

PROTECTION AND GOVERNANCE

Linking good practice in protection and governance programmes in the DRC



The head of the Women's Forum in Bikoro, DRC, chairing a meeting with government authorities and traditional chiefs to share the community's governance priorities. Photo: Annabel Morrissey Oxfam

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In its exploration of the overlap between protection and governance, Oxfam's staff in the DRC share learning of potential value for the review and design of other governance and protection programmes in fragile and conflict affected contexts.

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1 INTRODUCTION

Oxfam has implemented a stand-alone protection programme in conflict-affected communities in the Democratic Republic of Congo (DRC) since 2009, supporting participants to identify and take action on different protection threats that affect their lives.¹ A governance-based approach has been central to the programme, which places the emphasis on the facilitation of positive dialogue between local populations and civilian and military authorities.

In 2015, Oxfam in the DRC was offered the opportunity to join the ongoing global programme Within and Without the State (WWS). This global programme was implemented from 2011 to 2016 and funded by DFID's Conflict, Humanitarian and Security Programme Partnership Agreement which enabled country teams to pilot different approaches to governance and social accountability with civil society in fragile and conflict-affected contexts.

Oxfam used this opportunity to establish a pilot project in which the structure of the protection programme would be used to achieve wider governance aims in a non-conflict-affected context in Equateur Province. The pilot sought to test whether the approach could be a useful basis for Oxfam's wider governance programming ambition in DRC, and if the programme could also be relevant in a fragile setting in the country that does not experience the same level of violent conflict as the East of DRC.

This report outlines the initial learning from this pilot, exploring convergences between protection and governance in the DRC and both the possibilities and limitations of the approach for wider governance programming in the DRC context.

It finds that, while acknowledging the distinctions between protection and governance objectives and approaches, it is important in the DRC context to recognize these inter-linkages and the positive progress that can be made in addressing both protection and governance concerns through a rights- and legal-based framework to facilitate local discussion and action.

2 DEFINITIONS AND HISTORY

What is protection?

'Protection' is central to humanitarian action, defined as all activities that aim to achieve full respect for the right of all individuals, without discrimination, in accordance with the relevant bodies of law.² Populations may be put at risk as a result of threats from armed actors, government authorities or other civilians. The state has the legal responsibility to ensure that the people within its borders are safe; however, when it cannot or will not fully fulfil these responsibilities, then national and international humanitarian organizations can assist. Humanitarian actors need to understand the different threats to and vulnerabilities of communities in order to be able to work both to reduce the risks that people face, and to ensure that humanitarian actions designed to help do not expose people to danger.

Humanitarian interventions do, of course, have positive protection outcomes – programmes which promote food security, for example, may reduce the risk that people turn to transactional sex to meet basic subsistence needs. Similarly, humanitarian activities that promote access to water and sanitation can reduce people's exposure to threats from travelling long distances, or through unsafe areas.

Yet within Oxfam there is awareness that it is the responsibility of managers to put in place measures to ensure safe programming and conflict sensitivity, in order to minimize the risk that humanitarian actions do harm. Examples of types of actions taken may include holding consultations with different groups on the design and location of water, sanitation and hygiene

(WASH) infrastructure, or the best location and timing for a distribution of resources to reduce the risk of violence, monitoring the shifting conflict dynamics, and promoting dignified access to services.

Within their humanitarian interventions, Oxfam promotes access to locally available services (such as legal, medical and psychosocial support) by mapping those that already exist, and promoting confidential referral to these through the training of staff and community representatives.

In addition, however, in a number of countries Oxfam implements what are referred to as 'stand-alone' protection projects which have a specific protection objective, or which consist of integrated activities of sufficient size or scope to be referred to as 'stand-alone'.

Oxfam's protection programme in the DRC

In the DRC, in addition to supporting safe programming and referral service mapping in WASH and emergency food security and livelihoods (EFSL) interventions, Oxfam has implemented a stand-alone protection programme in more than 100 communities in North and South Kivu and Province Orientale since 2009. The programme aims to support individuals to identify and take actions to mitigate protection threats and to hold duty-bearers to account for the protection of civilian populations.

In order to achieve this aim, the programme establishes Community Protection Structures³ ('Protection Structures') and supports them in the development of community protection plans (CPPs). The plans outline the different threats that women, men and children face in their communities, the principal perpetrators and the range of actions that can be taken to mitigate these threats. The plans are presented to and discussed with local civilian and military authorities and actions are agreed on. Monthly reviews of the CPPs are subsequently held to discuss progress, and individual advocacy actions are enacted to support the advocacy undertaken in these meetings.

In order to support the Protection Structures in their activities, the members receive training on the different protection threats identified. The Protection Structures are then supported by local awareness-raising actions which aim to increase knowledge and promote dialogue among the wider population on the rights-based and legal frameworks underpinning each protection topic, for example, through community radio, theatre, and different types of dialogue, such as door-to-door conversations, 'quick chats' and community meetings.

