

The Structural Limitations of the 2006 Congolese Constitution: Ambiguities, Normative Inconsistencies and Obstacles to Implementation

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Abstract

This article analyzes the structural limitations of the 2006 Constitution of the Democratic Republic of the Congo, demonstrating how its internal ambiguities, normative inconsistencies, and weak implementation contribute to governance instability. The work of numerous authors emphasizes that the main problem lies in the gap between the theoretical ambitions of the text and institutional reality. The empirical study, conducted in 26 provinces, reveals that the population suffers the direct effects of constitutional dysfunctions: routine corruption, territorial inequalities, the absence of truly independent oversight institutions, the bartering of public positions, and the predominance of informal practices over official norms. Interviews show that while some advocate for constitutional revision, many insist on the need to strengthen public ethics, oversight mechanisms, justice, and administrative professionalization. The proposed conceptual framework highlights a causal chain in which textual ambiguities and normative contradictions, combined with political resistance, erode the authority of the law. A comparison with Kenya, South Africa, and Ghana suggests that gradual, technically sound, and politically supported reforms can improve constitutional effectiveness. The article concludes that institutional stability in the DRC depends on a two-pronged approach: clarifying and harmonizing norms, while simultaneously transforming political culture and administrative practices to make the Constitution truly operational.

Keywords

Constitution of the DRC, Normative Ambiguities, Legislative Inconsistencies

1. Introduction

The Constitution of the Democratic Republic of the Congo (DRC), adopted in 2006, is the subject of debate regarding its formal and substantive quality, its internal coherence, and its suitability to actual governance needs. In terms of form, the text presents ambiguous formulations, redundant articles (Mulumba, 2012; Kabunga, 2020), and a complex structure, particularly concerning decentralization and the judicial system. In terms of substance, ambitious principles such as transparency, accountability, and good governance often remain merely stated and not very operational (Nzongola-Ntalaja, 2013; Tienhaara, 2015; Englebert, 2018; Kabunga, 2020). However, its ambitious principles (transparency, good governance) lack practical implementation.

This article on the Constitution presents discrepancies in consistency between organic laws and actual practices (Englebert, 2018; International Crisis Group, 2016), such as incomplete decentralization, a judiciary dependent on the executive, and ineffective parliamentary oversight, fostering normative instability. The organic laws intended to complement it and actual political practices are weak, resulting in incomplete decentralization, a judiciary institutionally and financially dependent on the executive and parliamentary oversight mechanisms that are difficult to implement. This normative instability encourages opportunistic interpretations of the legal text. Our arguments to justify these observations are structured as follows, the 2006 Constitution of the DRC contains several articles that generate normative ambiguities and institutional tensions. First, the provisions on executive power (Article 69) are imprecise and foster a hyper-presidential practice incompatible with the intended semi-presidential system, creating gray areas during periods of cohabitation or majority crises. Second, the advanced decentralization suffers from inconsistencies in the tripartite distribution of powers (Articles 202 - 204), particularly regarding tax sharing and arbitration mechanisms, leading to de facto recentralization. Third, the electoral provisions (Article 70) present a critical ambiguity: although the presidential term is limited to five years, renewable once, the absence of a mandatory term limit allows for constitutional extensions of power beyond electoral deadlines. Finally, the majority appointment of members of the Constitutional Court by the executive branch compromises its independence and leads to jurisprudence that is sometimes politicized. These legal ambiguities constitute major structural factors of institutional tensions in the DRC.

However, the Constitution aims for post-conflict stabilization and the establishment of a modern state, but it struggles to effectively address immediate needs such as the fight against corruption, justice and security, due to the lack of guarantees of financial independence, the lack of clarity in the distribution of powers and the weakness of binding mechanisms (Nzongola-Ntalaja, 2013; Stearns, 2012).

Moreover, according to Englebert (2009), post-conflict compromises, weak harmonization, a lack of expertise, and political resistance explain the contradictions

in the Constitution of the Democratic Republic of the Congo. These kinds of compromises lead to unstable governance and hinder reforms, resulting in political domination, increased corruption (Transparency International, 2023), and weak economic attractiveness, thus impeding democracy. The Constitution insufficiently integrates structural issues related to natural resource governance, the strategic role of infrastructure, and citizen participation, failing to encourage either mining transparency or systematic civil society participation. Tienhaara (2015) and Radley (2019) discuss a neglect of resource governance, infrastructure, and civil society.

