

Researching livelihoods and
services affected by conflict

Tangled!

Congolese provincial elites
in a web of patronage

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Lisa Jené and Pierre Englebert

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**Written by Lisa Jené
and Pierre Englebert**

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Secure Livelihoods Research Consortium
Overseas Development Institute (ODI)
203 Blackfriars Road
London SE1 8NJ
United Kingdom

T +44 (0)20 3817 0031
F +44 (0)20 7922 0399
E slrc@odi.org.uk
www.securelivelihoods.org
[@SLRCtweet](https://twitter.com/SLRCtweet)

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About us



The Secure Livelihoods Research Consortium (SLRC) is a global research programme exploring basic services, livelihoods and social protection in fragile and conflict-affected situations. Funded by UK Aid from the UK Government's Department for International Development (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 and Management (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



ANR	<i>Agence Nationale de Renseignements</i>
CRG	<i>Congo Research Group</i>
DGRAD	<i>Direction Générale des Recettes Administratives</i>
DRC	<i>Democratic Republic of Congo</i>
DRHKat	<i>Division des Ressources du Haut-Katanga</i>
LPF	<i>Loi principes fondamentaux</i>
MLC	<i>Mouvement de Liberation du Congo</i>
MP	<i>Presidential Majority</i>
PPRD	<i>Parti du Peuple pour la Reconstruction et la Démocratie</i>

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Executive summary



Main findings

Expectations that Congolese decentralisation would result in improved provincial governance were predicated upon an understanding of provincial elites as autonomous from Kinshasa. In reality, they are deeply embedded in informal patronage networks that reach out across the country, emanating from the presidency outwards. These networks are highly centralised, weaving a web that largely neutralises the political, financial and administrative autonomy of provinces. Features of this web include:

- the informal control of political and administrative appointments, that should be provincially allocated, by elites in and around the presidency
- financial poaching of provincial actors
- predatory extractive pressures by central elites
- the use of political ‘godfathers’ to maintain indirect oversight of provincial elites
- the use of provincial legislative authorities as tools for sanctioning unreliable governors.

Under these conditions, effective decentralisation remains elusive. For possibly better odds of success, donors could consider interventions that seek to build on the existing patronage structure rather than seeking to eliminate or ignoring it.

Methodology

Our findings are based on fieldwork carried out over 2017–2018 in three of the four provinces of former Katanga: Haut-Katanga, Haut-Lomami and Lualaba. We interviewed about 80 respondents, including provincial political actors, civil servants, civil society activists, ethnic representatives and academics. We also gathered data on budgets, transfers and employment from provincial executives and assemblies.

Definition of key concepts

- *Débauchage*: Literally meaning ‘poaching’, but in the Democratic Republic of Congo the term has come to refer to ‘financial poaching’ of lower elites by higher elites – i.e. the indirect way in which Kinshasa seeks to exercise control over provinces via the distribution and withholding of financial resources to their political elites.
- *Découpage*: The 2015 process by which six of the previous 11 provinces were partitioned into 21 new ones, bringing the total number of the country’s decentralised provinces to 26.
- *Extraction*: The use of both formal (e.g. taxation) and informal (e.g. payoffs) mechanisms to channel resources upward for discretionary and often personal use by political elites.
- *Grand Katanga* or former Katanga: The larger province that existed prior to *découpage*, which was then split up into the current provinces of Haut-Katanga, Haut-Lomami, Lualaba and Tanganyika.
- *Informal extractive centralism*: We argue that Congo’s government exercises power primarily through a centralised informal network based on patronage exchange that is fundamentally extractive in nature, in the sense that it redistributes resources from the local level to the centre.
- *Parrains* system: Political godfathers (*parrains*) are elites who hold significant sway in selecting candidates and appointed officeholders, and who wield some control over the ever-important process of extraction. The nature of the *parrains* system in Congo contributes to the instability and uncertainty of the political landscape.
- *Patronage*: The exchange of resources (goods, jobs, services) for loyalty, obedience and political support. It acts as currency in patron-client relationships, and operates in the informal realm. Systems based on patronage tend to be hierarchical and particularistic.

Policy implications

Three policy recommendations, intended primarily for donors, emerge from this research:

- 1 We propose that development actors work with the existing patronage system, rather than against it or in an effort to overturn it. Our analysis suggests that it is presently both unrealistic and impractical for foreign actors to forcefully go against the entrenched system of patronage.
- 2 We recommend providing direct and unconditional

funding to provincial governments and assemblies, or constituent funds to provincial assembly members, in one or two pilot provinces. The goal of this strategy is to free provincial elites from dependence on Kinshasa and to reduce their vulnerability to *débauchage* from the centre.

- 3 We suggest that donors might want to consider decentralisation as more of a mechanism of political legitimation than a tool of development. Financing conventional infrastructure projects to break the patrimonial inertia that exists between provinces and Kinshasa in this respect, directly boosting provincial welfare.

1 Introduction

It is well documented that the Democratic Republic of Congo's (henceforth Congo) decentralisation reforms have largely failed to bring about desired results such as improved accountability and greater public service delivery (Trefon, 2011; Gaynor, 2014; Boshwaa, 2016; Englebert and Kasongo, 2016). Less well documented is why this is the case. In Africa more widely, decentralisation reforms have had, at best, mixed results (Dickovick and Wunsch, 2014), often because incumbent regimes have done their best to empty them of their substance. This is partly the case in Congo too, but it is not the whole story.

There is more to the failure of decentralisation in Congo than the reluctance of central authorities to share power. Like many other African states, Congo has a dual structure of governance, with both formal and informal institutions (Terry, 1986; Andrews, 2013). In this paper, we show that provincial elites – who one would expect to be the champions of the decentralisation reforms – are caught in a highly centralised and informal patronage system that is based on predatory extraction, and which ultimately deprives them of any real autonomy. The embedded nature of these extractive parallel patronage relations ends up neutralising formally decentralised institutions by subsuming them into a much more centralised informal structure.

Our argument is consistent with Lewis' (2014) finding that central governments attempt to recentralise power through various mechanisms. However, we find that in Congo the centralising outcome is also the result of the collective functioning of the parallel system rather than the power plays of central elites alone. Our findings also echo those of Englebert and Kasongo (2016), who suggest that the instrumentalisation of Congolese decentralised institutions by local actors yield predatory rather than welfare-enhancing institutions. However, while their argument is based on the behaviour of otherwise autonomous municipal authorities, ours stresses the entanglement of provincial elites into networks, both formal and informal, that link them to their national counterparts.

