan, under the sponsorship of the MINAGRIDER and the Prime Minister's office (*Primature*). This process was by all accounts inclusive, certainly more so than any prior government-led initiative concerning the agricultural sector, be it policy or production. Where coordination failed is in the final version of the *Loi Agricole*, whose terms and conditions should facilitate investment and agricultural trade, without which the PNIA cannot succeed.

Because the GDRC and MINAGRIDER contribute so little policy, planning or resources to the agricultural sector (current estimate of government agriculture spending is under 3%), the GIBADER fills this vacuum by serving as the primary (de facto) technical working group around all agricultural programming and planning. The PM's Agricultural Adviser was deeply involved in the development of the PNIA, with regular progress reports to the GIBADER. There is no 'policy coordination unit' per se within government, as the focus is currently on inputs and outputs (viz., the *Campagne Agricole*), increasing production in the provinces, observing how this translates into increased trade and, ultimately, how it affects GDP. Policy is a matter for donors and the international community; for the GDRC the overriding sense of urgency is on becoming able to stimulate agricultural production through private investment, something it has been unable or unwilling to do for decades. President Kabila's last minute changes to the *Loi Agricole* have had the effect of reinforcing the country's reputation as inimical to outside investment, funds upon which the PNIA depends.

## CAPACITY FOR POLICY CHANGE INDICATORS

### 3.1. Inclusive Participation within the Policy Coordination Unit

*Status: Red*

This indicator is 'red' given the absence of any policy development or coordination unit seated within the Ministry, which carries on simultaneous discussions with a host of potential partners, from donors to potential investors. Currently chaired by IFAD/WFP/FAO consortium, the GIBADER occasionally hosts representatives from the *Primature* and MINAGRIDER, but its core membership is comprised of donors and UN agencies working in agriculture and food security. For the purposes of CAADP and the PNIA, farmers' organizations and NGOs are grouped together under 'civil society' (CSOs) and are represented by their umbrella groups, such as CRONGD (*Conseil National des ONG de Développement*), to the CAADP focal point and to the Agriculture Adviser (*Primature*). At the provincial level, directives from Kinshasa are fed through the provincial ministries of agriculture and rural development, who maintain informal relations with local NGOs, farmers' groups and private sector actors. Private sector actors do not attend these meetings, as they do not typically benefit from donor-funded agricultural programs. With the *Campagne Agricole* and the PNIA, however, private sector is a necessary and valued partner. For these, communication and coordination between the MINAGRIDER, the *Primature* and private sector occurs bilaterally and separate from any recognized coordination channels. The *Campagne Agricole* is the only tangible, 'dividend-yielding' connection between the Ministry in Kinshasa and the provinces currently. For all its shortcomings and disarray, it is the first and only realization of Kinshasa's many promises to support agricultural growth in the provinces.

### 3.2. Outreach and Communication

*Status: Red*

There is no formal initiative or structure to share results or minutes of coordination meetings. The GDRC provides periodic updates to the GIBADER, who in turn share their meeting minutes with members. Decisions are taken ad hoc to seek wider consensus within the GIBADER around a given issue, such as Article 16 of the *Loi Agricole*, or an interest in harmonizing donor perspectives around smallholder land laws (currently a source of conflict because customary laws dominate locally). There is no regular outreach mechanism to the broader agricultural community, provincial ministries or to the private sector, although some reports are made available (by institutions such as IITA or FAO) to their local partners as appropriate. Given the scale of Congo's challenges and the enormous sums of donor money being spent here, the circle of decision makers in Kinshasa is very small and relations deliberately informal. Donors and private sector are very aware of GDRC's institutional weaknesses and are more interested in seeing their activities and programs launched and succeed in the field than in pressuring or helping government institutions develop more formal, systematic policy architecture. Without popular or internal pressure to improve outreach and communication, and thus develop an institutional culture of public service, state agricultural institutions will continue to function in obscurity, and remain unaccountable. For these reasons, the indicator is 'red'.

### 3.3. Private Sector Participation – Opportunity/Space

*Status: Red*

Although the potential for private investment in Congo is great, state institutions clearly benefit from the challenging business climate that frustrates and stymies the private sector, their primary competitor; for this reason the indicator is ‘red’. The leading representative body for the Congolese private sector is the *Federation des Entreprises du Congo* (FEC). They have a tenuous, generally hostile relationship with government, due to two abiding traits of public office in DRC—business interests held by politicians tend to operate outside the law, and view the established private sector as competition. As is widely documented in the literature on patronage networks and patrimonial states, Congolese politicians have a long history of using their status to secure lucrative contracts with international firms (mining, construction, etc), increase the profit of their own affairs through political influence (exemption from customs fees, for instance), and generally operate above the law.<sup>11</sup> Other private firms and FEC members do not have this luxury. Government and the elite politicians whose companies receive preferential treatment unavailable to the average SME are therefore pilloried by society at large for failing to draft and enforce regulations that would improve the business climate generally—or at least create an economic environment that facilitates business by all comers, instead of just companies owned by political elites. Issues facing few large companies that exist in DR Congo are more likely to be dealt with at the most senior levels of government, hence the frequent use of ‘oligopoly’ when describing Congo’s economic landscape. SMEs have less capacity to engage government directly. Higher up the pyramid there is greater incentive to problem-solve, as some political elites are beneficiaries of Congo’s few large companies (Congo Futur, etc).

### 3.4 Private Sector Capacity to Participate

*Status: Yellow*

FEC is a well-organized, highly capable institution that consistently lobbies government ministries and parliament to address the country’s dysfunctional business climate. Because the government sees it as a competitor, the status of this indicator is ‘yellow’. The FEC is often the first stop for any foreign company seeking to understand and navigate the country’s arcane business regulations, tax codes and registration processes. It cannot claim the same level of influence over government policies and enforcement of regulation as the country’s few, large companies (the ‘oligopoly’) with secure political backing, but the FEC is treated as a serious if threatening player and opportunistic/occasional ally.

The FEC and some of its member firms are concerned about the foreign aid community in DRC, which they argue offers the government high-budget aid programs but demands no accountability or performance from government institutions in return. The result they argue is a ‘logic of substitution’ where donors effectively fund public services, letting government off the hook. None of this works to improve the country’s business climate, or pressure the government to assume its responsibilities, which the FEC rightfully would like to see.

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<sup>11</sup> The 2010 AgCLIR report on DRC summarizes these tendencies concisely: [http://www.fintrac.com/cpanelx\\_pu/EAT/13\\_35\\_8875\\_DRCAGCLIR.pdf](http://www.fintrac.com/cpanelx_pu/EAT/13_35_8875_DRCAGCLIR.pdf)

### 3.5. Participation of CSOs – Opportunity to Participate

*Status: Yellow*

CSO participation is generally encouraged and practiced but is widely viewed as window-dressing and ineffectual. Alternative or hostile views are simply not entertained, despite the mechanics of participation, hence the ‘yellow’ indicator. The CSOs listed in the PNIA document as ‘interlocutors’ are well-known umbrella groups (e.g., *Conseil national des ONG de développement*, or CRONGD), often donor funded, who claim to represent smaller community-level farmers but in practice serve the limited interests of their leaders. In this respect they are neither objective in their analysis nor are they ‘non-governmental’ given the source of their funding in foreign ODA. Other associations cited by the PNIA include CONAPAC (*Confédération des Producteurs Agricoles du Congo*) and UNAGRICO (*Union Nationale des Agriculteurs du Congo*). With the government-funded *Campagne Agricole*, the presence of official resources has turned a traditionally hostile, oppositional relationship into one of opportunistic cooperation. Ideally this will be the case for the PNIA as well.

Jean Chrysostome Vahamwuiti, the current Minister of Agriculture, ascended through the ranks of farmers’ associations in Eastern DRC, working first for the leadership of FOPAC (*Fédération des Organisations des Producteurs Agricoles du Congo*) and subsequently for COTEDER (*Conseil technique pour le développement rural en territoire de Beni-Lubero*). This conforms to the general role of Congolese civil society not as ‘fourth estate’ but as a stepladder to political office. Yet Vahamwuiti is conscientious not to betray his origins, meeting with CSOs around land tenure matters, a long-standing cause of communal violence in Eastern DRC. CSO representation on the *Commission Nationale de la Réforme Foncière* (CONAREF), however, is limited to one delegate from CONAPAC, who now stands accused of colluding with government to keep other CSOs out of the deliberations. This type of mutual mistrust and hostility between CSOs is the norm, as is government exclusion of their voices.