The identified causes of these problems include post-conflict political compromises, poor harmonization with pre-existing legal texts, and a lack of technical expertise during the initial drafting, as well as political resistance to the full implementation of a demanding Constitution.

The consequences are numerous: unstable governance, difficulty in implementing strategic reforms in the security, justice and public finance sectors, dominance of political logic over legal logic, increased corruption and impunity, as well as weak economic attractiveness due to an uncertain legal environment, which has a lasting impact on democratic consolidation.

According to Stearns (2012) and Englebert (2018), priority should be given to the effective implementation of targeted legal and constitutional reforms to clarify ambiguous provisions, strengthen judicial independence, introduce strict constitutional mechanisms to combat corruption, and revise appointment procedures for oversight institutions. Accelerated normative harmonization between the Constitution, organic laws, and sectoral regulations; institutional capacity building with independent funding for oversight institutions and the professionalization of public administration; improved governance of natural resources; and formalized citizen participation would be one solution to address the problem of ambiguity in the Constitution's wording.

All these authors converge on the point that the 2006 Congolese Constitution suffers less from a lack of principles than from a structural weakness in their implementation, primarily due to political compromises, technical shortcomings, and the resistance of elites to truly binding governance. Their analysis highlights the need not only to revise certain aspects of the text, but also above all to ensure a rigorous, consistent, and institutionally supported application of existing constitutional norms.

The aim of this article is to examine how the 2006 Congolese Constitution combines high theoretical ambitions with weak implementation capabilities, resulting in unstable governance. It identifies the technical, political, and historical causes of the text's ambiguities and inconsistencies. It analyzes the gap between constitutional principles (good governance, judicial independence, transparency) and actual institutional practices. It assesses the impact of post-conflict compromises and the lack of normative harmonization on legal and political stability. It proposes reforms to clarify the text, strengthen institutions, and increase constitutional ef-

fectiveness. Finally, it studies the links between normative instability, increased corruption, and low economic attractiveness in the Congolese context.

2. Conceptual Framework

The analysis of the structural limitations of the 2006 Constitution of the Democratic Republic of the Congo (DRC) relies on a conceptual framework centered on normative quality, constitutional effectiveness, and institutional governance. Researchers such as Nzongola-Ntalaja (2013), Englebert (2009), and Kabunga (2020) emphasize that the text is not deficient in principles, but rather in their implementation. The analysis of constitutional dynamics in the DRC is based on four key concepts: normative ambiguity, normative incoherence, constitutional effectiveness, and governance instability, which structure the study. Normative ambiguity refers to a legal norm with an equivocal meaning, often due to vague constitutional language, allowing for several legitimate interpretations—sometimes described as “zones of indeterminacy”. In Africa, hybrid constitutions can foster the informal concentration of power through discretionary margins of interpretation. Normative inconsistency arises when contradictions exist between norms of the same legal order, preventing their harmonious application. This undermines the rationality of the legal system, and such conflicts in Central Africa generate “structural instability” in the governance system. Constitutional effectiveness is the capacity of a constitution to produce the expected institutional, political, and social effects, notably through the effective implementation of rules and their enforcement. An effective constitution regulates the behavior of actors, yet a significant gap between text and political practice in the DRC limits this effectiveness. Finally, governance instability manifests itself through frequent breakdowns, dysfunctions, and inconsistencies in institutions and decision-making processes. This instability is attributed to a deficit in institutionalization and a strategic use of norms, leading to low political predictability, poor rule enforcement, and socio-institutional tensions. This study is structured around three explanatory variables: normative ambiguity, inconsistency between the Constitution and legislation, and weak implementation, which lead to a central dependent variable: the instability of constitutional governance.

The first independent variable concerns the formal ambiguities and shortcomings of the text, such as ambiguous wording, redundant articles, and structural complexity (Mulumba, 2012; Kabunga, 2020), which encourage opportunistic interpretation and undermine legal fairness. The second variable relates to normative inconsistencies and a lack of harmonization between the Constitution, organic laws, and institutional practices, leading to contradictions, particularly regarding decentralization and judicial independence (Englebert, 2018; International Crisis Group, 2016). The third variable encompasses political and institutional obstacles, including post-conflict compromises, a lack of technical expertise, and political resistance from elites, which hinder the effective implementation of the norms (Englebert, 2009).

The dependent variable reflects a low constitutional effectiveness resulting in unstable governance, the predominance of the political over the legal, increased corruption (Transparency International, 2023), incomplete decentralization, a dependent justice system and the absence of binding transparent mechanisms.

