

**WORKING PAPER / 2018.01**

# **Power and policy-making in the DR Congo: The politics of human resource management and payroll reform**

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**WORKING PAPER / 2018.01**

**ISSN 2294-8643**

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January 2018

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This research is part of the Secure Livelihoods Research Consortium, funded by the UK's Department for International Development (DFID).

The author gratefully acknowledges comments on an earlier version by Tom De Herdt & Kristof Titeca.

## TABLE OF CONTENTS

<b>ABSTRACT</b>	<b>5</b>
<b>INTRODUCTION</b>	<b>6</b>
<b>1. HUMAN RESOURCE MANAGEMENT AND PAYROLL REFORM IN THE DRC</b>	<b>6</b>
1.1. CIVIL SERVICE REFORM, 2003-2011	7
1.2. HUMAN RESOURCE AND PAYROLL MANAGEMENT	8
1.3. CURRENT HUMAN RESOURCE AND PAYROLL REFORM INITIATIVES	9
1.4. THE POLITICS OF HR AND PAYROLL MANAGEMENT	11
1.5. KEY INSTITUTIONS INVOLVED IN HR AND PAYROLL MANAGEMENT	12
1.5.1. THE MFP	12
1.5.2. MFP-MoB RELATIONS	13
1.5.3. THE MoB'S PAYROLL DEPARTMENT	13
1.6. THE PTS, SYGECPAF, AND THE SIGRH-P	15
1.7. CONSEQUENCES FOR THE HEALTH AND EDUCATION SECTORS	16
1.8. IMPLICATIONS AND QUESTIONS	16
<b>2. CONCEPTUALISING THE POLITICAL ECONOMY OF HR AND PAYROLL MANAGEMENT IN THE DRC</b>	<b>19</b>
2.1. POLITICAL SETTLEMENT ANALYSIS	19
2.1.1. CRITIQUES OF PSA	20
2.1.2. APPLICATIONS OF PSA TO THE DRC	22
2.2. THEORETICAL FRAMEWORK: REVISED PSA, ORGANISATIONAL ETHNOGRAPHY, AND TECHNOLOGIES OF GOVERNANCE	24
2.2.1. REVISED PSA AND THE CONCEPTUALISATION OF ELITES	24
2.2.2. ORGANISATIONAL ETHNOGRAPHY AND THE CONCEPTUALISATION OF PRACTICES	25
2.2.3. FORMAL INSTITUTIONS AS 'TECHNOLOGIES OF GOVERNANCE'	26
2.3. CONGO'S POLITICAL SETTLEMENTS IN HISTORICAL PERSPECTIVE	27
2.4. IMPLICATIONS OF CONGO'S EVOLVING POLITICAL SETTLEMENT	32
2.5. HR AND PAYROLL REFORMS IN THE DRC'S POLITICAL SETTLEMENT	34
<b>CONCLUSION</b>	<b>38</b>
<b>BIBLIOGRAPHY</b>	<b>39</b>

## **ABSTRACT**

Over the past fifteen years, the DRC has been engaged in a vast process of state reconstruction and reform, with significant support provided by donors. Partly due to an inimical political context, though, until 2012 donor-sponsored attempts at civil service reform and retirement remained limited and proved largely inconclusive. Since then, a series of encouraging steps have been taken with regards to administrative reform: the launching of the key reform of bancarisation in 2011, a revised civil service reform strategy supported by the World Bank in 2013. This paper provides an overview of the politics of HR management and payroll reform in the DRC, in order to situate the dynamics behind current civil service and payroll reform initiatives. The political economy of wage payment has already been substantially altered by bancarisation, and payroll and HR management can be considered as the administrative and technical ‘infrastructure’ on which payment of remunerations rest. While bancarisation has been presented as a resounding success, HR and payroll management is mired in considerable opacity and malpractice. Why do certain policies in the DR Congo work, and others fail? What are the wider political dynamics, but also the sectoral specificities, which drive such reforms? And what impact do donors have on these policies? The paper should be read as an introductory literature review on these aspects, providing a tentative sketch of how political settlement analysis and organisational ethnography can be used to make sense of these questions.

## INTRODUCTION

The core questions that drive this paper are both analytical and prospective: Why do certain policies in the DR Congo work, and others fail? And what impact do donors have on these policies? The areas selected for exploration of these questions are ongoing administrative reforms and the political economy of wage payment. Following a largely inconclusive phase of civil service reform from 2001–2011, since then, a series of encouraging steps have been taken with regards to administrative reform: the launching of the key reform of bancarisation in 2011, a revised civil service reform strategy supported by the World Bank in 2013. The political economy of wage payment has already been substantially altered by bancarisation, and payroll and HR management can be considered as the administrative and technical ‘infrastructure’ on which payment of remunerations rest. While bancarisation has been presented as a resounding success, HR and payroll management is mired in considerable opacity and malpractice. What are the wider political dynamics, but also the sectoral specificities, which drive such reforms? The theoretical and conceptual angle via which the themes covered are apprehended in this paper uses a combination of political settlement analysis, organisational ethnography, and reflections on ‘technologies of governance’, via a qualitative research methods approach. The working paper is organised in two sections. The first section provides an overview of civil service reform and payroll initiatives, the major stakes they represent, and the institutional and bureaucratic struggles they embody. The second section, then, relates the preceding descriptive section to the theoretical approach chosen, and is structured in two parts: a discussion of political settlement analysis (PSA), and of the conceptual framework employed.

### 1. HUMAN RESOURCE MANAGEMENT AND PAYROLL REFORM IN THE DRC

Over the past fifteen years, the DRC has been engaged in a vast process of state reconstruction and reform. The year 2001 marked a turning point, with the arrival in power of Joseph Kabila and the re-engagement on a wide scale of donors and other actors with the country. State reform initiatives have spanned a wide array of sectors, but interestingly, until recently the attention of major donors did not focus on administrative issues. There had been certain limited donor-sponsored attempts at civil service reform and retirement in the period 2003–2011; but due to an inimical political context, they were half-heartedly supported, and proved largely inconclusive (Moshonas 2014). The importance of administrative redress can hardly be overstated, however, insofar as donor programmes and projects depend on the latter to be effective. While since 2012, there has been substantial progress in reviving administrative reform from its previous state of torpor, significant issues remain unresolved. Among those, the most prominent consists in establishing a clear division of labour among key institutions – specifically the *Ministère de la Fonction Publique* (MFP) and the Ministry of Budget (MoB) – in the expenditure circuit of wage payment. If the political economy of wage payment has already been substantially altered by *bancarisation*, payroll and human resource (HR) management can be considered as the administrative and technical ‘infrastructure’ on which payment of remunerations rest. While *bancarisation* has been presented as a resounding success, HR and payroll management is mired in considerable opacity and malpractice.

This opening section provides an appraisal of human resource and payroll reforms since 2001 including ongoing initiatives, and an overview of the political economy of HR and payroll management. It also identifies a number of conceptual issues and gaps in our understanding of public sector reforms in the DRC. In particular, the following overview shows that

the Congolese administration, conceptually, can be understood through at least two, closely interrelated, layers of analysis, none of which can be subsumed under the other: one stressing the pronounced fragmentation and lack of coordination traversing a disjointed, decentred civil service; and one unpacking the political relations (patronage, clientelism) that sustain the civil service and partially hold it together. As such, this section serves as an introduction for the theoretical framework outlined in the following section.

### 1.1. Civil service reform, 2003-2011

Understanding the present state of the Congolese administration inevitably demands the adoption of an historical perspective (Moshonas 2012: chapter 3), incorporating colonial legacies, the period of Congo crisis (1960-1965), the one-party state period and years of structural adjustment (1965-1990), as well as the process of state-implosion and the wars in the 1990s. All of those were important in terms of leaving their mark of the current state of the bureaucratic apparatus.

Indeed, the Congolese administration in 2001 lay in ruins. It faced challenges including absenteeism, inadequate provision of public services, exceedingly low salaries (when paid), rampant politicisation, not to mention a severe dearth of functioning expenses, supplies, or equipment (Nasser Niane 2003). Even though not exceptional among administrations in Africa (Nembot 2000; Blundo & Olivier de Sardan 2006), the DRC probably presents an extreme case. Public sector salaries in 2003 were among the lowest in the world, from \$4 to \$35 per month depending on the category of civil servant (Morganti 2007: 6), and were marred by severe irregularities, with arrears sometimes reaching years. Moreover, salaries over time became progressively replaced by monthly supplements in terms of bonuses – *primes* – which could make up 90-95 per cent of total remuneration (Verheijen & Mabi Mulumba 2008: 4). This non-transparent system of bonuses, however, hides very high discrepancies: between the capital city and other provinces, and also, across ministries and services themselves, with institutional revenue-streams usually determining the importance of bonuses; for example, officials in the customs service are invariably better off, as are civil servants staffing the Payroll Department at the ministry of budget compared to their counterparts in say, the ministry of *Fonction Publique*, or even compared to their colleagues in most other departments in the ministry of budget. Needless to say, for many, meagre and uncertain remunerations were complemented by the exercise of a range of informal activities: parallel employment (moonlighting), de facto privatisation of public office and assets, or simply embezzlement (Wathum 2004: 551).

Civil service reform was introduced as part of the government's engagement towards structural reforms, which were a key condition to receive funding from International Financial Institutions. The original reform of 2003 strategy envisaged: revising the legal framework, conducting a census of civil servants, an audit of payroll procedures, the restructuring of priority ministries, retirement, and capacity-building initiatives (Gons 2004). The structures charged with implementation were created in 2003, and placed under the authority of the MFP, in charge of leading the reform. A division of labour among donors (the Belgian Technical Cooperation-BTC, South Africa, the World Bank, UNDP, France, and the African Development Bank) was put in place (Diumasumbu 2008). By 2010, the civil service reform (CSR) project was considered a failure by all donors involved, and by then, several of those had withdrawn from or curtailed their support for the project.

Several evaluations of this phase of reform were commissioned, particularly by the Belgian Technical Cooperation, pinpointing various shortcomings of the process (Camaly

& Tudienu 2008; Saint Martin 2008; BTC 2009). Among the factors identified figured: the fact that the reform was an external imposition; that it received inadequate support by the national authorities; that the reform was upset by institutional changes, such as decentralisation in 2005; the setbacks and delays that beset the project; and the fragmentation of donor initiatives. However, the core cause of reform failure in that case – and one consultant reports and technical evaluations, for obvious political reasons, cannot clearly spell out – had to do with the broader politics of the transition, and the poor timing of the initiative (Moshonas 2014). Indeed, introduced in the midst of the democratic transition of 2003-2006 with expectations of short-term results, in a context when the overarching objective of donors was the holding of elections and the safeguarding of the transition at all costs (even if it meant deviations from policies and setbacks in structural reforms) the reform retrospectively appeared entirely incongruous. For instance, the 2005 census of civil servants was only partially carried through amid substantial delays and funding issues (RDC/Ministère de la Fonction Publique & PNUD 2010); as recruitment in the civil service constitutes a core patronage device for the build-up of electoral constituencies, census operations ended up validating rather than correcting irregularities (Bomboko Bombelenga et al. 2007: 42); as one informant put it in 2010, the census was instrumentalised as an ‘electoral strategy’ (Moshonas 2012: 159). The \$47.5 million earmarked by the World Bank for the retirement of 100.000 civil servants, supplied as direct budgetary support in 2005, had virtually disappeared as electoral preoccupations – in which finance was pivotal – loomed high on the horizon (Moshonas 2014: 260). The conception and design of CSR by the Belgian Technical Cooperation proved vastly inadequate, in many respects oblivious to the political realities of the power-sharing government, predictably leading to the dysfunction of reform structures, particularly due to the anchoring of leadership into the MFP alone, which bereft of support from the national authorities, sank into inactivity.

CSR was experienced as a donor-driven imposition: it was introduced with virtually no consultation, or implication of, the wider body of civil servants, with the added problem of severe donor fragmentation, and almost no funding was provided by the government for the endeavour. In addition, with the 2003 reform, ministerial cabinets had evolved towards quasi-private entities linked to governmental figures, orienting policies in a manner detached from their ministerial bureaucracies, moved by a logic of financial and political expediency, and prone to frequent change along the tune of governmental reshuffles. This has further entrenched the disconnect between the political leadership and the civil service, the latter constituting a system within the system, which goes some way to explain why the administration is frequently not aligned with governmental policies, laws and regulations (Verheijen, Musa Mundedi & Mutamba Makombo 2012: 107). As Trefon put it, in the DRC the principle of subservience of the administration to the executive, charged with policy implementation by political authorities, is pure fiction: ‘Administrative personnel in Congo define their own strategies without necessarily taking into account political injunctions’, (...) ‘[and] have elaborated dynamic forms of accommodation with both political authorities and the people’. In some cases, the decision of political authorities are executed to the letter, in other cases partially, and in most, not at all, with ‘personal opportunism’ governing administrative action (Trefon 2009a: 13).

