

The Democratic Republic of Congo

Effective Delivery of Public Services in the Education Sector

A DISCUSSION PAPER



**A review by AfriMAP
and
The Open Society Initiative for Southern Africa**



AN OPEN SOCIETY INSTITUTE NETWORK PUBLICATION

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Published by:
Open Society Initiative for Southern Africa

ISBN: 978-1-920355-09-8

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Layout and printing: COMPRESS.dsl, South Africa

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Introduction

The Democratic Republic of Congo (DRC) faces immense challenges in delivering education services to all children of school age in the country, let alone ensuring that those adults who were deprived of an education have the opportunity to remedy that loss. Dictatorship, economic decline, more than a decade's civil war and endemic corruption have unsurprisingly left an education system that is catastrophically failing the nation's children, with consequences for the national economy as well as for the individuals concerned.

To overcome this educational deficit, a massive increase in the education budget will be necessary to pay for the expansion of teacher training, the development and distribution of teaching materials including books, the construction of new schools and the improvement of the conditions of work for teachers, especially those in remote areas of the country. But the findings of the report on which this paper is based (*Effective Delivery of Public Education Services*) suggest that the government must even more importantly act to ensure that additional funds will be correctly spent.

The focus of the report is not on the outputs achieved by Congo's schools in terms of literacy and numeracy and technical qualifications, but on the efforts that are being made and will be needed to improve the governance of the system itself. The principal challenges identified are the weaknesses in the planning and budgetary systems and the mismanagement of funds within the education system. That is, the problems are not specific to a particular level of education or area of activity or employment, but exist at the highest systemic levels. Action to address the poor performance of schools throughout the country must start at the level of planning, allocation and the management of resources. Although an increase in the education budget is urgently needed, it must therefore be matched by equally urgent efforts to reform the systems that are supposed to ensure that money is properly spent.

Perhaps most importantly of all, politicians will need to summon up the political will to address the problems identified and implement the recommendations made in the report to solve them. It is their responsibility to ensure that the Congolese state implements the principles of free and compulsory primary school education and non-discriminatory access to education for all, established by its own laws and international standards, in line with the new ambition to establish a democratic dispensation in the country. This paper highlights some of the most pressing challenges to effective delivery of education identified and discussed in more detail in the full report.

I: The starting point

From the 1960s until the early 2000s, the Congolese public education budget declined from 7% of GDP and 25% of the national budget to 1% of GDP and 5% of the budget, creating a fall of 96% in spending per pupil per year in primary and secondary schools (from US\$109 in 1980 to \$4 in 2002). The predictable result is that only 30% of children of pre-primary age are in nursery school (almost all of them private); 80% of the target population attend primary school; and only 40% do so at secondary level. The estimated national literacy rate is less than 70%.

The challenge of addressing these poor outcomes is exacerbated by the huge size of the country. The DRC has a land mass of 2.345 million km². Although it is less densely populated than, for example, Nigeria, there are still an estimated 6.5 million children of pre-primary age; 10.6 million primary age children; and 7.2 million of secondary school age (up to 18 years old). These children are currently served by 2 428 private pre-primary schools, and 29 420 primary and 14 163 secondary schools within the state sector, all unevenly spread throughout the territory so that many rural areas are underserved by schools, especially at secondary level. There are 326 colleges and universities at higher education level, of which more than 70% are found within the capital city, Kinshasa.

The five national ministries responsible for education – the ministry for primary, secondary and professional education (*ministère de l'Enseignement primaire, secondaire et professionnel*, EPSP), the ministry for higher and university education (*ministère de l'Enseignement supérieur et universitaire*), the ministry for social affairs (*ministère des Affaires sociales*), for informal education, the youth ministry (*ministère de la jeunesse*), for skills training, and the ministry of health for nursing education (*ministère de la Santé*) – face severe shortages of human and financial resources, and generally lack the ability to respond to the scale of the problems they face. The splitting of responsibility for education among several ministries also causes a lack of coordination and unhelpful dispersal of already thin levels of expertise. In particular, the ministry for social affairs does not have personnel working for it who have the appropriate expertise to devise and implement an effective plan for the improvement of informal and adult education.

Since 2006, a new government has been in place under the presidency of Joseph Kabila, with promises to restore the country's governance systems, including the effective delivery of education. The percentage of the budget allocated to education has increased, to just over 11% of the total, and education figured prominently among the five priority areas (*'Les cinq chantiers' du gouvernement*) outlined by President Kabila in his inauguration speech in November 2006.

