

Researching livelihoods and
services affected by conflict

The political economy of human resource and payroll management in the Democratic Republic of the Congo

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About us



The Secure Livelihoods Research Consortium (SLRC) is a global research programme exploring basic services, and social protection in fragile and conflict-affected situations. Funded by UK Aid from the UK Government (DFID), with complementary funding from Irish Aid and the European Commission (EC), SLRC was established in 2011 with the aim of strengthening the evidence base and informing policy and practice around livelihoods and services in conflict.

The Overseas Development Institute (ODI) is the lead organisation. SLRC partners include: Centre for Poverty Analysis (CEPA), Feinstein International Center (FIC, Tufts University), Focus1000, Afghanistan Research and Evaluation Unit (AREU), Sustainable Development Policy Institute (SDPI), Wageningen University (WUR), Nepal Centre for Contemporary Research (NCCR), Busara Center for Behavioral Economics, Nepal Institute for Social and Environmental Research (NISER), Narrate, Social Scientists' Association of Sri Lanka (SSA), Food and Agriculture Organization (FAO), Women and Rural Development Network (WORUDET), Claremont Graduate University (CGU), Institute of Development Policy (IOB, University of Antwerp) and the International Institute of Social Studies (ISS, Erasmus University of Rotterdam).

SLRC's research can be separated into two phases. Our first phase of research (2011 - 2017) was based on three research questions, developed over the course of an intensive one-year inception phase:

- State legitimacy: experiences, perceptions and expectations of the state and local governance in conflict-affected situations
- State capacity: building effective states that deliver services and social protection in conflict-affected situations
- Livelihood trajectories and economic activity under conflict

Guided by our original research questions on state legitimacy, state capacity, and livelihoods, the second phase of SLRC research (2017-2019) delves into questions that still remain, organised into three themes of research. In addition to these themes, SLRC II also has a programme component exploring power and everyday politics in the Democratic Republic of Congo (DRC). For more information on our work, visit: www.securelivelihoods.org/what-we-do

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Acronyms and glossary



CDF	Congolese Franc
CSR	Civil Service Reform
DRC	Democratic Republic of the Congo
HR	Human resource
IMF	International Monetary Fund
MoB	Ministry of Budget
MoF	Ministry of Finance
MoH	Ministry of Health
MPS	Ministry of Public Service
NU	Nouvelles Unités
PPRD	Parti du Peuple pour Reconstruction et la Démocratie
PTS	Procédure Transitoire Simplifiée
SYGECPAF	Système de Gestion Centralisé de la Paie des Agents et Fonctionnaires

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Executive summary



Research questions

The Congolese administration is often depicted as a basket case of corruption and malpractice. However, not much has been written from an empirical perspective on the underlying practices of bureaucratic governance at the central level. This paper aims to fill this gap by focusing on the management of human resources and the public wage system. Since 2007, the number of public sector workers featuring on the state's payroll has expanded from 600,000 to 1,300,000 entries, and the wage bill absorbs between one third and two fifths of the domestic budget. At the same time, human resource and payroll management is afflicted by several problems: patronage-based recruitment is widespread; the payroll is highly fragmented and opaque; substantial swathes of the civil service go unpaid; and ghost workers, double dipping, and leakages and remunerations embezzlement occur on a large scale. While official legislation surrounding human resource and payroll management divides the labour across different institutions – particularly the Ministry of Public Service and the Ministry of Budget – in practice, formal rules are only followed loosely, and due procedure violations common. Yet at the same time, despite the severe flaws of the system, a degree of functionality remains intact, insofar as hundreds of thousands of civil servants receive their remuneration each month. The key issue explored in this paper consists in outlining and analysing the practical arrangements through which human resources and the payroll are managed.

Methods and concepts

Whilst building on doctoral research undertaken in 2010–2011, findings in this paper are based on field research conducted between March–April 2016, April–September 2017 and May–July 2018. This research looked at central government dynamics surrounding payroll management and ongoing civil service reforms, mainly through qualitative methods including organisational ethnography. The paper provides an in-depth account of how the expenditure chain functions with wage

payment. It considers the political and financial stakes around the wage bill, particularly: political patronage through recruitment; clientelist arrangements within payroll management; and ghost workers, leakages and remunerations embezzlement. In this paper, patronage is defined as the use of state resources for the provision of jobs and services for groups of supporters, and clientelism as involving inter-individual relations within hierarchical networks. While empirically these two practices are intertwined, we have kept them analytically separate here as their implications can be different.

Main findings

The problems that beset human resource and payroll management arise out of an incongruity between official rules and regulations, and the underlying political, social and economic realities that underpin governance in the public sector. In the DRC, the public sector occupies a peculiar position: it is the main provider of formal employment; a livelihood source for its agents; a major locale structuring political mobilisation; and the prime driver of accumulation in a setting where the formal economy remains embryonic. As such, the practices of patronage, clientelism and large-scale payroll fraud should be understood as the means by which the gap between official legislation and the pressures surrounding the public sector are reconciled. This paper illustrates this by explaining 1) how patronage-based recruitment in the civil service helps to build and service political constituencies, particularly in electoral periods; 2) how clientelist arrangements are widely prevalent within payroll management, especially to negotiate payroll inclusion; and 3) how the flaws of the institutional set-up underpinning payroll management invite larger abuses, including large-scale payroll fraud.

Implications

While civil service reform initiatives have been ongoing in the DRC the last 15 years, including payroll reforms, they have tended to be donor-

driven, and positioned under the Ministry of Public Service's leadership. However, payroll management, for the most part, is under the Ministry of Budget's jurisdiction, in particular, the Payroll Department. Within this sector, major policies have been introduced over the last decade – such as the computerisation of payroll management and *bancarisation* reform (payment of civil service remunerations through the commercial banking sector) – with virtually no donor involvement. While

the government has hailed these initiatives as a resounding success (and they have indeed enabled partial improvements), the initiatives have not eradicated long-standing issues afflicting payroll management, rather displaced their political economy. To overcome inter-institutional collective action problems within payroll management, it is, nevertheless, essential to build on existing arrangements and support for home-grown efforts, instead of relying on imported turn-key solutions.

1 Introduction

The scholarship on African public sector governance appears divided along two strands of literature. In one strand, it is approached through an analysis of informal institutions (Bratton and van de Walle, 1997; Chabal and Daloz, 1999; Bratton, 2007; Hyden, 2012). Scholars writing in this vein tend to highlight the importance of patron-client relations, with many subscribing to the concept of neo-patrimonialism. Despite differences in how the concept is operationalised, scholars using the neo-patrimonial approach usually join a series of practices that gives the concept its substantive content: patronage, political clientelism, presidentialism, and the use of state resources to maintain legitimacy. These practices are seen in numerous examples of public sector mismanagement, corruption, the informalisation of bureaucratic operations, the blurring of public-private boundaries and political instrumentalisation of reforms. Typically, such accounts pitch their analysis at a macro-political level.

Another other strand of literature – much of it socio-anthropological in nature – focuses on the day-to-day functioning of African administrations (Blundo and Olivier de Sardan, 2006; Blundo and Le Meur, 2009; Bierschenk and Olivier de Sardan, 2014a). Taking issue with the high level of generality as well as the over-determinacy of neopatrimonialist accounts (Therkildsen, 2014; Olivier de Sardan, 2015a), this socio-anthropological work has provided fine-grained ethnographic accounts of bureaucracies and public services. It has done so by highlighting a set of neglected issues and new insights, such as the importance of formal rules and the existence of practical norms (Olivier de Sardan, 2010; De Herdt and Olivier de Sardan, 2015). However, few scholars writing in this vein have ventured beyond the confines of the street-level bureaucracies they have studied, tying the implications of such findings to more macro-social considerations (for insightful exceptions, see Bierschenk 2008, 2014).