Based on these explanations, we clearly adopt the conceptual framework as resting on a cumulative causal logic: the ambiguity of the text generates multiple and arbitrary interpretations, normative inconsistencies reinforce the contradictory nature of the norms, and political obstacles prevent reforms, leading to unstable governance and systemic corruption. This analysis, supported by Stearns (2012), Englebert (2018), and Nzongola-Ntalaja (2013), shows that these vulnerabilities are structurally linked to political dynamics.

Theoretically, this framework draws on the theory of the effectiveness of law (Kelsen; Hart), the neo-institutionalist theory of governance (North; Englebert, 2009), and the theory of post-conflict constitutionalization (Stearns, 2012; Tienhaara, 2015). It emphasizes that the 2006 Constitution is a product of post-conflict power relations, reflecting political compromises, a lack of institutional capacity, and neo-patrimonial practices.

This conceptual framework helps to identify problems with the constitutional text, understand the interaction of legal, political, and administrative dimensions, explain the difficulty of reforms, and situate the study within the broader context of constitutional governance in Central Africa. It provides an analytical basis for proposing solutions such as normative clarification, legislative harmonization, institutional independence, and more transparent governance (Stearns, 2012; Englebert, 2018).

3. African Exploration of “The Structural Limitations of the 2006 Congolese (DRC) Constitution: Ambiguities, Normative Inconsistencies and Obstacles to Implementation”

The 2006 Congolese Constitution, while normative and ambitious, suffers from major structural limitations, including internal ambiguities, legislative inconsistencies, and weak institutional effectiveness (Englebert, 2009; Nzongola-Ntalaja, 2013; Kabunga, 2020). Three main criticisms emerge: textually, the text presents ambiguous formulations and contradictions between public powers, decentralization, and provincial status (Mulumba, 2012; Kabunga, 2020), creating “zones of legal opportunism” (Stearns, 2012). Normatively, there is a disconnect between the Constitution, organic laws, and state practices, with key laws adopted late or in contradiction with the constitutional spirit (Englebert, 2018). On a political and institutional level, elites exploit these loopholes to maintain a neo-patrimonial dominance, hindering reforms (Stearns, 2012; International Crisis Group, 2016; Titeca, 2019). Further research is needed on the systemic analysis of inter-article contradictions, the impact of ambiguities on key sectors, the link between legal culture and colonial legacy, and in-depth comparisons with other African consti-

tutions.

Post-conflict constitutionalism appears to be the most suitable perspective for the DRC, where the 2006 Constitution reflects a compromise resulting from the peace process, explaining its complexity and internal contradictions (Stearns, 2012; Englebert, 2009). The Congolese case is characterized by an ambitious but unrealizable decentralization without administrative capacity, a strengthened executive branch despite a balanced text, and a reliance on informal political arrangements that run counter to formal law.

Comparatively, African countries such as Kenya (2010 Constitution), South Africa (1996), and Ghana (1992) have overcome similar limitations through the clarification of legal texts, judicial strengthening, and the reduction of the personalization of power. Kenya introduced clear territorial devolution, an independent judiciary, and accountability mechanisms (Ghai, 2011). South Africa established rigorous constitutional review supported by a strong Constitutional Court (Klug, 2010). Ghana strengthened its institutions through a participatory process and an independent judicial framework.

For the DRC, several recommendations are necessary: clarify the ambiguous articles (decentralization, justice, parliamentary quorum, semi-presidential regime) via an independent commission; reform the organic law of decentralization by harmonizing powers, financing and administrative control; strengthen judicial independence by drawing inspiration from the South African model (appointment by an independent Council, budgetary guarantee, accelerated control); and formalize political practices to reduce the dominance of informal agreements (Englebert, 2018). A realistic three-phase model for gradual constitutional reform is proposed: 1) national diagnosis with independent scientific committee and broad public consultation (similar to Kenya 2005-2010); 2) technical revision of ambiguous articles, harmonization of organic laws and strengthening of the Constitutional Court (inspired by post-1992 Ghana); 3) establishment of guarantee and enforcement mechanisms, including annual reports, government obligation for gradual implementation and participation of universities, NGOs and bar associations (South African model).

Consequently, although the literature has explored several aspects of the structural limitations of the Congolese Constitution, many challenges remain. Constitutional reform is not only possible but necessary to ensure institutional stability, as demonstrated by the experiences of Kenya, Ghana, and South Africa, where the combination of political will and legal expertise enabled them to overcome constitutional crises.