II: Planning to reconstruct the system

The turbulence of the 1990s, marked by the final decline of Mobutu's regime and the outbreak of successive civil wars, meant that central government essentially abandoned any effort to develop policies for the improvement of the Congolese national education system. Although a fifteen-year plan for education was adopted in 1986, according to the requirement established by the framework law for the education system of the same year (*Loi cadre de l'enseignement national*), the breakdown of central government meant that this plan was never implemented. Meanwhile, though the education ministries continued to collect some educational statistics for the areas under government control, these were not published. The education system had no exemption from the general disintegration of government functionality.

Gradually, since the transition of 2003–2006 and the installation of an elected civilian government in 2006, this situation has improved. Under the government of President Laurent Désiré Kabila, educational planning began to make a hesitant recovery, consolidated by the three-year education plan included within the Growth and Poverty Reduction Strategy Paper (GPRSP; in French, *Document de stratégie de croissance et de réduction de la pauvreté*, DSCRP) finalised in 2006 under the presidency of his son, Joseph Kabila. In 2005, the World Bank published a study on *The Renewal of the Education System in the DRC: Priorities and alternatives*, which also fed into this process and led to a Bank grant of US\$130 million.

The integration of education within the GPRSP means that objectives for the sector are, helpfully, framed within a global vision for the reduction of poverty and the achievement of the millennium development goals (MDGs). Moreover, the GPRSP was developed on the basis of consultation with relevant stakeholder groups, as well as the DRC's development partners. But the plan received very limited distribution among those supposed to implement it, while the objectives it set were hardly realistic. In particular, the aim of increasing the primary school gross enrolment rate by 20% in two years (from 64% in 2006 to 84% in 2008) was from the start clearly unobtainable. Other objectives were simply too vague: for example, in relation to adult illiteracy, the GPRSP simply required the government to adopt a policy aiming at reducing the difference between the illiteracy rates for men and women by 2015, while also reducing the proportion of children aged between 8 and 14 who are not in school.

Educational planning is also hampered by deficits in the baseline data about the current state of the education system – even though the systems for collecting education information are perhaps not as bad as might be feared for a country coming out of a period of civil war.

There is a newly installed and computerised Education Management Information System (EMIS; in French *Système d'information pour la gestion de l'éducation* or SIGE) within the EPSP ministry, set up as a project funded by the African Development Bank and UNESCO (though it still lacks permanent status and funding). The planning section of the education ministry has also resumed publication of the annual statistical review of the education system, with the support of UNICEF, UNESCO and the African Development Bank, for Bas Congo in 2004, Kinshasa in 2005 and for the whole country for the academic year 2006–2007. Nonetheless, the information contained in the annual statistical review is still incomplete, and in particular does not include data on the cost of education and the resources available to schools and other educational institutions, nor on the age of pupils and their socio-economic status. This publication is also very poorly distributed, effectively accessible only in Kinshasa to a small group of officials and experts. Meanwhile, information collection at the basic level of schools is poorly organised, and even the form that principals should complete on a termly basis needs redesigning, so that critical information about pupil status and performance can be included in the statistical review.

Congo's National Statistical Institute (*Institut national de statistique*, INS), meanwhile, lacks both resources and independence, failing to meet the standards of scientific independence required by the newly adopted African Charter on Statistics and other international standards. It has no capacity to supplement or verify the statistics produced by the education ministry through the use of general household surveys or other means; indeed, it fails to publish the statistics it is already supposedly required to do on a monthly, quarterly or annual basis.

Information feedback from schools is also limited by weaknesses in the school inspectorate system. The education ministry has only 66 inspectors for pre-primary level, 408 at primary level and 1 650 for secondary schools, unevenly deployed across the vast territory of the DRC and concentrated in urban areas. These inspectors are poorly trained, while information from their reports is often incomplete, and is not integrated into a single national report that could be effectively used by education policy-makers – or published at all. Indeed, the GPRSP plan for education makes no reference to school inspectors' reports. At higher and university level, there is no system of independent inspection in place, and these institutions rely on 'self-evaluation' by their own governing bodies.

Other sources of information available that do exist and could be better utilised include the records of the *Service de contrôle et de paie des enseignants* (SECOPE); however, the information from this system applies to state schools only and is often different from that produced by the planning department of the EPSP Ministry. The results of the primary and secondary school leaving examinations (the *Test national de fin d'études primaires*, TENAFEP, and the *examen d'État*), are also published by school, and incorporated in the school inspectors' reports, but are not otherwise made use of.

Archives for the educational system are also in a very poor state. Management of records is handled by the various government ministries and institutions responsible for education, rather than centralised in one national archive; the state of the archives thus varies greatly even in central government offices and some are completely disorganised and in need of rehabilitation.