### 3.6. CSO Capacity to Participate

*Status: Red*

This indicator is ‘red’ because although many Congolese NGOs understand their role as ‘contre-pouvoir’ or watchdog and use their public voice to denounce government inaction or malfeasance, they lack quantitative or investigative research to justify their demands for change. Further, they fail to invest in building relations with their claimed constituencies, and lack practical, viable proposals to alter the status quo of a given government policy or practice. As a result, politicians and the general public pay little attention to their initiatives and campaigns. NGOs interviewed for this study conceded they lack the funding and capacity to do intensive evidence-based research to make their policy cases to government, the parliament, or the general public. Most Congolese NGOs depend upon donor funding to operate, occasionally being hired for one-off qualitative studies or specific outreach and awareness campaigns. This adds to the perception that they are neither neutral nor genuinely representative of popular interests, but are instead defined by the ideological objectives of the grants and donations they receive.

Lack of independent technical capacity, historical tendency to accuse/denounce rather than collaboratively problem-solve, and a near-total dependency on foreign funding suggest this indicator be denoted as ‘red’.

## RECOMMENDATIONS

1. Strong first steps create solid foundations for future successes, and the *Campagne Agricole* is in many ways a testing ground for the broader aims of the PNIA. From all accounts, however, it is not faring well. Governance in the agriculture sector, nationally and provincially, has been a tangential element of some donor programs, notably USAID's *Programme de Bonne Gouvernance*, but this could be expanded and deepened to include analysis and technical support to the current *Campagne Agricole* initiative. Greater public knowledge and access to information about both the *Campagne Agricole* and CAADP programs could be organized to foster increased government consultation and collaboration with the CSO community and private sector, including the transport and market/retail sector on the urban/consumer end of the value chain. Media coverage is generally adulatory (ribbon cutting ceremony for tractor donation to provincial government), and the absence of informed, critical reporting sets the tone for society as a whole, including parliament, where conformity is essential to political survival. Identification of and support for independent research on public spending, procurement processes and outcomes of the *Campagne Agricole* is an important need and first step in filling the information blackout. Such activities could be funded through existing 'good governance' programs supported by USAID, DFID or other donors.
2. In parallel, USAID may consider targeted capacity building efforts around specific initiatives requiring investigative analysis among civil society organizations working in agriculture, land tenure and policy reform. This will in turn improve their credibility by strengthening their ability to engage government, parliament and inform the wider public.

## POLICY ELEMENT 4: EVIDENCE-BASED ANALYSIS

With the decline of the Congolese state in the early 1990s and fall of Mobutu in 1996, institutional reform has been slow since the *Constitution de la Troisième République* was promulgated in 2006. Lack of clarity on administrative procedure results in poor prioritization in ministry financing and empirical research, where these bureaus exist, is neglected. In the MINAGRIDER as elsewhere, statistical data and field research is essential to establishing baselines, measuring agricultural growth and developing disease resistant crops. There is urgent need for the Government of DR Congo to invest in data to support evidence-based analysis by government, academia, the private sector and civil society. A national chapter of ReSAKSS (Regional Strategic Analysis and Knowledge Support System) is anticipated, and the PNIA ascribes the bulk of analysis, data collection, impact assessment and evaluation to this future DRC SAKSS office.

## OVERVIEW

In DR Congo, quality agricultural statistics are not readily available. There does not appear to be any use of systematic performance reporting by MINAGRIDER on its activities; reporting on the *Campagne Agricole* is devolved to the provinces but has not been forthcoming. No results-based management system has been developed to monitor PNIA implementation progress; PNIA documents state that M&E will be the responsibility of the firm, institution or donor implementing each project or activity. The International Food Policy Research Institute provides some technical and material assistance but within the MINAGRIDER the *Service National de*

*Statistiques Agricoles* sits idle, while the twelve *Institut National pour l'Etude et la Recherche Agronomique* (INERA) field research stations, all of which date from the colonial era, receive minimal outside support from agencies such as the International Institute for Tropical Agriculture (IITA).

## **CAPACITY FOR POLICY CHANGE INDICATORS**

### **4.1. Economic and Financial Analysis used in Policy Planning**

*Status: Red*

Performance and technical capacity to meet this indicator is very low, hence the 'red' attribution. IFPRI has been the source of financial modeling informing the PNIA, and specifically its aim of reaching 6% of GDP from agriculture by 2020. Government is not currently capable, in terms of resources or capacity, to conduct this forecasting itself. IFPRI alone cannot provide answers to all PNIA needs, and NEPAD criticized PNIA for insufficiently investing in financial analysis modeling to determine outcomes for CAADP metrics. No baseline study on agricultural production or farmer census was undertaken at the outset of the PNIA/CAADP process.

MINAGRIDER does not practice crop forecasting or production estimates as do many of DR Congo's neighbors. Donor funded programs promoting production, marketing and product transformation, such as USAID's FPPM project, also include a real-time pricing activity whereby rural sellers are able to access prices in Kinshasa and provincial capital markets in order to prevent price manipulation at source.

### **4.2. Performance Monitoring Measures and Targets Developed**

*Status: Red*

By outsourcing M&E and failing to invest in its own statistical and monitoring body, government capacity and performance in this area remains very low, hence a 'red' attribution. The SNSA director underscored their lack of resources and recognition by the MINAGRIDER as essential to effective and accurate M&E of the PNIA and CAADP, and lamented the consequences of no baseline assessment for any future M&E effort to track impact and progress of the PNIA. The PNIA stipulates that all activities within its portfolio will develop their own M&E components, and that the PNIA Technical and Oversight Committees will approve the degree of coherence of each proposal with PNIA and CAADP objectives. No third party, disinterested institution has been identified to establish and track a common set of M&E metrics and targets.

### **4.3. Quality Data Exists for Policy Monitoring**

*Status: Red*

Annual SNSA data exists and is cited by PNIA projections but crop productivity statistics are questionable as they show, for instance, little change over the last 5 years. Given the low level of funding and human resources at the national and provincial levels, the reliability of SNSA data collection and reporting is doubtful. Interviews with SNSA staff revealed them to be competent and capable but underfunded and unmanaged. The problem seems to be lack of political will, or a preference for outsourcing. This poor prioritization merits a 'red' attribution.

A national chapter of ReSAKSS is anticipated, and the PNIA ascribes the bulk of analysis, data collection, impact assessment and evaluation to this future DRC SAKSS office. SNSA could be integrated into this process, if the GIBADER make the request to the MINAGRIDER.

#### 4.4. Quality data is Available for Policy Making

*Status: Red*

ReSAKSS is able to conduct comparative analysis across the region and thereby to highlight DR Congo's relative status on PAE, for instance, and IFPRI can develop various economic models to inform MINAGRIDER's annual planning, the PNIA and their corresponding budgets. But little to no reliable data (or data collection service) exists or is being generated in country today, hence the 'red' rating for this indicator. Two important agricultural research institutions in DRC, INERA and IITA, have been promised GDRC funding in 2013 (\$7m and \$3m respectively). The \$3m fund has been totally disbursed by the GDRC to IITA to implement a 3-year Innovative Research project to support INERA.

Unlike elsewhere in sub-Saharan Africa, the GDRC has no grain storage policy or practices to guard against food shortages, nor any effective early warning system of its own. All governance and growth solutions are ultimately multi-sectoral, and the MINAGRIDER could be working with transport and infrastructure ministries (*Ministere du Plan*) to develop an integrated development plan, but it does not. Donors and the private sector are aware of the clear causal linkages between a stagnant agricultural sector, the country's collapsed infrastructure and the high food prices in urban areas, but Kinshasa-based politicians do not appear to plan or strategize collectively. Instead of policies and planning devoted to building food reserves and managing market prices for greater affordability, cheap imported foodstuffs keep popular discontent at bay, and delay any demand for solutions. The lack of quality statistical data to justify and inform future investments in research and data collection is another reminder of inter-ministerial missed opportunities; it is against this backdrop that the PNIA affords significant hope for change.