Indeed, as noted by a review of the anthropological literature on the civil service (Hoag and Hull, 2017: 27), with the bulk of scholarship concentrated on interface, service-provision bureaucracies, studies centred on middle management ‘that take a holistic view of bureaucratic processes and work across specific “levels” of the organisation’ are very few in number. The present paper, taking up Thomas Bierschenk and Olivier de Sardan’s (2014b) call for an empirically-grounded study of African administrations, endeavours to fill this gap in the literature. Using the case study of human resource (HR) and payroll management in the Democratic

Republic of the Congo (DRC), we will analyse the interplay between formal organisational structures and a range of practices surrounding payroll management including: patronage; clientelism; bureaucratic capture in the form of rents linked to recruitment; leakages of civil service remunerations; and ghost workers in the civil service. In an insightful review of processes of sedimentation and fragmentation in west African bureaucracies (2014), Bierschenk notes that the mismatch between official rules and underlying realities often leads to the production of informal norms. While enabling the minimal functioning of administrative apparatuses, it does so through a negative feedback loop that intensifies their functional problems (*Ibid*: 238).

Similarly, in the account that follows, patronage-based recruitment in the civil service (defined as the practice of using state resources to provide jobs and services for groups of supporters rather than individuals), and clientelism (defined as the inter-individual relations between personal hierarchical networks involving politicians and bureaucrats that aims to use state resources for the economic support of network members) (Therkildsen, 2014: 123) are analysed as emerging from the incongruity between official rules and regulations and the underlying political, social and economic realities that underpin them. The inadequacy of official rules in relation to underlying realities, this paper argues, produces a situation where formal rules in HR and payroll management are pragmatically approached – at times abided by, at others violated – but in the interstices, the practices of patronage and clientelism can expand and reproduce themselves. These practices, far from undermining formal institutions (such as the official mandates of the ministries involved in paying civil service remunerations), contribute to their reproduction. Even though, as we shall see, they also exacerbate the administration's functional problems. Moreover, this paper argues that the prevalence of patronage and clientelist arrangements cannot be dissociated from a set of structural issues that circumscribe public-sector functioning.

To make its case, the paper focuses on the links between two ministries active in the administrative segment of the

expenditure chain, namely the Ministry of Public Service (MPS) and the Ministry of Budget (MoB), and particularly the Payroll Department within the latter, mandated with verifying payroll expenditures. The empirical material presented here draws on several rounds of field research conducted between 2010 and 2018, including material collected through a research consultancy report on pay issues in the DRC's health sector.¹ The methodology used throughout was broadly qualitative, based on more than 200 semi-structured interviews with informants, civil servants from key ministries (particularly the Ministries of Public Service, Budget, Finance and Health), trade unions, donor officials, consultants, academics, and civil society activists. Given the delicate nature of the subject, strict confidentiality was promised to informants. This paper therefore speaks in broad terms and does not name individuals, functions or the departments of the people interviewed.

The paper is split into three sections. The first section introduces the conceptual framework guiding the argument, bringing together the overlapping yet analytically distinct issues of patronage and clientelism in a framework that places them in their (structural) context. It also explains the relevance of studying the wage bill's functioning. The second section introduces a set of preliminary remarks showing how official legislation – rendered utterly impractical by an underlying political economy at odds with the formal organisational framework – leads to a set of administrative practices in recruitment and payroll management that are conducive to patronage and clientelist arrangements. We illustrate this through patronage-based recruitment since 2007. The third section turns to the prevalence of clientelist arrangements in payroll management. These arrangements, we argue, are much more than inter-individual clientelist relations and pave the way for large-scale, organised payroll fraud, for which we provide detailed empirical evidence. This paper contends that organised fraud flows precisely from the same (structural) factors that render the official rules and regulations regarding HR/payroll management impractical, and the practices of patronage and clientelism functional, in DRC's public sector.

¹ This includes doctoral research conducted in 2010-2011 on Congo's civil service reforms, a research consultancy report on pay issues in the DRC's health sector in which the author served as lead-researcher in April-May 2016 (EACP/DFID-Atos-Integrity Global), as well as ongoing research between April-October 2017 and May-July 2018 as part of the Secure Livelihoods Research Consortium, coordinated by ODI and funded by DFID. Unless otherwise stated, all interviews took place in Kinshasa. The permission to make use of the information contained in the EACP report is gratefully acknowledged. Needless to say, the views expressed here do not in any way reflect those of DFID.

2 The Congolese administration – a structural view

This paper analyses the HR and payroll management practices in the DRC, applying the insights of a ‘real governance’ perspective (Olivier de Sardan, 2008; Titeca and De Herdt, 2011; De Herdt and Olivier de Sardan, 2015) to the processes found at the core of the administrative apparatus. To complement this perspective, this paper also references work by political economists on spoils politics and public sector corruption in Africa (Allen, 1995; Szeftel, 1998, 2000a, 2000b), to locate the processes discussed along their broader structural backdrop. This section therefore provides a discussion of main concepts – especially patronage and clientelism – as well as their articulation. If these related sets of practices are indeed features of bureaucracies everywhere, their prominence in the DRC should be understood against their wider context, and the peculiar position the public administration occupies: at once the country’s major employer; a source of livelihoods (or survival) for many of its agents; and the prime locale for accumulation in a setting where the formal economy remains embryonic.

To begin with, the concepts of patronage and clientelism, as several scholars recognise, are hard to disentangle empirically, even if it is important to do so for analytical reasons (Lemarchand, 1988; Therkildsen, 2014). As stated in the introduction, this paper follows Therkildsen’s definitions (2014:123), where patronage concerns groups rather than individuals, and where clientelism implies inter-individual relations. Such practices are, of course, closely intertwined – indeed, usually patronage unfolds according to clientelist logic – but distinguishing between them is important as their implications in the functions they serve and the impact they have can be quite different.

To make sense of the practices of patronage and clientelism, it is imperative to locate them within the broader structural context in which they intervene. This is particularly important if we are to move beyond a description of the way they work towards an examination of their drivers (Szeftel, 2000a: 295; Gray and Whitfield, 2014: 8). DRC’s civil service has, since the mid-1970s, experienced decades of state decline, economic crisis and administrative neglect (Gould, 1980; Young and Turner, 1985; Schatzberg, 1988; Peemans, 1997).² In the 1980s, a sort of consensus emerged that under the combined weight of crisis, collapse of public funding,

² The downward trend in administrative probity, organisational confusion, and deficient management had started before the mid-1970s economic crisis however; the years of Congo chaos (1960-65), politicisation of the administration and fusion with the one-party state had already dealt heavy blows to it (Vieux 1974; Mpinga 1973).

fending-for-oneself strategies (MacGaffey, 1986), and Mobutu's clientelist practices, the state apparatus had become de facto privatised (Gould, 1980: xiii; Newbury, 1984). Although admittedly on the extreme end of the spectrum, this situation was not exceptional in sub-Saharan Africa, but followed a pattern referred to by Chris Allen as 'spoils politics' (Allen, 1995).

Certainly, DRC's wars in the 1990s and 2000s led further blows to an already emaciated administration, a long-standing feature of which is the use of public office as an opportunity for graft, 'where the state emerges as "a market" where officeholders compete for the acquisition of material benefits' (or prebendalism, according to Lemarchand, 1988: 153). To cite a more contemporary account, administrations have been transformed into 'parcels of power', where 'each position ... provides not only a wage, but also an opportunity for appropriation' (De Herdt et al., 2015: 49).