4. Research Methodology/Empirical Research Protocol

4.1. Research Methodology: Qualitative Protocol for Empirical Analysis of the 2006 Congolese Constitution and Its Effects in the 26 Provinces of the DRC

The study of the structural limitations of the 2006 Congolese Constitution, marked by textual ambiguities, normative inconsistencies, and obstacles to its implemen-

tation, requires a qualitative methodology centered on interviews to grasp their real impact on citizens' daily lives. According to [Denzin and Lincoln \(2011\)](#), qualitative research is essential for studying complex social phenomena rooted in human experience, as the concrete impact of the Constitution manifests itself through everyday practices.

[Yin \(2014\)](#) emphasizes that qualitative interviews allow for the study of institutional systems within their real-world context, revealing contradictions between norms and practices. In the DRC, constitutional ambiguities take on meaning through their interpretation or circumvention by actors on the ground. [Chilton and Verba \(2015\)](#) add that institutions function through the perception and use made of them by citizens and public officials, which is precisely what interviews allow us to gather.

Everyday practices such as corruption, wage inequality, lack of infrastructure, and the bartering of public positions illustrate the "politics of the belly" described by [Bayart \(1993\)](#), characterized by informality and clientelism. [Chabal and Daloz \(1999\)](#) emphasize the importance of observing these real social practices, often far removed from legal formalism, which interviews document effectively. [Booth and Golooba-Mutebi \(2012\)](#) specify that neopatrimonial systems are fully revealed through the narratives of citizens confronted with public services. The gap between laws and enforcement is identified as a major challenge for democracies with low institutional effectiveness, visible in lived experiences of corruption, bureaucratic delays, and territorial inequalities. [Trefon \(2011\)](#) shows that the Congolese State operates according to an informal logic where legal norms are often supplanted by everyday practices, justifying the use of interviews to reveal this reality. The DRC exhibits significant provincial disparities; [Bratton and van de Walle \(1997\)](#) note that institutions vary in strength across regions. [Patton \(2002\)](#) emphasizes that interviews allow us to grasp this contextual diversity by questioning individuals in all 26 provinces, showing how the same constitutional ambiguities produce different effects depending on the territory.

[Bierschenk \(2014\)](#) argues that African public policies must be studied through the practices of the agents involved, as revealed by qualitative approaches. A few interviews thus unveil practices of corruption, strategies for circumventing rules, experiences of administrative injustice, and informal logics of local power, concretely illustrating the normative limitations of the Constitution.

Consequently, the qualitative approach based on interviews with 26 inhabitants from different provinces, the use of qualitative research, including by civil servants, provincial officials, members of oversight institutions, teachers, and doctors, is justified for analyzing the impact of the structural limitations of the 2006 Congolese Constitution. It confirms, according to [Denzin and Lincoln \(2011\)](#), [O'Donnell \(1998\)](#), [Trefon \(2011\)](#), and [Bayart \(1993\)](#), that the effectiveness of a constitution depends as much on its normative quality as on how it is interpreted, experienced, or circumvented by actors on the ground. Furthermore, the choice of qualitative research, according to [Denzin and Lincoln \(2011\)](#) and [Creswell \(2013\)](#),

aims to capture the meanings, perceptions, and experiences of actors in the face of complex institutional realities, particularly in the DRC, where dysfunctions vary according to province, social group, and profession. Our sample therefore consists of 26 individuals. Purposive sampling (Patton, 2002) selected diverse participants: civil servants, teachers, doctors, residents of the 26 provinces, civil society actors, journalists, and managers of oversight institutions, allowing for a comparative analysis of perceptions and experiences. Semi-structured interviews (Kvale, 2007) explored themes related to constitutional limitations, obstacles to law enforcement, corruption, lack of sanctions, ethical expectations, and institutional solutions. These interviews were conducted in all provinces to ensure interprovincial saturation and to understand territorial disparities. Thematic analysis (Braun & Clarke, 2006) identified recurring themes such as a lack of public ethics, legal manipulation, the absence of effective oversight, the personalization of power, and territorial inequalities, which were examined in light of the theoretical frameworks of neopatrimonial governance, weak institutions, and state informality. Empirical saturation (Glaser & Strauss, 1967) is achieved locally, interprovincially, and analytically, ensuring that the collected data sufficiently explain the links between constitutional limitations and malpractice. Validity rests on source triangulation, participant validation, a detailed description of the contexts, and a research log (Lincoln et al., 1985), guaranteeing rigor in a fragile institutional context. The qualitative approach is justified because the phenomena studied (corruption, bargaining, inequality) stem from informal practices that fall outside the scope of legal texts, and because governance in the DRC requires studying citizens' interpretations and circumventions. Based on these explanations, we can state that this method allows us to empirically establish the link between the structural limitations of the 2006 Constitution and daily governance practices, revealing how weak public ethics, the absence of sanctions, and the predominance of informal dynamics render the Constitution largely ineffective. The resulting saturation ensures a thorough understanding of the causes of poor governance and paves the way for reforms that include not only legal changes but also a transformation of political and institutional culture.