The core premise that has been developed and tested by the programme is that when a shared understanding of human rights informs both communication between community members and in their dialogue with local authorities, it can contribute to greater protection and reduced risk of violence and abuse for displaced people, returnees and host communities.

3 GOVERNANCE AND PROTECTION: LINKAGES

Governance approaches

A governance approach is integrated throughout the programme, and the evidence indicates that this has been critical to the success of the programme in achieving its wider protection aims. This approach has two key pillars: supporting and empowering citizens, and facilitating engagement with duty bearers.

Supporting citizens with the knowledge, confidence and skills to take action

Programme evaluations have revealed that the success of the programme rests on the effective empowerment of members of Protection Structures and community members more widely; developing their knowledge, confidence and skills to take action. The increased knowledge of human rights that the programme offers these communities, in particular the aspects of Congolese law that relate to protection abuses, often appears to be the catalyst for community action taken to seek remedies for such abuses. This became apparent in focus group discussions, in which participants described how, prior to such interventions, ‘they were in the dark’.

‘I didn’t know that there was a difference between “affaires civiles” and “affaires penales”. Before, authorities would say that ‘x’ was a penal infringement and we didn’t know otherwise’

Community Protection Committee (CPC) member, South Lubero

According to discussants, this lack of knowledge placed them in a position of vulnerability, in that they were unable to challenge whether an action taken by a local authority member was legal or illegal, such as when ‘taxes’ were demanded of them on highways, or when entering a market to sell, or when someone was arrested ‘in lieu’ of someone else.

‘Arbitrary arrests used to be very high, but now this is already much lower – the authorities know we know [the relevant laws]. We’ve learned that when arresting someone, the authorities have to follow a procedure, for example, they can’t arrest us for an infraction of someone else. Before, they would take someone from their house without even explaining. After receiving this training we invited the PNC to discuss this; they said they had previously taken advantage of our ignorance.’

CPC member, Beni

Facilitating engagement with duty bearers

In addition to supporting citizens’ demand for their rights to be respected and authorities held accountable for actions, the second pillar is the facilitation of engagement with duty bearers, using the Community Protection Plans as a basis for discussion with local civilian and military authorities. In monthly CPP reviews, strategies are discussed for how to encourage the authorities to both fulfil their mandated role in taking action to protect the community against abuse and violence by others,⁴ and how to stop the abuses where the authorities are identified as the perpetrators.⁵ Underpinning these meetings is a regularly updated power analysis, in which the Protection Structures are supported to reflect on and identify not only which individual or authority is the appropriate target for a particular advocacy request, but also how to influence them.⁶

In order for the meetings to be productive, it is crucial that the local authorities are supported through training on the different protection topics and their roles and responsibilities, and provided with copies of legal texts, which they frequently do not have access to. Developing a shared understanding using human rights principles, and framing engagement positively in

terms of 'working together to find shared solutions' rather than 'blame' appears to be critical in fostering this engagement and willingness to discuss different protection threats. In a number of different locations, local authorities have subsequently invited Protection Structure representatives to their regular, hitherto exclusive meetings, to discuss security in the area.

At the same time, the development of strategic links between local and territorial advocacy networks with Congolese associations and NGOs, and Oxfam's own Rights in Crisis advocacy campaign, has enabled the 'elevation' of issues in some areas which cannot be addressed at the local level.

Governance outcomes

In addition to integrating the governance approaches outlined above, the programme has also had a number of intended and unintended outcomes which might commonly be found in a stand-alone governance programme.

Responding to a range of protection threats

A key programmatic lesson has been the need to recognize the diversity of protection threats identified in CPPs. In many cases, these have been closely linked to the humanitarian crisis in the East, where threats include violence from armed groups, for which the Protection Structures may advocate for increased military patrols in a particular location,⁷ and abuses (such as forced labour or the pillaging of crops) carried out by the Forces Armées de la République Démocratique du Congo (FARDC).

However, a large number of the protection threats identified by the programme consist of abuses by state authorities and other civilians, ranging from illegal taxes, extortion and arbitrary arrests, to discrimination against women in cases of inheritance, child prostitution, the non-schooling of girls, witchcraft allegations and different forms of gender-based violence (GBV). Underpinning a certain number of the threats perpetrated by state authorities are more structural governance issues concerning the payment of salaries to state officials⁸ and a widespread lack of knowledge of the law, roles and responsibilities of different authorities both among community members and the authorities themselves.⁹

These different types of threats can exist simultaneously and can vary extensively, both among villages at the same point in time, and within villages over different periods of time. Interviews with Protection Structures in South Lubero in November 2014, for example, revealed that, whereas attacks from the Mai Mai used to be the most pressing concern, at the time of writing the extent of arbitrary arrests by authorities and intra-community conflict over land were considered to be the most important protection problems.¹⁰

'Before, when there was an invitation to go to the PNC, we would flee – but we are now working with the authorities to share the message that they shouldn't be afraid.'