Placing these enduring features of DRC's administration against their broader backdrop – the prevalence of prebendalism or spoils politics; clientelist arrangements to mediate bureaucratic relations; and, as we shall see, using patronage strategies following the mid-2000s' democratisation process – presents a significant advantage. Indeed, following the work of Chris Allen (1995) and Moris Szeftel (1998, 2000a, 2000b), public sector 'corruption' (as a shorthand for the type of practices listed above) should be seen as the product of a system where accumulation has remained dependent on public resources, and where the public sector is a major locale structuring political mobilisation. This conceptualisation is further fleshed out in the empirical sections that follow.

2.1 The case for studying payroll management in the DRC

Before introducing the procedures through which HR and the civil service payroll are managed in the DRC, we would like to make a few points regarding the importance of studying the wage bill. To start with, issues afflicting the civil service in matters of remuneration – low salaries, uneven salary supplements and sizeable portions of state personnel going unpaid – are relatively well-known, yet quite poorly understood. These problems are a major factor in DRC's paltry record as far as public service

delivery is concerned, and the quality of civil service a major impediment to donors' programmes and projects. After aborted attempts at civil service reform (CSR) in the previous decade (Moshonas, 2014), since 2014 a range of initiatives have been introduced to tackle this situation, most notably through a sizeable World Bank administrative reform project (RDC/Ministère de la Fonction Publique, 2015a). However, outside specialist circles within international organisations and government, this issue has received limited attention.

Indeed, the DRC's core state apparatus – ministries and agencies in charge of public finances, and the central civil service and administrative machinery – has received relatively little coverage, aside from several reports produced by international institutions (Morganti, 2007; Mathis, Kashoba and Warnier 2008; Verheijen and Mabi Mulumba, 2008; World Bank, 2008; Beaudienville, 2012; World Bank, 2015). The exception is a handful of studies that have addressed the civil service payroll, but their analysis remained confined to specific sectors: education (Verhaghe, 2007; Brandt, 2016) and health (Bertone and Lurton 2015; Bertone et al., 2016). This dearth of empirical research on the core state apparatus is not that surprising. It appears to be common across Africanist scholarship, putting aside studies on public sector reforms that provide passing mentions to the problem of ghost workers inflating the wage bill (for example, Lindauer & Nunberg, 1994; Ayee, 2008; Olowu, 2010). Few of these provide detailed accounts of the functioning of particular services³. The political linkages underpinning budget execution, HR management and public finances seem vastly understudied from an empirical point of view.

There are several reasons why a focus on HR and payroll management is both timely and important. First, the wage bill absorbs the majority of the DRC's domestic budget: depending on the year, between one third and two fifths of public expenses are devoted to remuneration (RDC/ Cour des Comptes, 2015: 5-6; World Bank, 2015: 6). Second, the wage bill has been steadily rising over the last 15 years, with payroll figures showing an expansion of paid state personnel from around 600,000 to almost 1,300,000 between 2007 and 2017 (interview, MoB, 21.09.2017; RDC/Ministère de la Fonction Publique, 2017: 37). Third, examining the wage bill provides insights into how the civil service operates. Indeed, this noted expansion of the wage bill masks severe discrepancies:

³ An exception is Amoako-Tuffour (2002), whose analysis of ghost workers on Ghana's public sector payroll provides a very detailed outline of HR and payroll management procedures. Another exception on the politics of public finance is described in the special issue of the journal *Politique Africaine* on 'macroeconomics from below', edited by Béatrice Hibou (2011).

remuneration is composed of a very low base salary, with minimal differentiation based on rank and seniority, and a variety of bonuses and salary supplements (*primes*) can constitute over 90-95% of remuneration (Verheijen and Mabi Mulumba, 2008: 4). This system of salary supplements was gradually expanded from 2003 onwards, as it offered the advantage of dealing with social turmoil through discretionary remuneration increases without touching the base salary, which is harmonised across the civil service (*Ibid*; interview, former Ministry of Budget senior official, 21.05.2016). However, this system of salary supplements overwhelmingly favours personnel positioned in 'juicy', or revenue-generating/fund channelling institutions (Morganti 2007: 26-27) and Kinshasa-based civil servants, and varies widely across and within ministries, with highly strategic departments better off.

This fragmentation and opacity have been amplified by the multiplication of distinct, 'special' or 'particular' statutes beyond the General Statute of the civil service, through which different categories of agents are managed separately (such as doctors, academics, the police, etc.) (*Ibid.*). In addition, aside from civil servants recognised by and registered with the MPS, around

one third of the DRC's state personnel are *Nouvelles Unités* (NU), that is, new recruits without a civil service registration number, and therefore bereft of a wage (even though they may receive salary supplements). Indeed, having a civil service registration number is a prerequisite to receive a wage, even though it does not guarantee, on its own, integration in the wage payroll because of budgetary constraints. This explains why a sizeable proportion of state personnel go unpaid. Take the health sector, for instance: in 2013, out of approximately 130,000 health workers (only half of which were registered with the MPS), only 30% received a wage, 20% did not get any remuneration at all, but 80% received the occupational risk allowance salary supplement (World Bank, 2015: 63).

These are the features, then, against which the official procedures of HR and payroll management must be understood. What are the distortions introduced by this fragmentation and opacity into the application of formal legislation? What are the practical arrangements that arise out of their mismatch? And how do practices involving patronage, clientelism, and large-scale payroll fraud fit in those arrangements? These questions are explored in the following two sections.

3 Official procedures and practical arrangements in HR and payroll management

Official rules and regulations in matters of HR and payroll management are sometimes followed loosely, or not at all. This discrepancy between the formal institutional set-up and actual practices, this paper argues, is rooted in the inadequacy of the formal set-up at accounting for the underlying political and socio-economic realities surrounding public administration. This section examines this mismatch and illustrates the process through patronage-based recruitment in the civil service.

As far as payroll management is concerned, procedures are based on the four-step computerised expenditure chain introduced in 2003, with support from the International Monetary Fund (IMF). This supplanted the largely paper-based, manual system that existed before (Beaudienville, 2012: 13, 22-23). Conforming with this expenditure chain, there is a division of labour across institutions (recapitulated in the table below): line ministries prepare the elements required to calculate their payroll; the MPS is in charge of the commitment of all remuneration spending for personnel under its jurisdiction⁴; the MoB undertakes its verification; the Ministry of Finance (MoF) issues a payment order to the Central Bank, which then releases the funds. This atypical institutional set-up – with the MoB separate from the MoF – is rooted in the mid-1980s, when it was created under structural adjustment as part of a public sector retrenchment effort. Since then, the MoB has hosted the Payroll Department, tasked with controlling remuneration expenses.⁵

However, this official procedure is only partially followed. As far as payroll management is concerned, even though the MPS is formally responsible for the commitment of remuneration spending for all state personnel under its jurisdiction – that is, civil servants governed by the General Statute – in practice, this applies only to the commitment of remuneration spending for the base salary. For salary supplements – which, as we saw, are often far superior in magnitude to wages – line ministries liaise directly with the MoB's Payroll Department to effect updates about their personnel.

⁴ The commitment of remuneration spending for other sectors outside the purview of the MPS – such as teachers, magistrates, etc. – is done separately by their own institutions, but follow the rest of the expenditure circuit for remunerations (verification by the MoB, payment order issued by the MoF, etc.).