Computerisation is almost non-existent, except for an effort to computerise the records relating to the *examen d'État* since 2008.

Even leaving aside all these technical challenges of resources and capacity, the planning process can be deliberately derailed by politicians acting in their own interests. The process for amending the *carte scolaire*, the national map of school establishments in existence and planned, is regularly bypassed by members of the National Assembly or other influential figures wishing to ensure that a school is established in their own neighbourhood or among an important constituency. The system for deciding whether a school is needed and ensuring that it is adequately supported by the EPSP ministry is ignored, and the *arrêté* providing for a school to exist is issued without any effort to consult with relevant members of the education administration about the need for the school and the resources to supply it. Equally, there exists no system to acknowledge schools that are created by parents on their own initiative, in order to bring them within the provincial educational system and provide the necessary state support.

The completion of the 2006–2008 planning period allows for a new effort at improved planning for the education system in the DRC, starting from an honest evaluation of the level of progress towards the targets set in the planning cycle just completed. Section 22 of the framework law on the education system already requires a needs assessment, and this is urgently needed: an audit of what is already in place, gathering fresh information rather than relying only on the poor existing records, and a serious discussion of what it is possible to achieve.

Encouragingly, it seems that this process is already partially in place. At the beginning of 2008, the education ministry appointed a committee to develop a strategy for the restoration of the education system, which reported in October 2008. Sub-committees have reportedly prepared a draft law on the teaching profession, considered decentralisation in the sector, analysed the budget and its management, and proposed the reform of teacher training and the training of inspectors. This report is not, however, publicly available, and may only be obtained upon request with the authorisation of the minister. A separate study funded by the Belgian Directorate General for Development Cooperation and published in January 2009 provides additional information and recommendations.

III: Financial (mis)management: A national disgrace

The increase in the percentage of the budget allocated to education (from a low of 5% in 2001 to 11.17% in 2008) is still a long way from reaching the 20% allocation to education (up to lower-secondary level only) advocated by the Global Campaign for Education. But perhaps even more seriously, the funds currently allocated lack transparency and effective management systems. There is no publication providing a detailed breakdown of the education budget. Itemised budget documents and reports on spending are not accessible to anyone outside the ministry, making it impossible to know the sources and objects of funding, or to evaluate the extent to which expenditure actually follows the priorities established by the planning process. Even those procedures that do exist on paper for public procurement are regularly ignored.

The weakness of the DRC's financial systems generally is reflected in its 0% score in the 2008 Open Budget Index prepared by the International Budget Project, which noted that out of eight key budget documents, only one (the enacted budget) is publicly available.¹ As a consequence of the lack of documentation, the National Assembly can exercise minimal oversight over its preparation and implementation. Where the Assembly does attempt to assert its oversight role, it has little effect. In 2007, for example, the EPSP ministry was asked a question from the floor of the house about the misappropriation of school land – for example, so that the minerals found underneath could be exploited – with recommendations on what should be done, but there was no action in response from the ministry.

Corruption affects the entire education system. Mostly, evidence of corruption exists at the level of personal anecdote. However, the NGO *Solidarité pour la promotion sociale et la paix* (SOPROP) carried out an investigation in 2007–2008 into corruption in education, focusing on ten higher education colleges and five secondary schools close to Kinshasa. The report concluded that corruption was endemic, including the exchange of good grades for sexual favours or for cash; the use of funds for purposes other than those they were allocated to; the straightforward theft of funds from the institutions concerned; the allocation of UNESCO scholarship funds to personal associates; misuse of institutional property or vehicles for personal purposes; discriminatory hiring practices; and the use of students to carry out work for teaching staff on a personal basis.

¹ Open Budget Index 2008, 'Democratic Republic of Congo', available at http://openbudgetindex.org/files/cs_democraticrepublicofcongo1.pdf, accessed 15 April 2009.

In practice, one result of the misappropriation of funds is that parents are forced to pay at the school gate for the education of their children, even for primary school, which the constitution provides should be free and compulsory. In some cases up to 65% of public school costs are in fact borne by parents, a mockery of the public nature of the state school system.

During the 2003–2006 transitional period the interim constitution established a national Commission for Ethics and the Struggle against Corruption (*Commission de l’Ethique et de la Lutte contre la Corruption*, CELC). Though it was limited in effectiveness by a lack of resources and political backing, it had the potential to play a useful role. Unfortunately, the 2006 constitution made no provision for a similar body and the DRC thus lacks an institution dedicated to the eradication of corruption – despite the very obvious need for anti-corruption work to be a national priority. The DRC also has no national ombuds office (*médiateur*) responsible for oversight of the administration of the civil service. Finally, there are not even any systems in place to enable individuals affected by corruption to report their complaints to a competent authority within the various ministries or institutions themselves.