Female CPC member

'We understand the importance of working with the services of the state – we understand that they must listen to us and we must collaborate with them. We no longer just flee when we see the police.'

Male, CPC member

Focus Group Discussions – South Lubero, November 2014

The fact that a number of protection threats perpetrated by state authorities are underpinned by wider structural challenges, such as around payment of salaries, has meant that the solutions identified often involve compromise. In Irumu Province for example, Protection Committees in one community negotiated an outcome in which, instead of community members being illegally taxed by FARDC troops at a roadblock on their way to market, each community resident would contribute to FARDC rations. This was seen as an acceptable compromise, as it was agreed

that FARDC provided important protection from armed groups, but it was recognized that FARDC troops were not paid for months at a time.¹¹

Increasing engagement with local authorities

In addition to facilitating dialogue with local authorities, the programme has contributed to increased engagement with and trust in local authorities more widely. State authorities in many communities, in particular the PNC and FARDC, are often feared, and seen as a threat, whether through the use of violence or coercion, including extortion for money or goods. Many individuals are therefore often unwilling to approach state authorities to raise problems or seek support. Women in particular are often excluded from spaces in which any exchange with authorities may take place.¹²

There is evidence from programme evaluations, however, that this has significantly shifted, most notably among Protection Structure members, but also, albeit to a lesser extent, among the wider population, as authorities are increasingly seen to be fulfilling their responsibilities and reducing the level of abuse. In a number of sites where research has been conducted, authorities have shared similar observations, noting that ‘there has been a change: before, a woman couldn’t approach an authority, but now we saw that women are starting to approach them without fear’.¹³

Supporting women’s participation and leadership

The Women’s Forum was established in the early stages of the development of the protection programme as a parallel Community Protection Structure, as a result of observations that women were not fully participating in the Community Protection Committee meetings. Programme evaluations have revealed that the establishment of the Women’s Forum has been crucial, not only in ensuring that protection concerns of women and girls are acted on, but in increasing women’s confidence to participate in community decision making spaces, and in encouraging discussions on protection issues linked to gender-discriminatory practices.

‘The activities with the Community Protection Committee taught us that women are equal to men. What men can do, women can do. We saw that women can also be leaders.’

CPC member, female, Cifunzi

Increased participation in decision making spaces has also extended beyond those created by the programme (such as presentations during the monthly *Reunion Mixte* with authorities) to wider actions within the community,¹⁴ and examples of individual women going on to stand for other leadership positions.¹⁵ There is evidence that the increased involvement of women Protection Committee members in different community spaces and actions has challenged existing social norms around women’s participation,¹⁶ demonstrating women’s ability and contribution to decision making.

4 WITHIN AND WITHOUT THE STATE IN THE DRC

Context

Based on the learning outlined above concerning the centrality of both the governance approach, and the impact of the protection programme approach on wider governance issues, in 2015 Oxfam in the DRC joined the global Within and Without the State (WWS) Programme, with a pilot project in Equateur Province. The pilot sought to test whether the protection programme approach could be a useful basis for Oxfam's wider governance programme, and if the programme could also be relevant in non-conflict settings.

WWS began in 2011, and was implemented in five countries with the aim of improving the quality and effectiveness of civil society programming in fragile and conflict-affected contexts.¹⁷ In the DRC, following a situational analysis in August 2015, Oxfam began implementation in four target communities, with the initial phase finishing in March 2016, and a second phase continuing until November 2016.

The structure of the programme remained the same as that used in the east of the country, only that Community Protection Committees became Community Development Committees, and Community Protection Plans became development plans, to facilitate understanding of terms in a non-violent conflict-affected context. This section outlines the similarities and differences in the issues raised and progress made in adapting the model to the non-conflict but fragile context of Equateur Province.

'Protection threats'

In the community development plans, the framework terminology of 'protection threats' was retained in order to reduce the risk of eliciting 'governance' or 'community problems', such as those relating to insufficient health, education or other state services, requiring large-scale external investment. Table 1 lists the key issues initially identified in the development plans in each site.