We begin with a review of Congo's decentralisation reforms and their formal limits, illustrating the more general argument that incumbents try to reduce the scope of decentralisation. We then move to the functioning of Congo's informal patronage system and highlight how its main features undermine decentralisation. These features include:

- the informal control by networks around the President of political and administrative appointments that should be provincially allocated
- *débauchage* (financial poaching) of provincial actors who reproduce the same behaviour with their local clients
- predatory extractive pressure from central elites
- the use of political ‘godfathers’ to maintain indirect oversight of provincial elites
- the use of provincial legislative authorities as tools for sanctioning unreliable governors.

Patron-client relations run deep across all these dimensions of informal governance. We conclude with a discussion of the effects of the system on decentralisation and some

policy recommendations directed at donors that seek to build on the existing patronage structure rather than seeking its elimination.

Our findings are based on fieldwork we carried out during four trips in 2017 and 2018 in three of the provinces of former Katanga: Haut-Katanga, Haut-Lomami and Lualaba, and in the national capital Kinshasa. With Alma Bezares Calderon of Claremont Graduate University, and Balthazar Ngoy Kimpulwa and Georges Kasongo Kalumba of the University of Lubumbashi, we interviewed about 80 respondents¹, including provincial political actors, civil servants, civil society activists, ethnic representatives and academics.² We also gathered data on budgets, transfers and employment from provincial executives and assemblies.



Credit: Exterior of the Lualaba Provincial Assembly building, Kolwezi. Jené, 2018.

¹ Many interviewees are kept anonymous here, but are categorised by a two-part numbering system, with the first number indicating the field visit (1 and 2 took place in 2017, and 3 and 4 in 2018) and the second number referring to the specific interviewee during that round of interviews.

² The other researchers mentioned here are involved in producing other papers derived from this research.

2 Congo's limited decentralisation

Congo's 2006 Constitution – adopted in the wake of the 2003–2006 post-conflict transition as a result of a widespread consultative process – provided for a general policy of decentralisation, granting the country's 11 provinces significant administrative, fiscal and political autonomy in a number of areas, including exclusive jurisdiction in health, education, agriculture and rural development. The Constitution also provided for the partition of six of the provinces into 21 new ones for a total of 26, to be implemented by 2009, a process known as *découpage*. For various reasons, *découpage* was not implemented until 2015, when it was rushed through for political expediency.

Each province has a governor and vice governor, an executive cabinet and a provincial assembly. The provincial assemblies, whose members are elected by universal suffrage, elect the governors and vice governors (however, assembly elections did not take place between 2006 and 2018). The law provides for provinces to retain 40% of the revenue generated in their territories and gives them the authority to raise a number of taxes. Provinces adopt their own budgets and develop policies in their areas of jurisdiction. The Constitution aims for them to have significant autonomy from Kinshasa³ in order to create a political system that would reduce incentives for power personalisation and centralisation as existed under President Mobutu (1965–1997). However, fears that too much local power might re-awaken the country's secessionist ghosts led the constitution writers to shun a more fully federal system and opt for what the Congolese often refer to as a 'highly decentralised unitary state'.

More than ten years after the launch of decentralisation, Congo's system could more appropriately be labeled a 'hardly decentralised unitary state', so parsimonious, reluctant and ill-willed has been Kinshasa's implementation of it. The 2008 organic law that set out the details of the reform already contained stringent limits to the autonomy it otherwise granted provinces. For instance, it made clear that provincial governors, in addition to heading the executive branch of their province, also are the representatives of the national government at the provincial level and remain answerable to the central government. Practically, the acts of governors may be modified or annulled by the central government, which can also remove and replace the governors. The latter

³ We use the expression 'Kinshasa' to refer to the top of the parallel system, differentiate it from the government in its formal capacity, and acknowledge the reality that the president is not alone in control of the top but is engaged in a dynamic relationship with other central elites. We elaborate on this below.

are specifically accountable to the national ministers of decentralisation, interior and security (*Loi principes fondamentaux* (LPF), 2008: Art. 65, 66).

To be sure, provincial governors are also accountable to their assemblies, which have the power to remove them by a vote of no confidence. But here, again, the central government has a constitutionally recognised ability to encourage the provincial assemblies to enact such a measure (Democratic Republic of Congo (DRC), 2006: Art. 198; LPF, 2008: Art. 41, 42, 67). Specifically, the law stipulates that, in the event of serious misconduct by a governor while carrying out decentralised public services, the central government may ‘seize’ (*saisir*) the provincial assembly to enforce a motion of no confidence, suggesting that provincial autonomy is not even guaranteed on paper, let alone in practice (LPF, 2008: Art. 67). The central government can also bring accused governors before the courts in criminal matters or refer their administrative acts and decisions to the Administrative Court of Appeal (LPF, 2008: Art. 67(3)). Moreover, a 2011 constitutional amendment took the central government’s powers even further by allowing for the removal of a governor or the dissolution of a provincial assembly by Kinshasa. Removal is allowed when ‘severe and persistent tensions undermine the stability of provincial institutions’ (DRC, 2006: Art. 197, as amended in 2011) or when ‘severe and persistent crises weaken provincial institutions’ (DRC, 2006: Art. 198), conditions which could be said to affect at least half of the provinces on a regular basis

and which were left largely undefined in the revision (Hamann, 2012: 7). The Government must, however, consult the Senate and National Assembly before dissolving a provincial assembly.⁴

The hierarchy of laws, edicts and decrees also undermines the autonomy of provinces. As noted by Kasongo (2018), provincial governments exist through an edict from the provincial governor appointing them. However, such edicts are legally inferior to presidential ordinances and to the decrees of national ministers appointing public administration staff. As a result, provincial governments always serve at the mercy of the central government, which severely reduces their autonomy and undermines their willingness to confront Kinshasa on policy or fiscal grounds.

Hence, as Vunduawe te Pemako (2011: 654) wrote, ‘the political regionalism organised by the new constitution ... should not be confused with “local sovereignty”.’ Moreover, the examples provided of the formal legal limitations of Congolese decentralisation and the stunting of provincial autonomy and authority hint at the extent to which Kinshasa authorities have been willing to defy the ostensible intentions of the constitution drafters. Nevertheless, it is in the parallel system of governance that exists in the margins, yet permeates these formal laws and institutions, where effective recentralisation and central concentration of control have unfolded in ways that highlight the workings of the Congolese political system.

⁴ Note that the dissolution provision was not in the original version of the 2006 Constitution.