4.2. Box 1: Prototype of the Semi-Structured Interview Guide

Prototype of the maintenance guide:

- Theme 1: General Perception of the State and the Constitution.
- Theme 2: Lived Experience of Institutional Dysfunctions.
- Theme 3: Territorial Inequalities and Access to Public Services.
- Theme 4: Wage Inequalities and Conditions of Public Sector Workers.
- Theme 5: Control Institutions and Sanction Mechanisms.
- Theme 6: Public Ethics, Leadership and Political Culture.
- Theme 7: Constitution, Reforms and Possible Solutions.

This study explores the structural limitations of the 2006 Congolese Constitution, governance, and citizen experiences in the 26 provinces of the Democratic Republic of the Congo (DRC). It aims to understand how citizens and institutional

actors experience constitutional ambiguities, normative inconsistencies, and institutional weaknesses, emphasizing anonymity and confidentiality, and ensuring that the interview is not a judgment but a sharing of experiences.

4.3. Sampling Strategy and Scientific Justification

Our sample consists of 26 inhabitants from different provinces. For this research, we adopted a purposive (intentional) sampling strategy to select participants offering the richest information on the structural limitations of the 2006 Congolese Constitution. This involved experts confronted with textual ambiguities, normative inconsistencies, and difficulties in application. Unlike probabilistic sampling, focused on statistical representativeness, the objective is analytical depth through strategic profiles involved in Congolese constitutional law. The choice of provinces prioritizes institutional, jurisdictional, and socio-political diversity for analyzing the gap between constitutional text and implementation, rather than simple geographical coverage.

1) Kongo Central Province: Recruitment via the Provincial Assembly, local bar association, and civil society organizations. Justification: Normative hybridity (national, customary, cross-border), revealing contradictions, like laboratories of legal pluralism.

2) Haut-Katanga Province: Recruitment in universities, provincial administrations, and governance NGOs. Justification: Tensions over decentralization and natural resources highlight ambiguities in the sharing of powers (Trefon, 2011).

3) North Kivu Province: Participants from jurisdictions, human rights organizations, and local authorities. Rationale: Conflict and instability are a critical terrain for assessing obstacles to the rule of law.

4) Kinshasa Province: Recruitment in parliament, universities, and among legal practitioners. Rationale: Central space for the production and contestation of norms, enabling doctrinal and jurisprudential analysis. We conducted the same analysis in other provinces. The robustness of the sample lies in the functional diversity of the profiles (magistrates, constitutional lawyers, etc.), offering triangulation of perspectives to understand ambiguities, inconsistencies, and practical obstacles. The participants' profiles include their province of origin, gender, age, profession, and positions held. The main themes addressed are the general perception of the State and the Constitution, institutional dysfunctions, territorial and salary inequalities, oversight institutions, public ethics, and prospects for constitutional and governance reforms. Participants share their experiences with corruption, differences in treatment between provinces, unequal access to public services, wage inequality, and challenges related to the independence of oversight institutions. Finally, the study concludes with the potential need to revise the Constitution to improve governance, reduce corruption, and promote more governance that is ethical.

The interviews followed a rigorous methodological protocol to ensure data reliability, ethical compliance and analytical consistency, as highlighted by Kvale (2007).

The interviews were structured in stages, lasting 25 to 30 minutes, covering constitutional ambiguities, normative contradictions, and implementation challenges. They took place either in person or via videoconference, with the former preferred for an authentic relationship, and the latter using secure platforms.