⁵ The Payroll Department appears to have been located at the MPS up to 1973, with poor results. To contain the worst abuses it had become the vehicle of, it was transferred to the MoF thereafter, and integrated in the MoB upon its creation in 1986 (interviews, senior MoB officials, 21.09.2017; 23.09.2017).

Table 1: The division of labour across institutions within the expenditure chain with regards to remuneration

Institution	Role in the circuit
Line ministries	<i>Preparing</i> the elements required to calculate their payroll, passed on to the MPS, as well as ex-post controls and verifying received payments
Ministry of Public Service (MPS)	<i>Commitment</i> of spending, passed on to the MoB
Ministry of Budget (MoB)	<i>Verifying</i> the expenditure, passed on to the MoF
Ministry of Finance (MoF)	<i>Issuing</i> the payment order to the Central Bank
Central Bank	<i>Executing and reporting</i> the payment, carried out in part via commercial banks or Caritas since 2013

Source: author.

In addition, formal legislation in matters of HR management in DRC⁶ stipulates that recruitment can only proceed on line ministries' express demand if funds have been allocated in the state's budget and, in that case, only following a competitive exam organised by the MPS (RDC/Ministère de la Fonction Publique, 2017: 3, 55). Again, in practice, this rule is widely violated. Instead of recruitment being initiated on budgeted expenses and competitive exams, hiring is undertaken within all sectors *en masse*, giving rise to wide numbers of NU, with each ministry submitting ex-post requests for registration to the MPS (for an in-depth analysis of this process in the health sector, see Verhage, 2018). This explains the formidable expansion of state personnel. As we will illustrate, this practice typically unfolds according to patronage pressures, as access to jobs in the civil service can serve as a powerful lever for re-election. This also means that because civil service registration is a prerequisite to receive a wage and constitutes a highly sought-after status, the MPS, as the sole authority mandated to provide civil service registration numbers, finds itself at the centre of enormous pressures, particularly in pre-electoral periods.

Because of budgetary constraints, however, this massive expansion in state personnel between 2007 and 2017 has meant a substantial proportion of registered civil servants are deprived of their wage (but can receive salary supplements). The MoB's Payroll Department holds long lists of registered civil servants it is unable to integrate in the wage payroll, because it lacks the budgetary latitude. Taken together, these structural features – expansive recruitment and budget constraints – place the Payroll Department in a very powerful position: this department has, in effect, become the locus where payroll inclusion is decided (see also Berton

and Lurton, 2015: 33). Given that budgetary latitude is limited, high stakes revolve around *who* can be included; this creates ample opportunity for discretionary action, clientelist practices and even rent capture, which helps explain the regular accusations that are levelled against it as a hotbed of corruption and malpractice.

Indeed, several issues beset this institutional set-up. Firstly, the complexity induced by the four-step expenditure chain multiplies the number of strata and actors involved in paying remunerations and means the risk of abuse and leakages tends to be proportional to the number of layers (Verhage, 2007: 54). Second, abuses are even more widespread as the MPS's control on HR management, especially civil service remunerations, is all but theoretical. Even though the MPS should be kept informed about the remuneration of civil servants under its jurisdiction, in practice, the Payroll Department does not often provide payroll lists to the MPS. Thus, the MPS has almost entirely lost the ability to manage civil servants' careers and keep track of their numbers, let alone respect and control formal recruitment procedures. This is exemplified in the lack of correspondence between MPS data on civil servants (based on a partially completed census) and the MoB's payroll data, which facilitates double dipping, ghost workers, and wage-bill inflation (RDC/Ministère de la Fonction Publique, 2017: 36-37). The fact that the MPS has never received adequate political backing to enforce civil service career rules or to implement the administrative reforms it has been tasked with since 2003, as well as that it faces stiff resistance from other ministries (Morganti, 2007: 20-21), has compounded the issue.

However, it is notable that payroll management has not been static. In fact, it has been marked by significant

⁶ As laid out in a series of texts, such as the new public finances law promulgated in 2011, the General Statute of the civil service, the presidential decree outlining the attributions of ministries, as well as more sector-specific regulations and rulings, fleshing out the above dispositions in greater detail.



Picture 1: SYGECPAF webpage (www.sygecpaf.com)

policy evolutions, which are worth retracing. Aside from the four-step expenditure chain introduced in 2003, following an audit of payroll management by the French Cooperation in 2004, the manual procedure was, from July 2007, gradually replaced by a computerised system (known through its French acronym of PTS, *Procédure Transitoire Simplifiée*) to centralise, automate and integrate the payroll's various databases. Despite the withdrawal of French cooperation from this project in 2009, the MoB continued this reform through recourse to local expertise (Moshonas, 2018: 125-129). As its name suggests, this reform envisaged, in the longer-term, PTS's replacement by a fully integrated HR and payroll management system, which since 2014 has been a component of the DRC's revised CSR strategy (the story of this reform has been recounted elsewhere, see Moshonas, forthcoming). In 2013, then MoB minister Daniel Mukoko Samba contracted a Congolese consultant to replace the PTS system, for technical reasons, with another software (known through its French acronym of SYGECPAF, *Système de Gestion Centralisé de la Paie des Agents et Fonctionnaires*). Since June 2015, this has provided the basis for payroll management.

At the same time as these changes in computer software, another landmark reform was superposed, this one known as *bancarisation*, the payment of civil servants via individual bank accounts, rather than manually through the old system of accounting agents. Progressively rolled out from 2011, and presented by the government as a

resounding success, this flagship reform has, in fact, had mixed results, particularly in rural areas (De Herdt et al., 2015; RDC/Cour des Comptes, 2016). Less well-known is that the computer software PTS and its successor SYGECPAF have been the technical infrastructure upon which *bancarisation* has been based. Notably, these important reforms have been carried out under the Congolese government's initiative with almost no donor involvement. Many aid agency officials thus saw *bancarisation* as a surprise (interviews, senior donor officials, April 2016), because the reform agenda in the DRC tends to be seen as donor-driven (Trefon, 2011; Moshonas, 2018). We will return to the issue of software upgrading in the last section.

As we have seen thus far, formal legislation for recruitment and payroll management is only partially followed in some cases, and simply violated in others. The reason behind these distortions is that the underlying social, economic and political realities underpinning public sector governance are completely at odds with its formal institutional set-up. The broader structural context against which such distortions should be seen is one where employment in the public administration, despite low pay and poor working conditions, remains a highly sought-after employment opportunity. This is not so surprising, given the narrowness of the formal economic sector and the harshness of working in the informal sector. A job in the public sector offers an opportunity to sustain one's

livelihood, the prospects of security – particularly if one manages to obtain a registration number – while it does not preclude moonlighting (although the latter is forbidden by the civil service Statute). Moreover, public administration – in part because of the above – has turned into a major locale for political mobilisation (through the provision of jobs and registration numbers via patronage), as well as driving accumulation for heavyweight politicians and senior bureaucrats. We now apply this conceptualisation to recruitment.

3.1 Patronage-based recruitment in the civil service

As explained above, the official procedure for recruitment – premised on the availability of budgeted funds and competitive exams – is widely violated, as line ministries have been operating as autonomous recruitment authorities for some time.⁷ Concurrently, the MPS – the only authority mandated to deliver civil service registration numbers, a prerequisite for receipt of a wage – has retained a highly strategic position despite enormous pressures. Mass registration by the MPS, as a practice, goes back to at least the early-1990s, when president Mobutu offloaded his single-party cadres into the civil service, and when democratisation amplified the utility of such methods through the influence of political parties (interview, former MoB senior official, 03.04.2016).