3 Informal extractive centralism

Congo's official system coexists with an informal, parallel system of exchange of power and resources between the President's entourage and provincial elites that functions in a highly centralised manner and erodes the actual impact of formal reforms. This parallel system is largely predicated upon the circulation of resources, official positions, and political loyalty and influence. By expanding the number of government positions at the provincial level and the possibilities for resource extraction by provinces, the break-up of existing provinces in 2015 has strengthened this parallel system and thus, paradoxically, undermined the furthering of the decentralisation it was expected to bring about. In the end, Kinshasa has used decentralisation to effectively expand its network of loyal agents at the provincial level. This has increased central dominance vis-à-vis the provinces. In the following sections, we review the dimensions of this informal system and the ways in which it prevents effective decentralisation.

3.1 Elite control

The most straightforward dimension of this parallel system is Kinshasa's control of the appointment of top political and administrative personnel in the provinces. In law, it is the provincial assemblies that elect the governor and vice governor, and the governors appoint their cabinet, legally capped at ten ministers. The governors are also responsible for the appointment of top provincial administrators in the areas under decentralised governance, while the central government remains responsible for the appointment of staff in the provincial divisions of non-decentralised national ministries, who are national civil servants.

In reality, however, Kinshasa has considerable control over the appointments of all provincial authorities, starting with governors. It systematically interferes, directly or indirectly, not just in the selection of governors and vice governors, but also frequently in the appointment of other members of provincial cabinets. Moreover, there is evidence that Kinshasa, at times, successfully influences the selection of the provincial assembly bureaus, including their presidents, vice presidents and rapporteurs. Several sources mentioned that people in provincial governments were directly chosen by Kinshasa (interviews 1-21, 3-16).

Direct intervention did not begin with *découpage* but started with the earlier stages of decentralisation, at least among provinces under the control of the ruling *Parti du Peuple pour la Reconstruction et la Démocratie* (PPRD)

or the Presidential Majority (MP) coalition of parties. For example, when Moïse Katumbi, an ethnic Bemba, decided to run for Governor of Katanga in 2007, he had to receive the approval of Gabriel Kyungu, a former governor and influential Katanga politician from the Lubakat ethnic group (the same ethnic group as President Joseph Kabila). Kabila reportedly instructed Kyungu to 'give a southerner a chance' (interview 1-17).

A similar scenario unfolded almost ten years later in 2016 with Haut-Katanga Governor Jean-Claude Kazembe. Once again, the Lubakat ethnic group made a claim to control the province, in which they are a plurality of the population (although they are largely considered non-autochthonous to the new province). All the candidates were reportedly brought to Kinshasa and met with the President. The President, or one of his advisers, allegedly said 'you are all brothers so none of you will complain if we give something to one of you.' After they agreed, the President then announced that the post would go to Kazembe, a Bemba, reportedly adding, 'let the autochthonous manage their corner' (interview 1-17).⁵ There is little doubt that, in addition to deferring to autochthony, choosing a Bemba also represented an attempt by Kinshasa to undermine the local support among the Bemba for Katumbi, who had by then become an opponent (see Omasombo 2018: 611).

Little secret is made of the role Kinshasa plays in the selection of provincial leaders. When Marc Manyanga was elected governor of Kasai in April 2016, for example, he thanked 'the Secretary General of the PPRD, Henry Mova, for the choice of his candidacy for the governor's election' (ACP, 2016). Similarly, when the first Governor of Haut-Lomami, Célestin Mbuyu, was impeached in May 2017, he appointed an interim governor – apparently without the political clearance to do so. The Provincial Assembly then asked Kinshasa to appoint a new governor and the Provincial Assembly President went to Kinshasa 'to consult with his direction'.⁶

In most new provinces, Kinshasa had an advantage in the selection of candidates for governor because of its appointment of special commissioners immediately following the 2015 *découpage*. Kinshasa had argued that, because provincial elections could not be organised rapidly enough in the 21 new provinces, these special commissioners would act as governors until elections took place in March 2016 (however, given that governors

are elected by provincial assemblies, which count at most a few dozen members, it is hard to fathom why these elections could not take place, short of it being a spurious argument by Kinshasa to seize control of the process). All of the special commissioners appointed were from the MP. There is no constitutional or other legal provision for these commissioners who, in effect, suspended the authority of the previous governors and of the provincial assemblies. They were originally selected by Kinshasa as allies or people who would likely obey instructions (interview 3-15). According to Kasongo (2018: 9), once appointed, many special commissioners stayed in Kinshasa hotels while awaiting their directives from the MP. Of the 21 of them, 14 ran for governor in March 2016 and 13 won.

Kinshasa also largely controls the appointment of provincial ministers. The formation of the provincial cabinet is formally the prerogative of the governor, but these appointments are typically vetted by Kinshasa. Specific individuals can be promoted, or imposed, upon governors by high-ranking politicians (see section below on *parrains*), although competition among some of these politicians and their networks might give governors a bit of leeway. In addition, however, a practical norm requires that governors from the MP coalition replicate in their government the weighted distribution of political parties that exists in the MP in the national assembly (interview 3-16). As a result, some provincial ministers are from parties that do not have a single seat in the provincial assembly, while some provincial assembly parties have no representative in provincial government. This norm, deemed by some to be 'informal cheating' by Kinshasa (interview 3-16), creates an incentive for parties at the provincial level to encourage their national counterpart to join the MP. MP governors are forced to apply this norm to the extent that they are politically and legally beholden to Kinshasa.

Once they are appointed, provincial ministers are also constrained by Kinshasa in terms of what they can do. In the words of a provincial minister, 'everything we do, we await directions from Kinshasa. We must present problems to Kinshasa and they might answer' (interview 3-4). In the words of Lualaba's Vice Governor Fifi Masuka Saini: 'We are an emanation of the central government. We follow the instructions we are given. We report to the Government the situation here. These are our leaders ... Free-administration is not independence. We respect the hierarchy' (interview 2-13).

⁵ We were told that Kazembe still had to apologise to the Lubakat leadership for some of his past writings deemed injurious to them before the deal could be consummated.

⁶ Authors' notes from Radio Okapi broadcast, 7 July 2017.

3.2 Financial and patronage incentives

Beyond direct control, and largely underpinning it, lies financial control, which can operate as ‘carrot’ or ‘stick’. In terms of ‘carrot’, *débauchage* is the prevalent indirect mechanism through which Kinshasa seeks to exercise control over provinces. Our findings suggest that, typically, individuals from the entourage of the President will travel to a province, meet with members of the provincial assembly, and communicate voting instructions to them for the election of the governor and vice governor. These instructions are then ‘motivated’ by financial incentives (interview 3-16). Examples of individuals from the presidential entourage engaging in this practice include the Interior Minister and the head of the PPRD⁷, as well as the head of the MP Aubin Minaku (who is also speaker of the national assembly), but it may also be other high-ranking or closely connected individuals.