#### 4.5. Analysis is used in the Development of Policy

*Status: Red*

There is little evidence of the MINAGRIDER using data or specific studies to assess the impact of short and medium term policy change. The current pilot effort, the *Campagne Agricole*, a testing ground of sorts for the PNIA, does not appear to be connected to any specific policy initiative or annual growth plan drafted by the Ministry. Technical and financial partners (donor community) produce many such studies, but their adoption and integration by the MINAGRIDER, or any public institution, is rarely palpable despite these institutions' assurances to the contrary. There is no common database being used to assess the costs or benefits of possible policy or regulatory provisions. Implementation of the *Loi Agricole*, for instance, is a fundamental determinant of a successful PNIA and reaching the CAADP target of 10% PEA. Yet discussions around its possible revision (Art 16) make no reference to statistical modeling or national history (i.e., the cataclysmic effect of *Zairianisation* in 1973). Many interviewees identified patronage networks as the primary determinant of policy, growth strategy and budgetary planning. There is no objective empirical evidence to disprove this assertion, evidence demonstrating neutral or blind procurement processes in the *Campagne Agricole*, for instance. For this reason, the indicator is rated 'red'.

#### 4.6. Capacity to Monitor Policy Implementation and Results

*Status: Red*

The SNSA could be built up and expanded given sufficient resources and training, but currently it cannot meet the scale of M&E need. The primary obstacle here appears to be a lack of understanding among MINAGRIDER leadership that data collection must begin prior to any new program in order to measure its impact, how this links to budgetary planning and policy direction. For this reason the indicator is rated 'red'.

The PNIA makes mention of M&E repeatedly, but only in terms of projects and activities, which are more tangible in their impact on agricultural growth and poverty reduction than official policies, rare in DR Congo today. Donors assume responsibility for M&E in any joint program implemented with the MINAGRIDER, or in the agricultural sector generally.

#### 4.7 Annual Performance Measurement Reports are Produced and Reviewed

*Status: Red*

It is premature to comment on the quality of M&E prescribed by the PNIA, although its design (outsourced to implementers of specific agricultural programs) mirrors in microcosm the guiding logic of the PNIA itself—the GDRC will outsource agricultural growth to non-state actors (private firms, NGOs, foreign-funded development projects) and these entities will do their own M&E. Besides an obvious conflict of interest (no independent M&E), the flaws of this design center on the lack of government capacity to monitor and guide the numerous projects proposed by the PNIA. Outsourcing makes sense when the contracting agency (the GDRC in this case) possesses sufficient resources and human capacity to manage and supervise the work undertaken by others, which is not currently the case with the MINAGRIDER. Hence the 'red' rating for this indicator.

Regarding the current *Campagne Agricole*, a precedent-setting government pilot, only 5 of 11 provinces have reported on the 2012-2013 year of operations. The GIBADER, of which USAID is a member, should ask to see this reporting and analyze their quality (methodology and presentation) and make recommendations for improvement.

#### 4.8 Independent Analysis Capacity Exists

*Status: Red*

There are several research facilities and universities in DR Congo that could be strengthened and/or accompanied in order to conduct quality food security-related research. Primary among these are INERA and SNSA, both government institutions. Currently however there is no national analytic capacity that is not a donor creation, operating only for the life of a given donor-funded project – hence the 'red' rating for this indicator. The proposed SAKSS network for DRC, as mentioned by the PNIA, will have its central node in the MINAGRIDER but no further information on its composition and reach was available at the time of this report.

### RECOMMENDATIONS

1. Of immediate priority, USAID may consider mounting a dedicated assessment of SNSA capacity and needs against the anticipated scale and scope of work of a fully funded PNIA. Study and propose an appropriate M&E approach, resource needs and budget to the PNIA

Oversight Committee. A set of performance measures and a harmonized reporting system should be established and managed. The current approach of outsourcing M&E to the individual PNIA projects is unrealistic and would offer little capacity building dividend to the Ministry itself.

2. Second, USAID may consider a smaller-scale, dedicated assessment of the MINAGRIDER's resident capacity at national and provincial levels to conduct crop production forecasts for maize and cassava in at least three high-production provinces (e.g., Katanga, Kasai Oriental and Bandundu). On the basis of identified gaps and needs, an assistance strategy could be jointly developed with the Ministry, ideally co-funded by the GDRC. This initiative could be coupled with support measures to improve the quality and availability of key agriculture statistics, including a high-level dialogue with the Ministry around the need for quality and consistently generated data by the SNSA.
3. The SAKSS network proposal should be clarified and funded.

## **POLICY ELEMENT 5: POLICY IMPLEMENTATION**

*The policy implementation process is characterized by a limited degree of predictability and transparency, and suffers from long-standing resource and capacity constraints, particularly in operating and investment budgets and monitoring and evaluation (M&E). The PNIA review platforms, such as the three-part coordination and oversight structure, the Comité de Pilotage, the Comité Technique and the Comités Provinciaux de Pilotage exist only nominally at this stage. The GIBADER is the donor coordination group, with periodic participation from the MINAGRIDER and the Primature, and by design lacks oversight and decision-making power. 'Policy' is secondary and subservient to programs, be they government-led or donor funded. Programs involve large spending budgets, hiring and job creation; they therefore demand coordination and invite donor-government participation. Policy is seen as an empty scholastic exercise, except in the case of draft laws or amendments to existing laws (loi foncière, loi agricole, etc). CSOs, the private sector, and parliamentarians generally engage on these matters. Effectiveness of their engagement is another matter, as the Executive Branch reserves the right to re-write laws before their final promulgation.*

### **OVERVIEW**

From a policy perspective, the PNIA serves as a framework to organize and channel GDRC efforts to attract private investment, modernize traditional agriculture (self-sufficient smallholders for whom farming is rarely monetized or surplus-driven), solve the country's enormous infrastructure problems and replace an imported food economy with locally grown staples. Perhaps overambitious in this regard, the PNIA has married the country's pressing growth needs and vast potential with a strategy to meet the metrics and targets of the CAADP and Maputo Accords. The PNIA, and CAADP, both represent significant growth opportunities for the DRC.

However, the GDRC has no formal strategy or plan to shift from its present dependency on imported, non-perishable foodstuffs to agricultural self-sufficiency and export, as was formerly the case during the first thirty years of independence. A fundamental condition for this turnaround would logically be the systemic renovation of collapsed infrastructure (energy, communications, roads, bridges, barges and waterways) but the GDRC relinquishes such planning to international donors who fund their own piecemeal renovations. These have little cumulative result for increased domestic trade and wealth generation. In terms of financing for

the PNIA, the NEPAD evaluation notes that only 15% of needed funding for the PNIA is currently available from government, donors and private investors combined. The likelihood of meeting CAADP targets of reducing poverty by half and reaching PAE levels of 10% of national budget before 2020 is therefore low.

## **CAPACITY FOR POLICY CHANGE INDICATORS**

### **5.1. Implementation Plans Developed**

*Status: Yellow*

The PNIA was vetted by G8 donors, NEPAD and the GDRC; it offers a clear schema for how the program will be implemented, once investors and other financial backers (including donors and the GDRC) are identified. Knowing the current state of institutional capacity at the national and provincial levels of government, the plan is an abstraction as none of the capacities, in terms of experience or know-how required to execute and deliver results, or measure impact of actions taken, exist within the GDRC. They simply have no prior experience running anything remotely similar in size, scope or complexity as this initiative. So while the PNIA itself reads as a solid ‘implementation plan’, it presumes that the institutions responsible for specific actions understand how to execute those actions and have prior experience with them. This is not the case, and is also a major unspoken reason why the GDRC continues to rely on foreign NGOs and contractors to implement all donor funded programming, in almost every public sector.

For these reasons, an implementation plan has been developed and officially inaugurated, but government capacity to oversee its execution and ensure its success is weak—the indicator is rated ‘yellow’.

### **5.2. System in Place to Analyze Implementation Capacity Constraints**

*Status: Red*

No such system currently exists, hence a ‘red’ rating. The incentive system in the public service is oriented to supplement low, irregularly paid salaries, with travel and participation allowances (per diem) for workshops, training seminars, and conferences, most of which are organized, led and funded by donors. These incentives have become so pervasive that many civil servants refuse to participate in donor-funded capacity building exercises without first negotiating their terms (per diem, travel reimbursements, lodging, etc.). Enrichment, not service to country, is the dominant mindset, and donors are equally to blame for this entrenched misalignment of interests that neutralizes attempts at public sector reform.