## **1.2. Human resource and payroll management**

A key problem resulting from administrative decline concerns the utter loss of control of the MFP over HR management, and especially the numbers of civil servants. Even though the 2005 census was only partially carried through, a presentation of its results by former min-



ister of the MFP, Jean-Claude Kibala, outlined some rough numbers for civil servants (Kibala, n.d.), placing the total at 793.615, of which 485.196 (61 per cent) are under statute, 278.159 (35 per cent) are *Nouvelles Unités* (NU)<sup>1</sup>, and 30.260 whose situation is deemed litigious (4 per cent). However, once the education sector and the army (FARDC) are added, these figures seem an underestimate; other accounts (including recent payroll data, RDC/Ministère du Budget 2014) suggest a more accurate figure is over one million (Herdeschee, Kaiser & Mukoko Samba 2012: 88), particularly as the 2005 census largely failed to account for substantial numbers of teachers in several provinces. Another problem is the ageing profile of the administration: according to the dispositions of the 1981 Statute, which set the retirement age at 55 and/or 30 years of service, as many as 55 to 60 per cent of civil servants are eligible. These proportions are much higher for high-ranking civil servants (*Secrétaires Généraux* and *Directeurs*), and reach upwards of 80 to 90 per cent. This constitutes a very basic, but major problem for administrative reform: as the social security system has fallen in total disrepair, the government lacks the funds to proceed to retirement, resulting in large amounts of civil servants past retirement age remaining at their posts (the '*retraités debout*'), in many cases idle in overcrowded offices, receiving their wage and *prime*, even as substantial numbers of younger personnel are unregistered and non-integrated in the payroll.

The impact of wage payment on the state's budget is huge; indeed, the wage bill (including salary supplements such as the *primes permanentes*) absorbs the lion's share of the domestic budget. This situation harks back to the mid-1970s, when most of the state's operational budget was devoted to remuneration. Today, according to the World Bank, due to high aid dependence, the DRC has two budgets, one funded on domestic revenue which represents two thirds of public spending, primarily composed of wages and operating costs, and a budget funded via international aid, which provides the bulk of social spending and infrastructure development. Public spending on the basis of domestic resources between 2009 and 2013 saw 41 per cent of its total devoted to the wage bill of civil and military personnel; this wage bill has risen on average by 30 per cent per annum during the last ten years (World Bank 2015: 6-7).

### **1.3. Current human resource and payroll reform initiatives**

In light of the previous aborted phases of administrative reform, an encouraging sign since 2012 has been the launching of a new revised strategy for CSR, which appears to benefit from much greater ownership and support from the government, and has to a much higher degree than previously been designed by the latter (RDC/Ministère de la Fonction Publique 2015). Reform structures have been changed, and the inter-ministerial piloting committee is now under the authority of the Primature (the *Comité de Pilotage et de Coordination de la Modernisation de l'Administration Publique*, CPMAP), with the MFP in the lead), while a permanent implementation structure, also located in the MFP, is tasked with oversight of activities (the *Cellule de la Mise en Œuvre de la Réforme de l'Administration Publique*, CMRAP). There has also been renewed interest among donors for administrative reform, evidenced by a division of labour between donors, and with the World Bank assuming a central role through its \$77 million Public Sector Reform and Rejuvenation Project (PRRAP, 2014-2019), which targets in priority the ministries of Finance, Budget, Planning, MFP, and the *Ministère du Portefeuille*.

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[1] NU are comprised of recently recruited personnel who are not yet registered at the MFP, nor receive a salary; they are particularly numerous in the Eastern provinces, where due to the war displacement of civil servants and their replacement by rebel authorities, their proportion can rise well over 50 per cent of the civil service.

Available documentation on the current reform strategy launched in 2012 outlines a series of objectives, priority axes and actions that aim to re-establish order, transparency and efficiency in the management of the public service. The reform strategy is premised on gradual implementation, and concerns in its first phase certain central ministries selected by virtue of their transversal attributions (these are the MFP, and the ministries of Finance, Budget, Planning, and Interior and Decentralisation); upon successful implementation of the first phase, a second phase is scheduled to target ministries concerned by administrative and sectoral decentralisation, followed by an extension to all other ministries. Importantly, the success of the reform hinges on the establishment in each administration of certain new structures, called Directions Standards, such as the *Directions des Ressources Humaines*, *Directions Études et Planification*, and the *Directions Administratives et Financières*.

However, as noted by documentation produced by the MFP (RDC/Ministère de la Fonction Publique 2015), there are a series of deficiencies that pose significant challenges to reform implementation. To begin with, the civil service in the DRC is presented as consisting of three parallel structures: a general administration, ageing and sidelined from policy design and implementation; a system of ministerial cabinets composed of political appointees; and a series of parallel committees, such as the COREF (the steering committee for public finance reforms), tasked with oversight of key reforms such as public financial management and decentralisation. While multiplying structures and functions has historically been the solution Congolese governments have chosen to overcome administrative ineffectiveness, and allows some progress to be achieved (e.g. on the design of key reforms), this reliance on transient parallel structures poses profound sustainability issues in the longer term. Added challenges consist in a severely fragmented legal framework and management structure, amplified by multiple amendments to legislation as well as the multiplication of ‘*statuts spécifiques*’, which have created an HR system allowing huge latitude to ministers to manage their staff, shattering the idea of a unified administration. For instance, due to the multiplication of these *statuts spécifiques*, payment modalities, categories of *primes*, and generally career management differs across professional categories, a situation deriving from the ability of particular groups of civil servants to push forward their corporatist interests (the evolution of the *prime de risque* of doctors, which has been steadily rising over the years, is a good case in point)<sup>2</sup>. Additionally, the current HR management system, which involves the MFP for overall HR management and the MoB via the Payroll department for the wage bill, is very poorly coordinated. There is an almost complete lack of integration between those two institutions and their respective databases. This has resulted in an inflation of the wage bill and weak controls on hiring practices, insofar as line ministries have, for a long time, been operating as autonomous recruitment centres, the MFP is unable to keep track of, let alone control, recruitment, and the MoB has been, on the basis of frequently informal arrangements, accommodating the requests of line ministries, in a situation where many civil servants receive no wages, but may receive a salary supplement. In addition, the incoherence of the payroll system – limited differentiation of salaries based on seniority and level of responsibility, with a pre-eminence of *primes* in remuneration – brings opportunities for patronage and graft. This can be seen from the procedures through which the allocation of salary supplements are decided, which as a report stated (SIMAC 2014: 172), resemble more a form of negotiation rath-

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[2] The new Statute of the civil service aims to address this issue: after being under examination by legislative institutions since 2012, it was finally promulgated in July 2016. Loi N° 16/013 du 15 juillet 2016 portant Statut des agents de carrière des services publics de l’État, Journal officiel du 3 août 2016, available at: <http://fonctionpublique.gouv.cd/wpcontent/uploads/2016/09/Loi-N16013-du-15-juillet-2016-Portant-statut-des-Agents-de-carrieres-desservices-Publics-de-lEtat.pdf>

er than the application of clear-cut rules, some *primes* being even devoid of a legal framework. Another good case in point concerns the allocation of salary supplements for doctors (the *prime de risque*), which in recent years has been carried out under the far-reaching and abusive influence of the very powerful and dominant doctors' union, SYNAMED, which deals directly with the MoB's Payroll department as well as banks in deciding doctors' remunerations (EACP 2016).

One specific reform initiative of great relevance here concerns the attempt to improve HR data management and payroll reform, particularly the electronic interfacing and reconciliation of MFP personnel database with that of the MoB, held by the Payroll department, under the guise of the establishment of an integrated HR and pay management system (*Système intégré de gestion des ressources humaines et de la paie*, SIGRH-P). Indeed, the implications of the implementation of the SIGRH-P are far reaching in terms of the current relations between the MFP and the MoB, as well as for the health and education sectors, inasmuch as it has the potential to alter the current configuration around which HR management and the payment of salaries and primes takes place.

#### **1.4. The politics of HR and payroll management**

In 2003, a new computerised expenditure management system was introduced, in order to monitor public spending in real time (RDC/Gouvernement 2010). This four-step procedure encompasses the payment of wages and salary supplements (*primes*), and involves several institutions. Officially, line ministries, aside the administrative management of their personnel, are charged with the preparation of the elements required to calculate their payroll, including the control and verification of received payments; the MFP is in charge of the commitment, of the spending (*l'engagement des dépenses*) of all personnel under its jurisdiction, which in principle concerns both the base salary and the *primes permanentes*; the MoB is in charge of the validation of the expenditure (*liquidation des dépenses*); the ministry of finance (MoF) is in charge of the payment order (*l'ordonnancement des dépenses*); while the Central Bank deals with the execution and report of the payment (carried out via commercial banks and/or Caritas, as outlined in the agreement with the *Association Congolaise des Banques*) (RDC/Ministère des Finances & Ministère du Budget 2010; Beaudienville 2012).

The present procedure harks back to 2004, when the inter-ministerial commission of civil service reform had initiated a reform of wage payment, based on an audit conducted by the French Cooperation on the payroll system (RDC/Ministère du Budget 2016). This audit had led to two recommendations: the establishment of an integrated HR and pay management system (the SIGRH-P), and in the meantime, the implementation of a Simplified Transitional Procedure (*Procédure Transitoire Simplifiée*, PTS) for payroll management to improve wage bill control by streamlining the existing payroll chain and making it more secure. In practice, the official procedure based on the four-step expenditure circuit, and operationalised via the PTS, is not entirely respected. A major dysfunction derives from the current role of the MFP, which is currently quasi-entirely by-passed. As far as recruitment and movements of personnel with a direct budgetary implication are concerned, line ministries deal directly with the Payroll department without notifying the MFP. An added difficulty in clarifying the attributions of each institution, as analysed below, derives from the fact that the MFP and MoB (and especially the Payroll department) are engaged in a struggle over who will ultimately exercise control over the commitment and validation of the payroll<sup>3</sup>.

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[3] This section draws extensively on EACP 2016, a report on HR and payroll management in the DRC's health sector, which the author drafted as lead researcher.

The payroll procedure is confronted with several difficulties. Firstly, many errors can occur in the control and calculation of payroll due to a number of reasons: the non-integration of the databases on which operations are carried out which lack a computerised communication interface (PTS, FARDC, MEPSP, etc.), the interpretative latitude of the multiplicity of regulatory texts on the basis of which pay is calculated, the fragmentation of data for some sectors, or the overlap between civil servants who fall into several categories at the same time (for instance, doctors in the FARDC). In addition to this, the by-passing of the MFP for many administrative acts, including those which have a direct budgetary impact – whereby particular ministries deal directly with the Direction de la paie – poses severe consequences for the rationalisation of HR management.

The core problem, however, consists in that the MFP is quasi-entirely by-passed as far as its role in the payroll is concerned. For example, regarding the commitment of spending for wages and *primes* (*l'engagement des dépenses de rémunération*), in principle done by the MFP, a role which ongoing initiatives such as the SIGRH-P seek to reinstate, actual procedures in recent years have diverged depending on the service concerned: the presidency has that task for the members of the presidential cabinet, the cabinet of the minister of Budget for the members of the government as well as the personnel of ministerial cabinets and the political personnel of public institutions; the ministry of Defense for the FARDC, the PNC for police officers, SECOPE for primary and secondary education, etc., while the MFP is limited to civil servants of remaining institutions (RDC/Ministère des Finances & Ministère du Budget 2010: 21-22). This is further entrenched by a total confusion over ministerial attributions, and shrouds the process of *immatriculation* (incorporation into the civil service by the allocation of a badge number) and *mécanisation* (incorporation into the payroll) in considerable obscurity. This confusion, in turn, feeds into inter-ministerial tensions and frictions: the stance of civil servants at the MFP is that their ministry's role encompasses spending commitments, both for base salaries and *primes permanentes*, and they view the MoB's Payroll department (*Direction de la paie*) as a technical structure, exclusively executing orders, rather than assuming an expansive role far beyond its mandate. In contrast, staff at the MoB, while acknowledging the role of the MFP as far as the initiation of spending commitments for base salaries is concerned, deem the management of *primes permanentes* an affair for the *Direction de la paie* upon instruction from line ministries. This is, they argue, because of the MFP's loss of control over HR management, which renders many civil servants recipients of a prime without a base salary due to the lack of clear instructions or required updates emanating from the MFP. Lack of interfacing between the MFP and payroll databases compounds the problem even further.

## **1.5. Key institutions involved in HR and payroll management**

### **1.5.1. The MFP**

The MFP should be the only authority mandated to authorise recruitment and issue a badge number for the personnel under its jurisdiction, on which the payment of salaries in principle depends. However, the hold of the MFP over the career of civil servants remains theoretical; in 2002, it controlled only 21 per cent of the personnel of other ministries, and lacked even a single computerised file at its disposal (Camaly & Tudienu 2008: 26). However, this is not to suggest that the MFP had become irrelevant. Indeed, by virtue of its capacity to allocate badge numbers, it is the neuralgic point upon which tremendous amounts of political pressure are applied. Recruitment and regularisation of one's situation in the civil service is a strategic tool, particularly the build-up of political constituencies during electoral periods (Moshonas

2014). The principal pressure points are at the level of the minister of the MFP and his cabinet. Each successive minister (which between 2007 and 2015 always stemmed from the *Mouvement Social pour le Renouveau* political party) upon arrival in office attempted as much as possible to regularise the situation of newly recruited staff into the civil service (for example, NUs lacking a badge number). Even though clear rules are stipulated in the 2006 Constitution concerning nomination of civil servants (only the prime minister, for positions of *exécution* and *collaboration*, and the president, for positions of *commandement*), in reality all ministries recruit outside established procedures, and submit requests to the MFP for regularisation, as well as the *Direction de la paie* for *mécanisation*.