The minister and his cabinet are the main pressure points, with each minister that heads the MPS attempting to regularise unregistered civil servants. This can thus serve as a powerful lever of patronage, because the minister and his cabinet can rely on the support and goodwill of not only the beneficiaries of their largesse, but of the individuals (like other ministers, powerful politicians, senior bureaucrats) who recommend who should be on registration lists. In other words, this practice of mass registration involves relations of accountability which are both vertical (civil servants are indebted to both the MPS minister who registered them, and to the politicians/patrons who ‘recommended’ them to the MPS minister) and horizontal (involving the exchange of favours between the MPS minister and the politicians who have recommended ‘their’ people

for registration). We will illustrate this rather abstract description with some examples.

As hinted above by the significant expansion of state personnel featuring on the payroll, jumping from 600,000 to almost 1,300,000 between 2007–2017, recruitment in the civil service remains an important means, usually mediated via patronage, through which political constituencies are built and serviced. The pressures of patronage-based recruitment through mass registrations can be illustrated by the 2011 elections, when no less than 73,951 civil servants were registered via 31 successive ministerial decrees between 2010–2012. Interestingly, the government headed by prime minister Augustin Matata Ponyo from 2012 attempted to revoke the aforementioned registrations, hiring a consultant to explore the legal means through which this could be carried out (Ndondoboni Nsankoy, 2014). However, according to that consultant’s report (*Ibid*), due to the peculiarities of Congolese administrative law, there was no possible legal avenue to achieve this. The fact that these registrations had been heavily politicised, involving the exchange of favours across the coalition’s political spectrum in a heated electoral period, rendered this task all the more difficult (interview, prime minister’s cabinet official, 01.04.2016).

Another initiative of the self-styled reformist prime minister Matata was to instate a ban on recruitment (RDC/Ministère de la Fonction Publique, 2017: 31-32) to try to rein in political interference in HR management. However, despite this formal recruitment freeze – which bred some success as between 2013 and 2016 no new mass registrations of civil servants took place⁸ – recruitment of NU within sectors continued apace, as suggested by the rise in unregistered personnel and payroll data cited above. While partly justified by the fact that in the absence of a large-scale retirement process, an ageing administration pushes line ministries and government services to plug gaps by recruiting, the expansion in state personnel is also driven by clientelism: influential bureaucrats and politicians find means to appoint their kin and clients, and when leaving office, ministers typically offload the members of their cabinets into their ministerial administration (interview, former MPS cabinet member, 01.09.2017). Appointments like

⁷ This situation harks back at least to the mid-1970s, when the 1972-1973 administrative reform initiated by Mobutu decentralised HR management, replacing the Civil Service Department (as the ministry was then called) by a permanent commission. This initiative’s results were disastrous enough that the 1981 administrative reform re-centralised HR management and reinstated the Civil Service Department, although significant damage had already been dealt (Ibula, 1987: 107, 215).

⁸ The absence of mass registrations during this period was also made possible due to MPS minister Jean-Claude Kibala (in office between 2012-2015), whose austere and rigorous managerial style is remembered vividly by the officials of that ministry, as attested in numerous interviews and conversations.

these consist of individuals deprived of a salary as they are neither (yet) registered nor featuring on the wage payroll, but who can receive salary supplements.

At any rate, the issuance of mass-scale registration decrees by the MPS minister – kept under control between 2012-2016 – has been a recurring feature, one that provides the MPS with its strategic *raison d'être*. Indeed, the last two years offer many examples of this type of practice. Since the replacement of the Matata II government with Samy Badibanga (October 2016) and Bruno Tshibala (April 2017), the MPS has been headed by former MoB minister Michel Bongongo, a Mobutu-era politician and close associate of Senate president Kengo wa Dondo, under whose helm civil service registrations (and recruitment) has proceeded apace. The approaching deadline for elections (in December 2018) has undoubtedly, yet again, boosted the appeal of such endeavours. The official reason for the numerous civil service registration ministerial decrees issued by the current MPS minister are to regularise the NU situation – that is, unregistered civil servants working in a legal vacuum. MPS minister Bongongo, for this reason, asked ministries to send over the list of their NUs, and a commission composed of trade union members was tasked with controlling it. However, this provided ample

opportunity to add names beyond acknowledged NU personnel. Senior bureaucrats (general secretaries, directors, division chiefs), ministers and political parties all weighed heavily to influence compiled lists, and a breach was opened for extensive abuses (interview, MPS official, 01.06.2018).⁹

Such decrees, reportedly issued for all ministries and even provincial administrations, have been allegedly marred by severe irregularities¹⁰, providing the opportunity to issue registration numbers to more than just legitimate NU state personnel. In a tense pre-electoral period, this type of practice can yield substantial political dividends. An open door to the civil service means the MPS minister, his party and their wider political network are bound to significantly expand their political constituency. This also means that patronage-based recruitment, in a setting where the public sector is a major source of sought-after employment opportunities, is highly functional due to both supply and demand factors (political elites who can disburse favours and cultivate their political bases). At the same time, even though the MPS is unable to manage civil servants' careers, enforce recruitment rules, or play its full role in payroll management, the pragmatic arrangement arising from the violation of formal procedures retains an important role for this ministry.

⁹ Such abuses extended to the sale of registration numbers as well: apparently, the going rate to purchase one in Kinshasa was \$150-\$200 for a registration number of *Attaché d'Administration de deuxième classe*, an intermediate administrative rank (interview, MPS official, 08.06.2018).

¹⁰ The figures related to these decrees are quite extensive: a decree issued for the Ministry of Fisheries and Livestock regularised the situation of 4,203 civil servants, another for the Ministry of Finance 679 civil servants (decree number 101/ME/Min.FP/2018 of 18 June 2018 and 021/ME/Min.FP/2018 of 14 March 2018, respectively). There have been wide echoes of these decrees and the irregularities that have marred them in the press (<http://flashinfo.cd/2018/08/14/fonction-publique-nouvel-arrete-coeur-de-vives-tensions-protestations-aux-affaires-sociales/> or <http://7sur7.cd/new/fonction-publique-regularisation-des-nouvelles-unites-nu-michel-bongongo-depuis-ce-mercredi-a-mbandaka/>).

4 The political economy of payroll management

Thus far, we have provided a broad overview of HR and payroll management, showing how formal rules and regulations are pragmatically approached at best, or widely violated at worst, largely because they are poorly adapted to the day-to-day realities of a thoroughly politicised administration subject to powerful socio-economic pressures. We illustrated this process through an in-depth look at the practice of mass registration of civil servants, typically unfolding according to the logic of patronage around electoral periods. In this section, the focus shifts towards analysing the practices of payroll management.

As outlined above, payroll management has been characterised by significant policy evolutions, particularly payroll software upgrading via PTS/SYGECPAF and the *bancarisation* reform. These innovations are important to bear in mind; on their basis a series of claims have been made by the government about the efficiency gains they have helped realise. For example, SYGECPAF – by consolidating and integrating, in a single file, the separate payroll databases on which payroll operations were carried out – was hailed as capable of eliminating the many errors or irregularities, such as double dipping, associated with the PTS software that preceded it (RDC/Ministère du Budget, 2014: 37-38). Similarly, with leakages estimated at around 10% of the wage bill (De Herdt et al., 2015: 87), in the previous system based on manual distribution of cash by public accounting agents (Verhage, 2007), *bancarisation*, according to the minister of Budget (Bongongo, 2016), has allowed to generate substantial economies – more than \$60 million – between 2011-2016.