### **5.3. Food Security Policy Priorities Aligned with Ministry Work Plans**

*Status: Yellow*

With the PNIA and its targets to reduce rural poverty, malnutrition and food insecurity, these objectives and metrics become those of the Ministry. In this respect the occasion of the CAADP is fortuitous as it enables the creation of an aligned and integrated policy and workplan, in this case the PNIA—hence the ‘yellow’ rating for this indicator. Without CAADP and the PNIA, the MINAGRIDER would simply continue as an empty vessel to receive and channel to donor-driven programming). Some of the new policy priorities lack a corresponding institution to oversee their implementation, however. The PNIA states for example that the national institution

to run and oversee the food security early warning system ‘will be created’ (Annex 6). Within the PNIA budget, only 9% is dedicated to food security and nutrition, with 64% for agribusiness development.

The *Campagne Agricole* is the fruit of another policy priority, increased agricultural production in the provinces to stimulate agricultural commerce. It is less complex and ambitious than the PNIA, and yet allows the government to test its capacity to design and implement a countrywide program, something very few if any ministries have attempted or achieved since the Mobutu era. Evaluation data around economic impact and crop yield continue to be delayed, however, at the provincial level and public agricultural expenditure (PAE) needs to increase drastically if Congo is to reach its CAADP targets. Independent of the PNIA, the *Campagne Agricole* is a first step toward translating political will into concrete projects aimed at increasing agricultural yield and commercial revenue at the provincial level. As noted earlier, there are many areas of the *Campagne Agricole* that are noticeably weak and could benefit from outside analysis and technical assistance.

#### **5.4. Policy Implementation Budget Committed by the Host Country**

*Status: Red*

The GDRC increased its public agricultural spending over the last two years through the *Campagne Agricole* (\$40m total), and has promised new funding to INERA (\$7m). Congo’s PAE is thus surpassing its longstanding sub-3 percent average (in 2012, 2.2% according to NEPAD)—a positive and, for many Congo observers, unprecedented step. To achieve an annual agricultural growth rate of 6%, NEPAD asserts that the GDRC target of 10% of PAE is sufficient. The PNIA aim to reduce poverty by half by 2015, however, is unrealistic at the current growth rate.

Delays in full projected funding of the 2012-2013 *Campagne Agricole* (\$80m) are due to the failure of provincial governments to report on monies (\$20m) received for the 2011-2012 period. Non-standard accounting procedures, irregularities in procurement practices and reported diversion of funds are common criticisms of the *Campagne Agricole*, and show a need for administrative/financial support in the provincial ministries. This underperformance does not bode well for the success of the PNIA.

This indicator rating is ‘red’ in light of the significant delays in releasing promised funding and the poor record of tracking and accounting for monies received since the *Campagne Agricole* started.

#### **5.5 Supplemental Implementation Funds Secured**

*Status: Yellow*

MINAGRIDER has received significant funds from a number of donors in the form of projects and roads, and most especially from FAO, CTB, WB, and IFAD. The exact percentage of donor programming relative to the overall MINAGRIDER budget (actual and proposed) is unknown. The PNIA also received several funding commitments during its ‘business meeting’ in early November 2013. For this reason the rating for this indicator is ‘yellow’.

Despite donor support through a number of large projects (FAO, CTB), the MINAGRIDER claims to be significantly under-resourced and over-staffed. The SAKSS country program is not yet funded.

## 5.6. Monitoring and Evaluation

*Status: Red*

The SNSA is widely acknowledged to be grossly under-staffed and under-resourced; its director however has demonstrated abilities in M&E, data collection and statistical analysis. The MINAGRIDER, by contrast, is over-staffed with under-performing, elderly and poorly paid civil servants, many of whom started as state agronomists in the 1960s. Annual agricultural statistics provided by SNSA and cited by the PNIA and in donor literature are unchanged for the last five years, an empirical impossibility that suggests unreliability. No baseline study was conducted for either the *Campagne Agricole* or the PNIA, so future declarations of impact or progress will be baseless. Annex 6 of the PNIA specifies which agencies or institutions are responsible for coordination, planning and implementation of the program's five components, and M&E does not appear. For these reasons, this indicator is rated 'red'.

## RECOMMENDATIONS

1. Of highest priority and urgency, USAID should consider funding an institutional capacity assessment and needs analysis of the SNSA and develop a restructuring strategy and budget to accommodate both the *Campagne Agricole* and PNIA needs through 2020. This will help make the case to the MINAGRIDER that without effective data collection and M&E capacity, the impact of GDRC PAE will remain speculative, throwing their ability to meet CAADP targets into doubt. The PNIA will not be judged on its ability to raise donor contributions and possibly foreign investment but on its production levels, GDP contributions, and poverty reduction. It currently has no valid method or institution in place to conduct this oversight and measurement.
2. On a related front, the current GDRC/MINAGRIDER imperative is to 'get the money flowing' without regard to M&E, baseline studies, transparent procurement and accounting practices or independent oversight bodies. Yet the trial of the *Campagne Agricole* shows that agricultural spending in the absence of administrative and oversight infrastructure is easy but potentially disastrous. Tracking and reporting on PAE, procurement of goods and services and measuring the impact of activities funded is very weak to nil, and these capacity gaps accelerate diversion and misappropriation of funds and, ultimately, loss of public credibility. Donors need to work together with provincial governments to analyze and identify exactly where technical administrative and monitoring support is needed to improve these processes. This service might be outsourced to an independent agency or related state institution to ensure neutrality.
3. Finally, consider supporting known civil society organizations working in the governance and democracy realm to recruit sufficient in-house expertise to conduct independent impact analyses of the various MINAGRIDER programs, particularly the *Campagne Agricole* and the PNIA. Tracking these large state sponsored investments from a citizen or user-end perspective is best conducted by outside groups with a community/grassroots orientation. We have seen certain NGOs like CENADEP develop skills and insight into the demand-

driven side of Security Sector Reform (SSR) issues from a governance and accountability lens. The same should be encouraged for the PNIA and *Campagne Agricole*.

## **POLICY ELEMENT 6: MUTUAL ACCOUNTABILITY**

*There is no legitimate Mutual Accountability framework between government and donors, or between government institutions. Donors decide on priorities and set levels of spending; government institutions adapt. In the case of the PNIA and CAADP, the PM and MINAGRIDER do not lead with their own growth plans, commitments or strategies but await official donor announcements of their annual commitments. The PNIA is an ideal opportunity to reverse this power dynamic and see the MINAGRIDER begin to take charge (i.e., direct policy, implementation, actors and investments in agriculture and food security). Without more human and budgetary resources it cannot realistically end its opportunistic, passive mode of receiving ODA and pretending to ‘partner’ with donors, although some recommendations to alter this comparative weakness are offered at the end of this section.*

*Another distraction to concentrated government attention on Congo’s agricultural inactivity are the Chinese infrastructure development activities across the country. As long as the GIBADER operates without a clear connection to national infrastructural planning (state or foreign funded), it cannot claim to accurately plan, assess or predict its impact in the country’s agricultural sector. Opening a bridge to the Chinese Embassy, via the MINAGRIDER, could potentially improve coordination, mutual understanding and lessen the dense opacity surrounding the planning and delivery of urban and rural transport construction. In any event, urban planning and rural transport grids should inform economic growth agendas in agriculture, investment objectives and key farming areas per province. At present infrastructure and agricultural economic growth are on parallel tracks.*

*In provinces where decentralization and more responsive local government institutions are progressing (e.g., Katanga), the PNIA could spark a new accountability dynamic between provincial leaders and their electorate. In the right hands, the PNIA could concretize current efforts to decentralize agricultural growth, particularly where decentralized territorial entities (Entités territoriales décentralisées, or ETD) have successfully brokered public-private partnerships with the local private sector to generate revenue towards improved public services.<sup>12</sup>*

### **OVERVIEW**

Unlike other CAADP countries, a mutual accountability framework was not established in DR Congo at the time of the Compact signature. There are regular meetings of the GIBADER, with MINAGRIDER and donors in attendance. Donors may claim to hold government accountable for policy implementation but there is little evidence of this. The GDRC is itself unequipped and unmotivated to report and hold donors accountable for mobilizing their commitments according to agreed conditions, of program and project agreements, even when these are the result of participatory consultation with relevant government ministries and provincial authorities, civil society, etc.

Between government and the private sector, mutual accountability is reflected in the World Bank’s annual “Doing Business” indicators. For 2013, DR Congo ranked 183 out of 189 countries, dropping from 178 in 2012. Upon re-election in November 2011, Kabila vowed to “improve the business climate to better serve investors,” but the country continues to lag at the bottom of the annual ranking.

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<sup>12</sup> USAID’s Programme de Bonne Gouvernance has helped broker a number of these PPPs in rural areas of Katanga Province.