### 1.5.2. MFP-MoB relations

As stated, the MFP is responsible for the commitment of the spending for all personnel under its jurisdiction, to the exclusion of the so-called autonomous sectors which benefit from the *Régimes spéciaux* (such as the FARDC, PNC, MEPS, etc). When the MFP databases are transmitted to the MoB's Payroll department, a recurrent problem is civil servants featuring in one list but not the other. The MFP's database contains all regularised civil servants, whether paid or not; the payroll's database contains all paid civil servants (whether they feature on the listing of base salaries or primes). The names on the MFP's databases that are not integrated into the payroll will normally not appear in the latter, unless their incorporation in the state's payroll is programmed by the financial law for that year. In practice some do, and this is a crucial aspect of the informal functioning and the equally strategic position of the Payroll department: known as the '*prises en compte*', this process refers to the successful adding of civil servants into the payroll, which constitutes a major bone of contention between the MFP and the MoB.

An added issue, tied to the conflict over payroll attributions mentioned above between the MFP and MoB, is related to the budgetary implications of the regularisation and *mécanisation* of all civil servants. If control over the payroll in terms of commitment and validation of the wage bill passed into the hands of the MFP, and then proceeded towards integration of all badge-numbered personnel into the payroll, the impact on the state's budget would be huge, especially in the current conjuncture marked by a decline in state revenues; the current conflict between those two institutions is part and parcel of this dilemma. The Payroll department's position is clear on the matter; they have long lists of civil servants they are unable to integrate into the payroll despite authorisation from the MFP because of the lack of budgetary latitude. The end result is a situation whereby particular civil servants have to push their way through to be integrated; the Payroll department appears to be ultimately the locus where this is decided (Bertone & Lurton 2015: 33).<sup>4</sup>

### 1.5.3. The MoB's payroll department

In many respects, the strategic and high-stake position occupied by this department stems from the many weaknesses of the state's HR and payroll management, and the weak capacity of the MFP and line ministries to control and verify information. Given sectors and line ministries deal directly with the MoB as far as the validation of their payroll is concerned – whether in a tacitly accepted fashion such as the FARDC, MEPS-INC via the *Service de Contrôle et de la Paie des Enseignants* (SECOPE), or outside established procedures for personnel under the jurisdiction of the MFP – the Payroll department finds itself in a position of tremendous power: that of authorising inclusion into the state's payroll. A short overview of the salary payment

[4] Also see press reports, such as: <http://www.radiokapi.net/actualite/2015/06/03/detournement-de-la-paie-desmedecins-le-ministre-kabange-exige-des-sanctions-severes> [accessed 01.03.2017].

system<sup>5</sup> can help illustrate further the fragmented nature of administrative procedures and the informal practices they encompass.

Officially, as outlined above, the Payroll department merely validates the payroll commitments supplied by line ministries, including the primes, and agents ought to plead their case within their own hierarchies. Given the inadequacies of HR management, however, certain steps can be taken by particular agents or individuals for the exchange of money to be integrated on the listings of salaries and primes, without necessarily being recognised by a line ministry, or even without having a badge number. In other words, *mécanisation* can be facilitated on the basis of payments and/or use of one's network; and that in some cases, private but well-connected individuals, without even being part of state personnel as NU, can buy their way into inclusion into the payroll. As the MFP is unable to play its role of control and verification of payroll procedures, many movements in the state's payroll remain outside the purview of the MFP. This situation accounts for the severe collective action problems prevalent the payment of state personnel, whereby the ministries implicated mutually accuse one another with respect to observed irregularities (omissions on the listings, fraudulent inclusion, ghost workers, embezzlement).

The role of the Payroll department differs with respect to inclusion into the wage payroll (*fichiers salaire*) or the salary supplement payroll (*fichiers primes*). The Payroll department has the power to decide inclusion into the *fichiers salaire*, but does so on the basis of official MFP requests. These requests are submitted by the MFP to the MoB in the shape of *arrêtés d'admission sous-statut*, representing the registration of public sector workers with the MFP and the issuing of a badge number (*numéro de matricule*), which is a prerequisite to receive a wage, but does not guarantee inclusion. The ability of the MoB to integrate pending cases is limited by the state's budget as calculated in the financial law for that year; there is some limited leeway, however, insofar as the payroll is 'dynamic' (there is fluctuation for particular sectors, either on a monthly basis for the FARDC, PNC or MEPSP, or a trimester basis for other sectors).

The public sector payroll for wages and primes is composed of two elements: the normal wage bill, meaning what has remained unchanged for that month or quarter, and the 'dynamic' elements of the wage bill, meaning the changes that have been operated (based on deaths, revocations, resignations, frequent changes in the personnel of ministerial cabinets, inclusion of new personnel into the wage bill, etc). Concretely, the 'dynamic' nature of the payroll simply means that the *listings* for wages and *primes* (that is, the databases of all paid civil servants, either for wages, or for salary supplements, held at the Payroll department of the MoB for a given period) fluctuate on a monthly basis (for the sectors where the payroll is calculated every month due to the large numbers of personnel and frequent movements, such as the FARDC, PNC or MEPSP), or on a trimestrial basis (for other sectors). This means that there is a certain degree of latitude available to the MoB and the Payroll department specifically, to play around with in terms of injections onto the payroll, which after all, is normal given the regular movements of personnel.

If the Payroll department decides inclusion into the wage payroll on the basis of official MFP requests for already registered, but unpaid, civil servants, the situation with regards to the salary supplement payroll, however, is different: the Payroll department receives requests directly from ministries and services (typically from the DSGRH of particular administrations, with the signature of their secretary general and/or minister), and injections into the listings of

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[5] The following account does not aim to be comprehensive, but rather to illustrate the conceptual points raised in this section – administrative incoherence and the patronage-based aspects they harbour. For a more detailed treatment of payroll procedures in the DRC through the example of the health sector, see EACP 2016.



salary supplements are done on the basis of the declarative lists of the sectors, without the need for a badge number. The financial sums involved are far more important in the case of salary supplements, and the process is carried out without the involvement of the MFP. This situation, one of practical accommodation in a setting widely at odds with the legal framework and official procedures, is at the heart of numerous dysfunctions, irregularities, and abuses. Indeed, in recent years, since the *bancarisation* reform, periodic news reports emerge concerning the leakages of monies from the payroll for state personnel by alleged ‘mafia networks’, as was the case in May-June 2015 when controls launched by the MoB, with the help of trade unions, showed misappropriations totalling \$11.7 million for the sole city of Kinshasa in five ministries in the sector of health and education<sup>6</sup>.

## 1.6. The PTS, SYGECPAF, and the SIGRH-P

As stated above, the payroll procedure, technically speaking, was based until recently on the PTS, launched in 2007 and operational until 2015, when it was replaced, for technical reasons, by the *Système de gestion centralisé de la paie des agents et fonctionnaires* (SYGECPAF), which had been developed over the past year (RDC/Ministère du Budget 2014: 37-38). This can be considered as the software infrastructure on which wage and salary supplement payment is based, and on which *bancarisation* rests. A parallel, ongoing initiative, is the implementation of the *Système Intégré de Gestion des Ressources Humaines et de la Paie* (SIGRH-P). While the former is firmly under the control of the MoB, the latter is being implemented since 2014 as part of the current administrative reform strategy, under the leadership of the MFP, with World Bank funding and support.

The idea behind the SIGRH-P is to harmonise the different databases used by various ministries, particularly the payroll database in the MoB with the various HR databases held by the MFP. This integrated system will in principle allow the management of state personnel and their remuneration via an automatic and computerised procedure, which would put an end to the communication deficit between institutions involved in the payroll, where official circuits (especially between line ministries, the MFP and MoB) are by-passed. The hope is that it will also help rationalise current procedures, eliminate abuses such as ghost workers, and restore the principles of *budgetisation préalable* and the adequacy of deployed HR to the needs of public service. Upon its operationalisation, the SIGRH-P will function in parallel with SYGECPAF, until it absorbs the latter.

The current relations between the MFP and MoB, however, are a key blockage point facing the launching of the SIGRH-P. Between those two institutions, a latent confrontation is underway concerning the control of the payroll. As stipulated in the new Statute recently promulgated, for the remuneration of civil servants, the commitment of the spending as well as their control is one of the missions of the MFP; this concerns all components, base salary as well as supplements such as primes. The role of the MoB will be limited to the strictly technical validation of the spending. As such, the effective implementation of the SIGRH-P, should it see the light, would strip the Payroll department of its current prerogatives, which have arisen out of the deficiencies of the expenditure chain and the erosion of the MFP’s managerial capacity. In light of the current stand-off between the MFP and MoB, however, the prospects for the SIGRH-P ap-

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[6] See <http://www.rfi.fr/afrique/20151117-rdc-fraude-massive-paiement-fonctionnaires>; <http://www.lesoftonline.net/articles/michel-bongongo-fait-part-d%E2%80%99uneop%C3%A9ration-de-bancarisation-r%C3%A9ussie>. The repercussions in the MoB were serious enough that minister of budget Michel Bongongo, in April 2015, decided to replace a good portion of the Payroll department (including allegedly around half of its IT personnel, several Chefs de division liquidation and its director).

pear very uncertain. The MoB, in particular, is very reticent towards relinquishing control over the payroll. For all practical purposes, the MoB's Payroll department has at the moment the power to decide who can be integrated into the wage payroll, albeit on the basis of the requests submitted by the MFP for public sector workers who have been admitted into the civil service through the many *arrêtés sous-statut*, and within the bounds of the current financial law; it also has power at its disposal with regards to the payment of *primes permanentes*, which are dealt without implication of the MFP, whereby ministries and services send their requests directly to the Payroll department.

### **1.7. Consequences for the Health and Education sectors**

The importance of HR and payroll management can be gauged by its consequences in two sectors heavily funded by donors, namely health and education. Both of these sectors are beset by important challenges, such as large numbers of unregistered personnel (*Nouvelles Unités non-matriculées*) and unpaid personnel (*non-mécanisé*), and in principle would stand to gain from improved HR management and a rationalised salary payment system. Second, each of these sectors are characterised by interesting specificities: the primary and secondary education sector, aside consisting of a very large teacher workforce, for its part, manages its HR and payroll autonomously from the MFP, through a dedicated structure created in 1985, the *Service de Contrôle et de la Paie des Enseignants* (SECOPE), dealing directly with the Payroll department of the MoB. As such, should the SIGRH-P become operational, the SECOPE, as an administrative structure employing large numbers of personnel and a prime locus for patronage-based appointments with important financial stakes, would lose its *raison d'être* (De Herdt, Marivoet & Muhirigwa 2015: 96). Significant resistance is to be expected towards HR and payroll reforms which stand to erode its prerogatives and threaten its existence. The health sector, for its part, also employs significant numbers of personnel (over 130.000 in 2013, World Bank 2015: 63); while nominally under the jurisdiction of the MFP for the management of its workforce and the commitment of spending for salaries (*engagement des dépenses de rémunération*), the payroll procedure it follows – particularly for permanent salary supplements, known as the *prime de risque*, where financial sums are important<sup>7</sup> – bypasses the MFP, and is conducted directly with the MoB's Payroll department (EACP 2016). Third, these two sectors have their frontline delivery staff in schools or health facilities heavily subsidised by parents contributions (education sector) or user fees, known as the *prime locale* (health sector); they are also characterised by a wider pattern prevalent in the public sector, known as *financement ascendant* or *rapportage*, which sees financial flows move upwards away from frontline public service provision to the upper echelons of the administration and towards the top of the patronage pyramid. In sum, it is clear that rationalising HR and payroll management can benefit these areas of service delivery, even as expected political and financial pressures, along with entrenched bureaucratic interests, are likely to render these two sectors heavily resistant to ongoing reforms.

### **1.8. Implications and questions**

The overview presented above regarding HR management and payroll dynamics points towards a situation where there are severe collective action problems between ministries; however, a positive trend is that, as previous research suggests, there is growing awareness among donors, and even a shared recognition of the problem within ministries involved. The importance of the problem is hard to overstate: HR management and the functioning of

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[7] The *prime de risque* for doctors can climb up to \$1000.



the payroll is of capital importance for the performance of the administration and public service delivery, and the latter crucial for the ability of donors to work through the state in their programmes and projects, as the participation of civil servants is unavoidable. What the above paragraphs suggest is that ongoing reforms are intricately tied to inter-ministerial battles across institutions, where bureaucratic interests, but also political actors, wield considerable power in deciding the shape that informal, practical arrangements will take. Analytically, this can be conceptualised as the interplay between two distinct, but overlapping, tendencies: the lack of coordination inherent to a fragmented civil service; and the informal arrangements made of patron-client, political and patronage relations which stitch it together.

On the one hand, the Congolese administration has evolved, over years of economic crisis, state decline, and infrastructural decay towards a *modus operandi* whose defining characteristic is the inability of the state to manage its HR. Ministries manage their personnel outside any involvement from the MFP, recruitment is carried out autonomously and without any controls, and the wage and salary supplement (*primes*) payment system, as a result, is heavily beset by these issues. There are large numbers of unregistered civil servants without a wage (known as *Nouvelles Unités*), large numbers of unpaid civil servants (including substantial numbers who are registered with a badge number but not integrated into the payroll), and the payroll procedure, due to the inability of the MFP to play its role, operates on the basis of practical accommodations between the MoB's payroll department and other ministries, leaving scope for numerous dysfunctions, irregularities and abuses. This lack of coordination is also visible elsewhere: the disconnect between political leadership and the civil service (Trefon 2009a: 13), the lack of integration between those and parallel reform structures, the breaking down of payroll into several parallel payment systems (FARDC, teachers, PNC, political personnel, etc), are all cases in point.