This lack would be less serious if the *Cour des comptes* (the equivalent of the auditor general in civil law countries), supposed to be responsible for detailed investigation of the use of public funds, were an effective institution. But in practice the *Cour des comptes* has only examined the education sector in the most limited and irregular way. Public funds are thus disbursed to the sector without effective audit systems in place to ensure they are correctly spent.

The systems at national level, weak as they are, are not even nominally in place at provincial level to ensure budget transparency and control. Audits are rare or non-existent, with the exception of external audits carried out for some of the groupings of religious schools (Catholic and Protestant).

It is thus left to civil society groups and the media to report on and try to redress financial mismanagement in the education sector. And the press and civil society groups are concentrated in the large cities, especially Kinshasa, leaving the schools and provincial administrations often facing no public scrutiny at all.

The consequence of the lack of proper management of education funds is that the necessary international support for the urgent expansion and improvement of the education sector is hard to mobilise. As it is, consolidated information about the extent of development partner support for the education sector is hard to obtain, at least at the level of the ministries responsible for education, though the development partners themselves (of which the most important are UNICEF and Belgium in the education sector) do publish some information on their own account. The development partners also have a coordination structure among themselves for support to education, within the framework of support for the Education for All programme and the MDGs. Perhaps as a result of concerns over financial management, international support for education is for the most part limited to short-term projects and the provision of infrastructure (schools and equipment) rather than longer-term systemic support.

IV: Underqualified and unmotivated teachers

A lack of detailed information about the distribution of teaching staff in Congolese schools is just one of the results of the generally poor system of information collection and management. Moreover, such information as does exist is not available at the level of each institution, so that a student or parent has no effective way of knowing how many teachers or administrators should in fact be reporting for work.

According to the information that could be obtained from the various ministries, in 2006–2007 the DRC had a total of 11 331 staff in the pre-primary sector, of which 60% were teachers; 275 408 staff at primary level, of which 84% were teachers; and 117 357 staff at secondary level, of which 83% were teachers. At higher education level, however, 61% of the total staff were in administration, reflecting a recruitment freeze on teaching staff. The resulting pupil : teacher ratios were estimated to be 25 to one in pre-primary, 38 to one in primary, 15 to one in secondary schools, and 18 to one at higher level. The ratio of pupils to administrative staff ranges from 198 to one in primary schools to 12 to one at higher education level. However, these figures are more or less meaningless, given the number of children of school age who are not in fact in school: the ratio of children of school age to teachers in post is roughly 960 to one for pre-primary, 46 to one for primary, and 40 to one for secondary level.

The qualifications of teachers also leave a lot to be desired. While at least 80% of teachers at primary level are qualified in all provinces, a scant 32% of teachers in secondary school across the country are qualified to the required level for their post (varying from 87% in Kinshasa to 5% in Maniema); and only 20% of those in higher education.

A legal framework is in place to govern the recruitment and promotion of workers in the education sector, including the law regulating the civil service generally, and ordinances establishing the education inspectorate, the administration service for pre-primary, primary and secondary education, and the administrative staff at higher and university level.² These

2 (i) la loi No. 81-003 du 3 juillet 1981 portant Statut du Personnel de Carrière des Services de l'État; (ii) l'ordonnance-loi No. 91-231 du 15 août 1991 portant règlement d'administration relatif au corps des inspecteurs de l'enseignement primaire, secondaire et professionnel; (iii) l'ordonnance-loi No. 91-232 du 15 août 1991 portant règlement d'administration relatif au personnel des établissements publics d'enseignement maternel, primaire, secondaire et professionnel; (iv) l'Ordonnance No. 081-160 du 7 octobre 1981 portant statut du personnel de l'enseignement supérieur et universitaire; (v) le décret-loi No.017/2002 du 3 octobre 2002 portant code de conduite de l'agent public de l'État.

laws are generally in compliance with the relevant international standards and establish rules and regulations for non-discriminatory and competitive recruitment, though they reflect their age in some respects: for example, by not establishing systems to guarantee representation of women among the administrative and teaching staff. More seriously, the legal rules are practically unknown among those responsible for management of staff in the education sector, and the principles established are routinely ignored in practice. The hiring and promotion of teachers, for example, are done in total violation of procedures established in the *loi-cadre de l'enseignement*: vacancies are almost never advertised, and competitive examinations never organised

Training colleges exist in principle for both teaching and administrative staff, at school and university level, including the Primary and Secondary Teacher Training Institute (*Institut de formation des cadres de l'enseignement primaire et secondaire*); the National Training Service (*Service national de formation, SERNAFOR*), responsible for in-service training for existing staff; the National Institute for Professional Training (*Institut national de préparation professionnelle*), responsible for training administrative staff; and the University Pedagogical Service (*Service de pédagogie universitaire*). But since the withdrawal of donor support in 1991, the Teacher Training Institute has been paralysed due to lack of funds and does not fulfil its mandate for initial and continuing training for school teaching and inspectorate staff: a situation which explains the large percentage of unqualified teachers in the system. The other colleges also suffer from a lack of resources and lack effective programmes to ensure the services they are supposed to provide reach those who need them. Unfortunately, the GPRSP did not include the revitalisation of these institutions within its remit.