DR Congo is a signatory of the 2005 Paris Declaration on Aid Effectiveness, where mutual accountability and national ownership are key principles. Both are difficult to put into practice, particularly where local capacity and resources are limited. Asymmetries between donor offices and those of their national counterparts in the GDRC remain high, and this disparity manifests itself in capacity and resource gaps that donors continue to try to fill. Civil society, media and farmers groups are also weak, and largely subservient to government and donor interests.

## **CAPACITY FOR POLICY CHANGE INDICATORS**

### **6.1: A Forum Exists for Regularly-Scheduled Donor-Government Meetings**

*Status: Green*

Donors and MINAGRIDER meet quarterly at the GT 8 reunions that are chaired by the Agriculture Minister. The content and commitments that issue from these meetings do not trickle down to the provinces, however, and the PNIA development process was the first nationally-led exercise to incorporate provincial perspectives and proposals. Those interviewed for this study described joint delegation visits to the provincial capitals of Kananga, Mbuji Mayi and Bandunduville to meet with local producers and transporters to examine production areas, produce evacuation routes and market prices locally. For these reasons, and absent any independent verification, the indicator is rated 'green'.

### **6.2. Joint Policy Priorities Developed**

*Status: Yellow*

The PNIA development process, jointly led by the donor group and the MINAGRIDER, involved extensive consultations with civil society, provincial agriculture ministries and private sector representatives. FEC representatives and provincial agriculture ministers met in Kinshasa during the PNIA conference corroborated this dynamic. The *Loi Agricole* followed a similar development process, with the draft law approved by Parliament. All of those interviewed, however, insisted that the results and not the preparatory work would confirm the integrity of the process. Preparatory consultations, however inclusive, may have served as mere diplomacy. For this reason the indicator is rated 'yellow'.

### **6.3. Monitoring System Exists**

*Status: Red*

While the Paris Declaration on Aid Effectiveness stipulates the use of mutually agreed performance metrics and joint M&E mechanisms, generally this is respected only in the 'rubber-stamping' of a given donor's portfolio of development programs. During the life cycle of most agriculture development programs funded by donors, unless they involve on-budget support to the MINAGRIDER, there is no government participation in performance monitoring or evaluation. When Government policy shifts unexpectedly or a ministerial reshuffling is organized, donors meet amongst themselves to develop a common position and agree on a common approach to correct or adapt to the new dispensation. Civil society could play this role of independent monitor or watchdog, as it does in other sectors (security sector reform, SGBV, ROL, media), but agricultural growth and investment are not objects of scrutiny for national civil society today. Farmers' organizations and transporter unions in urban areas may provide

detailed information about key segments of the agriculture value chain, but they do not see their role as monitor or independent evaluator of MINAGRIDER efforts to increase production and lower produce costs for consumers.

#### **6.4. Donor Coordination-Alignment and Harmonization**

*Status: Yellow*

Through the GIBADER and bilateral consultations, donors have influenced and aligned with the PNIA, although most are skeptical of its heavy reliance on foreign investment to solve the country's infrastructure problems and poor business climate. Individually, G8 donors and the multilateral institutions develop country strategies and agricultural assistance programs that are prepared in consultation with the GDRC. For these reasons the indicator is rated a tentative 'yellow'.

#### **6.5. Private Sector Accountability**

*Status: Red*

Private sector interviewees maintain that the GDRC is hostile to the private sector because politicians tend to use their office for personal enrichment, and traditional economic actors are seen as direct competitors. Among political elites in Kinshasa, economic alliances with certain foreign investors are common (Lebanese, Chinese), but only because these business interests agree to large, regular kickbacks to government officials. Given the extreme challenges and high cost of doing business in Congo, political 'coverage' is essential and thus a form of patrimonial economy becomes the norm. There are no transparent, publicly accessible forms of mutual accountability between the regulatory mechanisms of the State, themselves economic actors as they organize and run the rent-seeking rackets that affect all levels of the informal and formal economy in DRC. For these reasons the indicator is rated 'red'.

#### **6.6. CSO Accountability**

*Status: Red*

CSOs in DRC are a common career choice for educated citizens who lack the family connections to enter politics directly. Being a career choice and not an avocation, CSOs are generally subservient to donor interests and agendas; those that survive are agile and malleable enough to adapt to evolving trends in the donor landscape, and thus receive regular funding. Many CSO leaders ultimately seek and obtain political office, and accordingly government institutions are deaf to CSO advocacy or mobilization for reform on a given issue (anti-corruption, impunity, sexual violence, etc). "Be patient, your time will come" is the common refrain. Being entirely donor driven and funded, civil society is an attractive source of income, but secondary to the possible riches available to politicians. The result is a tacit agreement of common purpose—self-interest, not collective interest or popular accountability. Competition among CSOs is rife and collective action difficult to orchestrate.<sup>13</sup> For this reason the indicator is 'red'.

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13 Phil Keefer, "DR Congo: Citizen and Elite Fragmentation and the Political Economy of Growth," World Bank, 2011.

Provincial MPs conduct themselves similarly vis a vis national political elites: subservience is the norm and interrogation on new policies or laws is rare, as are independent parliamentary investigations into government-sanctioned massacres or other known malfeasance. Donor led efforts to introduce ‘demand-driven reform’ dynamics via CSOs and parliament in the last five years have largely fallen flat. Congolese media lack the training and resources to be truly independent, a genuine ‘fourth estate’.

## RECOMMENDATIONS

1. Greater accountability can be pursued from both supply and demand directions. Identify the strongest private sector and CSO associations, including trade unions (e.g., BUCOPAC at Marche de Liberte), provide training and coaching to help them structure private-public fora around specific agendas or policy reforms, and help them gather empirical data and evidence to support their recommendations. One such area for reform could be the high cost of agricultural transport (due to fictive taxes, or *tracasseries*) between Bas Congo and Bandundu producers and Kinshasa markets. USAID has supported such programs in the past.<sup>14</sup>
2. Support development of agricultural and food policy forums on radio, which has the broadest reach to the Congolese population. Public dissemination of the content of the *Loi Agricole* and laws around agricultural transport and trade in Kinshasa markets via radio or television would be very popular. Work with GIBADER to identify and procure a communications budget for the MINAGRIDER.
3. Conduct a lessons learning survey of the numerous ‘Good Governance’ programs operating across the country within different provinces, and identify which of these are successful at generating mutual accountability between local economic actors, civil society and provincial government. Include *Entités Territoriales Decentralisés* in the study, particularly those that have brokered successful Public-Private Partnerships to increase local revenue and improve service delivery in accordance with local demands. Present findings to GIBADER and MINAGRIDER, with recommendations on how to apply the most successful dynamics to the PNIA, nationally and in the provinces.

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<sup>14</sup> “Combating Low-level Corruption on Waterways in the Democratic Republic of Congo: Approaches from Bandundu and Equateur Provinces,” Michael Brown (IRM, 2004): [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=627684](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=627684).

# PART III: CASE STUDY: CHALLENGES AND DELAYS TO THE AGRICULTURE LAW

## LAW RELATED TO AGRICULTURAL ACTIVITIES IN DR CONGO (LOI PORTANT PRINCIPES FONDAMENTAUX RELATIFS A L'AGRICULTURE)

### REASONS FOR THREE YEARS DELAY

- Presence of another draft of the Agricultural Law under examination at the House of People's Representatives; Reformulation of the draft agricultural code into formal agricultural law;
- Changing the outline of the draft;
- Reading the draft of law article by article;
- Debating each concept and article to build a shared understanding;
- Vetting and listening to various technicians from related Ministries (Ministry of Agriculture and Rural Development, Ministry of Finances); related public services (DGDA, DGRAD); banks (BCC, BIAC, BCDC), and popular representatives who were not members of the official economic, social and financial committees to get better information and wider perspectives;
- Too many members of economic, social and financial committees (about 40 total);
- Presence of environmental, natural resources and tourism committees joined the draft discussion;
- Finding multiple contradictions in many existing laws and regulations;
- Assessment performed by both chambers of the Congress separately;
- Assessment performed by the Congress before submitting the draft of law to Mr. President for promulgation;
- Voting the draft for approval;
- Examination of submitted law by the President's Office; and
- Promulgation of the new Law in the Official News Paper.