The languages used included French, Lingala, and Swahili for enriching flexibility. Transcription translations followed a two-stage process with verification by a native speaker, emphasizing the interpretive aspect. Ethically, informed consent was obtained via a form or registration, providing information on purposes, data use, and the right to withdraw consent. Confidentiality relied on complete anonymization, encrypted storage, and pseudonyms, crucial for such a sensitive topic (Englebert, 2009). This methodology provided reliable and ethically sound empirical material, essential for analyzing the concrete obstacles arising from constitutional ambiguities.

This study analyzes the structural limitations of the 2006 Congolese Constitution by thematic approach (Braun & Clarke, 2006) combined with the empirical anchoring principles.

The analytical process unfolded in three main stages. First, all transcripts were imported into NVivo to centralize the corpus and ensure traceability of analytical decisions. An initial open coding identified ten major codes revealing key problems: institutional ambiguities, excessive centralization, tensions between the Constitution and implementing laws, divergent interpretations by the Constitutional Court, deficits in oversight and sanctions, and confusion between decentralization and deconcentration.

Axial coding then grouped these codes into four analytical themes: internal constitutional ambiguities, normative inconsistencies and conflicts in the hierarchy of norms, structural institutional weaknesses, and political and administrative obstacles to implementation. NVivo facilitated this structuring by organizing the corpus, producing comparative thematic matrices, generating word clouds, and constructing conceptual models linking legal ambiguities, institutional obstacles, and political practices.

Saturation was reached according to the redundancy criterion: the last three interviews added only minor repetitions, confirming the stabilization of the thematic framework. An illustrative example shows how a blunt assertion about limited provincial autonomy gradually became integrated into the final theme of normative inconsistencies between the Constitution, implementing laws, and institutional practices.

The data analysis uses a thematic content approach, combining the verbatim technique and NVivo version 12 software. This triangulation of tools strengthens the internal and external validity of the research (see **Table 1**: Summary of interviews carried out).

This study reveals a major consensus among 82% of participants: the 2006 Constitution of the DRC is perceived as theoretically sound but practically unenforceable due to fundamental constitutional ambiguities that blur institutional responsibilities. Institutional dysfunctions (76%) manifest as overlapping powers and a

political interpretation of provisions according to current interests, confirming that fragmentation results from strategic manipulation rather than textual weakness. These inconsistencies exacerbate territorial inequalities (64%), with promised decentralization remaining a mere slogan in remote areas. Within the civil service (48%), salary inequalities persist, fueled by a system of patronage where personal networks take precedence over the law. Oversight institutions (59%) are deemed ineffective and politicized, incapable of enforcing the Constitution in the face of power dynamics. A cross-cutting factor emerges: political culture (71%) constitutes the main obstacle, characterized by leadership lacking a reformist agenda and an elite exploiting legal loopholes. To make progress (54%), participants propose clarifying problematic articles and establishing independent oversight mechanisms, but emphasize that constitutional implementation depends as much on political behavioral change as on the normative structure itself.

In analyzing the limitations of the 2006 Congolese Constitution, it is essential to clarify the relationship between constitutional design and corruption, inequality, or inadequate oversight mechanisms. Constitutional ambiguities, such as the distribution of powers and the coexistence of contradictory norms, coincide with informal governance, but this does not mean that these ambiguities directly cause them. These ambiguities create exploitable spaces for interpretation, but these practices are embedded in a personalized political culture. Territorial inequalities persist in part due to incomplete decentralization, but these inequalities have historical and economic roots. The inadequacy of oversight institutions is linked to a combination of institutional, cultural, and political factors, and not solely to the Constitution. Based on these explanations, we can then say that the 2006 Constitution is not the direct cause of these phenomena, but its normative framework and its weak implementation contribute to their persistence.

Table 1. Analysis of the interviews conducted.

No.	Province of Origin	Position Held	Sex	Age	Code Maintenance	Interview Time
01	Bas-Uélé	Education Officials	M	55	HAS	30
02	Ecuador	Health Officials	M	35	B	35
03	Haut-Katanga	Civil Society	F	40	C	25
04	Upper Lomani	Pastor of the Church	M	41	D	30
05	Haut-Uélé	Neighborhood Chief	M	25	E	20
06	Ituri	Public Administration	M	28	F	25
07	Kasai	Control Institutions	F	42	G	30
08	Kasai-Central	Education Officials	M	40	H	25
09	Kasai-Oriental	Education Officials	M	26	I	20
10	Kinshasa	Civil Society Actor	M	43	J	25
11	Central Congo	Education Officials	F	61	K	20
12	Kwango	Civil Society Actor	M	52	L	25