On the other hand, this is not to suggest that political actors are devoid of influence; in fact, the historical record shows that the administration has long been tied to patterns of patronage and clientelism: as one observer put it (Willame 1992: 39ff, cited in Putzel, Lindemann & Schouten 2008: 23-24), the national administration was one of the pillars of the Mobutu regime, and used as an instrument for the personal enrichment of otherwise underpaid functionaries. While civil service-based enrichment still possible in the 1980s has largely receded for most civil servants, and a fund-starved administration mainly enables survival rather than accumulation, the bureaucracy is still a prime locus for patronage-based political influence. For example, recruitment in the civil service in electoral periods has been widely used for the build-up of political constituencies (Moshonas 2014), appointments in senior positions is never haphazard but is decided at the top of the political pyramid, following patron-client patterns (Trefon 2010: 713-714), and particular reforms, such as decentralisation, tend to be implemented according to the requirements of political expediency (Englebert 2012; Englebert & Kasongo 2016).

As far as ministerial attribution is concerned, the distribution of key institutions since 2001 has followed a balancing act between political parties, factions and personalities associated with the ruling coalition. At the start of the 2003 transition period, in order to accommodate the intricacies of the power-sharing agreement, the 'super-ministry' of Economy, Finance and Budget was broken into three (Beaudienville 2012: 5), setting the ensuing division of labour between the Ministry of Budget (MoB) and the Ministry of Finance (MoF) in the expenditure circuit. Following the 2006 elections, a delicate balance has been maintained across political parties within the presidential coalition for the attribution of ministries, as outlined in the following section. While these political changes at the top do not necessarily explain the march

of ongoing reforms, they do have a bearing on the implementation of government policy, for example with regards to fiscal policy, and specifically coordination between the MoB and MoF (Beaudienville 2012: 26). At the same time, the growing fragmentation of the ruling coalition – chipped at through growing resistance even from within due to presidential attempts to remain in power after 2016 – has imposed heavy costs in terms of the government’s ability to push forward particular initiatives, an ability already impaired beforehand given the sheer breadth of actors within the coalition and competing pressures surrounding rent distribution.

It is clear that understanding the balance of power across political factions, both past and current, within the ruling coalition, as well as the influence it has had over public policy, in terms of defining orientations, shaping decision-making, and determining the prospects and practice of implementation, is crucial to assess ongoing initiatives in HR and payroll management. An issue of equal importance consists of investigating the relations that link political actors and manoeuvring with administrative personnel within institutions, as well as wider stakeholders such as trade unions and civil servants, particularly as past research suggests that the filtering of policy in the DRC transits in convoluted ways via the agency of bureaucratic actors, structures, and interests, as shown by studies of the education sector (Titeca & De Herdt 2011; De Herdt, Titeca & Wagemakers 2012).

However, in terms of research and insight in the politics of public sector reforms in Congo, significant gaps remain, particularly when it comes to understanding the political distribution of ministerial positions relevant to HR and payroll management, the role and influence wielded by political actors, and the weight they carry vis-à-vis bureaucratic actors and interests in what is a broader administrative setting where the civil service, far from unitary, constitutes a set of sub-systems within a system. In these conditions, what is the scope for rationalising the functioning of HR and payroll management? The reality of defective coordination and collective action problems notwithstanding, how are these tied to the broader distribution of power within the ruling coalition? Indeed, in recent years key ministries implicated in the expenditure circuit have been headed by political leaders and cabinets stemming from different political factions, and the influence they have had over their institutions, given the highly fragmented nature of the civil service, has been far from absolute. Exploring these questions can provide much better insight into the politics underpinning ongoing initiatives, the administrative dynamics they are enmeshed in, and the prospects of reforms.

It is worth noting that despite the uncertain prospects that reforms such as the SIGRH-P face – particularly in a setting dominated by the contentious issue of *glissement électoral* and the lack of agreement between the presidential majority and the opposition – analysing the political economy of reform remains very relevant. The dynamics driving inter-ministerial relations, the position of bureaucratic interests linked with, but not reduced to, political bargaining, as well as the influence of other key stakeholders in the public service, is crucial to gauge the scope for further rationalisation of the civil service and the elucidation of the conditions under which public service provision takes place. Here, the use of a historical perspective, analysing current events in light of previous phases of reform and their evolution, including the tracing of decision-making in the realm of public policy in recent years, can help complement the picture of how political uncertainty shapes ongoing reforms.

## 2. **CONCEPTUALISING THE POLITICAL ECONOMY OF HR AND PAYROLL MANAGEMENT IN THE DRC**

This second section introduces the broader theoretical approach and conceptual framework used to make sense of the subject covered. It is organised in two parts. First, an overview of PSA as well as critical considerations are provided when thinking about how it can be applied to the DRC. Second, the theoretical framework adopted is outlined, blending PSA at the macro-political level with organisational ethnography at the meso- and micro- levels of policy-making and reform implementation. This part also offers a tentative mapping of the historical evolution of Congo's political settlement, used to locate the position of HR and payroll management and ongoing reforms in the present configuration.

### 2.1. **Political settlement analysis**

Political settlement analysis (PSA), as a historical political economy approach developed over the last twenty years, has gained great traction in development circles, and is now found at the heart of work undertaken in several research centres, much of it funded by aid agencies. Among the many contributions PSA has brought to the field of development studies, the emphasis placed on the primacy of politics and conflict in understanding the differential performance of institutions and prospects for institutional change across countries stands out. Indeed, PSA emerged in response to a dissatisfaction with the explanatory value of new institutional economics (Di John & Putzel 2009: 8-10; Khan 2010: 9-18), much of it fed by heterodox economic theory and the concomitant reassertion of the primacy of politics in political economy analysis. As such, the shift towards studying the political determinants of developmental performance has a closely paralleled evolution in aid policy thinking: from the failure of structural adjustment, the governance agenda, good governance, 'best practice' to 'best fit', 'good enough governance', 'drivers of change', 'politics of development', to 'going with the grain' and beyond (de Haan & Warmerdam 2012: 12; Yanguas & Bukenya 2016: 136). This has been both influenced by, and fed into, a growing realisation in aid circles that political aspects of reform need to be better understood, even if they cannot be fully engaged with, in order to make aid policy more effective (Mcloughlin 2015: 120).

Given PSA is in a relatively nascent and developing stage, there has been substantial variation across authors in terms of how the concept of 'political settlement' is defined and approached (Kelsall, Hart & Laws 2016: 7). An early review of the literature noted that its usefulness was hampered by the absence of a clear definition, a lack of consensus over the meaning and use of the term, and a lack of detailed empirical applications (Laws 2012: 1); others noted inconsistencies within the literature between authors, on the role of actors, the shaping of their interests, their modes of interaction, and the interplay between higher and lower levels of analysis (Yanguas 2016: 4). This is quite understandable, given PSA's infancy, the vast domain of applicability of the framework and cases covered, and the sheer number of authors working in this direction. This divergence across key contributions notwithstanding (for example, between Di John & Putzel 2009 and Khan 2010), there has been a degree of tacit consensus that PSA is about understanding 'the formal and informal processes, agreements, and practices that help consolidate politics, rather than violence, as a means for dealing with disagreements about interests, ideas and the distribution and use of power' (Laws & Leftwich 2014: 1, cited by Kelsall 2016: 2). In that respect, PSA is united in privileging analysis of 'the politics that underpin particular institutional configurations', where balance of (informal) power, as well as unequal and conflictual processes of rent distribution are given priority (Lavers & Hickey 2015: 4-5).

PSA is quite relevant to analysing public sector reforms for several reasons. First, with its firm footing in historical political economy, PSA has helped shift somewhat sterile debates on state-building – especially in areas where ‘good governance’ held sway – towards the fertile ground of analysis of the differential performance of formal institutions (such as public policies or democratic rules) based on the distribution of (informal) power; this has also had the added value of bringing the primacy of politics in development firmly within the spotlight, and within the mainstream of development thinking (Di John & Putzel 2009: 18; Hickey, Sen & Bukenya 2015: 3, 20–21). Second, a key point drawn from the work of Mushtaq Khan (2010) shows that rather than economic take-off occurring as a result of ‘getting institutions right’, the historical record shows that the opposite is the norm (Khan 2010: 63–64). That is, institutionalising an impersonal and effective bureaucracy when productive sectors are still dominated by a state of transition where ‘pre-capitalist economic and social systems have collapsed but modern ‘capitalist’ economic have not emerged’ (as much of the ‘good governance’ agenda does) is not only misreading the historical evidence, but also a very poor guide to policy (ibid: 27, 5, 30–31; Hickey, Sen & Bukenya 2015: 7–8). Thirdly, and following from the above, Khan’s PSA framework opens up scope for engagement with ‘clientelist political settlements’ which he sees as the norm in developing countries, particularly with their power structure based on ‘informal organisations’, which typically assume the patron-client form (Khan 2010: 60–64). Most notably, these patron-client networks – in sharp contrast to definitions encountered in African politics literature (as in Chabal & Daloz 1999 for example) – have ‘little to do with traditional deference or cultural values’ but are described as ‘typically opportunistic arrangements’ and ‘surprisingly modern and rational’ (Khan 2010: 61, 63).

### **2.1.1. Critiques of PSA**

There are, however, a number of problematic issues associated with early versions of PSA. In relation to this paper’s subject, the most salient of those are: the role of transnational actors, and especially that of donors and aid agencies; what can be described as PSA’s emphasis on growth and capitalist production; the problem of elite incentives and behaviour; and the role attributed to ideas.

*Transnational actors:* In several seminal contributions to PSA literature (Di John & Putzel 2009; Khan 2010), the nation state remained the core focus of analysis, and the role of transnational actors and international processes was largely absent<sup>8</sup>. This is somewhat surprising, particularly when considering that in locales such as sub-Saharan Africa, the international dimension has been a key constituting factor in political and state processes (Bayart 1993; Clapham 1996; Cooper 2002). In the last three decades, particularly for highly aid dependent states and as echoed by a prolific literature on structural adjustment in Africa<sup>9</sup>, donors have been key players in policy-making and regime politics (Harrison 2004, 2010; Whitfield 2009), and far from being understood as exogenous, external players, they warrant detailed attention as well as incorporation in PSA as a ‘permanent’ set of actors in their own right (Hickey, Sen & Bukenya 2015: 17; de Haan & Warmerdam 2012: 11). This is all the more important since, as one review paper noted, the role of donors within domestic political processes has been somewhat overlooked in the literature devoted to the politics of aid (ibid: 22), while it is generally ac-

[8] For example, if Khan’s (2010: 29–30) narrative on the differential success and failure of broad-ranging industrial policies in developing countries is contrasted with a World Systems perspective (Arrighi 2002) comparing Africa to Asia, not least due to long term structural features and imperialism, the picture becomes much more nuanced. The discussion of ‘third party enforcers’ in Di John & Putzel 2009 is an equally good case in point.

[9] For example, Bracking 1999; Szeftel 2000a; 2000b; van de Walle 2001.

knowledge that the role of donors can be highly ambivalent (whether as enablers or spoilers of change and reform, Bukenya & Yanguas 2013: 29; Yanguas 2014). As such, in the DRC, it would be impossible to articulate PSA in historical perspective by occulting the role of donors and international financial institutions, which in many ways have been not only a key part of the political landscape since at least the mid-1970s, but also have co-constituted recent political regimes, certainly since 2001 (Moshonas 2012; 2013; Willame 2007; Tull 2010).

*Growth and capitalist production:* Perhaps the most prominent feature of emerging PSA is its focus on the politics of ‘growth enhancing institutions’, the distribution of rents, and how they are underpinned (or not) by an (informal) distribution of power across elite factions which render such arrangements stable, compatible or sustainable over time (Khan 2010; Di John & Putzel 2010). When transposed to the DRC’s setting, this focus on economic growth raises some issues. First, as detailed further below, rent distribution in Congo has a set of specificities, deriving from the unevenness of the productive sector dominated by mining and where the largest capitalist entrepreneurs are typically transnational actors. While far from unimportant, rent distribution in this setting through a strict application of Khan’s framework, where the incentives that derive from the political settlement define institutional arrangements, risks offering ‘a reductive reading of political behaviour’ (Lavers & Hickey 2015: 11), a danger all the more salient given the profound fragmentation characterising Congo’s political elite and its different interests, and the relation tying the ruling coalition to excluded factions, as detailed below. Second, this focus of ‘formal’ growth in the absence of reliable statistics (Marivoet & De Herdt 2014; Jerven 2011) complicates analysis substantially. However, following Lavers and Hickey (2015: 5-6), PSA retains a strong relevance for other policy areas – but this does mean that distinct sectors (in their case, social protection policies, but here public sector reforms) require articulation to what they refer to as the broader ‘distributional regime’, including the national growth path, economic policies in agriculture and mining, and spending on social service provision (as well as aid inflows).

*Ideas:* Another salient issue within PSA which has been pointed at by subsequent literature as a key limitation consists in the treatment of ideas and the role of discursive processes. As Lavers and Hickey put it, ideas are considered in Khan’s work as ‘a tool used by elite factions to mobilise support as a means of achieving their pre-defined interests’, and only where configurations are conducive to long-term horizons are those likely to articulate a ‘developmental vision’ (2015: 11). In contrast to what they see as a reductive perspective on political behaviour, they argue in favour incorporating insights from ideational analysis and discursive institutionalism to provide a more nuanced view of policy processes allowing to move beyond ‘politics as usual’ towards the ‘politics of change’ (ibid: 12). This kind of approach, attentive to ideas and discursive processes, is all the more relevant as Congo’s public policy context is saturated with donor influence, insofar as institutional reforms tend to be heavily incentivised by donor funding and support; while much of it can be interpreted through the instrumentalist perspective frequently showcased by PSA, it would be misplaced to wholly subsume public policy initiatives under this logic – particularly if transnational actors such as aid agencies are treated as actors both internal and integral to the shaping of Congo’s political settlement, given their role in policy-making coalitions (in the health or education sectors, or the role of the IMF/World Bank in macroeconomic policy). Indeed, as highlighted below, the power of donors may be larger in sectors where either aid-fuelled rent provision leads to an abandonment of policy space to donors (as in the health sector), or where the sectors are marginal enough to afford higher influence for donors (which could be the case with CSR).