### FORMULATION PROCESS

The Law on developing the Agriculture sector was formulated by a small team of Technicians and Experts of Ministry of Agriculture and Rural Development at the request of the Prime

Minister. Before promulgation by the President, the draft law has to follow different steps, which are:

- **2005:** First idea and need for agricultural law expressed by agricultural actors (public and private services, private society, ONG, APO) during the workshop in Katanga Province;
- **2009:** Formulation of the law by a small team of Technicians and Experts of the Ministry of Agriculture and Rural Development and the Ministry of Planning;
  - Transmission of the draft on September 11<sup>th</sup> 2009; with assistance of Civil Society, the draft was accepted and taken into consideration to Senate. The draft of agricultural law was under exam at Chamber of Senate on October 2<sup>nd</sup> 2009 by two Commissions in charge of Economic, financial and good governance and the commission dealing with environmental, natural resources and tourism. These commissions worked two months (October 2<sup>nd</sup> to December 6<sup>th</sup> 2009).
  - There was another copy or draft of agricultural Law under exam in the House of People's Representatives; this one was elaborated by Honorable BAMANISA as an alternative (its exact content and differences from the MINAGRIDER version were not available at this time of writing).
  - The actual Law is the combination of the two drafts (draft brought by Ministry of Agriculture and Rural Development and draft from Honorable BAMANISA);
  - Validation of the draft of law by different agricultural actors during a GT9 workshop organized by the Ministry of Agriculture and Rural Development in Kinshasa City. The lack of funds was a constraint to get the provincial actors approval of the agricultural law
- **2010:**
  - Appropriation and presentation of the draft to the Government by the Minister of Agriculture and Rural Development;
  - Validation of the draft of law by the Government.
- **2011:**
  - The draft of the law was sent to the Chamber of Senates for analysis, debate and Approbation;
  - It was sent to the House of People's Representatives for the second reading (Assessment and validation);
  - After assessment and validation by National Assembly; the Congress (the National Assembly and the Senate did the last lecture (assessment and validation) and sent the draft to the President Office.
- **December 2011:**
  - The promulgation of the agricultural law by Mr. President. Six months after promulgation, the law has to be implemented.

## COMMENTS

The draft of agricultural law was under exam at Chamber of Senate on October 2nd 2009 by two Commissions in charge of Economic, financial and good governance and the commission dealing with environment, natural resources and tourism. These Senate commissions worked two months (October 2 to December 6 2009).

Then it was transmitted to the House of People's Representatives; there it stays more than a year (14 months, from December 2009 to March 2011). This House controlled if there is nothing against the regional and sub-regional integration, the domestic dynamic market, the intensification of international market exchanges.

Finally the two chambers got together in Congress to verify what was done and sent the draft of the new law to the President's Office for promulgation. The Congress met on March 2011 to valid the draft and sent to the DRC President for promulgation. It took almost three years before the law reaches the President Office for promulgation (September 2009 to December 2011). The Law was promulgated on December 24, 2011; the different measures for its implementation are formulated but till now there are no funds to publicize it nationally.

At each step, the process was the same, it consists by assessment, discussion, analysis, amendments/ modifications, addition or crossing out whatever was found to be unrelated or in conflict with articles of the fundamental law or other previous laws.

Concerning the law on Agriculture, in the beginning it had 142 articles as formulated by the Ministry of Agriculture and Rural Development. After the first and second round of analyses by the Senate and the House of Representatives, only four articles were accepted without modification; 59 were crossed out; 79 were modified and 19 new articles were added.

The law had 83 articles after the first and 85 after the second analysis by the House of Representatives. Congress ratified 85 articles which were sent to the President's Office.

In the DRC there are two kinds of agricultural activities, traditional and industrial. Traditional farming is pursued by small shareholders, approximately 70% of the DRC population, in agriculture, livestock and fish. This category produces almost 90% of food but they are victim of malaria, VIH/SIDA and other diseases. For these reasons, in addition to a collapsing infrastructure and fewer buyers locally, their production has declined over the last decades.

The agricultural Law and NAIP are one of solutions to increase agricultural production in the DRC; to go from familiar production to the lasting market production with respect to the environment, climate change and all kind of disturbances. This agricultural Law has to edit regulations, implementation, protection of high potential agro-rural areas by reserving the social, economic and environmental functions.<sup>15</sup>

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<sup>15</sup> USAID Kinshasa has requested further detail on the strengths and weaknesses of each of the various drafts—this is an understandable interest but regretfully this level of detail was unavailable to the research team at the time of their visit (the events in question occurred in 2011; our visit was in late 2013).

## DOCUMENTATION RELEVANT TO THE LOI AGRICOLE

- Law N° 73-021 of July 23, 1973 related to common property, land, housing and personal safety regulatory framework;
- Law N° 08/012 of July 31, 2008 on fundamental principles governing provincial administrations;
- Law N° 08/006 of July 7, 2008 concerning the creation of FONER;
- Mining Code;
- Forestry Code;
- Investment Code;
- Tax Code;
- Ordinance N° 82-162 of October 21, 1982 on the creation and statute of BCA;
- Law N° 89-17 of August 7, 1989 concerning the creation and statute of a public enterprise (FPI);
- Decree of July 7, 1988 related to contracts and conventional obligations;
- Mining regulations;
- Proposal of Law on hydrocarbon regulatory framework;
- Inter-ministerial Departmental minute N° 005/MIN/AGRI/04 and N° 155/CAB/MIN/FINANCES/2000 of October 22 2009 on determination of tax rates, for submission to Minister of Agriculture and Rural Development

## CONCLUSION

***Growth strategies suffer from narrow vision.*** There are two main ways in which planning for agricultural growth in DRC is constrained by a lack of economic understanding, analysis and realism. First, in PNIA documents and official speech, a pejorative distinction is made between ‘traditional’ subsistence farming and ‘modern’ industrial farming. The implication is that the rural, small-hold farming dominant in Congo today is backward, unproductive and wasted potential, and that the real mission of the PNIA is to rescue the country from the shame of slash and burn agriculture. This is an unfortunate dichotomy, not only because it reflects the disdain of urban elites for their rural compatriots, but also because it fails to consider the multiple possible ways that the PNIA could partner with rural farmers, harness their local knowledge and experience, and generate greater yields for trade. The NEPAD critique of the PNIA draft also notes the shortsighted disparagement of traditional farming.

The second mode of counter-productive thinking is the anti-entrepreneurial, ‘nationalist’ agenda that pervades the Executive Branch and extends through the Parliament, reflecting the growth of ruling party conformity as essential to political survival at every level. Whether the infamous Article 16 is genuinely a threat to private investment or not, the perception is widespread that the amended version of the *Loi Agricole* will be dissuasive to prospective foreign investors, and

that the Executive and President's Office still 'do not understand what it takes to bring business' to the DRC (FEC representative).

**Policy architecture in place but institutional capacity is weak.** The PNIA official launch or Business Meeting of Nov 7-8 2013 revealed that the PNIA is primarily a means to attract foreign investment, which is unlikely without serious improvements in the business climate or national infrastructure. The last minute Executive changes to the *Loi Agricole*, stipulating a majority national stake of any international holding in the agricultural sector, is reportedly seen as a powerful deterrent to serious foreign investors. Without a clear and consistent political vision for agricultural growth and investment, the government's default mode is to rely on traditional G8 donors to fund agricultural programs and ad hoc infrastructure activities, but nothing of the scale necessary to fulfill the CAADP targets.<sup>16</sup>

In sum, the following barriers remain for CAADP to be a truly effective policy change process:

**1. Transparency and predictability in policy development.** While there is a clearly articulated legal process for developing and approving policy, the concentration of policy power between the *Primature* and the President's Office, with their respective influences over policy development and implementation authority (specific regulations and the extent, type and timing of their application), means that Presidential decrees regularly shift policies and the resources that are informed by policy. The Executive branch is often aloof and seemingly arbitrary, and while the legislative body is somewhat independent and active politically, it has limited staff and resources to inform its legal deliberations. Policy decisions that directly affect agricultural production and commerce are very slow and not appreciated for their catalytic potential. There is no evidence-based analysis capacity—internal to government—that informs these policy decisions. IFPRI is an important corrective to this faulty equation, and perhaps their role and scope should be enlarged. In sum, the lack of transparency and predictability in public policy development and implementation increases risk and deters private sector investment.