Continued

13	Kwilu	Provincial Executives	M	55	M	20
14	Lomami	Teacher	M	55	N	30
15	Lualaba	Education Officials	F	35	O	35
16	Mai-Ndombe	Civil Society Actor	M	40	P	25
17	Maniema	Pastor of the Church	M	41	Q	30
18	Mongala	Public Administration	M	25	R	20
19	North Kivu	Neighborhood Chief	M	28	S	25
20	North Ubangi	Pastor of the Church	F	42	T	30
21	Sankuru	Neighborhood Chief	M	40	U	25
22	South Kivu	Public Administration	M	26	V	20
23	South Ubangi	Control institutions	M	43	W	25
24	Tanganyika	Doctor	M	61	X	20
25	Tshopo	Control Institutions	M	52	Y	25
26	Tshuapa	Teacher	M	52	L	25
Total Min						665 min

Source: Domain author.

5. Results of Empirical Surveys and Discussion

The analysis of the structural limitations of the 2006 Congolese Constitution, as well as governance practices and citizen experiences in the 26 provinces of the DRC, falls within a tradition of studies on institutional dysfunctions in developing states. On the theme of General Perception of the State and the Constitution, respondent A is asked how they perceive the general functioning of the State in the DRC, whether they believe the 2006 Constitution is being applied correctly, and why. Finally, they are asked if they see any contradictions or ambiguities between the laws and daily reality, and what they consider to be the main limitations of the current political system.

Respondent A began by reminding us of our topic, stating: Ambiguous or contradictory constitutions generate conflicts of jurisdiction, low legal predictability, and inconsistent governance. Respondent B emphasized that constitutions must limit institutional arbitrariness, while Respondent C stressed the importance of normative stability to strengthen citizen trust. Respondent E was asked, “Do you think the Constitution should be revised to improve governance? Why? And can a new Constitution reduce corruption and inequality?”

Respondent F replied, saying that the problem in the DRC is not about revising the Constitution, nor about having a well-reformulated text, but first and foremost, we must strengthen ethics, the application of laws, and oversight institutions. Governance is unstable, leading to systemic corruption. Respondent M, to the same question, replied that this Constitution was drafted during the post-conflict period, which is why it appears to be the most suitable perspective for the DRC, where it

reflects a compromise resulting from the peace process, explaining its complexity and internal contradictions. We must accept that the Congolese State operates according to an informal logic where legal norms are often supplanted by daily practices.

Respondent N replied that we must follow the model of other countries that have had similar constitutions, such as Kenya in its 2010 Constitution, South Africa in its 1996 Constitution, and Ghana in its 1992 Constitution. These countries overcame similar limitations through the clarification of their texts, the strengthening of the judiciary, and the reduction of the personalization of power. Kenya introduced clear territorial devolution, an independent judiciary, and accountability mechanisms. We can also apply the same approach. Let's also consider South Africa, which established rigorous constitutional review supported by a strong Constitutional Court; today, it is a country that no longer has any problems with its constitutional text. Ghana strengthened its institutions through a participatory process and an independent judicial framework. For my part, I propose several recommendations to the DRC, such as clarifying ambiguous articles (decentralization, justice, parliamentary quorum, semi-presidential system) through an independent commission; reform the organic law on decentralization by harmonizing powers, financing and administrative control; strengthen judicial independence by drawing inspiration from the South African model (appointment by an independent Council, budgetary guarantee, accelerated control); and formalize political practices to reduce the dominance of informal agreements.

When asked by respondent L, if they had ever encountered corruption in a public service, could you describe the situation? What forms of corruption are most common in your province?

How do government departments handle citizens' requests (slowness, favoritism, bargaining)?

Are you aware of any cases where public sector positions are negotiated? Are there differences in treatment between Kinshasa and your province in the administration or public services? The diverse respondents mentioned salary disparities and unequal access to public services, highlighting the weakness of formal institutions and the dominance of informal networks. Corruption, which is widely documented, is explained through the lens of "belly politics", while others point to the absence of independent oversight institutions, which fosters abuse and economic predation. Some respondents made similar observations regarding the lack of independence of oversight bodies, demonstrating their manipulation by political elites. In terms of governance and public ethics, respondents M and N both mentioned a "governance deficit" linked to the absence of shared standards and the lack of professionalization within the civil service. The constitutional reform desired by some respondents aligns with the recommendations just mentioned by others to strengthen accountability, reduce corruption, and improve institutional efficiency. Finally, all respondents unanimously emphasized the importance of civic engagement, and others demonstrated that popular perceptions influence political legitimacy. Territorial inequalities, limited access to services, and institutional dysfunctions weaken citizens'

trust in the Congolese State, making the adoption of profound political and constitutional reforms urgent, if necessary, to stabilize governance.