*Elite incentives:* Following from the above, a related tendency in PSA consists in viewing public policies quasi-exclusively as an outcome of the distribution of patronage within a given political settlement, frequently through the manipulation by elite factions of public funds or appointments to buy political support (ibid: 6; Bukenya & Yanguas 2013; for a study of Uganda’s public sector reforms using PSA, ESID 2016). This derives from the conceptualisation of elite commitment in PSA – which aside being ‘under-theorised and loosely defined’ – tends to be conceived of ‘development’ as a survival strategy which ruling elites deploy to maintain control and contain competition/challenges from either excluded factions or popular groups (Hickey, Sen & Bukenya 2015: 26-27). While this perspective is shared by authors working in the tradition of African (neo)patrimonialism<sup>10</sup>, in PSA the instrumentalism of political elites stems from the incentives deriving from the underlying distribution of power. In any case, there is a strong set of reasons for which the temptation to reduce political manoeuvring to patronage and patron-client relations should be resisted, or at least nuanced. Firstly, ex ante definition of how relationships and political processes work, and ought to be interpreted, seems a poor guide to empirical field research. Second, even in a setting pervaded by patronage such as the DRC, there are counter-examples, exceptions and ambivalent cases which form precisely the sort of issues which should be better studied, understood and conceptualised<sup>11</sup>. The initiatives spearheaded by self-styled ‘reformist’ former prime minister Matata Ponyo are a good case in point, whether in macro-economic or public financial management. In that respect, socio-anthropological critiques of neopatrimonialism (Olivier de Sardan 2015a), as well as research inspired by the socio-anthropology of public action (Bierschenk & Olivier de Sardan 2014; Olivier de Sardan 2015b), are a useful repertoire with which to complement PSA, as outlined in the conceptual framework.

### **2.1.2. Applications of PSA to the DRC**

The relevance of PSA for a case study of Congo’s public policies in relation to administrative and payroll reforms can be gauged further from ongoing research which has applied the concept to the country’s macro-political environment (Kelsall 2016) or to the case of Universal Health Coverage (Kelsall, Hart & Laws 2016); and by confronting Khan’s typology of clientelist political settlements to Congo’s specificities. This, in turn, can pave the way for a reflection on the gaps that PSA literature contains when thinking about its application to the DRC, undertaken in subsequent sections.

Tim Kelsall, in a recent paper, provides a typology of political settlements by distinguishing between three dimensions<sup>12</sup>: the degree of horizontal elite inclusion (more inclusion connoting stability, and exclusion connoting instability and in extreme cases, collapse or war), the means of inclusion used by ruling elites (spoils distribution or coordination around a common purpose), and type of bureaucratic culture (from impersonal to personalised) (Kelsall 2016: 2-4). On that basis, the DRC is catalogued as an archetypical case of an exclusive, spoils-driven, personalised settlement: ‘Only a minority of elites accept the settlement’s terms, held together mainly by access to spoils, and personalistic, clientelistic norms govern the bureaucracy’ (ibid: 5). It is explicitly recognised that in such a situation, the balance of power tends to be fragile, prone to instability due to external shocks or internal realignments. While this captures rather

[10] For a compelling critique of the literature on neopatrimonialism, Mkandawire 2015.

[11] For example, in 1980s Zaire, one author discussed the minority of judges who seemed to abide by higher professional standards than their peers in what was a deeply corrupt legal system (Schatzberg 1988: 99-114), a point also discussed by more recent studies using the concept of ‘practical norms’ to nuance a picture of the Congolese legal system as invariably ‘corrupt’ – noting it is precisely this sort of analysis which can provide more insight and opportunity to promoters of reform (Rubbers & Gallez 2015).

[12] Drawing on the work of Bruce Jones, David Booth, and Brian Levy.



well certain traits of Congo's political predicament, Kelsall also recognises that even though a political settlement changes rather slowly, tipping points are at points reached, leading to prolonged periods of upheaval or conflict – in which case, 'trying to take a reading of the 'settlement' may be more or less pointless' (ibid: 7). The question of whether Congo in the last few years fits this description of a settlement in flux – particularly given the uncertainty of the electoral process, as well as the degree of fragmentation and fluidity this has imbued both the ruling coalition and the opposition – is very valid, and constitutes a dilemma in terms of the appropriateness of the concept.

In another contribution using a PSA framework to explain the forms of political commitment which may help determine whether a country will be moving towards adoption and implementation of Universal Health Coverage reforms (Kelsall, Hart & Laws 2016), the authors draw on the PSA typology of Levy & Walton (2013) to catalogue the DRC as bearing all the features of a 'dominant predatory' model: patrimonialism, capture of state resources, elites dominated by rent-extraction motives, with political power concentrated in the executive; a ruling coalition faced with strong factional challenges from excluded elites, even as the opposition remains dominated by individual politicians and agendas rather than organised, programmatic parties; and a resulting unresponsiveness to people's public service provision needs (Kelsall, Hart & Laws 2016: 16-17). Aside providing some descriptive elements of the DRC's political settlement, their conclusion shows that donors, by simply substituting for the state in healthcare provision, and through large injections of funds, can nevertheless achieve impressive increases in coverage even in a predatory setting (ibid).

Another set of reflections with regards to PSA's relevance to analysing public sector reforms in the DRC can be drawn from the highly influential and insightful conceptualisation provided by Mushtaq Khan (2010) – even though there are some difficulties which render its operationalisation to the DRC quite challenging. Aside the place of transnational actors, the focus on growth-enhancing institutions, the role of ideas, and elite incentives, an added issue is the fit of the DRC to Khan's typology of clientelist political settlements, and especially how the dynamics surrounding the ruling coalition can be conceptually framed.

Khan's political settlement framework is defined as arising 'when the distribution of benefits supported by its institutions is consistent with the distribution of power in society, and the economic and political outcomes of these institutions are sustainable over time' (Khan 2010: 1). As such, his analysis is located at a deeper level of analysis, that of the compatibility (or its lack) across 'institutions and the distribution of power and economic benefits among powerful groups in society' (Laws 2012: 15). The distribution of power is analysed along a horizontal dimension (the relative power of elite factions excluded from the ruling coalition) and a vertical dimension (the strength of lower-level factions relative to elites). This leads Khan to formulate four ideal-type political settlements: potential developmental coalitions, authoritarian coalitions, weak dominant parties, and competitive clientelism, with this latter category encompassing much of contemporary Africa (Khan 2010: 69). Leaving aside what he calls potential developmental coalitions (with long time horizons, interests aligned with development and effective implementation capabilities, with South Korea in the 1960s as a good case in point), his other three ideal types display features that can all be related to Congo's political dispensation in the years 2007-2016. In other words, the nature of the ruling coalition in the DRC is profoundly hybrid and seems to defy any clear cut categorisation.

On the one hand, competitive clientelism – which usually emerges when ‘cumulative decline undermines a dominant party or an authoritarian coalition’, and where ‘the ruling coalition is formed by a leadership of political entrepreneurs which seek to bring together enough factions to be able to rule but at the lowest price for themselves’ (ibid: 67-68), but with a short time horizon and weak enforcement capabilities – seems a good description of Congo’s presidential majority. On the other hand, *within* the ruling coalition, there are many relatively powerful factions alongside a need to accommodate those based on rent distribution (as the carefully calibrated distribution of ministerial positions reveals), making the implementation of almost anything blocked, a trend which fits quite well the governments that have succeeded one another since 2007, and which Khan notes can be a feature of a ‘dominant party’-type political settlement (ibid: 67). In addition, this ruling coalition is quite prone to fragmentation – as the recent defection of the G7 group of politicians in 2015 showed, following attempts to extend the president’s term in office from 2013 onwards (Nyenyezi & Rostagno 2014; Nyenyezi 2015). This in turn, has increased the vulnerability of the ruling coalition, which as a result has deployed mechanisms of control towards excluded groups (from legal measures to the threat of force and repression), which Khan notes is a usual trend of an ‘authoritarian coalition’-type political settlement under stress moving towards competitive clientelism (Khan 2010: 66-67).

## **2.2. Theoretical framework: Revised PSA, Organisational Ethnography, and Technologies of Governance**

This paper explores the political dynamics behind current civil service and payroll reform initiatives. As public sector policies, these initiatives can be analysed along three axes: that of the DRC’s macro-political context, the meso-level of sectoral policy-making, and the micro-politics of implementation (to use Mcloughlin’s 2015 useful distinction). Building on the discussion above, the main conceptual approach used has three strands of analysis: an adapted version of political settlement analysis, complemented by the use of organisational ethnography as a means to empirically study the interactions of actors implicated in key reforms within and outside state institutions, and related to broader debates surrounding the infrastructural power of particular technologies of governance (in this case, HR and payroll management). As such, the theoretical framework can be organised around three distinct but interrelated levels of analysis: around the conceptualisation of ‘elites’; the conceptualisation of actors’ practices; and the conceptualisation of ‘formal institutions’ as technologies of governance, which broadly correspond to the three strands of the theoretical framework.

### **2.2.1. Revised PSA and the conceptualisation of elites**

The variant of political settlement analysis retained draws on recent innovations in the literature (particularly Lavers & Hickey 2015) to analyse the balance of power and institutions underlying the political order, its impact on political commitment, and how this in turn has influenced concrete policy measures such as HR and payroll reform. As such, in line with the remarks above, the political settlement studied here is conceived as an ongoing process, unfolding through negotiation, bargaining, and manoeuvring (Laws 2012), which takes place both horizontally among elites, as well as vertically with their followers (Khan 2010; Kelsall, Hart & Laws 2016). The adjustments made to PSA consist in incorporating donors and aid agencies, providing a sector-specific angle relating reforms to the broader political settlement, and attentiveness to the role of ideas and discursive processes.



Donors are here conceived as ‘a distinct faction or set of factions with their own holding power, interests and ideas, and with the capacity to destabilise the domestic settlement if dissatisfied’ (Lavers & Hickey 2015: 19). A related concept given special attention is that of ‘policy coalitions’, which explain how the ‘policy process plays out in specific domains within the context of a given political settlement’ (ibid: 18). This includes a conceptualisation of how particular policy areas relate to the broader ‘distributional regime’, according to the degree of priority it represents for political stability and/or rent distribution. The power of donors will be linked to a range of factors, including their relation to aid dependence and as a source of rents for the ruling coalition, the role they have played in shaping the political settlement over time, and the resulting potential they have for pushing policy issues forward. These considerations, in line with a revised PSA framework, entail recognising that donors may be able to push forward public policies, particularly where their importance as rent providers affords them influence in the face of a surrender of sectors to donor funding (as has been the case with Congo’s health sector, Kelsall, Hart & Laws 2016), or where ruling elites are ambivalent towards sectors which may be relatively marginal to the political settlement (as may be the case with HR and payroll management in the DRC). However, in a context where national elite commitment is limited, it will be probably unlikely such policies will become fully institutionalised (Lavers & Hickey 2015: 10). The power of donors should also be tempered by the boundaries of national sovereignty, which has often been invoked and successfully used by Congo’s national authorities to counter, deflect or subvert donor interventions where strategic interests have been at stake.

The conceptualisation of actors, particularly individuals and groups within the ruling coalition, as well as other groups outside, occupies a central place in PSA, and recently a consensus seems to have emerged over the role of ‘elites’ as central bargaining actors (Yanguas 2016: 4; Laws 2012; di John & Putzel 2009). However, at the same time, there is little clarity in the literature over the respective importance of different actors, the formation of their interests, and the shape of horizontal and vertical interactions (Yanguas 2016: 4). Even though this arises from PSA’s infancy as a field, it also reflects the difficulty tied to deploying the concept of ‘elite’ as a coherent category, given the heterogeneity of actors and groups, as well as of their interests. This important analytical level, particularly (but not only) for making sense of the macro-political context, invites a thorough stakeholder analysis – the mapping of key actors within the DRC’s political settlement (including donors) as far as HR and payroll management is concerned. In this paper, below, only a rudimentary sketch of Congo’s evolving political settlement is provided, which is meant to serve as a starting point for this kind of exercise.

### **2.2.2. Organisational ethnography and the conceptualisation of practices**

Following from the above, a related issue consists in how to conceptualise actors’ behaviours, acts, rationalities, and *in fine*, make sense of practices. If PSA was applied in a mechanical, deterministic way, then leading actors, particularly elites crucial to macro-political bargaining processes, would be faithful to the ‘stakes’ at play in the political settlement, that is defending their interests according to the requirements of ‘holding power’ (which, in Khan’s framework, is defined as ‘the capability of an individual or group to engage and survive in conflicts’, and can encompass a variety of factors, from economic strength, organisational ability, perceptions of legitimacy, the ability to both impose costs and others and absorb them (Khan 2010: 6) – in other words, political survival. A similar tendency exists, for example, in analyses of African politics and of the African state in particular, where an inclination to privilege general (and reductive) categories such as neopatrimonialism at times prevails, tending to reduce the

repertoires of political action to clientelism, patronage and corruption according to the necessities of political expediency (with Chabal & Daloz 1999 being the prime example). Of course, there are inherent dangers in that tendency: if, on the one hand, there is plenty of evidence on the basis of which to assert that stronger, effective institutions may not be desired by the political leadership in the DRC, insofar as it could reduce the scope for power consolidation and enrichment (as many observers have remarked, ICG 2007 cited in Trefon 2010: 708; Stearns 2011: 343-344; ICG 2010), on the other hand, there are also numerous situations where existing practices can, and do, violate the principles of the ruling coalition's 'neopatrimonial' logic, or blatantly contradict of the impulsions provided by political authorities, given the highly fragmented and poorly coordinated Congolese bureaucracy (a point returned to below).