However, despite such claims by the government, these evolutions have by no means completely resolved long-standing issues afflicting the payroll – double-dipping, ghost workers or the risk of embezzlement of remunerations – but rather displaced their political economy. We will now examine the political economy of payroll management by exploring the clientelist arrangements that prevail, the problem of ghost workers and the magnitude of large-scale, organised payroll fraud.

4.1 Clientelist arrangements in payroll management

Administrative dynamics, it is argued, are usually (but not exclusively) mediated via clientelist logic. In line with this paper's overall argument, this arises due to the gap between official rules and regulations and the underlying realities that surround the civil service. Indeed, as we

saw above, DRC's system of payroll management rests on a largely impractical official procedure, combined with the MPS's inability to fully play its role. This translates into two major distortions: first, while the MPS submits requests to the Payroll Department to add registered but unpaid civil servants to the wage payroll, the Payroll Department is unable to integrate all of those due to budgetary constraints, and does so progressively, leaving substantial swathes of newly registered civil servants unpaid. Second, because the MPS is bypassed for commitment of remuneration spending, line ministries deal bilaterally with the Payroll Department when paying their staff's salary supplements. This set-up has both preceded the introduction of computerised payroll management in 2007, as well as endured beyond it.

The consequence of these distortions is that the Payroll Department finds itself in a position of tremendous power and influence: its agents have substantial latitude to decide – within the tight constraints of the wage bill in the state's domestic budget – who can be prioritised and integrated in the payroll. Thanks to this highly strategic role, as the locus where inclusion in the payroll is decided, ample opportunities exist for negotiation, usually unfolding according to clientelist logic.

As we have seen, if registration with the MPS is a prerequisite for receiving one's wage as a civil servant, in practice, additional manoeuvres are required, which typically imply use of one's network, financial payments or influence-peddling at the level of the Payroll Department. This phenomenon applies to both inclusion in the wage payroll or the salary supplement payroll and is popularly known as the *prises en compte*, where naturally, it is the 'strongest' (in terms of network, financial clout and influence) that succeed (Bertone and Lurton, 2015: 8)¹¹. In other words, because of the payroll's dynamic character (due to movements of personnel, deaths, revocations, etc.), the MoB's Payroll Department, as manager of the state's wage bill, is in a position to influence its distribution.

This phenomenon – namely, the need for resourcefulness over and beyond official rules to receive one's wage or salary supplement – is well-known and commonplace, as recounted by any newly recruited civil servant who has to undergo this process to achieve inclusion in the payroll. However, it is not difficult to understand that

the discretion afforded the Payroll Department in this procedure can easily be diverted towards other, less legitimate ends. As one privileged observer put it:

'The Payroll Department should merely verify the information supplied by line ministries. In these documents, each ministry supplies the legal acts which justify their salary supplements and their beneficiaries. The Payroll Department, therefore, only verifies these acts, without 'deciding' over these supplements. Officially, one cannot go to the Payroll Department to plead his case, but instead he has to do that within his ministry, which then supplies the update to the Payroll Department. In practice, informally, because the MoB prepares the wage bill, it is enough to be on the list – through illicit payments – of those getting a wage and/or salary supplement. This is possible even if you are unknown to the line ministry concerned' (Interview, senior MPS official, 16.04.2016).

What the preceding paragraphs show, in essence, is that many of the much-decried irregularities associated with payroll (mis)management result from administrative dynamics primarily mediated through clientelist logic. However, it would be premature to conclude that clientelist logic subverts bureaucratic principles. In fact, a strong case can be made that the opposite holds: clientelism helps sustain the functioning of administrative structures, albeit through informal channels.

Indeed, a thorough application of the impersonal nature of formal rules would turn the Congolese administration into a nightmare for its initiates. The underlying conditions for a functional, rule-bound bureaucracy are largely missing, so clientelist arrangements help the system acquire a degree of cohesion. In that sense, the arbitrariness that comes with an administrative system mediated via clientelist logic is accepted to the extent it can be influenced. Of course, to a newly recruited, under-resourced NU devoid of a registration number, wage and salary supplement who now has to fight an uphill battle to obtain those, the civil service may seem at first an impenetrable, hostile and arbitrary system. But for insiders, for example, a well-connected official endowed with relational resources, in a position of authority, protected by a '*parapluie*' (patron) and with entries in higher spheres, clientelist logic is what enables one to survive and even thrive. This, we have argued, is

¹¹ A poster in the Payroll Department, in August 2017 (personal observation), stated that 'Under no circumstance is any file to be received for consideration from individual agents; such requests are to be submitted by their ministerial hierarchy alone', implying such manoeuvres have been common practice despite efforts to ban them.

the direct result of the inadequacy of formal rules, which, transformed through pragmatic application, become conducive to the sort of practices described above.

4.2 The political economy of ghost workers

The preceding section detailed the prominence of clientelist arrangements within payroll management. However, beyond manoeuvres undertaken by individual civil servants, Congo's convoluted system of payroll management also facilitates abuses on a far larger scale. After all, evidence of ghost workers and embezzlement of remunerations abounds: several reports documented this for the teacher workforce (Verhage, 2007; Brandt, 2016) or the health sector, where one report placed the figure for ghost workers in the ex-Kasai Occidental province around 30% (Likofata et al., 2017).¹² One report commissioned by the MPS and the World Bank under the auspices of CSR advanced the figure of around 1,000 double-dippers for the Ministry of Finance alone (KPMG, 2014: 23).

In fact, the arrangements that underpin these types of abuses are a two-way game: after all, if inclusion in the payroll is decided within the MoB's Payroll Department, instructions come from line ministries through the updates concerning their own personnel's salary supplements. This can be highly lucrative: inserting fictitious names on the payroll allows them to recoup wages and salary supplements once payment is carried out (a process popularly known as *opération retour*). According to the appraisal of a privileged observer, all line ministries are concerned: ministers and their councillors, as well as influential senior bureaucrats (such as general secretaries and directors) are heavily implicated (interview, senior MPS official, 31.05.2017). The latter, as the bosses of the civil service, are well positioned to either be aware of the phenomenon, or more often than not, partake in it. In his words:

'The networks which embezzle remunerations through ghost workers exist in almost all ministries. The general secretaries and directors, that's their trade. Especially the 'greasy' directors, they have the 'madesu ya bana' [beans for the children, an expression connoting corrupt practices]. In the sectors employing most civil servants, that's where cheating occurs on a large scale, whereas in smaller administrative services, there are less ghost workers' (senior MPS official, 31.05.2017).

Consider, for example, the controls for ghost workers undertaken within the MPS by minister Pascal Isumbisho in 2016. Triggered by suspicions of extensive fictitious personnel, the minister's cabinet undertook verifications of the ministry's payroll. To do so, they compared three different lists: the MPS's payroll lists (obtained from the Payroll Department, which list the MPS's paid personnel); the 'declarative lists' of MPS personnel (compiled quarterly by each ministry, listing the civil servants effectively working, on the basis of which the General Secretary of the sector sends updates to the Payroll Department on salary supplements); and presence lists (signed on a daily basis by civil servants). The discrepancies across these three sources allowed them to uncover around 400 ghost workers in the MPS (out of less than 1,500 total personnel). However, aside from removing ghost workers from payroll lists, no further action was taken – and the issue was subsequently dropped (interviews, MPS cabinet official, 19.05.2018 and senior MPS official, 31.05.2017).