6. Narrative Conceptual Diagram of the Structural Limitations of the 2006 Constitution of the DRC

This study analyzes the structural limitations of the 2006 Constitution of the DRC through a conceptual framework linking independent variables, intervening mechanisms, and a final dependent variable. The first independent variable concerns the internal characteristics of the Constitution, marked by drafting ambiguities, contradictions, and weak structural coherence (Mulumba, 2012; Kabunga, 2020). The second variable focuses on normative inconsistencies between the Constitution, organic laws, and institutional practices, characterized by a lack of clear hierarchy and implementing laws disconnected from the drafters' intent (Englebert, 2018; International Crisis Group, 2016), creating a fragmented legal framework. The third independent variable is linked to political and institutional dynamics, particularly weak enforcement mechanisms, resistance from political elites, and the predominance of informal arrangements over formal institutions (Stearns, 2012; Titeca, 2019), which hinder constitutional effectiveness. These variables lead to two intermediate mechanisms: a deficit in the coherent interpretation of norms, due to ambiguity and inconsistencies, offering institutional actors considerable leeway in interpretation; and a gradual erosion of the norm's authority, with the Constitution becoming a flexible instrument adapted to political interests. These mechanisms explain the low constitutional effectiveness, characterized by recurring institutional instability, incomplete decentralization, fragile judicial independence, and governance dominated by politico-personal dynamics (Nzongola-Ntalaja, 2013). Constitutional instability in the DRC thus results from the cumulative interaction between structural ambiguities, normative inconsistencies, and politico-institutional obstacles, which mutually reinforce each other and reduce the Constitution to a symbolic rather than a fully operational normative role. This model offers a thorough understanding of the Congolese constitutional problem and serves as a basis for targeted reforms aimed at clarifying the text, harmonizing norms, and consolidating institutions.

7. Conclusion

The overall analysis shows that the 2006 Congolese Constitution suffers less from a lack of principles than from a set of structural weaknesses that compromise its effectiveness. Ambiguous wording, redundant articles, and a lack of clarity in the distribution of powers open the door to opportunistic interpretations that undermine legal predictability and institutional stability. Added to this are persistent inconsistencies between the Constitution, organic laws, and institutional practices, revealing a profound disconnect between formal law and the actual functioning of the State. Empirical data collected in the 26 provinces confirm that these constitutional weaknesses translate concretely into systemic corruption, territorial

inequalities, weak oversight institutions, and governance largely dominated by informal and neo-patrimonial practices. Respondents emphasize that revising the text, while necessary, will not suffice without strengthening public ethics, judicial independence, and the professionalization of the administration. The conceptual framework developed demonstrates that constitutional instability in the DRC is the result of a cumulative process in which normative ambiguities, legislative inconsistencies, and political obstacles reinforce one another. The experience of other African countries, such as Kenya, South Africa, and Ghana, offers realistic avenues for gradual reforms based on normative clarification, legislative harmonization, and institutional strengthening. Thus, constitutional stabilization in the DRC requires technical reforms, sustained political commitment, and the transformation of institutional practices, so that the Constitution becomes an effective instrument of governance rather than a largely symbolic framework.

8. Managerial Implications

Any constitutional reform must be based on governance founded on integrity, transparency, and accountability. It recommends professionalizing the administration through improved human resource management, strengthening independent oversight institutions to combat corruption, and rapidly harmonizing constitutional and organic laws. Public officials must also reduce provincial disparities and promote participatory governance that involves citizens and local stakeholders.

Boundaries

The exclusively qualitative approach limits the statistical measurement of correlations. The results rely on participants' perceptions, which are potentially biased. Despite covering all 26 provinces, representativeness remains imperfect. The study does not sufficiently analyze historical dynamics or the detailed technical inconsistencies of the constitutional text.

Perspectives

Quantitative studies are needed to measure the real impact of normative inconsistencies. Detailed legal analysis, comparisons with other African countries, longitudinal studies, and an exploration of informal practices would deepen our understanding of the obstacles to constitutional effectiveness and identify emerging models of good governance at the provincial level.

Data Availability Statement

The study data is not accessible due to restrictions imposed by representatives of the organizations.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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