Haut-Katanga province provides a case in point. According to at least three unrelated interviews we carried out in Lubumbashi, Minaku (who is from Kwilu) flew down to Lubumbashi to secure the election of Jean-Claude Kazembe to the governorship in April 2016. According to one provincial deputy:

Minaku gathered the members of the Provincial Assembly at the Karavia hotel the night before the [official] vote. All the honorables [the official title of provincial assembly deputies] were given blank ballots and instructed to vote for Kazembe. We received \$5,000 for writing Kazembe’s name on the ballot. After showing the ballot to Minaku, we kept it and brought it with us the next day to the Assembly for the [actual] vote. We then substituted the ballot for the official one when we went into the voting booth. Once we returned the blank ballot to Minaku, we got another \$5,000 (interview 1-12).

Kazembe was elected with 22 of 24 votes. As another deputy suggests, this was a transactional decision for some:

Yes, we elected [Kazembe], but he was imposed to us by Kinshasa. These people came with all their arsenal and imposed him on us. This cannot be hidden. I am from PPRD but I must tell you the truth.

They convinced us and we elected him (interview 1-12; also referred to in interview 3-16).

We were also told similar stories of payments to provincial deputies for the election of Richard Muyej in Lualaba (interview 1-29). There was significant local resistance to his appointment as residents of the eastern part of the province, mostly ethnic Sanga, opposed the apparent domination of the province by the Lunda, Muyej’s ethnic group. Muyej was elected with 22 out of 24 votes. By our count, there are four Sanga, one Sanga-Luba and one Sanga-Yeke deputies in the Lualaba provincial assembly. At least four of them must have voted for Muyej.

The *débauchage* of provincial assembly members can also be used to get rid of governors, as Kazembe himself found out in April 2017. After he was accused of not properly sharing the material benefits of his position with local and national politicians (on which more below), Kinshasa allegedly brought the deputies of the MP together once more. Each again received \$5,000 in two similar instalments (interview 1-17). Kazembe was dismissed by 24 votes out of 24 voting deputies.

While members of the MP and even of the dominant PPRD party seem to expect such payments to accompany voting instructions, they can also be directed at opposition deputies. When the pre-*découpage* Equateur province, for example, was under opposition *Mouvement de Liberation du Congo* (MLC) control, Kinshasa allegedly engineered the *débauchage* of deputies to undermine governors. MLC Governor Jose Makila was thus removed by his provincial assembly in January 2009.⁸ After *découpage*, when the pre-*découpage* Equateur province was split into several smaller provinces, the same thing happened to Tony Cassius Bolamba, the independent governor of the newly formed, smaller Equateur province, that retained the name of the old, larger province. It also happened to the independent governor of Mongala, Bienvenu Essimba Baluwa Bolea, another province formed from pre-*découpage* Equateur. Most of the provinces formed from pre-*découpage* Equateur have now switched to PPRD or MP governors. In post-*découpage* Equateur, where most of the deputies were elected as MLC party members, the Provincial Assembly bureau is nonetheless MP. According to a Congolese scholar, ‘central power

⁷ These two individuals are Henry Mova and Emmanuel Ramazani Shadari, who later became Kabila’s chosen successor to run for president. They switched positions with each other in 2017.

⁸ He later switched to PPRD himself.

has much to do with these outcomes', and here too we heard the story of Aubin Minaku going to the province to provide voting instructions and incentives (interviews 1-16 & 3-18).

Irrespective of the additional incentives they might receive for crucial votes, provincial deputies generally benefit from material conditions that far exceed those of their constituents and at least partly reflect the patronage dimensions of their position. In former Katanga provinces, *honorables* make between \$3,000 and \$8,000 a month (interviews 1-29 & 3-1). In contrast, the monthly equivalent of the average annual per capita income for the country is about \$33. In former Katanga at least, it is Kinshasa that takes on these expenses for the provinces, while the provincial government merely 'assists' with occasional bonuses. Aware of their power to remove governors, provincial deputies also demand gifts from the latter, which governors might concede to in the hope of securing a bit of wiggle room from Kinshasa (before *découpage*, Governor Katumbi reportedly matched Kinshasa's payments to provincial deputies each month from provincial tax revenues (Interview 3-9)). If the gifts (such as bonuses) are not forthcoming, the deputies 'exploit real management problems to force the governor out' (interview 1-4).

Provincial politicians are not only potential clients of national elites. They are also themselves provincial patrons who seek opportunities to take care of their own clients. Decentralisation and *découpage* present such opportunities, as they generate new local-level government positions (Green, 2010; Riedl and Dickovick, 2014), thereby further embedding local politicians into patronage webs. New provincial staff members are appointed under the guidance of provincial and national patrons and are incorporated, through these patronage networks, into the national political system (Dickovick and Riedl, 2010). The opportunity to provide public employment is an important foundation of the attachment of provincial politicians to the system as it helps reproduce their own status as local patrons (Lewis, 2014). By expanding the number of provinces, *découpage* has magnified these opportunities, increasing the size of the informal (and still transactional) ruling coalition, and, paradoxically, the dependence of provincial elites on Kinshasa.

It is not easy to quantify the additional employment provided by *découpage* as civil servants who work in provinces are a mix of national and provincial bureaucrats. Altogether, before *découpage*, Grand Katanga had an estimated 3,000 staff (interview 1-21). As of May 2017, Haut-Katanga alone had 1,787.⁹ Of the 1,787, there were 400 police officers, 65 division chiefs, 25 territorial inspectors, and an unspecified number of deconcentrated civil servants as well as hospital and school staff, all of whom are national civil servants.¹⁰ On the provincial payroll were political appointees, decentralised civil servants, and the staff of provincial agencies such as the *Division des Ressources du Haut-Katanga* (DRHKat), the provincial tax agency. According to its 2017 annual report, the Haut-Katanga provincial assembly had a staff of 250 (not including the 30 deputies themselves). At the cabinet level, each provincial ministerial position comes with a chief of staff, one staff secretary, one personal secretary, three advisers, one *chargé de mission*, two hostesses, one protocol staff member, two typists, one sweeper, one maid and one driver, for a total of 15. Some ministries, like infrastructure, also have technical cells, and their staff can reach 23. Based on 15 staff per minister and ten ministers, total employment in the provincial government can be estimated conservatively at 160. From our interviews (1-17 & 1-21), we estimate employment in the governor's office and in provincial agencies like the DRHKat at about 390, for a total provincial staff of about 800.¹¹

800 provincial civil servants represents about 45% of all civil servants in the province (1,787). If we use the same ratio, then there would be 1,350 provincial civil servants in former Katanga (45% of 3,000). If each new province from former Katanga has the same number of civil servants as Haut-Katanga, then the new total number of provincial civil servants would be 3,200, or an increase of 1,850 (137%) over the period before *découpage*.