Table 1: Issues identified in the community development plans

Ingende	Bikoro	Bokotola	Wendji
<ul style="list-style-type: none"> • Non-registration of marriages • Arbitrary arrests • Extortion • Non-respect of school fee payment calendar • Multiplicity of taxes • Early marriage • Animals straying onto agricultural land • Discrimination against pygmies • Land conflict • Domestic violence 	<ul style="list-style-type: none"> • Land conflict • Extortion • Non-registration of marriages • High maternal mortality • Non-respect of school fee payment calendar • Domestic violence 	<ul style="list-style-type: none"> • High rate of water-borne disease • Non-registration of marriage • Arbitrary arrests • Non-respect of school fee payment calendar • Multiplicity of taxes • Discrimination against pygmies • Inheritance conflict • Domestic violence 	<ul style="list-style-type: none"> • Non-registration of marriages • Arbitrary arrests • Extortion • Quality of healthcare • Multiplicity of taxes • Early marriage • Inheritance conflict • Unclean market environment • High rates of theft • Land conflict • Domestic violence

As expected, the key difference was the absence of those threats directly linked to violent conflict, in particular, absence of violence from armed groups and certain abuses by the FARDC when stationed in insecure areas in North and South Kivu, such as pillaging and forced labour. However, there were also a number of similarities, including a range of police extortion practices such as arbitrary arrest;¹⁸ '*frais de makolo*' (commonly levied but non-legal fee charged on arrest to pay for transport to the police station); detaining someone without charge beyond the legal limit of 48 hours;¹⁹ and tolls at illegal road barriers. Whereas the FARDC are not present in the target communities in Equateur, the marines are, and similar practices were reported.

Similar discriminatory gender practices and different forms of GBV were identified; in particular, denial of women's and girl's inheritance,²⁰ non-registration of marriages,²¹ and early and forced marriage. Early and forced marriage was identified as a problem both in relation to widespread marriage of girls under the age of 18, and the practice of '*arrangements a l'amiable*' when a girl is sexually assaulted and forced to marry the perpetrator. Although domestic violence was not always raised as an issue in initial discussions, further discussions also identified this as a problem at all sites.²²

As in North and South Kivu, the issue of illegal taxation by different state authorities was raised at all sites. Further discussion revealed that the key challenge was that there were a large number of taxes demanded on roads, at the market, and at the port, and that the population did not know which ones were legal. This is a particular problem in the DRC, as each province has the legal right to establish its own 'province-specific taxes'.²³ Whereas some taxes, therefore, may be illegal extortion by state officials, in some cases it may be that the taxes are legal but not publicly known.

Key differences in the issues identified concerned the quality of provision of services, in particular health services. In Equateur, issues raised included the many different types of fees demanded at health centres (including some fees demanded above the levels set by health centres, exacerbated by low knowledge among users of the legal fees), poor treatment and quality of care by staff at health centres, and, more widely, high rates of maternal and infant mortality.

In the area of education, although schooling is, by law, free in the DRC, in reality, parents are required to pay in order to support teachers' salaries and materials, which would otherwise often not be funded. The key issue identified by parents in communities in Equateur was that the payments calendar that was established and agreed on by the schools and parents was frequently changed, meaning that, at times, parents could not pay the fees on time, and children were barred from attending school.

Finally, discrimination against Pygmies was identified as a key issue in Equateur Province owing to the large Pygmy population living there, unlike in other programme areas in North and South Kivu. In addition to facing threats in terms of access to their land and traditional way of life, discussions with Development Committees in Equateur revealed extensive structural discrimination against Pygmies by the Bantu population, and exclusion from public decision making spaces.

Progress made

The community development plans were developed in late November 2015, and activities based on these plans were supported until the end of March 2016. During this time it was demonstrated that, using the model of the protection programme, it was possible to make progress on the issues identified, and that the basic premise of programme - facilitating positive dialogue based upon a shared understanding of human rights - holds value in a non-conflict-affected context.

As documented in protection programme evaluations, similar outcomes were seen in Equateur relating to the establishment of a space for constructive engagement between local authorities

and members of the population, and facilitation of dialogue around particular gender discriminatory practices with some initial positive effects.

Engagement with local authorities

The majority of local authorities responded enthusiastically to the opportunity to discuss the development plans with the Development Committee members, and their engagement manifested itself in different ways in each site. In Bikoro, for example, following the initial presentation of the community development plan, local authorities requested a follow-up *Reunion de Concertation* with the designated 'change agents' to discuss the points further. In Ingende and Bokotola, 'animators' reported that, although at the start of the project the Development Structures had to call ahead to arrange the monthly *Reunion Mixte*, now the authorities do so themselves, checking several days before a meeting is due that it will still be held, and arranging follow-up meetings to discuss specific issues.²⁴

In each area it was noted that the representatives of law and order and state surveillance (PNC, Agence Nationale de Renseignements – ANR – and marine commanders) were initially reluctant to engage, not the least because of their vested interest in the continuation of some of the practices identified, including extortion of illegal taxes. Over time, however, changes were observed in the attitudes and level of engagement of specific individuals. In Bikoro, the Development Structures noted a significant change in the attitude of the local police commander. At the start of the programme he was particularly resistant to dialogue on the issues raised in the *Reunion Mixte*, yet as time has gone on, he now participates in radio broadcasts produced by the programme, publicly denouncing certain practices, such as the *Droits de Makolo* (as previously described) and it is felt that his personal backing has contributed to a reduction in the number of arbitrary police arrests. Members of Development Structures and 'animators' attribute the commander's support to participation in training organized by the programme outlining the legal framework on issues such as arbitrary arrests,²⁵ and to the role played by the *Reunions Mixtes* serving as a safe space to discuss sensitive issues. The *Administrateur de Territoire* had been identified by the programme as an ally; however, prior to the establishment of *Reunion Mixte*, he had not been able to challenge the police commander in his actions, since he was not his supervisor. The *Reunion Mixte* provided space for this.