Teaching quality is further compromised by extremely low salaries, which are irregularly paid, subject to problematic regional and functional disparities, and lack a system to recognise seniority. The system of regional salary zones in place actually reinforces regional inequities, and favours urban over rural areas even though it is harder to recruit teachers and administrative staff away from the towns. Poor pay is matched by poor conditions of work and a lack of resources in the schools themselves, including teaching materials and books. Strikes are frequent in the sector as a result, especially at the outset of each academic year. Absenteeism is also a serious problem, with teachers simply failing to turn up to their posts on a regular basis.

The various laws governing teaching and administrative staff establish a code of conduct and professional ethics. However, though the constitution requires the president and members of the government to declare their assets at the start of their employment, this requirement does not apply to other senior public servants or principals of important institutions. Rules for disciplinary action are also set out, up to and including the possibility of judicial action against those who break the rules. But the relevant ministries do not publish any information regarding measures taken to implement these laws, and the lack of a national ombuds office means that this absence is not made up by any independent system to investigate and publish information about wrongdoing by public servants. In practice it seems that there is minimal enforcement of ethical rules, sanctions are almost never applied even for gross misbehaviour, let alone for poor performance, and the codes of conduct exist on paper only.

There is a need for complete reform of the recruitment, training and performance review

systems for teachers to restore a sense of professional pride among staff working in education, and ensure that those responsible for teaching the nation's children and youth are properly qualified for the job. Among measures needed in this regard is the revitalisation and adequate funding of existing training colleges for teachers, most particularly the *Institut de formation des cadres de l'enseignement primaire et secondaire* and the *Service national de formation*.

V: Legal framework

Many of the reforms needed in the education system can be accomplished without major reforms to the law. Nonetheless, an effort at legal reform is warranted, to bring national laws into line with international standards and provide an up to date rule-based framework for the implementation of an education policy that is in line with Congo's new commitments to democratic values.

The DRC has for the most part signed up to the relevant international treaties (though its reporting record to the treaty monitoring bodies is weak), but it is not a party to the African Charter on the Rights and Welfare of the Child, which contains the most extensive provisions at African level on the right of children to education. However, all constitutions since independence have provided for primary school education to be compulsory and for access to schools to be open to all without discrimination; these protections apply equally to private as to public schools. The transitional constitution of 2003 and the current 2006 constitution added to these provisions by enshrining the eradication of illiteracy as a national duty for which all necessary resources should be mobilised and a national plan developed. Yet no such plan has been adopted. Meanwhile, the framework law for the education system remains that adopted in 1986, during the period of one-party rule; it is ill-adapted to the new circumstances of multi-party elections and competitive politics.

Law reform should also pay attention to establishing a more logical and effective system of decentralisation in the education system. Even though the 1986 framework law was adopted during the period of highly centralised rule from Kinshasa, it instituted a system of division of powers between national and provincial administrations in which policy would be set by the centre and its implementation split between national and provincial levels for pre-primary, primary and secondary school education, while remaining with central government for higher education and universities. These provisions were not initially matched by similar decentralisation of other government responsibilities. The 2006 constitution, however, has advanced a greater degree of decentralisation across the board.

In practice, there is an overlap between two different public school administration systems: the one for *écoles non-conventionnées*, the public schools directly managed through the EPSP ministry's bureaucracy, and the other for *écoles conventionnées*, or public schools managed through church organisations (mainly Catholic, Protestant and Kimbanguist) according to an agreement (*convention*) between the government and those church organisations. Each school administration system has differing levels of decentralisation, which creates bureaucratic confusion and overload.

Meanwhile the provincial governments do not always fulfil the responsibilities they are allocated by the framework law, and at the same time feel themselves to be merely implementing policy, disempowered from taking initiatives at their own level.

When it comes to the law, perhaps most important, however, is the need to address what one of the participants in the validation workshop for this report described as the ‘symbolic nature of Congo’s laws’. The rules that already exist on paper need to be respected in practice.