It is unlikely, however, that the poorer and more remote provinces, such as Haut-Lomami and Tanganyika, have been able to recruit as generously as Haut-Katanga, which also benefits from the pre-existing Grand Katanga staff. In Haut-Lomami (interviews 3-8, 3-12 & 3-14), we estimate the total number of provincial civil servants at 500: 60 staff in the provincial assembly, 216 in provincial ministries (of which there are 12 with a staff of up to 23), and 224 in the *Gouvernorat*, or gubernatorial cabinet

⁹ Interview 1-23, Max Mpande, *Directeur du Personnel Provincial - Direction de la Fonction Publique Provinciale et Locale*. 6/15/17.

¹⁰ The transfer of authority to provinces in the health and education sectors had not yet occurred as of 2017.

¹¹ Additional employment-producing provincial agencies include the *Brigade Anti-Fraude*, the *Centre d'Excellence*, the *Coordination de Contrôle* and the *Agence Provinciale des Petits Travaux* (interview 2-23).

(including those working for the *Division des Ressources du Haut-Lomami*). A few of these people worked for the district before *découpage*, and a few were transferred from Lubumbashi, but the majority were hired locally, in the capital city of Kamina. If we use the estimate of 500 for Haut-Lomami, Tanganyika and Lualaba, we get a total figure for provincial civil servants after *découpage* of 2,300. This figure would mark an increase of 950 over the previous employment level, or an increase of 70%. In either case, *découpage* appears to have brought about substantial new employment opportunities and, accordingly, new occasions for patronage-based recruiting.¹² As the president of the Haut-Lomami provincial assembly told us, ‘there has been a reduction in local unemployment as the province has been hiring our brothers’ (interview 3-8).

The apparent heavy recruitment of provincial staff also appears to follow a national trend that began with the appointment of Michel Bongongo as Minister of *Fonction Publique* (Public Service) in 2016, possibly connected to the then approaching national elections. As Bongongo sought to regularise the situation of thousands of civil servants who had been hired as ‘*nouvelles unités*’ (new units), i.e., those without recognised status (and thus without pay), he reportedly opened the door to a nationwide wave of hiring of *nouvelles unités* by national and provincial patrons, hoping to have them blend with existing ones in the regularisation process. What was meant to increase the official public service by some 10,000 units seems to have mushroomed well beyond that. Journalistic accounts speak of 13,000 new recruits in Haut-Katanga, and 16,000 in Sud-Ubangi, for example (Forum Des As, 2016; ACP, 2018; RD-Congoleaks, 2018). Although the majority of these hires are national civil servants, observers believe that provincial patrons are also participating in the recruitment wave, seizing the opportunity to have their clients taken care of by Kinshasa (interview 4-3).¹³

Découpage has also likely led to job creation outside of public service, although this is harder to document. In Haut-Katanga, for example, Governor Kazembe embarked upon the construction of a new and very large executive building (*Gouvernorat*), lasting a couple of years. While the project was under Chinese management, it hired many locals, and reportedly largely benefitted

the companies of Kazembe himself. We did not see similar construction projects in Lualaba (there are, however, some ongoing road projects) or in Haut-Lomami. Nonetheless, Green (2010) offers widespread evidence that district creation in Uganda led to construction job creation benefitting locals, and a similar process might be at work in some Congolese provinces.

It is important, however, to understand the patron-client system as one that relates to more than just employment. Assistance and services are crucial dimensions too. Former Congolese districts becoming provinces with a greater concentration of politicians and civil servants offer more opportunities for people to seek help for their problems. *Découpage* thus increases the number of people who can benefit from the patronage system and thereby stands to increase the legitimacy of the system and its social foundations. For every official appointment we went to that required spending some time in a waiting room, we could not help but notice the large number of individuals awaiting an opportunity to meet with officials. People also expect payments to participate in official events (interview 1-29). This demand for patronage also puts pressure on local politicians, such as provincial deputies, and leads them in turn to seek to extract more from Kinshasa or the governor. At any rate, the expectations of the population constitute an endogenous factor in the reproduction and the spread of the patronage system.

3.3 Financial and extractive pressures

Despite occasional *débauchage*, the Kinshasa-province relationship occurs under a certain degree of duress for provincial clients, as Kinshasa expects them to facilitate the extraction of their own provinces’ resources to Kinshasa’s benefits. And, while it can be generous in handing out material benefits to provincial elites, it can also exercise significant financial pressure for them to deliver. Whereas conventional patron-client relations see the exchange of resources from the top for loyalty from the bottom, in Congo, resources are expected to flow both ways (see Baaz and Olsson, 2011; Malukisa, 2017). But while the Kinshasa networks hand out payments and enrichment opportunities to *individuals*, it extracts resources from *provinces*, as public entities, with the result that

¹² According to Lutumbue (2016: 15), who takes into account all administrative levels down to chiefdoms, the appointed personnel of Congolese local institutions totals 21,533.

¹³ We are grateful to Stylianos Moshonas for bringing this recruitment wave to our attention. It should be noted that registration does not guarantee the payment of a salary but is a required step towards such a payment.

provincial finances, if not development, are severely strained by the functioning of the political system.

Starving provinces of financial resources seems to be the main tool of control over their elites as it leaves them in a situation of dependence. If the central government respected the constitutional provision that requires leaving 40% of tax revenue in the hands of the provinces from which they originate, most provinces might be able to obtain the resources they require. Instead, central government appropriates 100% of these resources and then returns small and irregular amounts to the provinces, in a process referred to as 'retrocession' (see Englebert and Kasongo (2016) for detailed figures). In 2017, actual transfers (investments, salaries and functioning costs) amounted to 61% of budgeted amounts, largely because salaries include those of deconcentrated personnel in provinces and were paid close to budget. For public investments, the 2017 ratio of executed to budgeted transfers was only 7%.

Although the provinces in which we did fieldwork are all under PPRD governors, authorities in all of them complained to us in 2017 and 2018 about how few resources they were getting from Kinshasa. According to a Haut-Katanga civil servant in 2017:

The central government is killing us; it is not right. We are no longer getting retrocession although the resources come from here. We are maybe getting 5% of what we are due and sometimes three or four months late (interview 1-11).