Similarly, the health sector has many examples showing the presence of such abuses. According to that ministry's personnel, severe irregularities characterise the sectors' payroll management: a recurrent conflict between the Ministry of Health (MoH), the MPS and MoB is that personnel unknown to the MoH feature regularly on its salary supplement payroll list, whilst at the same time – as suggested by the above health sector figures – substantial numbers of health workers go unpaid (interview, senior MoH official, 29.03.2016). According to a well-positioned MoH official (interview, 30.05.2018), it is common practice for Payroll Department (and MoF) officials (when it comes to integrating health sector personnel onto salary supplement payroll lists, done on a quarterly basis due to budgetary constraints) to ask for a quota of (fictitious) names to add alongside MoH requests. Salary supplements for doctors are inordinately high compared to other categories of personnel (between CDF 600,000-1,000,000 – approximately \$400-\$700 – and much more before the depreciation of the Congolese franc) makes this a highly lucrative undertaking.

In fact, abuses tied to health personnel's salary supplements, particularly for doctors (where the dominant doctors' trade union SYNAME had acquired a position of tremendous influence) were extensive enough to lead to a scandal – widely reported in the press – that resulted in almost all the personnel in the Payroll

¹² The issue at the provincial level is compounded by the fact that payroll management being highly centralised, it is all the more difficult to correct observed irregularities, given only the authorities in Kinshasa have the leeway to do so (interviews, Kasai Central province - Kananga, March 2016).

Department, including the director, being replaced in April 2015 (interview, World Bank official, 26.09.2017 and MoB official, 23.09.2017).¹³

4.3 The ambivalent role of the Payroll Department

As such, the Payroll Department's ambivalent role is worth considering in detail. Certainly, this administrative service operates under tight constraints. The work it undertakes is highly technical – controlling and verifying over 1.3 million payroll entries – which, given the extensive gap that separates contradictory and impractical official regulations from actual practice, requires both perspective and pragmatism from its agents. Over the last few years, it has benefited from an influx of younger, better-trained personnel and multiple opportunities for training, and computerising its procedures has also helped eliminate some of the errors and abuses tied to manual manipulation of payroll lists.¹⁴

On the other hand, numerous accounts attest that the Payroll Department is simultaneously a notorious locale of administrative malpractice, where lists are tinkered with, ghost workers added, and source of remunerations' leakages. After all, if such abuses afflict line ministries and usually implicate senior bureaucrats, such operations also invariably require the connivance of Payroll Department agents. The most informed accounts of the greatest source of abuse suggest that the MoB minister and his cabinet – whose role in the current procedure involves approving and signing the payroll lists before passing them to the MoF to issue the payment order – are not always aware of the finer details of the updates the Payroll Department effects. These updates, made every quarter for most sectors (and monthly for the police, army and teachers) on the basis of information supplied by line ministries, are often far too vast and voluminous for the MoB cabinet to process with care. In fact, the decision to undertake updates on a quarterly basis (instead of on a monthly basis) was taken around 2012, in the wake of the PTS-software introduction, precisely to give the minister and his cabinet time to analyse payroll lists.

All this means that the source of payroll abuses tends to be located less at the level of the MoB's political

authorities, and more among certain civil servants in the Payroll Department, with the connivance and complicity of line ministries (especially sectoral HR departments and senior bureaucrats). In the words of a first-hand observer and former councillor of the MoB cabinet:

'The document that the Payroll director sends to the minister of Budget, consists of payroll lists of many pages [a paper stack containing payroll data of the 1.3 million personnel featuring on the wage bill], and the minister seldom has the time to look inside in detail, and thus there is the possibility of inclusions in those lists. (...) And agents of the Payroll Department maintain these practices, because the proceeds are enormous for them' (interview, former senior MoB cabinet member, 03.04.2016).

In conceptual terms, the power and influence held by the Payroll Department, born out of the inadequacy of official rules, leaves substantial scope for discretion, mediated via clientelist logic. Within this politicised administration, it is subject to tremendous socio-economic pressures and clientelist arrangements extend beyond inter-individual relations, encompassing larger-scale bureaucratic capture. The remainder of this section looks at its magnitude.

4.4 The scope of large-scale, organised payroll fraud

Large-scale, organised payroll fraud has not been eliminated by either digitising payroll management or the *bancarisation* reform. *Bancarisation*, for instance, did effectively displace the network of public accounting agents who were notorious for skimming monies off civil servants' wages and supplements; but novel practices have been adapted to the new system (as shown, in this respect, for other policies such as customs reform, Cuvelier and Muamba Mubunda, 2013; Kambale Mirembe, 2013). For example, one method is for insiders such as directors and general secretaries, with the complicity of Payroll Department officials, to add fictitious names on the payroll. Then, with legal documents (*attestations de perte de pièces*) showing the recipient is a civil servant and identity documents such as a voter

¹³ See <https://www.radiookapi.net/actualite/2015/06/03/detournement-de-la-paie-des-medecins-le-ministre-kabange-exige-des-sanctions-severes/> and <https://www.radiookapi.net/actualite/2015/06/14/paie-des-medecins-le-gouvernement-appelle-effectuer-contrôle-physique-des-actifs>. On the replacement of Payroll Department personnel, a response by MoB minister Michel Bongongo to parliamentary questions can be seen here: <http://www.lesoftonline.net/articles/michel-bongongo-fait-part-d%E2%80%99une-op%C3%A9ration-de-bancarisation-r%C3%A9ussie>.

¹⁴ It is also worth noting that Payroll Department personnel at the MoB benefits from extremely high, cumulative salary supplements, compared to other ministries or even departments within the MoB (almost on a par with those of the MoF's highly strategic Treasury and Payment Order Department). Reportedly, an ATA1 (a mid-ranking junior civil servant) in that department can receive the equivalent of upwards of several thousands US dollars per month, and remuneration naturally climbs much higher for its senior officials such as bureau and division chiefs (interviews, Kinshasa, August-September 2017 and May-July 2018).

card, individuals receive the wage and salary supplement at the bank, and the network shares the proceeds (interview, MPS official, 31.05.2017).¹⁵

Another angle from which large-scale payroll fraud can be glimpsed comes from government reports themselves. In the wake of the April 2015 overhaul of Payroll Department personnel, then MoB minister Michel Bongongo – on the suggestion of trade unions – decided to undertake controls on the payroll and ministries' functioning costs, alleging the existence of a 'mafia network' skimming monies from the civil service payroll (RDC/Ministère de la Fonction Publique, 2015b: 17). The idea of the trade unions was that resolving the issue of leakages could help improve civil servants' living standards (by raising wages), as well as integrate unpaid personnel in the payroll (for a detailed account of controls, see RDC/Ministère de la Fonction Publique, 2016: 17-24).

Two waves of controls were then reportedly undertaken. In the first phase, teams from the MoB, MoF, trade unions, and finance inspectors were dispatched in the province of Kinshasa to control the payroll and functioning costs of three sectors: primary and secondary education teachers, higher education and scientific research personnel, and the health sector. These teams, according to official government data, discovered the equivalent of over \$11.7 million embezzled for the second quarter of 2015.¹⁶ A second phase replicated these controls in the same three sectors for five provinces in the west of the country (Equateur, Kongo-Central, Bandundu, Kasai Occidental and Kasai Oriental), discovering the equivalent of almost \$15 million embezzled from civil servants' remunerations for the last quarter of 2015.¹⁷ This means that for the six provinces controlled, over \$22 million is lost on a

quarterly basis for three sectors¹⁸, which translates to almost \$90 million per year.

A quick calculation of the wage bill's total magnitude (which stood at 29.74% of the CDF 8.476 trillion state budget in 2016, or roughly \$1.76 billion, RDC/Ministère du Budget, 2016) shows these three sectors in only six provinces had total leakages representing roughly 5% of the wage bill – a proportion which would be much higher for the totality of public sector personnel across the Republic (particularly if the army and police are taken into consideration). This also puts the 10% leakages estimate before the *bancarisation* reform into perspective¹⁹.