Facilitating dialogue on gender discriminatory practices

As part of a rapid gender analysis undertaken in December 2015, a number of widely accepted attitudes surrounding gender roles were identified across the sites, including the following:

'Women can't be good leaders'

'A woman shouldn't speak in front of men'

'A woman's only value is in the home, if she isn't married she doesn't have any value'

Such attitudes were identified by Development Structures as a contributing factor to limiting women's participation in household and community decision making and other forms of gender discrimination and violence raised by the Development Committees, including early and forced marriage, preferential schooling of boys, and domestic violence.

Development Structure members reported that the session to develop the community development plans was the first occasion in which they had had the opportunity to openly discuss different gender issues and the discrimination that women face. During the project period, Development Structure members in all four sites have noted and observed a change in women's confidence and leadership, and some shifts in existing gender attitudes. This began with the first *Reunion Mixtes*, in which female 'change agents' took the lead in presenting the development plans. Participants report that women now regularly share their views in the Development Structure meetings, which are listened to and respected by the male members.

It appears that using a rights-based and legal framework during the training sessions for the Development Structure members was a critical turning point; in addition to specific modules on gender roles and norms, and gender-based violence, feedback from some male Development Structure members noted that the emphasis in all training modules on the equal rights of all citizens made them understand 'that women have rights too'.

This has translated into wider positive changes outside of the Development Structure spaces for individual members, with several husbands of members of the Women's Forum noting that they have 'seen a change in their wives and what they are capable of' after they came home from Development Structure meetings, shared what they had learned, and became involved in the Development Structure advocacy actions. One husband of a change agent in Bokotola described how he now understood that 'a married couple is like a bird, which can't fly if one of its wings is clipped'. At the start of the programme, he was not supportive of his wife attending the Development Structure meetings, yet last month, his opinion had changed to the extent that he asked her why she was attending the meetings on foot, and went to get money for her to rent a motorbike²⁶ to make sure she could attend the meeting on time.

In Bikoro, one female change agent attested, 'I married when I was young, so even though I had been to school, I didn't stay long enough to get my diploma. I didn't realize that my education was important and that, as a woman, I can be equal to a man. Now my husband has agreed that I can go back and do my state diploma; he understands that I am important too.'

There is some initial evidence to suggest that practices identified as part of the development plans in the community more widely are being successfully challenged through local awareness-raising by the Development Structures, using methods such as theatre performances, community radio and dialogues.²⁷ Although feedback to date has offered evidence that the negative health impacts of early marriage are increasingly being recognized, in several communities, community members have indicated that, in cases of sexual violence, even when perpetrators are reported to the police and detained, they are released and seen again in the communities several days later. This is perceived as a deterrent to the reporting of such incidents, since people feel that local arrangements (such as forced marriage) are more appropriate and a more 'practical' response.²⁸

Specific changes

In addition to these cross-cutting changes, specific successes have been recorded through advocacy in the monthly *Reunions Mixtes* with local authorities and follow-up actions. Key examples are outlined in Table 2.