A provincial deputy confirmed in 2018:

We are no longer getting retrocession.¹⁴ It has been eight months now without transfer. Deputies are not being paid by Kinshasa and we have to substitute our own resources. We will only be able to achieve 30% of our budget this year [because of these shortfalls]. This will only cover functioning costs (interview 3-16).

In Haut-Lomami too, we found that payments from Kinshasa to provincial assemblies were becoming more irregular, delayed or even not arriving at all, with one interviewee saying it had been six months since

the last salary payment to deputies (interviews 3-1 & 3-9).¹⁵ In Lualaba, a province whose governor is very close to the president, at least two officials in Kolwezi, the provincial capital, expressed frustration over the lack of retrocession and lamented that the province had to find alternative sources of revenue, which in practice meant taxing just one city, the resource-rich Kolwezi (interviews 1-30 & 2-12).

Painful as it is, a lack of disbursements from central government pales in comparison to the degree of extraction the Kinshasa provinces seems to be carrying out through its local political clients. The evidence suggests a process of recentralisation of resources by Kinshasa authorities, in parallel to the official system whereby elected and appointed provincial politicians are expected to send resources to their benefactors in Kinshasa, a practice known as '*operation retour*' (interview 1-12) or '*rapportage*'. Although we were unable to verify this specific claim, we were told, for example, that a provincial division chief, in a revenue-generating division, transferred \$400 every evening to his patron in Kinshasa (interview 4-1). Other sources told us that provincial politicians who are in the position of being able to provide public employment to their clients usually reclaim 10% of the latter's salary to finance their political party or the MP (interviews 1-11 & 4-3). Kinshasa's dependence for resources on politically-appointed personnel was illustrated by a letter sent in September 2018 to all administrators of state-owned enterprises by the Secretary-General of the MP, requesting their support in organising for the electoral campaign of MP candidate Emmanuel Ramazani Shadari and reminding each one of them of their obligation to send \$1,500 monthly to the MP (Leclerc, 2018).

Moreover, Kinshasa seems to systematically try to subvert and appropriate provincial resources, with local politicians seemingly unable or unwilling to stand up to this racket. For example, under Governor Katumbi, Katanga imposed a tax on copper concentrates of \$100/ton, which was reissued by the new provincial administration of Haut-Katanga. It was reported that Kinshasa made a deal with some of the mining companies operating in Haut-Katanga, which allowed them to reduce their payments to the province, allegedly to no more than \$20/ton, a move that might have cost the province's budget \$3.2 million per year. In a

¹⁴ It is not clear whether he was referring to the entire province or to the provincial assembly alone.

¹⁵ One interviewee added that deputies did not receive payments for the last two governors' elections. These elections are considered extraordinary sessions and, provided they last at least three days, are paid a full month salary. One can imagine how the lack of salary can make deputies more sensitive to side payments during elections.

similar arrangement, there is a \$100 tax per truck on the Kolwezi-Kasumbalesa road, which was initially divided 60% for Haut-Katanga and 40% for Lualaba after *découpage*. But, according to our source, Lualaba made a deal with Kinshasa, with the result that the new distribution is now 30% for Lualaba and 70% for Haut-Katanga (interview 3-16). Each of these cases shows that Kinshasa can impose deals at variance with local laws, suggesting the effective centralisation of the system and the relative insignificance of laws and formal rules.

The '\$27 million affair' provides another example (AFN 360, 2017). In this case, it is alleged that then Governor Kazembe of Haut-Katanga placed a provincial tax payment of \$27 million, incurred by Glencore for the purchase of Mutanda Mining, into his own private bank account. Kazembe argued that he did so because the province's official account could not accept deposits in dollars (an odd situation in a largely dollarised economy). The apparent private appropriation of the payment irritated local and national politicians, as well as Governor Muyeji of neighboring Lualaba, who thought his province should get the tax revenue as Mutanda Mining's operations are located there (its headquarters, however, are in Lubumbashi, Haut-Katanga). What is interesting for our purpose is that Joseph Kabila reportedly sent his Chief of Staff, Néhémie Mwilanya, to seize the money (AFN 360, 2017). It is unclear how he did so but Kazembe himself confirmed to us that this happened. Kazembe told us that he later saw Kabila and was told by him that he was keeping the money for the province and would give it back at an opportune time. Kazembe also told us he had later asked the new Governor where the money was and was told 'it is already gone' (interview 3-16). Another informant suggested that Kazembe, the new governor Célestin Pande, and members of the provincial assembly all received a cut of the \$27 million and so will stay quiet about it (interview 3-18).¹⁶ This story shows that a process of the extraction of resources from the decentralised official system (the initial payment by the mining company of a provincial tax) that then flow to the informal extractive centralised system and accrue to Kinshasa networks, with perhaps a degree of informal provincial redistribution to secure the necessary allegiances. The province, as a public collective entity, is the victim.

Among the other examples we found is the case of one provincial agency in Haut-Katanga that collects taxes and sends some of the revenue to DRHKat, the Katangese

tax agency, and some to the national Treasury. They get back 1% in commissions from DRHKat and 5% from the Treasury as 'motivation' for their service, a legal incentive system. However, agents of the national agency, *Direction Générale des Recettes Administratives* (DGRAD), are alleged to illegally take half of the commission redistributed from the Treasury. This creates a conflict with the provincial agency that its leadership, otherwise ingratiated to Kinshasa, has not been able to solve (interview 3-17). In another case, the *Fonds National d'Entretien Routier*, a national agency in charge of road maintenance, has reportedly appropriated the provincial road tolls from Haut-Katanga and only retrocedes a small part to the province (interview 3-15). In Haut-Lomami, provincial authorities hope to get some local revenue from the artisanal mines in Malemba-Nkulu territory but complain that the little that has been exploited so far goes directly to Kinshasa instead (interviews 3-4 & 3-9).

The frustration of local actors is palpable, yet they are caught in the system from which they also derive some benefits. In the words of a Haut-Katanga politician:

They take everything we have, everything that should be ours. All our revenues are hijacked by the power and they threaten us. I am from the power. But it is falling apart. It is desolation. It is looting. They are not ruling. When the people from Kinshasa come here it is to eat (interview 1-11).

A Lualaba provincial assembly member argues 'the structures of Kinshasa are very rotten. They pillage without distributing and without offering any real leadership' (interview 2-15). 'Everything stays in Kinshasa', says a Lualaba senior civil servant (interview 1-31). And a Haut-Lomami provincial deputy confirms: 'the country is managed by Kinshasa alone ... we do not live together with those who are in power. There are people in Kin[shasa] who take us hostage. We suffer here' (interview 3-9).