For these reasons, in order to provide a more nuanced, qualified account of political processes going beyond the sole requirements of political survival, the notion of 'practices' is favoured. This is in line with recent work privileging careful, empirically-oriented analysis of 'practical norms' (Olivier de Sardan 2008; De Herdt & Olivier de Sardan 2015) above theoretical overdetermination. In other words, the exploration of evident patterns of clientelism, patronage and informal power relations traversing the public service will be analysed through the approach of organisational ethnography, eschewing conceptualisation in terms of 'neopatrimonialism' (a devastating critique of which has been carried out by Olivier de Sardan 2015a), but rather leaving analysis to be guided by empirical field research and observation, without defining practices a priori. This analytical level will be particularly important when making sense of the meso-level of sectoral policy-making, and of course, the micro-politics of policy-implementation.

### **2.2.3. Formal institutions as 'technologies of governance'**

Finally, HR and payroll management, as the technological-administrative infrastructure on which wage payment rests, can be understood as showcasing the (in)ability of the state to project infrastructural power, that is, 'the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm' (Mann 1984: 189; Mann 2008). In a strict PSA framework, for example following the lead of Mushtaq Khan (2010), the role played by formal and informal institutions in development is reviving an old debate. Khan's explanation of informal institutions as necessary complements to formal institutions so that the institutional set-up would reflect the "real distribution of power" is reminiscent of a Marxist tradition which gives a prominent position to the interaction between "productive forces" on the one hand and the institutional superstructure on the other, whereby the former are deemed to predominate the latter, "in the last instance".

It should be remembered, however, that also within the Marxist literature, the autonomous role of institutions on development and not as merely a reflection of underlying forces of production, remains a point of contention, even though this debate has sometimes been framed as a point of tension between between Marx and Weber. In any case, the same debate is currently revived, for instance, by the contrasting views represented by, on the one hand, work using Actor-Network Theory (applied to the DRC by Schouten 2013), which emphasizes the 'actant' role played by technologies of governance producing their own effects, while, on the other, work using the concept of 'negotiated statehood' (Englebert & Tull 2013; Titeca & De Herdt 2011) emphasises that the way in which states actually work reflects evolving power configurations.

This debate gives an extra dimension to the analysis of the policy to rationalise the payroll management system, i.e. a particular technology of governance. Potentially, it enhances the state's infrastructural power, but an analysis of the interaction between this technology

and the existing economic power configuration cannot be done away with, to make statements about its sustainability, effectiveness and its effects in terms of equity, particularly in light of the unevenness of state infrastructural power. Put differently, technologies of governance have the potential to bring more effectiveness and equity in governmental action, but this needs to be qualified by consideration of a broader process of interaction with a number of other factors at play (tied to political decision-making, violence, economic power, entrenched practices, etc.), themselves all the more important given the degree of overlap between formal rules and informal, practical arrangements characterising Congo's HR and payroll management system. Indeed, even a cursory glance at the effects of *bancarisation* in rural areas reveals a fruitful track of investigation to understand the political and logistical determinants of policy effectiveness.

This conceptualisation is returned to below; before then, a tentative sketch of Congo's political settlement over time is drawn, with the aim to flesh out these considerations further, focusing in particular on identifying gaps within historical and ongoing research on the DRC.

### **2.3. Congo's political settlements in historical perspective**

Following the lead of Gabi Hesselbein (2007), and James Putzel, Stefan Lindemann, and Claire Schouten (2008), who have provided analytical narratives for the 'rise and decline of the state' in the DRC, the following periodisation can be usefully introduced to make sense of Congo's evolving political settlement. In turn, this outline can serve as a good starting point to help locate the place of administrative and payroll reforms in Congo, in the face of the salient, structural traits characterising Congo's political economy. A key finding drawn from the work of Hesselbein, illustrated in the following sketch, is that Congo's periods of expansion (or contraction) of bureaucratic capacity have closely followed the periods of expansion (or contraction) of capitalist activity. As she puts it, 'when the power of the state was in decline, authority was exercised in a more neo-patrimonial fashion by groups that were run as if they were private businesses, headed by patrons who sought to bolster their political, economic and military power' (2007: 54). This, in turn, leads her to call for studying the patterns of interaction of patrons along both horizontal and vertical dimensions, as well as to focus on how patrons can be turned into capitalists, 'thus contributing to asset building'. These observations are very relevant to the approach taken here, while being closely attuned to both Khan's PSA and research centred on how development policy can be made 'going with the grain', as highlighted by the Africa Power and Politics Programme, in the contributions of David Booth and Diana Cammack (2013) and Tim Kelsall (2013).

*Congo under the colonial period:* Under Leopoldian and Belgian rule, a key feature of the colony was the introduction of pockets of capitalist activity, most notably in mining, along with bureaucratic structures geared towards the collection of duties and taxes. However, the transformation of economy and society remained largely confined to the urban centres, the bulk of the country remaining detached from the capitalist market economy. This setting was marked by a dual economy, one dominated by plantations and mining centres, and the other remaining confined to subsistence agriculture, where most of the population survived (Hesselbein 2007: 19-21). This absence of capitalist transformation, as elsewhere in Africa (Berman & Lonsdale 1992; Berman 1990), the demands of capitalist extraction by foreign capital notwithstanding, was partly due to high taxation and limited property rights for Africans, and partly due to the colonisers' preoccupation with the maintenance of law and order. Investment in infrastructure, albeit expanding, was shaped by the needs of revenue extraction. In Cooper's apt phrase, the

Congo's dislocated structure took the form of 'a hodgepodge of zones of mineral and agricultural exploitation and zones of neglect, except for labour recruitment' (Cooper 2002: 63).

The administrative apparatus, threadbare until the second world war, massively expanded from 1947 onwards, making the Congo one of the most thickly and densely administered colonies in Africa (Stengers 2005: 227). While the colonial administration was marked by probity and competence, 'within its own terms of reference' (Young & Turner 1985: 221), the colonial state's reach is best described via the notion of 'decentralised despotism' or bifurcated statehood (Mamdani 1996): capitalist and modern-bureaucratic for the white minority, where an elite bargain was struck between the colonial state, the administration, missions and companies; and dominated by customary arrangements for indigenous populations, alongside coercion and forced labour (Hesselbein 2007: 19-20). Public service provision in health or primary education – celebrated on the eve of independence as that of a '*colonie modèle*' – was meagre before 1940 (Vanthemsche 2007: 47), and bore the hallmark of paternalism (Ndaywel 1998: 404). Thus, in 1958, the whites represented less than 1 per cent of the population, but controlled 95 per cent of the stock of invested capital, 70 per cent of commercialised production, and 88 per cent of private savings (Peemans 1997b: 122). As a result, the nascent Congolese elite – which was to inherit the colonial state after a very fast, ill-prepared decolonisation process – was neither powerful in wealth, nor from a customary perspective, and even lay remote from political power until the close of the 1950s (Hesselbein 2007: 21).

*Independence and the Congo crisis 1960-1965:* Decolonisation was followed by an army mutiny a few days following the date of independence, political and administrative fragmentation, ethnic violence, the secession of two provinces, rebellion, the succession of six governments, foreign intervention including the UN, mercenaries, economic breakdown, and war (Ilunga 1988). On the social plane, all services deteriorated, employment plummeted, living conditions worsened, extortions by the administration and army spread, and wide-ranging discontent with the central and provincial governments arose (Nzongola-Ntalaja 2002: 126). The departure of around 8.000 expatriate officials, many of which had senior posts, from the administration between 1960 and 1961 (the rest remaining mostly located in the seceding province of Katanga), along with the ravages of the wars, dealt a heavy blow to bureaucratic capacity (Mpinga 1973: 244). In terms of the political settlement, this period was a prime case of breakdown and 'clientelist crisis', ultimately resolved by the second coup of Mobutu in 1965. Importantly, during these years, it became evident that the political base of elites rested on ethno-regional loyalties, in the absence of an accumulation base, supplemented by the ability of certain actors to find financial and military support abroad (Hesselbein 2007: 25).

*Congo under Mobutu, the state-building years 1966-1974:* This period can be considered as the only timeframe under Mobutu's one-party state during which a state-building project and the creation of a capitalist economy were credibly attempted. The elite, unified around a common developmental project – the building of a strong nation-state – was regrouped under Mobutu's rule; a telling indicator is that the latter's first cabinets comprised all parts of the Congolese elite, representing all quarters of the country (Hesselbein 2007: 28-29). In short, inclusion within the ruling coalition was the dominant trait of the political settlement at this stage, with all major actors united by a powerful ideology – embodied by the *Mouvement Populaire de la Révolution* – under the banner of which several noteworthy initiatives were rolled out, such as nationalisation of industry, especially of the mining sector; attraction of large amounts of foreign capital and the launching of ambitious infrastructure projects; and economic and political stabilisation of the country. In Hesselbein's account, 'in this period the rival patrimonial

institutions lost large amounts of their influence to the rational state, secular education and the capitalist economy' (ibid: 29), but with little impact on rural areas where 75% of the population lived, insofar as little attention was accorded to agricultural development.

Administratively, Mobutu's policy of re-centralisation aimed to redress the situation of the five preceding tumultuous years. However, available sources of administrative dynamics in the 1970s, particularly the writings of Serge Vieux, Mpinga Kasenda, and David Gould, require some qualification of Hesselbein's appraisal. In fact, many aspects plaguing the functioning of the bureaucratic apparatus later can be traced back to these formative years: the politicisation of the administration and appointments to the detriment of competence (Vieux 1974; Gould 1980: 67); the displacement of governmental *Départements* (ministries) in favour of a small group of councillors and high-ranking officials close to the presidency (Peemans 1997a: 242-243; Gould 1980: 84); the deployment of governmental reshuffling by Mobutu with the aim of placing his clients in a situation of calculated dependency (Kankwenda 2005: 237; Mpinga 1973: 70-71); the sidelining of the MFP in matters of HR to the advantage of other ministries turned autonomous recruitment centres (Ibula 1987: 77); a progressive loss of control over the figure of civil servants employed (Malulu & Kambidi 1980: 175); the ballooning of personnel remunerations absorbing the lion's share of the state's operational budget (Young & Turner 1985: 323). In other words, rather than straightforward bureaucratic rationalisation accompanying state-building, this period can also be seen as one under which incipient administrative malpractice, entrenched since the the 1960s crisis, was incubating rather than being resolved.

*Congo during the economic crisis years, 1974-1990:* Under this period, beleaguered by the collapse of copper prices, squeezed by the economically disastrous policy of Zairianisation introduced in 1973, and subjected by the debt crisis to a situation of multilateral dependency (Young 1978), forcing the introduction of structural adjustment policies under the aegis of the IMF and the World Bank (Leslie 1987), the state began a process of disintegration, while capitalist activity became more difficult. Adjustment in particular made it much harder for the Mobutu regime to keep the old elite consensus which tied the preceding political settlement together, and ended up 'encourag[ing] patrimonial strongmen with private authority to establish their (economic and political) dominion' (Hesselbein 2007: 11). Challenges to Mobutu's authority arose from protests, both violent and non-violent, military invasion in Shaba province, and internal contestation. Mobutu's answer to the problem was to buy local and regional strongmen into political decisions, to use repression, and frequent political reshuffles to keep all major actors under control, such as unpaid workers, administrative dissent, political opposition in and out of parliament, and the army (ibid: 36).

Significantly, much of this evolution cannot be dissociated from the role played by international financial institutions, the IMF becoming an integral, and very influential actor, in shaping the economic disaster under way<sup>13</sup>. Not only did its interventions fall short of their intended aims – whether stabilising the economy, restoring growth, or achieving capitalist transformation (Callaghy 1986) – but also effectively resulted in asset destruction and the erosion of administrative capacity (Hesselbein 2007: 36-37). Over this period, bureaucratic capacity shrank, informal institutions multiplied, consensus unravelled, and a more decentred pattern of patron-client politics increasingly took over, including via a rising prominence of ethno-regional politics (ibid: 36). Mobutu managed to hold on to power by controlling the most important

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[13] Admittedly, the IMF and the World Bank at the time were under a lot of international pressure to keep lending to Zaire, especially by the US, concerned with retaining a key Cold War ally over any other preoccupation, a situation Mobutu understood only too well (Schatzberg 1991).



sources of rent and patronage (financial, administrative, military), but keeping his dependants content became harder and harder (Peemans 1997b; Reno 1998). His response was ever greater reliance on loyal, personally-trusted networks, the use of the ethno-regional, divide-and-rule card to fragment opposition, which unfolded against a backdrop of rising informalisation in all domains of socio-economic and political life (Hesselbein 2007: 37). The effect of donor lending and adjustment, while keeping the regime afloat (Biaya 1999: 68), had catastrophic administrative consequences, with social sectors and the public service bearing the brunt of austerity (Peemans 1997a: 271).