Another means to gauge the scope of payroll fraud is through payroll data themselves. According to an analysis undertaken by the consultants hired by the Civil Service Reform project, the SYGECPAF software system used by the Payroll Department contains numerous errors. Despite the claims cited above about the merits of computerising payroll management at the MoB, of about 1,288,168 remunerated entries, over 115,171 registration numbers are double dippers, appearing between two and 14 times.²⁰ Furthermore, despite computer software being introduced, substantial portions of the circuit (especially at the level of line ministries) continues to be paper-based and manual, magnifying the risk of errors and deliberate tinkering with payroll lists (SIMAC and PRCG, 2014: 51).

These elements, taken together, suggest that leakages in the payroll go beyond instrumentalisation of the administrative procedure's defects. After all, financial flows within the civil service, whether remuneration expenses or functioning costs, are typically heavily

¹⁵ Certainly, such operations are limited in scale as the physical presence of the agent is required at the bank. A bigger question about remunerations' leakages is what happens to the *reliquat* – namely, the sums which are transferred to commercial banks for paying civil servants, a portion of which goes unclaimed. Officially, they should be returned to the Treasury; in practice, this is far from certain. This delicate question requires more exploration.

¹⁶ See <http://www.rfi.fr/afrique/20151117-rdc-fraude-massive-paiement-fonctionnaires>.

¹⁷ See <https://www.radiookapi.net/2016/02/14/actualite/politique/rdc-plus-de-14-millions-usd-detournes-de-la-paie-des-fonctionnaires>.

¹⁸ This figure is also based on official government data, reprinted in RDC/Ministère de la Fonction Publique (2016: 20). It is worth noting that the problems that beset provincial remunerations, where significant portions of personnel go unpaid, in large part stem from the fact that because payroll management is highly centralised, only Kinshasa's authorities at the Payroll Department have the leeway to effect changes to the payroll database. In that respect, a paradoxical result of *bancarisation* is the loss of transparency regarding provincial remunerations: this policy – by individualising payment within bank accounts – means there is less visibility for the provincial authorities as to who gets paid. While the system of manual payment through accounting agents presented well-known problems where portions of the salaries and salary supplements were skimmed off or embezzled, at least once the money arrived in a given locality, distribution of remunerations had a greater degree of transparency as the hierarchy knew, more or less, who was working.

¹⁹ This is all the more so since participant-observers of these control operations suggested the figures had been 'massaged' downwards: one trade union official observed a contradiction between the figures they produced and the data cited to the press by the MoB (cited in RDC/Ministère de la Fonction Publique, 2016: 20). Moreover, MoB officials coordinating control operations were accused of having a conflict of interest, as they were considered to be implicated in the 'mafia networks' targeted for dismantling, while trade union members lacked the requisite independence. See <https://www.radiookapi.net/2015/11/24/actualite/societe/paie-des-fonctionnaires-les-sommes-detournees-ont-ete-minorees-selon>.

²⁰ Analytical report, *Résultats des analyses effectuées sur les fichiers livrés par SYGECPAF*, SIMAC, 2016. Moreover, according to well-placed observers, in addition to not detecting double-dippers, the Payroll Department's software system since 2015 is managed single-handedly by the Congolese consultant who installed it and his team, providing limited avenues for ownership to the institution that hosts it. But the consultant and his company appear to benefit from support at the highest political level (interview, MoB official, 23.06.2017 and Central Bank official, 22.09.2017).

politicised. Ministerial cabinet authorities and senior bureaucrats are closely tied to the political parties that head particular ministries, and mobilisation of funds – particularly in politically sensitive times surrounding the electoral calendar – creates a major stake in ensuing political battles. For example, the leakages in the teachers' payroll, which is managed by an administrative structure that maintains the database, apparently are used to fund the presidential party PRRD, which has held the ministry of primary and secondary education since 2007 (interview, former ruling coalition politician, 11.072018).

The conceptualisation we advanced here sees patronage in recruitment, clientelism in payroll management, and bureaucratic capture through large-scale organised payroll fraud less as aberrations pervading a dysfunctional bureaucracy, and more as functional practices that help sustain formal institutions. This situation, we argued, results from formal rules and regulations being poorly adapted to the political realities and socio-economic pressures that characterise DRC's public sector, which remains the main locale for accumulation and political mobilisation. In the conclusion, we will re-examine our overarching argument.

5 Conclusion

This working paper set out to provide a middle-range analysis of HR and payroll management practices in the DRC. We applied a real governance perspective to a previously neglected area of African bureaucracies – the back-office bureaucrats of the central public administration who deal with the public sector payroll. Drawing also on the work of political economists who have stressed the salience of structural factors in accounting for African administrative dynamics, the paper developed a conceptualisation of bureaucratic practices, placing them along their broader, structural backdrop. In so doing, the practices of patronage and clientelism within the Congolese public sector were analysed as forces enabling the survival of formal institutions – albeit in a truncated form. This, it was argued, stemmed from a context where official rules and regulations in matters of HR and payroll management are ultimately premised on a set of minimal conditions largely absent in the DRC – such as limited political interference in recruitment, respect for impartial rule-bound application of the General Statute of the civil service, or domestic budget able to accommodate a wage bill where all state personnel could be remunerated properly. Because of this glaring gap between official rules and regulations and the underlying social, economic and political realities that underpin them, patronage and clientelism are what reconciles the principle and body of formal institutions – such as the MPS's role in HR management, or that of the Payroll Department in managing the public wage system – with the socio-political pressures that surround it.

According to this conceptualisation, what are otherwise treated as instances of public sector 'corruption' in the DRC – patronage-based recruitment, clientelism in payroll management, and bureaucratic capture through large-scale payroll fraud – are essentially manifestations of the broader structural position occupied by the public administration in Congo's political economy. Given the state is the country's major employer and public office remains a sought-after opportunity, recruitment in the civil service relieves social pressure (especially in electoral periods) while also allowing the building and servicing of political constituencies by influential politicians. Because formal and official rules are poorly suited to underlying social realities, they are pragmatically applied, leaving substantial latitude for discretionary arrangements which are primarily expressed through the medium of clientelism; and these types of arrangements are particularly conducive to bureaucratic capture of public resources, which, given the deep politicisation of Congo's public administration, are intimately bound up with the networks tying the senior ranks of the administration to

political parties and personalities. This set-up, we argued, ultimately derives from the fact that accumulation, in the DRC, has remained dependent on public resources.

It is notable that DRC's system of HR management and civil service remunerations has proven remarkably successful at reproducing itself over time. While subject to the seeping influence of clientelism and patronage, and infiltrated by rent capture – a set of processes that we argue kept it going across conflicting layers of poorly-suited legislation and inter-institutional conflicts of jurisdiction – the public wage system continues to pay wages and salary supplements each month to hundreds of thousands of civil servants.

This suggests some functionality remains intact; all the more interesting as this is an area of public policy that has been almost entirely devoid of donor support. While there are ongoing efforts in the DRC to reform payroll management, led by World Bank funding (Moshonas, forthcoming), the thrust of such efforts remain within the realm of what Olivier de Sardan describes as the introduction of 'new official norms' (Olivier de Sardan, 2015b: 51) and all too often rely on imported turn-key solutions. When designing reforms, it thus is crucial to take into account the description, analysis and understanding of practical arrangements that underpin administrative dynamics, as well as build on and support home-grown initiatives.

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