The resulting system is highly extractive of local resources and constitutes a form of fiscal asphyxiation for provinces. Local authorities are unable to resist because they are in a dependent clientelist relationship with Kinshasa. Their response is to seek more provincial revenue, which leads to an additional increase in extraction. In Haut-Lomami, for example, each ministry has its own 'budgetary goal', whereby it must reach a certain percentage of the budget

¹⁶ Much of the story as reported by Jean-Claude Kazembe was also confirmed to us by interview 1-11 with an influent provincial assembly member.

with its own tax collections. Provincial authorities are thus deployed as revenue-generating machines. Even the provincial sports minister has to raise taxes (interview 3-5). In general, the extraction of resources by Kinshasa forces local authorities to augment their taxes or to extract in turn from the administrative level below them, like cities, a practice which has ignited tensions among local levels of government. Both the Mayor and Deputy Mayor of Kolwezi (the capital city of Lualaba province, and a wealthy mining district) complained that as Kinshasa continues to withhold promised resource distributions from Lualaba, the provincial government has dipped into the city's tax coffers (interviews 2-4 & 2-5). The Deputy Mayor even placed much of the blame on the provincial leaders themselves, stating that they have 'consented to sacrifice vis-à-vis Kinshasa' (interview 2-4). Hence, a possible consequence of the informal extractive centralism engineered by Kinshasa-based networks is to turn official provincial authorities into more predatory extractors themselves.

3.4 Godfatherism: the '*parrains*' system

Despite our frequent reference to 'Kinshasa', the networks that underpin the system of informal extractive centralism should not be construed as monolithic or even necessarily coordinated. Personnel and extractive decisions are usually communicated as the 'President's wish' or on account of 'party discipline', but there seems to be significant jockeying among regime elites, known as *parrains* or godfathers, for these appointments and extractions, with the result that the system is relatively unstable and unsettled.

Political godfatherism is not unique to Congo. In Nigeria, it is a hierarchical and pyramidal system of elite recruitment and placement (Albert, 2005; Omotola, 2007), in which a 'godfather' is a person with the power to personally determine both who gets nominated as a candidate for local elections, and often who wins (Ibrahim, 2006). Godfathers are thus 'political gatekeepers' who 'dictate who participates in politics and under what conditions' (Albert, 2005: 82). Godfathers may rise to their powerful roles as a result of a weak party system, a long-standing and deep-seated culture of clientelism and prebendalism (Omotola, 2007), low levels of voter mobilisation (Olarinmoye, 2008) and a divided society, particularly if divided along ethnic lines (Albert, 2005). Typically, they are individuals with extensive connections who have

knowledge of the local political landscape, influence over security forces, the capacity to enforce voter compliance and financial weight. They may rise to prominence from political dynasties (Ojo and Lawal, 2013), or they may begin their careers by holding prominent positions within political parties (Albert, 2005).

Nigerian godfathers typically do not assume office themselves, but rather rule by proxy (Ojo and Lawal, 2013). In the words of Reverence Jolly Nyame, Governor of Taraba State, 'Whether you like it or not, as a godfather you will not be governor, you will not be president, but you can make a governor, you can make a president' (Ibrahim, 2006: 69). Nigerian godfathers have proven immensely successful at this power placement. For example, the now-deceased godfather of Kwara State, Dr. Abubakar Olusola Saraki, and his political machine were able to install five governors, including his own son (Ojo and Lawal, 2013). The godfather of Anambra State, Chris Uba, boasted that he was the 'greatest godfather in Nigeria because' he was the first 'individual [to] single-handedly put in position every politician in the state' (Ibrahim, 2006: 69).

Godfatherism is far from being as established and public in Congo as it is in Nigeria. It also seems more centralised in Congo.¹⁷ Most Congolese godfathers, as far as we can tell, derive their power from their close personal connection with Joseph Kabila combined with some degree of local status, usually acquired through leadership in ethno-cultural associations or political parties. Finally, Congolese godfathers are more likely to hold public office than are their Nigerian counterparts. Despite these differences, godfathering seems to have become an important element in the edifice of Congo's informal rule. It is, however, not a new phenomenon. Guy Aundu Matsanza notes that, already under Mobutu's *Mouvement pour la Révolution*, state agents were recruited or promoted based on the recommendation of 'big men' or ethnic leaders within the party (2010: 120). He also notes that, before becoming an opposition politician, Etienne Tshisekedi played the role of godfather for the Kasai Luba within the Mobutu regime (2010: 116).

Until his accidental death in 2012, Augustin Katumba Mwanke appeared to have been the main *parrain* and was able to keep a fairly centralised system in operation around Kabila. John Numbi, currently General Inspector of the Armed Forces, and Chief of National Police until 2010 (but without an official position in the system between 2010

¹⁷ Although political *parrains* are centralised, the practice of godfatherism is generalised and more diffused. Having someone higher up than you protecting you is often a necessity. It can also be referred to as having a "*parapluie*" (umbrella) or a "*branchement*" (connection).

and 2017), is another influential *parrain*. He supposedly benefited from the President's trust because he promised Joseph Kabila's father, Laurent Kabila, he would take care of his son after his death. Numbi had to take a backseat in state institutions after he was accused of killing Floribert Chebeya, a journalist, in 2010, but retained his access and leverage. Both are from Grand Katanga, with Katumba Mwanke a Bemba and Numbi a Lubakat.

With Katumba Mwanke dead and Numbi weakened in the wake of Chebeya's death, a few other individuals rose as influential *parrains*. Among them are Henry Mova (a Bemba from Haut-Katanga who, as Minister of Interior, is officially in charge of the oversight of provinces),¹⁸ Emmanuel Ramazani Shadari (a Bangubangu from Maniema, like Joseph Kabila's mother, who was formerly head of the PPRD and was Kabila's chosen candidate in the December 2018 presidential elections), and Aubin Minaku (a Dzing from Kwilu who is the President of the National Assembly). Through their loyalty, these three individuals seem to have earned the trust of Kabila over time. The head of the national intelligence agency, the *Agence Nationale de Renseignements* (ANR), Kalev Mutond (a Lunda), and the President's Chief of Staff, Néhémie Mwilanya Wilondja (a Lega from South Kivu) probably also make the list. The former Director of the Central Bank of Congo, Jean-Claude Masangu Mulongo (a Lubakat) is also influential at the Katangese level.