Table 2: Example of changes recorded as part of the WWS pilot

What was the change?	What evidence is there of the project's contribution to the change?
<i>Marriage registration</i>	
<p>In all four communities there has been increased demand from couples to legally register their marriages, a practice which hasn't taken place for a period of time (in some communities it had been as long as nine years since the last marriage registration). This issue was raised in <i>Reunions Mixtes</i> in each site and a discussion was held on key blockages. In Ingende, the Community Development Structures (CDS) successfully negotiated with the Territorial Administrator to reduce the registration fee from 50,000 CFA to 15,000 CFA in January 2016, as the previous price was prohibitive. In Bokotola, the <i>Chef de Secteur</i> promised to reduce the current fee from 10,000 CFA). Oxfam has recently observed incidents of couples travelling up to 40 kilometres to Ingende to have their marriage registered.</p> <p>In Bikoro, the <i>Administrateur de Territoire</i> agreed to publish the official marriage fees. In all sites the authorities have identified as a barrier the lack of marriage certificates, or official registers, to be able to register the marriages, with the registers still being marked as 'Zaire' rather than the DRC, indicating their age. This has been raised with provincial authorities and is being monitored, and the <i>Administrateur de Territoire</i> has produced the registers locally as an interim measure.</p>	<p>Observations from animators was that, following the training on inheritance rights, Development Structure members and through awareness-raising wider community members, realized that marriage registration was a key problem and was crucial to ensure the protection of the rights of both parties.</p>
<i>Access to healthcare</i>	
<p>In Wendii, the Development Structures had identified that access to healthcare and high maternal mortality was a major problem. This was raised during a <i>Reunion Mixte</i>, and separate meetings were then held with the <i>Medecin Directeur</i> and local nurses following this initial meeting in February. The <i>Medecin Directeur</i> then published the legal price of different fees at the health centre, to reduce confusion over the appropriate amount to pay, and instigated a dual pricing system in order to encourage mothers to attend pre-natal consultations. Under this dual pricing system, if an expectant mother has attended pre-natal consultations, then certain medical fees, such as the fee to give birth at the health centre, are reduced, in this case from \$16 to \$2.</p>	<p>The <i>Reunion Mixte</i> provided an important space to raise this issue and instigate a more focused discussion.</p>
<i>Multiplicity of taxes and fees, and illegal taxes and fees</i>	
<p>In Bokotola and Wendji, Development Structures have had a number of successes in advocating for transparency in the taxes that are requested. In Bokotola in February, the <i>Chef de Secteur</i> agreed to publish the <i>Nomenclature des Taxes</i> (published on the <i>Chef de Secteur's</i> building and in the market), outlining the list of the legal taxes which can be demanded in the area, to add to the publication of health centre fees, which had already been published. In Wendji, the issue of multiple taxes being requested at the market was raised during a <i>Reunion Mixte</i> in March, and then in individual follow-up meetings with the <i>Chef de Marche</i>. He agreed to reduce the number of tax collectors from seven to five, saying that the five tax collectors are required by the commune, but conceding that the additional two were not legal. He also published the <i>Nomenclature de taxes</i> for the market, outlining the legal taxes which can be requested. In Bikoro and Wendji, the Development Structures are working to encourage the authorities to publish the <i>Nomenclature des taxes</i> in their areas, and the <i>Nomenclature des taxes</i> for the roads and the port in Wendji.</p>	<p>In Wendji, the <i>Chef de Marche</i> participated in the programme's training sessions, which he said had influenced his thinking and was key to gaining his support for this action.</p>

Payment of school fees

For 26 years, parents in Bikoro have been contributing to teachers' salaries in Mbandaka, although school fees are legally free in the DRC. The key issue identified by parents however, was that the payments calendar established and agreed on by the schools and parents was frequently changed, meaning that at times parents could not pay the fees on time.

The problem was identified in the Community Development Plan as a priority and discussed over several months in mixed meetings, including local school authorities. During the meetings, it was demonstrated that there is no legal requirement for parents to pay these fees but rather an arrangement between schools and parents.

During the meeting, civil society groups in Bikoro met the National Association of Students' Parents in Congo to demand an end to these payments as the state, and not the parents, is the teachers' employer. Civil society organizations started a petition among parents which received more than 500 signatures. The petition was handed over to territorial authorities after a peaceful march through Bikoro.

This attracted the attention of the Provincial Minister for Education who got engaged to help parents and schools in Bikoro find a compromise.

An agreement was signed between all stakeholders, including the provincial government, stipulating the reduction by 50% of the parents' contribution to teachers' salaries in Bikoro.

The Reunion Mixte provided an important space to raise the issue and to ensure the involvement of civil society.

Animators observed that the training on advocacy techniques contributed to the way that the Development Structures and civil society organized their efforts.



A member of the Women's Forum in Inguende shares the community's development plan. Photo Melanie Kesmaecker-Wissing/Oxfam

5 PROTECTION AND GOVERNANCE: MOVING FORWARD

What the model can and cannot achieve in wider governance programming

The pilot and initial outcomes achieved in Equateur have demonstrated the possibilities offered by adopting the hypothesis of the protection programme: that positive dialogue underpinned by a shared understanding of human rights can facilitate change, in a non-conflict context, and as a basis for wider governance programming. Key to the success to date has been the emphasis on using the Congolese legal framework to increase knowledge of rights and responsibilities surrounding each of the problems identified, and creating a space for dialogue with (and between) the local authorities which previously did not exist.

In the initial stages of piloting the programme, there was the concern that in a non-violent conflict context, the wider protection framework would not be applicable, and that the issues that would be raised for inclusion in the development plans would be those which would require a large external intervention, such as the provision of health facilities or elimination of school fees. In the majority of cases, however, the problems identified have not required a financial input, and the community has relied instead on creative local approaches to addressing the problems; for example, in Wendji, where the medical director set a dual pricing system at the local health centre to encourage women to attend pre-natal consultations.