*Congo's years to collapse, 1990-1997:* This period was marked by the end of one party rule and democratisation, the suspension of development aid by the IMF and World Bank, the collapse of copper production, hyperinflation, riots and looting, with much of the remaining infrastructure destroyed (De Herdt 2002: 687; de Villers & Omasombo 2002). Trends already prevalent in the preceding period exacerbated, with the formation of parties along ethno-regional lines alongside open constitution of patron-client networks largely outside Mobutu's control, with elites not focused on rent extraction through state-controlled resources, but through bases of private accumulation and legitimacy at the regional and local levels (Hesselbein 2007: 39; Peemans 1997b: 94; Reno 1998). Mobutu managed to stay in power by successfully multiplying tactics to divide and co-opt the opposition, by preserving control over bare essentials – the Central Bank, tax authorities, diamond industry, radio and television, and key security services (Ilunga 1998: 420; Peemans 1997b: 98). Once again, donors had a degree of responsibility in the situation: international pressure to democratise was not followed by any effective support (Nzongola-Ntalaja 2002: 199), and far from democracy helping improve the situation, it in fact exacerbated the centrifugal tendencies at play and accelerated economic decline (Hesselbein 2007: 39-40). The political settlement, from a situation of severe stress over the past fifteen years, had entered a profound crisis, or what Chris Allen called 'terminal spoils' (Allen 1995). The influx of Rwandan refugees in 1994, in the Kivu provinces already on the brink of war due to land conflicts, was the tipping point which turned the state into an arena of warlordism (Hesselbein 2007: 41).

*Congo under Laurent Désiré Kabila, 1997-2001:* Following the ousting of Mobutu by Laurent Désiré Kabila in 1997, the almost unanimous support the latter initially received quickly unravelled (Hesselbein 2007: 41-44), opening the way for the second war from August 1998 onwards (Prunier 2009; Reyntjens 2009). Informalisation took over the quasi-totality of economic activity, while the war reached a stalemate, resolved only following the assassination of Laurent Kabila and the succession of his son Joseph Kabila.

*Congo under Joseph Kabila & the transition, 2001-2006:* The period from 2001 onwards, under Joseph Kabila, opened up the path towards stabilisation, most notably via the involvement of the international community, IFIs, and donors, endowing the Kinshasa government with de facto legitimacy. Diplomatically, the inter-Congolese dialogue paved the way to the reaching of a peace agreement, the pull-out of foreign armies, followed by the establishment of a transitional, power-sharing government bringing together all major parties involved in the conflict (Willame 2002). Remarkably, donors and international actors played a leading role in the process, highlighting yet again how integral they have been in the shaping of Congolese politics over the last forty years (Moshonas 2012: chapter 2); in addition, in terms of economic policy, there is extensive continuity from 2001 onwards, all major orientations being pushed forward through the involvement of the IMF and the World Bank, even prior to the establishment of transitional institutions (Moshonas 2012: 83). The backdrop against which this unfolded was the

dereliction of the administrative, legal, infrastructural and transport-communication system. Expectedly, the power-sharing agreement led to government paralysis, underpinned by the political arithmetic of governmental position attributions; political parties mostly consisted in one-man shows, frequently catering to ethno-regional support bases (Hesselbein 2007: 46-47).

Nevertheless, with extensive donor support, technical assistance and funding, substantial headway was made in stabilising the macroeconomic framework, and in introducing key reforms, such as in public financial management, as highlighted above with the computerised expenditure circuit (Clément 2004; Beaudienville 2012: 5). As the 2006 elections neared, however, progress stalled: corruption expanded (Kodi 2008), budget overruns sky-rocketed at the expense of 'pro-poor spending' (Omasombo & Obotela 2006: 245); the salaries and emoluments of political personnel spectacularly rose even as the administration and army remained fund-starved (Kabuya & Tshiunza 2008; De Herdt, Marivoet & Muhirigwa 2015: 48); and mining concessions were sold at fire sale prices in opaque circumstances<sup>14</sup>, undermining the viability of the World Bank-sponsored mining strategy (Marriage 2011: 1901). These evolutions were in large part due to Congolese political actors intensively preparing for the upcoming electoral process, in which finance was pivotal. Importantly, donors yet again were instrumental in the 'making' of this political situation, insofar as they were bankrolling the transitional regime while pushing for the holding of elections at all costs, even if it meant major setbacks in governance, the toleration of impunity, and stalling of structural reforms (Moshonas 2013). Indeed, Congo during that time is best understood as being in a state of 'semi-trusteeship' (Willame 2007; de Villers 2009c). This situation overwhelmingly favoured the incumbent president, Joseph Kabila, who emerged at the top of race benefiting from significant donor good-will, and went on to win the elections. Under his leadership, a political settlement emerged around his ruling coalition, but from which significant groups were excluded (such as Tshisekedi's UDPS, Bemba's MLC).

*Congo under Joseph Kabila, 2007-2016:* The political settlement under this period, approaching Khan's competitive clientelist ideal type, has evolved towards an increasingly narrow ruling coalition in tandem with the build-up of significant resistance, from within and without. Initially, between 2007 and 2011, the trend was one of extensive re-centralisation, power consolidation, and closure of democratic space driven by the presidency (ICG 2010). The role of donors once again should not be downplayed: as Dennis Tull put it, 'the government is the product of the political engineering process that the international community has organised' (Tull 2010: 658). There is, however, an important shift in the role played by donors, who went from being trustees of Congo's transition with huge influence to a much more circumspect role after 2007, largely confined to provision of funding and technical assistance to reform Congo's governance system. While progress on the front of structural reforms has been largely wanting (Trefon 2009b; 2011), frequently the logic that has driven reform implementation and policy-making has borne the seal of political expediency, as shown by examples from civil service reform (Moshonas 2014), decentralisation (Englebert & Kasongo 2016), education (De Herdt & Kasongo 2013) or the mining sector (Mazalto 2009a, 2009b). This has led observers to conclude that Kabila's drive to retain a grip on power has trumped governmental efficiency, the building of effective institutions, and the invigoration of the public sector (Trefon 2010: 708; Englebert & Tull 2013: 14; Nyenyezi 2015: 106).

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[14] Evidence suggests that the signature of opaquely negotiated mining contracts have been a major source of funding for the presidency, most notably through the networks associated with Augustin Katumba Mwanke, whose influence is still felt long after his death in 2012 (EACP 2014).

Moreover, Kabila's ruling coalition<sup>15</sup> since 2007 has been very broad, and the Congolese political landscape very fragmented: revealingly, in 2011 the presidential party PPRD and the opposition party UDPS regrouped together only one fifth of the National Assembly (de Villers 2015). This, in turn, has forced the president to constitute a costly coalition, the presidential majority. Strong pressures for rent distribution and accommodation of various political interests have ensued, which have rendered the implementation of policy much harder. Indeed, the ruling coalition operates under a very short time horizon with intense pressures for rent distribution at the expense of longer term accumulation (Marysse & Tshimanga 2014: 135; Englebort & Tull 2013: 15-16), in line with research on other political settlements elsewhere (Kelsall 2013: 24-25; Lavers & Hickey 2015: 10; Khan 2010). However, this is not to suggest that total government paralysis ensues; as shown by the introduction of flagship reforms presented as success stories by the government, such as *bancarisation*, there is undoubtedly much more to governmental action than a straightforward, 'elite survival' type incentive would suggest about the direction of policy-making. Equally, another feature of the political settlement in recent years has been the loss by the ruling coalition of key groups, particularly from 2013 onwards, due to the presidential party's manoeuvring to stay in power beyond Kabila's second term (the defection of the G7 to the opposition being the prime case in point). While this initially contributed in uniting the opposition and civil society over the issue of Kabila's third term, the opposition remains divided and sundered by jockeying for positions by key personalities (Nyenyezi & Rostagno 2014; Nyenyezi & Ntububa 2016). The death of Etienne Tshisekedi in January 2017 has exacerbated these trends further, and strengthened the presidency's position.

Finally, if the regime benefited from a relatively booming economic conjuncture until 2013, the collapse of mineral prices and the crisis in the mining sector have dealt a heavy blow to state revenues (Nyenyezi & Ntububa 2016: 163-164), as well as a reduction of the ability of the ruling coalition to aliment patronage networks. Budget figures, from 2015 to 2017, underwent a 50 per cent drop, from \$9 billion to \$4,6 billion<sup>16</sup>. Leverages in mining rents, with estimates suggesting that up to a third escape state coffers (Marysse & Tshimanga 2014), have undoubtedly worsened the situation.

#### **2.4. Implications of Congo's evolving political settlement**

A series of insights can be derived from this summary of Congo's historical political settlements. To begin with, as Hesselbein points out, periods of capitalist expansion in post-colonial DRC have been associated with an expansion of the bureaucratic state, and its ability to broadcast power; nowhere has this been more evident than under the period of nation-building under Mobutu between 1966 and 1974, during which state authority reached the apex of its power. Conversely, periods of contraction of capitalist activity have been associated with state decline (Hesselbein 2007: 8-10). In that authors' analysis, this derives from Congo's incomplete 'great transformation', and one might add, its uneven incorporation in the world economy. This is in line with Khan's political settlement framework, in which developing countries are conceptualised in a state of transition, straddling the collapse of 'pre-capitalist' socio-economic systems without the emergence of a modern, capitalist sector encompassing the bulk of economic and social life (Khan 2010: 27). Khan notes that a transition to greater formality is possible, but only if consistent with the evolution of the political settlement, in line with gradually changing

[15] Nyenyezi (2015: 80) provides a cogent definition of the Kabila regime, composed, in order of priority, of the close circle of president Joseph Kabila, the PPRD and its stalwarts, and the other parties of the presidential majority.

[16] Recent LOFIP reports, available from: <http://www.budget.gouv.cd>, and <http://www.radiookapi.net/2016/10/25/actualite/politique/assemblee-nationale-matata-ponyo-depose-le-budget-2017-evalue-45>.



distributions of power, where rent capture through informal institutions by powerful groups is channelled, via compatible and sustainable arrangements, towards growth and the consolidation of institutions over time (ibid: 28-31).

In contrast to Khan's ideal-type of a developmental ruling coalition, Congo's post-colonial political trajectory – aside the brief period of nation-building under Mobutu mentioned above – has been marked by features of his other ideal-typical ruling coalitions, whether authoritarian, dominant party, or since 2003, competitive clientelist. Over the long run, the DRC has shown a pronounced, long term trend towards the decentralisation of informal patron-client networks, which has accompanied and exacerbated the process of weakening and fragmentation of the state apparatus (de Villers 2015; Hesselbein 2007; Putzel, Lindemann & Schouten 2008). As René Lemarchand pointed out thirty years ago, given the recent and precocious emergence of the political elite, in Zaire patronage networks had little profundity and extension (Lemarchand 1986: 63-64, cited in de Villers 2015); the weakening of the regime under Mobutu's rule, in turn, reinforced the propensity of political strongmen to consolidate their power-bases autonomously, via the constitution of *de facto* privatised administrative fiefdoms, and association to the networks of an informalised and criminalised economy (ibid).

While these observations are extremely relevant to situate Congo's political settlement and the political economy of the public sector, it would be misplaced to reduce all informal institutions to the (neo)patrimonial variety. As Hesselbein points out, there is a plurality of distinct, competing and overlapping organising principles operating in the DRC's socio-political environment, and the patronage-riven bureaucratic state is but one of those. Using the concept of 'institutional multiplicity', she goes on to note the existence of competing, overlapping organising frameworks, rules of behaviour and standards of legitimacy aside that of neopatrimonialism: those of customary authorities; of the international community (NGOs, international organisations and donors); of international companies and businesses (Hesselbein 2007: 12-13). The advantage of her approach is that beyond capturing macro-political trends, it allows to explore at a lower level 'the different sub-systems of economic and political activity occurring simultaneously in a multitude of rivalling institutions' (ibid). The prime focus of this paper, public policy 'arenas' (in the sense given to the term by Olivier de Sardan, 2005: chapter 12), entails looking at processes which may well be best apprehended through the lens of patronage and clientelism – indeed, existing research on public policies in Congo suggests there is plenty to scope to understand practices in this way. Nevertheless, Hesselbein's insight, as well as the organisational ethnography approach retained here, invites differentiation between the practices of actors. In other words, it is call for sensitivity to the plurality of socio-political logics at play within the policy arenas considered, which provides space to think through clientelist logics, but at the same time without being beholden exclusively to it. This is a question best explored through empirical research rather than *ex ante* over-determination.

Additionally, what becomes clear from the overview of Congo's evolving political settlements, is the importance outside actors have played, from the role of the US in supporting Mobutu's ascendancy and reign, to that of IFIs and donors in the 'making' of Congolese politics since 2001. As de Villers pointed out, Congo's existence as a state could largely be written through the prism of Bayart's concept of extraversion (de Villers 2009b). Not only has development aid provided a bountiful source of rents (with one third to half of state revenues alimeted by donor funding in the 2000s, de Villers 2009a: 227), but equally, international actors have provided, through their involvement, ample scope for the ruling coalition – and the presidency in particular – to manoeuvre around international engagement, derive legitimacy therefrom, and

turn outside intervention to their advantage. A good example of this can be provided from the way in which decentralisation was integrated in the 2006 constitution, as a compromise between parties within the power-sharing government favouring a unitary state and others (such as the RCD) favouring federalism (Tull 2010: 654), where international pressures and external expertise played a pivotal role. However, much to the dismay of donors, the subsequent implementation of decentralisation was unrolled to the tune of Kabila's exigencies and priorities (ibid: 655-656; Englebert 2012; Englebert & Kasongo 2016), with a strong dose of political calculation and opportunism imbued therein, as shown by the timing of *découpage*.