**2. Participation by civil society and the private sector.** Because political tenure in the Legislative and Executive Branches of Congolese government is by nature fleeting, leadership at the national and provincial level view the private sector as competition for available government contracts, procurement opportunities and other income generating possibilities under government oversight, or susceptible to government influence. Private sector representational bodies in DR Congo vary widely in their capacities, but the primary representative body, the *Federation des Entreprises du Congo*, is active in national policy debates concerning the business environment and difficulties of doing business in DRC. Popular media do not cover policy concerns, though RTNC (State television) reported triumphantly on the 650 John Deere tractors that were distributed to the provinces in 2011. These distributions were announced without planning or oversight systems, and were pure political propaganda. The tractors can be seen parked at officials' houses in the provincial capitals.

Participation in the drafting of the *Loi Agricole* included civil society and the private sector, but given the remove of the President's Office and the absence of any genuine accountability

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<sup>16</sup> On the MINAGRIDER website, the PNIA business meeting is touted as a 'pari gagné' (bet won) that netted \$1.5m in new contracts in agriculture. This is false; the \$1.5m announced at the closing ceremony is the sum of standing G8 donor commitments to agriculture and food security in country, irrespective of the PNIA and CAADP.

mechanism (popular or legal) in the country, many interviewees complained that last minute amendments law by the President undermined this consultative process. Executive interference in the legislative process is common in DRC, and undermines the credibility of the modern democracy that Congo purports to be. Private sector entities and the FEC typically pursue direct engagement with various government bodies in order to obtain the licenses or authorizations they seek. This flows directly from the highly informal nature of doing business in DRC over the last four decades, and the importance of personal relationships and kickbacks, the consequences of which are well captured in the 2010 AgClir report.

**3. Monitoring and evaluation.** The MINAGRADER and the PM Agriculture Adviser noted during interviews the importance of evidence-based analysis for program development, but translation into actions and funding is scant. Investment in long-neglected services such as the SNSA to improve data collection and statistical analysis remains low priority. Although they claim to be estimations, a cursory review of SNSA data on crop and livestock production for the last five years shows little to no variance over time, making them suspect.

Larger, pressing questions loom. How will the GDRC measure the impact of its CAADP related spending, through the PNIA or the *Campagnes Agricoles*? What reliable baseline data do they have? These questions were posed repeatedly to senior Congolese officials, who prefer to recite their list of achievements, not discuss gaps or how spending is prioritized. Mid-level officials claim that without great M&E capacity, the MINAGRIDER and the PM office will be unable to track spending and projects in the provinces. They predict this will unleash a backlash of accusations and distrust of government capacity to manage and implement, already a long-standing view shared by citizens, officials and donors alike. The GDRC preference for foreign-run firms to manage government services—from the Chinese renovation of Kinshasa roads over the national roads service, *Office des Routes*, to USAID and DFID's shouldering the national healthcare system—exemplifies this thinking, and explains the PNIA's orientation towards private sector solutions. Still the unwelcome guest, M&E has been tacitly delegated to the donor working group on agriculture and rural development (GIBADER), led presently by the FAO/WFP/FIDA consortium.

## GENERAL RECOMMENDATIONS

Given the current state of the CAADP process in DR Congo, there are many areas where USAID could provide support. In addition to the specific recommendations provided at the end of each section, the following general recommendations are wide-angle possibilities for immediate action. The first recommendation is more general, as Congo's ag sector is hostage to two larger deficits: infrastructure and the business environment. The second is a more focused recommendation for USAID assistance to the Ministry of Agriculture and Rural Development.

- **Improved regulator frameworks and oversight mechanisms will invigorate agricultural growth and many sector besides; the CAADP and PNIA alone are not enough.** Besides one Tanzanian firm, no international investment or agricultural firm was present at the official launch of the PNIA -- a stark contrast to government aspirations and official pronouncements. According to many observers, this absence is explained by a widespread perception that the *Loi Agricole* requires a majority ownership by Congolese nationals, which effectively deters foreign investment. Behind the *Loi Agricole* stands a contradictory and unpredictable regulatory environment; an unacceptable high risk for investors. These blockages are critical and must be resolved if the PNIA is to have any chance of success. In collaboration with the *Federation des Entreprises au Congo* (FEC), USAID and the GIBADER platform can join in a common front for dialog with national institutions and like-minded senior officials to seek resolutions to Congo's most flagrant deterrents to foreign investment. Even small improvements in Congo's regulatory framework would attract larger donor commitments and potential foreign investment. This latter is not the key to a productive agricultural sector by any means, but the PNIA relies almost entirely on external funding in the form of private investment.
- Consider the formation of an auxiliary support service to the Ministry of Agriculture to reach its PNIA targets, which are unrealistic without greater regulatory and infrastructure reform, particularly in agriculture and transport sectors. One such government-led model that has attracted significant donor and private sector support is Ethiopia's Agriculture Transformation Agency.<sup>17</sup> The first task of such a body should be an external evaluation of the *Campagne Agricole*—how is procurement conducted, how is provincial agricultural production affected, and ultimately whether it is a scalable model that could substitute for the PNIA if foreign investment fails to materialise and the “Parcs Agro-Industriels” are never built. Such an agency would begin by identifying viable current practices in the MINAGRIDER that can contribute to the realization of the PNIA, and activities such as the *Campagne Agricole*, or agricultural research, that merit greater government investment. If the *Campagne Agricole* was designed to serve as a testing ground for larger government-supported agricultural growth programs, it requires serious monitoring and evaluation attention if the experiment is to meet this learning objective.

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<sup>17</sup> “The primary aim of the Agency is to promote agricultural sector transformation by supporting existing structures of government, private sector and other non-governmental partners to address systemic bottlenecks in delivering on a priority national agenda for achieving growth and food security.”  
<http://www.ata.gov.et/about/>



# ANNEX 1: CAPACITY FOR POLICY CHANGE INDICATORS

- **Red:** requires significant attention to ensure the component is achieved.
- **Yellow:** Progress is mixed. The conditions required to achieve the component are partially achieved, but additional attention is required.
- **Green:** The component is realized to a sufficient degree, and additional attention to this area is not required at this time.

Capacity of Policy Change Indicators	Status		
			
<b>Policy Element 1: Predictability of the Guiding Policy Framework</b>			
<b>Clearly Defined and Consistent Policy Framework:</b> The policy framework impacting food security policy-making is clearly defined, and consistently applied and enforced from year to year.			
<b>Predictability and Transparency of the Policy Making process:</b> The policy development process is transparent in accordance with the rules contained within the country's constitution, basic law, and elsewhere in the formal legal framework.			
<b>Clear and Functional Legislative System:</b> There is a legislative capacity to deal with food security policy change, and the legislative requirements are clearly defined and predictable.			
<b>Appropriate Dispute Resolution Process/Judicial Framework:</b> The judicial system is perceived as fair and effective, and there is an appropriate system for dispute resolution where conflicts arise relating to food security policy.			
<b>Clearly defined Institutional Responsibilities:</b> Institutional responsibilities are clearly defined, consistently applied, and predictable from year to year.			
<b>Policy Element 2: Policy Development and Coordination</b>			
<b>Approved Food Security Strategy/Investment Plan:</b> There is an approved/official multi-sectoral, multi-year food security plan developed, which specifies priorities and objectives, and addresses the roles of various contributors, including across government, the private sector, and CSOs. The vision and strategy to improve food security is clear.			
<b>Predictable Policy Agenda and Priorities Developed:</b> The policy items required to achieve the national food strategy have been identified and documented, i.e., specific policy objectives exist.			
<b>Work Plans:</b> There is an annual work plan that identifies objectives and activities in regard to policy development.			