In areas such as taxes and arbitrary arrests, the programme has encouraged and enabled community members to ensure that the local authorities respect and fulfil their legally mandated roles, without the need for external input or resources. As with the protection programme in the east of the country, in several cases, the requests and solutions have involved compromise. In Ingende, for example, parents have not requested that all school fees be removed, recognizing that the teachers require salaries, focusing their efforts instead on ensuring that the agreed payment schedule is honoured.

There are, however, key limitations to the approach in addressing wider governance concerns, as outlined below.

Structural issues: The approach is not able to address the structural issues that underpin particular problems such as school fees and extortion by state officials, chiefly, salary payment of state employees and a patrimonial system of appointments,²⁹ but instead works within the existing system and constraints.

Access to services: Similarly, in the selected pilot project areas, access to facilities, such as schools and health centres, was not a problem, so the current methodology is not designed to facilitate discussion on the provision of such services, particularly when there is unlikely to be money available in local decentralized territorial entity (DTE) budgets; nor is it designed to facilitate engagement on issues of material provision, such as drug stocks for existing health centres. Although there is some provision for discussions relating to the quality of services where services are available, this is limited by the fact that there are also a number of other topics for discussion included in the development plans.

Budget transparency: Although the programme model facilitates local dialogue on specific problems, it does not facilitate engagement of wider questions around local development and budget transparency, which are particularly important in light of the decentralization process.

Civil society organization engagement: Finally, the project does not include support to the specific objective of civil society organization (CSO) strengthening. Although the majority of Development Structure members are members of other local associations or CSOs, and there is

some engagement at the provincial level, it does not yet provide support to CSOs in their own advocacy or engagement with the government.

There is, however, potential for the methodology to be complemented by other initiatives which do address these areas; for example, the use of community scorecards to facilitate wider community discussion on the quality of provision of existing health or education services, as has been used elsewhere in the DRC.³⁰ In line with the decoupage process,³¹ engagement may also be possible on DTE budgets through participatory budgeting initiatives and facilitating dialogue between different levels of government, even when faced with likely limitations in the amount of funds available.

A flexible model in conflict and non-conflict-affected settings in the DRC

Globally, within the wider sector, both protection and governance activities extend beyond the remit of the community-based engagement approaches outlined above, incorporating a range of approaches which seek to ensure the safety of civilians and to promote strengthened governance in fragile and conflict-affected states. Within the DRC, protection and governance concerns are closely intertwined, with a number of protection threats, such as illegal taxes and arbitrary arrests, stemming from structural governance issues, and other protection threats, such as forced marriage, exacerbated through the challenges that local authorities face in fulfilling their role as duty bearers.

It is important to recognize these inter-linkages, and the positive progress that can be made in addressing both protection and governance concerns. The pilot project in Equateur has shown that the basic premise of the programme, that facilitating positive dialogue based on a shared understanding of human rights, remains relevant in a non-conflict-affected context.

A rights- and legal-based framework to facilitate local discussion and action has the potential to serve as a basis for a flexible programme model which spans both the violent conflict and non-violent conflict-affected areas of the DRC; one that is adaptable to the issues identified as a priority in each community, and responsive to wider changes in the security environment, where and when they occur.



Community signboards with key human rights messages are placed on main roads to raise awareness. Photo Annabel Morrissey/Oxfam