Finally, in the first section of this paper, the Congolese administration's HR and payroll management systems were approached by a two-pronged conceptualisation – the lack of coordination of a disjointed civil service, and the political relations made of patronage and clientelism that sustain it. This overview of PSA applied to Congo allows to situate this conceptualisation over the *longue durée*: On the one hand, the pronounced tendency of administrative *éclatement*, fragmentation, and poor coordination, which is mirrored in Hesselbein's emphasis on Congo's long-term tendency of patron-client networks to decentralise as well as the country's strong resistance to horizontal integration, much of which is at the root of governmental and institutional 'collective action problems' that even the best-motivated leadership would be hard-pressed to address. On the other hand, the means through which actors influence the 'making' of actual public policies: how do ruling coalition elites, as well as influential actors and groups at other levels, attempt, succeed, or fail to influence, steer, and keep together the state as a relatively unified entity in which public policies are carried out? Indeed, aside a limited number of excellent studies of public policy implementation in the DRC (i.e. De Herdt, Titeca & Wagemakers 2012; Englebert & Kasongo 2016), there is but a sliver of research on the political economy of Congo's public sector (particularly the links between political authorities and bureaucratic dynamics), and especially for HR and payroll management. An added difficulty, of course, is that what we could term 'administrative malpractice' in Congo has profound historical roots<sup>17</sup>, and has been shaped by decades of crisis, state decline, and piecemeal *bricolage* – which is what has kept the state 'alive' – on which, unfortunately, documentation is severely lacking.

## 2.5. HR and payroll reforms in the DRC's political settlement

This sketch of political settlements in Congo, alongside the preceding remarks, also allows to better situate the importance of the administrative apparatus and public sector, including the order of priority of civil service reforms, in relation to the broader distribution of power within the ruling coalition. As implied above, the DRC's mineral wealth probably provides the greatest source of rents, with powerful networks within the ruling coalition centred around the closed circle surrounding the president best positioned to benefit from those<sup>18</sup>. In contrast, the civil service and human resource management more broadly constitute policy areas of much lesser significance – which is not to say they are devoid of importance. As the first section of this

[17] A good example is the long-trend for ministries in Zaire/Congo to operate as autonomous recruitment centres, which was quite prevalent during the 1960s years of crisis, and was amplified from 1972 onwards by the civil service reforms introduced in that year. These reforms suppressed centralised personnel management in favour of administrative decentralisation, gave line ministries more authority in personnel management, and replaced the MFP by a permanent Commission (Mukoka 1973: 507; Vieux 1974: 17, 90. The effects were disastrous enough to lead to the suppression of the civil service permanent commission and the re-centralisation of personnel management under the recreated MFP in the civil service reform of 1981 (Ibula 1987: 107, 215).

[18] This observation derives from several reports (EACP 2014), news sources from individuals such as Michael Kavanagh (<https://www.bloomberg.com/news/features/2016-12-15/with-his-family-fortune-at-stake-congo-president-kabila-digs-in>), as well as academic literature which has estimated the magnitude of leakages from the mining rent (Marysse & Tshimanga 2013; 2014). However, the place of the mining sector in the DRC's broader political settlement requires much more investigation than this working paper can provide.

paper argued, even a ministry as devoid of importance as the MFP occupies a strategic position within the government, insofar as it can authorise and regularise the registration of civil servants – an important tool for the build-up of constituencies and the bestowing of patronage in times of elections (Moshonas 2014; for the years 2010–2012, see Ndongoboni Nsankoy 2014). Nevertheless, the reinvigoration of a strong, rationalised civil service, as noted in the literature, may not be a first order priority, given the threat it can pose to prevalent informal arrangements. In that respect, the launching of a more promising, government-owned administrative reform phase from 2012 onwards, could be cynically read as a gesture by the regime towards compliance with donor demands, what is more incentivised by a \$77 million World Bank funding line, which constitutes a hefty rent. However, given the fragmentation of the ruling coalition, as well as the competing factions and networks at play within the government, reading the situation as functional for the regime would perhaps imply excessive coherence, particularly in a setting where factional conflict, decentred patterns of patronage, and inter-ministerial struggles – led by personalities from distinct political tendencies – complicate substantially the informal arrangements which underpin policy implementation.

Indeed, an indication of this fragmentation can be provided from the ‘political pacts’ that ministerial distribution has followed in recent years. The MFP, since 2007, has been always ceded to a personality stemming from Pierre Lumbi’s *Mouvement Social pour le Renouveau*, a situation which lasted until 2015 with the defection of the former from the ruling coalition as a member of the G7, leading to the replacement of MFP minister Jean-Claude Kibala (under whom administrative reforms were overhauled and energetically pushed forward) by Pascal Isumbisho. The MoB, on the other hand, had been firmly in the hands of the *Parti Lumumbiste Unifié* (PALU) since 2006 (Beaudienville 2012: 12), until 2014 when then minister Mukoko Samba defected from PALU and was replaced by Michel Bongongo (affiliated to senate president Kengo wa Dondo’s political family). Indeed, the autumn 2014 reshuffle which ushered in the long awaited government of national unity promised after the *Concertations Nationales*, severely impaired prime minister Matata’s manoeuvring space, in what could be seen as punishment for the latter’s overshadowing of Joseph Kabila through his praiseworthy technocratic management (Nyenyezi 2015: 82). The ministry of finance, for its part, traditionally given to members of Kabila’s PPRD since 2003 (Beaudienville 2012:12), was tied to the prime minister’s office between 2012 and 2014, until that year’s reshuffle restored it to the PPRD, through the personality of Yav Muland. Similarly, the ministry of health has been led by another PPRD member, Dr. Félix Kabange Numbi, who along Yav Muland are from the president’s ex-Katangan circle (which since *découpage* and defections of key leaders, such as Moïse Katumbi, has undergone profound transformation).

With this in mind, and in line with the theoretical framework outlined above – specifically the issue of how to conceptualise political-, reform-, and civil servants’ ‘practices’ within the administration, the appraisal of Congo’s public policies through the prism of neopatrimonial political expediency requires some qualification. After all, there is ample evidence that administrative weakness, rather than being the outcome of a country suffering from poor governance and low capacity, can be carefully cultivated: for example, despite multiple offers by donors to provide technical assistance in order to strengthen the ability of the ministry of mines and the ministry of portfolio to negotiate mining contracts, these have been repeatedly rejected (Misser 2013: 173; EACP 2014), suggesting stronger institutions may not be desirable by the leading faction in the ruling coalition, in line with what a ‘neopatrimonial’ lens would suggest. However, on the other hand, in the face of the quick-paced shuffles at the ministerial level, it would be misplaced to reduce governmental action to the requirements of (ruling coalition) political expedi-

ency; rather, this invites careful reflection and analysis of the links tying ‘high politics’ within the ruling coalition, with the broader bureaucratic institutions they preside over and their interests, the implementation of public policies (such as HR and payroll reform), and the ability of lower level constituencies (such as trade unions or the wider body of civil servants) to influence those. Indeed, if anything, an analysis of payroll management – given the inter-ministerial struggles characterising the key institutions (especially the MFP and MoB) involved in ongoing reforms – shows that policy-making and implementation is not confined to the political leadership of ministries: bureaucratic actors, including senior officials, technical staff within the Payroll department, trade unions, as well as other groups, such as the leading doctors’ trade union or even consultants, retain substantial leverage in influencing the course of reforms (as the analysis of SYNAMED’s influence in payroll dynamics shows in EACP 2016; or as an overview of the implementation of the SIGRH-P to-date shows, Moshonas, forthcoming). Furthermore, the flagship reform of *bancarisation*, given the little attention it has attracted in terms of research, and the many problems it has reproduced rather than resolved, especially in rural areas (De Herdt, Marivoet & Muhirigwa 2015: 73-92), raises many similar questions, inasmuch as it is closely related to payroll management.

A related question pertains to the position of the ‘formal institution’ of the legislative and regulatory framework – more broadly, the rule of law, and the role it plays when strategically invoked, contested or deployed within ongoing reform processes and political struggles. This is a crucial question to explore, because laws and regulations, albeit almost always circumvented, remain a major piece – and at times the only reference available – against which to understand informal practices. Even though elites evidently use the rule of law in self-serving ways, ‘legalisation is powerful and can be used in unpredictable ways against elites’ by other groups (Hickey, Sen & Bukenya 2015: 14). Whether the rule of law, following the seminal insight and important hypothesis of E.P. Thompson, can be considered ‘an unqualified good’ (Thompson 1975), remains an open question, particularly when important difficulties complicate the task of situating its influence. To start with, when analysing the functioning of the public sector’s payroll in the DRC, a major difficulty arises from the confusion that surrounds the juridical and regulatory framework. That is because informal practices and ad hoc arrangements characterising wage payment can only be inferred from a comparison with the official functioning of the system<sup>19</sup>. At the same time, given the confusion in which the attributions of different institutions are shrouded (best understood as a situation of legal pluralism where each actor invokes particular pieces of legislation that suit their purposes, actions and claims), official and informal practice often overlaps and becomes hard to distinguish.

For instance, the juridical context of civil servants’ careers was until recently governed by the out-dated civil service Statute of 1981, whose dispositions were never applied, but which remained a key reference for civil servants demanding its implementation due to its quite generous dispositions. It has been replaced since July 2016 by a new Statute, but the attribution of ministerial jurisdiction over salary supplements – a key bone of contention between the MFP and MoB – remains undefined in clear terms; equally, its implementation remains to be seen. In addition to these, the 2006 Constitution, with decentralisation as well as the attributions regarding the nominations of civil servants by the president and prime minister have added a further layer of complexity; and while the roles of ministries as far as payroll management is

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[19] In this respect, the formal administrative context requires careful consideration, not only in order to make sense of informal and practical arrangements, but to understand the political relations and conflicts at play within the civil service (Trefon 2010: 715)

concerned (especially over *engagement* and *liquidation des dépenses de personnel*) are fixed by several presidential rulings, de facto practices differ substantially from official procedures; finally, the management of state personnel is fragmented along several *Statuts spécifiques*, which are interpreted quite loosely, leading to the introduction of primes without any administrative basis, and engendering profound disparities across sectors.

In these conditions, the same approach outlined above towards understanding ‘technologies of governance’ can be fruitfully applied to the rule of law. That is, while practices surrounding the usage of a formal institution such as the legal framework can be empirically studied through organisational ethnography (best suited to a context where practices blend formal, informal and practical arrangements), the insights arising from their analysis can contribute to reflections on the potential in terms of effectiveness and equity that technologies of governance can provide to governmental action. As such, the approach of Deval Desai and Michael Woolcock is warranted, who conceive of the rule of law as ‘simultaneously an instrument of the political order and structuring that order through rules and processes’ (Desai & Woolcock 2015: 177-178), where strategic mobilisation by legal and political actors can be ambivalent, transformative in a positive or negative sense, and vector of inclusion or exclusion; the rule of law as such is both shaped by the political settlement, and has the scope to influence it.

## CONCLUSION

As stated at the start of the introduction, this paper was from the outset guided by the analytical and prospective questions of why certain policies in the DRC work, and others fail, and what then, is the impact donors have on these. To tackle this angle, the paper focused on a core, but largely understudied problem in the public sector, that of HR and payroll management. In the first section, a broad overview of this theme was outlined, and approached through two conceptual issues – first, the tendency towards fragmentation and lack of coordination of an increasingly disjointed administration; and second, the administration’s penetration by political relations based on patron-client patterns, which much of the literature available suggests is pervasive. At the same time, it was argued, a key gap in terms of research and insight remains when looking at the politics of PSA in Congo, and HR/payroll management especially – how are these two conceptual issues tied together, or mutually constitutive of one another? How does the ruling coalition and its concomitant political distribution of ministerial positions affect the reforms under way? What is the weight carried by political actors vis-à-vis bureaucratic actors and interests, within a fragmented civil service best understood as a set of sub-systems within a system?

In the second section, these concerns were combined with a theoretical approach privileging PSA, organisational ethnography, and technologies of governance as entry points. More specifically, this consisted in: a) a macro-political analysis focused on mapping out key actors within Congo’s political settlement, carried out following a revised version of PSA; b) the analysis of political and bureaucratic practices relevant to the public policies studied, via the approach of organisational ethnography; and c) conceptualisation of HR and payroll management as ‘technologies of governance’ potentially expanding the state’s infrastructural power. These analytical strands are conceived as complementary and mutually informing each other (particularly the relation of PSA to organisational ethnography of reform practices). This theoretical construction was further fleshed out by providing a tentative sketch of Congo’s evolving political settlement since independence. Therein, a core insight consisted in flagging that the processes of expansion/contraction of capitalism have been closely followed by an expansion/contraction of bureaucratic capacity, with much of Congo’s political trajectory inscribed along a long-term trend towards the exacerbation of increasingly decentralised forms of patron-client relations. In turn, this was identified as constituting a key gap within our understanding of Congo’s public policies and reforms: how particular public policies relate to Congo’s macro-political context, how the meso-level of sectoral policy-making plays out, and the shape taken by the micro-politics of reform implementation, where intended policies invariably fail and ‘real’ policies emerge out of actors’ interactions (Mcloughlin 2015).



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