Capacity of Policy Change Indicators	Status		
			
<b>Coordination Process:</b> There is an entity, such as a coordination unit or task force, that has defined membership and meets regularly to discuss, develop and coordinate food security policy development (and oversee cross-sector coordination).			
<b>Secretariat/Administrative Support Function:</b> There is adequate staff capability to perform required support processes, including coordination, meeting management, communication, and document management: This may be a stand-alone secretariat, or a responsibility within an existing entity.			
<b>Technical Capacity:</b> There are work groups, or technical committees, that have the authority and capacity to perform the following functions: identify policy and technical challenges/issues, develop sector- or project-specific policies/strategies, consult within the sector and draft funding proposals. There should be active participation by the private sector and CSOs on the technical work groups (as appropriate).			
<b>Political Support and Approval:</b> There is a line of authority/participation by high-level decision-makers above the ministerial level so as to enable efficient political support for the passage and development of new policies, e.g. involvement of prime minister's office (especially for policies that cut across sectors, e.g. trade and agriculture).			
<b>Engagement of Parliament/Legislative Body:</b> There is engagement from the country's legislative entity to debate and engage on food security issues, and to sponsor and advocate for the required legal/policy Changes.			
<b>Policy Element 3: Inclusivity and Stakeholder Consultation</b>			
<b>Inclusive Participation within the Policy Coordination Management Entity:</b> The main coordination entity has: a) clear goals and participation from key government ministries (beyond just Ministry of Agriculture) and; b) some representation from non-government entities, particularly from donors.			
<b>Outreach and Communications:</b> There is a process for interacting with stakeholders and sharing information: This could include regular public "forums", a website of key information and other mechanisms.			
<b>Private Sector Participation – Opportunity/Space:</b> The private sector is provided meaningful opportunity to participate in policy formulation and strategy discussions. This could be through participation in the management/steering committee, in technical work groups and/or through other forums: Communications and interactions should be two-way, and access to key information should be readily available.			
<b>Private Sector Participation – Capacity to Participate:</b> Some organizations representing the private sector have the capacity to participate in government-led discussions on food security policy: This is to say they are able to represent their members, they are able to articulate and communicate policy positions, and they are able to provide some level of evidence-based analysis to support their			

Capacity of Policy Change Indicators	Status		
			
viewpoints.			
<b>Participation of CSOs – Opportunity/Space:</b> The CSO sector, including representation from women’s associations and farmers associations, is provided meaningful opportunity to participate in policy formulation and strategy discussions: This could be through participation in the management/steering committee, in technical work groups and/or through other forums: Communications and interactions should be two-way, and access to key information should be readily available.			
<b>Participation of CSOs – Capacity to Participate:</b> Some organizations representing civil society, including representation from women’s associations and farmers associations, have the capacity to participate in government-led discussions on food security policy: This is to say they are able to represent their members, they are able to articulate and communicate policy positions, and they are able to provide some level of evidence-based analysis to support their viewpoints.			
<b>Policy Element 4: Evidence-based Analysis</b>			
<b>Economic and Financial Analysis Completed as a Component of Planning:</b> National food security priority policy initiatives/investment plans are based on economic and financial analysis, including independent policy analysis. The analysis is available for public review.			
<b>Performance Monitoring Measures and Targets Developed:</b> The national food security policies/plans include specific objectives, performance indicators, and targets exist to monitor the accomplishment of the objectives.			
<b>Quality Data Exists for Policy Monitoring:</b> There is a database of quality statistics that is used to routinely report and analyze progress in achieving objectives. (Analysis to be conducted by USDA – and not as part of this assessment framework.)			
<b>Quality Data is Available for Policy Making:</b> Data on the performance of the agriculture sector and the food security are publically available and shared in a timely manner: This information is available for others to use and analyze.			
<b>Inclusion of Analysis in the Policy Development Process:</b> Evidence-based analysis is considered and used to develop policy priorities/policy proposals.			
<b>Capacity to Monitor Policy Implementation and Results:</b> The government has the ability to review data on policy performance and produce an analysis of the policy’s effectiveness. A policy analysis function/unit exists and has adequate and skilled staff, and is sufficiently funded: If required, specific analysis can be outsourced to specialized firms or consultants as needed (case-by-case).			
<b>Annual Performance Measurement Report Produced and Reviewed:</b> Evidence-based analysis is produced to review policy effectiveness (for implemented policies): A formal review session is held, and includes key			

Capacity of Policy Change Indicators	Status		
			
development partners (including principal donors and multilateral partners, such as FAO and IFPRI): Recommendations are developed as a result of the review and incorporated into subsequent plans.			
<b>Independent Analysis Capacity Exists:</b> There exists an independent capacity to analyze food security data and use the analysis to make policy recommendations and engage in policy discussion and advocacy. Such an analysis could be conducted by a research institute, university or similar non-governmental/objective organization: This capacity should be engaged in the government's policy development and review process as, for example, through papers, forums or participation introduced in official policy review and discussion meetings.			
<b>Policy Element 5: Policy Implementation</b>			
<b>Implementation Plans Developed:</b> The overall food security strategy has been broken down into programs and projects that have: a) a sufficient level of detail to permit implementation; b) have been “packaged” into priority projects that can be managed by ministerial units; and 3) “packaged” priorities can be translated into funding proposals to gain support for projects/programs from development partners (to address financing gaps).			
<b>System in Place to Analyze Implementation Capacity Constraints:</b> An analysis of institutional, workforce, system and financial constraints is conducted: Critical implementation constraints are identified; a work plan is developed to address constraints; and implementation actions are moved forward (and periodically reviewed).			
<b>Food Security Policy Priorities Aligned with Work Plans of Line Ministries:</b> The priority policy and associated objectives of the national food security strategy are broken down into specific programs and projects (with a sufficient level of detail) so that policy actions can be implemented by line ministries: The plans of individual ministries, and units within ministries, align with overall national strategy and its policy objectives.			
<b>Policy Implementation Budget Committed by Host Country:</b> Resources are committed by the host country to implement the identified policy agenda. Over time, the country's budget is adjusted to provide adequate financing for the implementation of actions required to implement policy priorities. Budget documents, including budget proposals, are released fully and in a timely manner.			
<b>Supplemental Implementation Funds Secured:</b> Proposals can be submitted, and funds secured, to address financing gaps: Funds may come from multilateral funds (such as GAFSP), regional organizations, bilateral donors and the private sector.			
<b>Monitoring and Evaluation:</b> Capacity exists within the public sector, private sector, or civil society to review the effectiveness and impact of policy changes. Sector reviews are performed and other research evidence is collected. There is			

Capacity of Policy Change Indicators	Status		
			
a system to share, store, and access the findings from these reviews.			
<b>Policy Element 6: Mutual Accountability</b>			
<b>A Forum Exists for Regularly Scheduled Donor-Government Meetings:</b> These meetings discuss policy and programs and set priorities: Meetings may include, for example, Joint Sector Reviews, sector working groups or other similar arrangements.			
<b>Joint Policy Priorities Developed:</b> A document exists that articulates the shared policy objectives between the government and the donor community.			
<b>Monitoring System Exists:</b> Performance measures exist (for the performance commitments of the government and for the performance commitments of the donors): There is a schedule for reviewing and documenting progress – at least on an annual basis.			
<b>Donor Coordination – Alignment and Harmonization:</b> There is a process for donor participation in the food security policy process and for aligning government and donor objectives and priorities. Donor programs should contribute directly to host country strategies, plans, and objectives. This may include the signing of cooperation frameworks that indicate a joint commitment to specific policy change goals.			
<b>Private Sector Accountability:</b> The government provides feedback to the private sector on the performance of the food security program (including the private sector's role) and provides an opportunity for dialogue on the program and its performance.			
<b>CSO Sector Accountability:</b> The government provides feedback to the CSO sector on the performance of the food security program (including the role of CSOs) and provides an opportunity for dialogue on the program and its performance.			

# ANNEX 2: LIST OF PERSONS INTERVIEWED

David Callahan (Africa Lead, MSI)  
Deanna Gordon (USAID)  
Diana Putman (Director, USAID)  
John Ilimwengu (Agriculture Adviser, Prime Minister)  
Corey Johnston (USAID)  
Conor Politz (USAID)  
Nathalie Thiamala (USAID)  
Nancy Estes (USAID)  
Augustin Ngeleka (USAID)  
Kadiata (African Development Bank)  
Ali Ramazani (Secretary General, Ministry of Agriculture)  
Gilbert Ramazani (Agriculture, FEC)  
Ndiaga Gueye (Director FAO)  
Valeriane Ndena (GIBADER/FAO lead)  
Amadou Ba (World Bank)  
Rasha Omar (IFAD)  
Maria Gonzales (EU Commission)  
Nzola-Meso Mahungu (Director IITA, Agricultural Research for Development in Africa)  
Paul Mafuka (Director, National Agricultural Research, INERA)  
Christopher DeHappy (American Chamber of Commerce)  
Provincial Ministers of Agriculture: Kasai Oriental, Katanga & Bandundu Provinces  
Badibanga Thadé (Director, International Food Policy Research Institute)  
Christophe Mampuya (Directeur de l'étude et planification, Min Ag)  
Robert Ngonde (Director Bureau Statistiques Agricoles)  
Marcel Kapambwe (Agriculture Advisor of MINAGRIDER and Vice President of Campagne Agricole)  
Serge Sabi Oleko (CAADP Focal Point)