NOTES

- 1 These threats include violations of rights; for instance kidnapping, torture, gender-based violence (rape, early marriage, denial of inheritance rights of women, etc.), forced recruitment, recruitment of children, illegal taxes, arbitrary arrests and illegal detention.
 - 2 E. Kemp (2016). *Protection: What is it anyway?* Oxfam Global Protection Cluster, available at: <http://policy-practice.oxfam.org.uk/publications/protection-what-is-it-anyway-600609>
 - 3 These are composed of individuals elected to be members of a Community Protection Committee (six women and six men), a Women's Forum (15 women) and Change Agents, responsible for outreach to outlying villages.
 - 4 For example, this could include the authorities committing to arrest suspects of sexual violence, according to procedure, instead of facilitating arrangements between the survivor's family and the perpetrator, or increasing security in a particular area identified as insecure.
 - 5 In programme communities, this is often identified to be the case in illegal taxes and barriers, arbitrary arrests, forced work.
 - 6 This has included approaching a local FARDC commander, who was supportive of the Protection Committee's work, to advocate with the police (Police Nationale du Congo) commander that an illegal roadblock put in place by the PNC was removed, and engaging with the wives of military officers to gain their support with a view to them having an influence on their husbands.
 - 7 For example, in Kalembe, North Kivu in January 2015, the Protection Committees successfully advocated for an increase in the number of patrols on a road identified as being insecure, and the installation of a military position on a road historically targeted by armed groups. In Ndolera in South Kivu in August 2015, the Protection Committees invited the leader of the local defence group to a Reunion Mixte and successfully advocated that he instruct the group's members to stop extorting the local population.
 - 8 This includes both very low rates of pay for many officials and frequent and extensive delays in payment of salaries.
 - 9 Confusion among authorities on their role, and the limits of their authority, is frequently raised during training sessions for the authorities organized by the programme, particularly concerning the distinction between civil and penal affairs.
 - 10 The wider security situation in these villages was identified as having improved, but such improvement is not universal, as in the previously categorized 'stable' villages around Kamango in Beni Territory, where security is deteriorating.
 - 11 H. Lindley-Jones (2016). *'If we don't do it, who else will do it?' A study into the sustainability of Community Protection Structures supported by Oxfam in the Democratic Republic of the Congo.* Oxfam. Available at: <http://policy-practice.oxfam.org.uk/publications/if-we-dont-do-it-who-will-a-study-into-the-sustainability-of-community-protecti-620149>
 - 12 Oxfam (2015). 'Secure Insecurity': The continuing abuse of civilians in the DRC as the state extends its control. Oxfam Briefing Paper, March 2015, available at: <http://oxf.am/Zca7>
 - 13 FGD-Local authorities, Kanyabayonga, February 2016.
 - 14 For example, in Uvira territory, South Kivu, FGDs revealed a case in which a teacher who had been illegally dismissed after giving birth was advised by the customary leaders to approach the Women's Forum, which organized a meeting with local authorities to discuss the case and successfully advocated for the teacher to be reinstated.
 - 15 Following a number of local actions led by Protection Committees on women's rights in Uvira Territory, South Kivu, including community dialogues, for the first time in the history of the village a woman stood for election as a local traditional authority, and acknowledged the contribution of the programme to her decision to run. This has also been the case in some communities in Masisi Territory in North Kivu.
 - 16 In programme areas in Uvira Territory, South Kivu, for example, norms stipulated that women should not speak in front of men in public.
 - 17 See: <http://policy-practice.oxfam.org.uk/our-work/citizen-states/within-and-without-the-state>
 - 18 This includes arresting someone on behalf of someone else (such as a family member), detaining someone without charge or beyond 48 hours, and the payment of fees at different stages during the arrest process.
 - 19 The limit established by law by which time a suspect has to be transferred.
 - 20 This includes both denial of a girl's right to inherit in favour of a boy's in the family, and the denial of widow's rights to property and land, with widows often being forced from their homes in the event of the death of their husband.
 - 21 Whereas in most communities in the East, although Protection Committees identified that marriages were frequently not legally registered, traditional marriages took place. In Equateur, Protection
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- Committees identified that, frequently, not even traditional or religious marriages took place (in which a dowry is paid).
- 22 Demographic and Health Survey (DHS) data shows high rates of intimate partner violence across the DRC; however the programme does not probe deeply into this issue in identifying protection threats due to ethical concerns.
 - 23 P. Engelbert and E. Mumgongo (April 2016). *Wrestling from the jaws of accountability? The capture of decentralization in the DR Congo*, African Studies Review.
 - 24 'Change agents' are the development structure members; 'animators' are Oxfam staff who accompany community development structures throughout the lifespan of a project. They organize general assemblies, train committee members and local authorities on protection topics and support community development structures in their different activities, including in advocacy and awareness raising activities.
 - 25 Oxfam has developed a set of training modules containing interactive exercises on each of the different protection topics, drawing from Congolese Law.
 - 26 Women have low levels of access to and control over many household resources, including decision making around money. In this example the husband's support for his wife's participation in the meetings was a positive sign, however it is worth underlining that changes in women's access to and control over finance itself is a longer term change,
 - 27 The percentage of community members surveyed who agreed with the following statements increased from 66% to 91% and 51% to 91% respectively between October 2016 and March 2016:
 - a) Women should have the same opportunities to participate in leadership positions as men
 - b) Women survivors of violence should not be stigmatized
 - 28 This issue was raised during a roundtable held with provincial authorities in March 2016, and is currently being pursued.
 - 29 Where, for example, individual officials are required to pay a particular amount on a regular basis to their superiors to maintain a position.
 - 30 See, for example: International Rescue Committee (May 2015) *Accountability in Local Service Delivery: The Tuungane Community Scorecard Approach*, Policy and Practice Briefing Paper, available at: <https://www.rescue.org/sites/default/files/document/660/accountabilityinlocalservicedeliveryenglishfinal.pdf>
 - 31 The decoupage process relates to provincial administrative units in DRC's decentralization process.

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Oxfam would like to thank the team who has worked to implement the governance pilot project in Equateur province and who have shared their learning which has informed this report.

The global Within and Without the State Programme of which the pilot project in Equateur Province referred to in this report was part was financed by DFID.

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The information in this publication is correct at the time of going to press.

Published by Oxfam GB for Oxfam International under ISBN 978-0-85598-994-1 in June 2017.

Oxfam GB, Oxfam House, John Smith Drive, Cowley, Oxford, OX4 2JY, UK.

DOI: 10.21201/2017.9941

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