According to one of our informants, 'having Kabila's ear gives them great powers as they can speak in his name – "The president says" – to give instructions', which makes the placement of their protégés harder to reject (interview 3-18). There are other *parrains* who are influential outside of Katanga, like Evariste Boshab, the former President of the PPRD, and lesser *parrains* whose influence is limited to a province or two, acting as the main brokers/gatekeepers for these provinces in Kinshasa.¹⁹

Together with ethnic associations (see Gobbers, 2016), *parrains* are an important cog of the system. They help reduce the regime's informational asymmetry with local actors and concurrent uncertainty over how best to recruit state agents. However, the multiplicity of *parrains* creates instability in the system. Possible lack of sufficient influence in Kinshasa or competition among two or more *parrains* sometimes makes it harder for Kinshasa

to select loyal acolytes or to rein in local elites. Jean-Claude Kazembe, the first Governor of Haut-Katanga, for example, benefitted from the *parrainage* of Ramazani Shadari, who was from the same school cohort as him (education is an important factor in seeking advancement to higher office in Congo) and lobbied for him with Aubin Minaku, who reportedly convinced the President to support his candidacy (interview 1-17). But, in the end, Kazembe turned out insufficiently docile and allegedly ignored recommendations by Shadari and Minaku for the formation of his government and cabinet. He had to be removed (more on this in the following section). In Haut-Lomami, we were told that Governor Célestin Mbuyu Kabango Mukolwe, presumably protected by someone else, refused to take on some ministerial candidates who were preferred by John Numbi (who is Lubakat from Haut-Lomami and a notable local *parrain*). Mbuyu's *parrain* might not have been strong enough compared to Numbi as he was removed in 2017.

Kinshasa and *parrains* cannot act without consideration for local politics, particularly ethnicity. Ethnic associations, known as *mutuelles*, like Buluba I Bukata, the Lubakat Association, help identify candidates for jobs from among their ranks, who are then submitted to *parrains* for endorsements. *Mutuelles* thereby play a facilitation role in the reduction of information costs for Kinshasa and other political players (Gobbers, 2016). In addition to highlighting the central role of Kinshasa, a recent report by the Congo Research Group (CRG) (2018) also shows both the degree of competition among some *parrains* and the extent to which ethnicity matters. It is worth quoting at some length:

In October 2015, PPRD politicians from the future Kasai province met in Kinshasa at the Centre Nganda to decide, among other things, how the province would be run ... The key clause in the set of resolutions that emerged from the meeting concerned the [equitable] distribution of posts in the new province ... among the different communities ... The competition for these lucrative and powerful positions has pitted coalitions of ethnic groups from the north of the province against those from the south. With some exceptions, ethnic elites from the north – from Lele, Kuba, and Kete groups – have allied under [Evariste] Boshab's umbrella, while the southern Chokwe, Pende, and

¹⁸ Having a Bemba in the 'inner sanctum' of power allows Joseph Kabila to penetrate Bemba circles and arbitrate disputes in Haut-Katanga. Mova was on Jean-Claude Kazembe's balcony celebrating the announcement of the latter's election by the provincial assembly in 2016.

¹⁹ Similarly, there are *parrains* in other walks of life. A young university assistant, for example, might seek the support of an ethnic or political *parrain* to advance his career.

Nyambi groups have formed a coalition under [Maker] Mwangu. Both sides have scored points in their favor since this power struggle broke out in 2015. The decision to make Tshikapa the provincial capital instead of Luebo, for example, constituted a victory for Mwangu. Meanwhile, the decision by the ruling coalition in Kinshasa to make Marc Manyanga, a Lele, the provincial governor was a victory for Boshab ... At the same time, Governor Manyanga's position is being openly contested by the vice-governor, Hubert Mbingho, a Pende who is Mwangu's ally. Moreover, the provincial assembly president, François Madila Kalamba, a Mwangu ally, has been hamstrung by the central government's decision to close the assembly. This has been considered a victory for Boshab (CRG, 2018: 24-25).

The *parrainage* system undermines provincial autonomy, redirecting governors' accountability upwards rather than to their populations. It also removes accountability from the formal public domain and displaces it into a more shadowy realm. When a *parrain* calls up his protégé, the latter comes running. As a result, governors spend an inordinate amount of time in Kinshasa, awaiting or receiving instructions (interview 3-16) and showing loyalty. Governor Abdallah of Ituri, for example, spent a whole month in Kinshasa in July 2018 while his provincial staff were on strike for not having been paid in more than a year. Some governors return from these trips with gifts, for example a vehicle, and display those as favours to their province from their benefactors (interview 3-15). It is clear that godfatherism subverts popular participation and undermines decentralisation. It forces local communities to invest in seeking their own *parrains*, thereby promoting local competition, diverting popular mobilisation from collective goods and sidetracking political participation away from formal institutions of representation (for a similar critique in Nigeria, see Ojo and Lawal, 2013; Omotola, 2007; Albert, 2005).

3.5 Sanctions

Sanctions are meted out by Kinshasa to those who do not comply with the system. In contrast to sanctions for those who defect politically, which can be violent, the main sanction for failure to comply within the extraction system (by, for example, sharing insufficiently or building too strong of a local base) is dismissal from office. In the case of provincial governors, dismissal can be legally imposed by the President in certain circumstances (see Section 1). More frequently, however, the dismissal occurs through mechanisms

intrinsic to the informal system itself, specifically through *débauchage* and the manipulation of provincial deputies to rise against governors (and, more rarely, governors themselves stifling provincial assemblies).

Sanctions against governors who are seen as insufficiently loyal to Kinshasa account for some of the 17 no-confidence motions that provincial assemblies have passed against governors since 2016 (Table 1). Thirteen of these motions affected new governors in new provinces (two concerned governors in non-*découpage* provinces, and two affected subsequent governors after the departure of the first one in Mongala province). Of these 13, nine were aimed at governors who were PPRD or MP, of whom there were 15 altogether in 2016. Two of these survived the motion, and seven were replaced. The four other motions were aimed at independent governors, of whom there were six. None of them survived their motion.

The main victims of the motions were governors associated with the regime, which indicates a fair amount of pushback by provincial elites against the attempts of Kinshasa to control provincial politics. This observation calls, however, for some degree of qualification. First, the motions against independents were typically arranged by Kinshasa. Second, quite a few of the motions against MP or PPRD governors did not represent an attack against the regime but were rather organised jointly between Kinshasa and provincial assemblies to get rid of insufficiently loyal governors (Kasongo, 2018; see also Cros, 2017). It should come as no surprise therefore that, after this first round of motions, the number of PPRD/MP governors was the same as before. Thus, most had been replaced by other regime clients, suggesting the problem was one of individual allegiance rather than political confrontation. Similarly, however, the number of independent governors did not change either, showing the limits of Kinshasa's capacity to reorganise local politics (we expand on this below). Yet, it should be noted that PPRD/MP governors were generally better able to withstand the motions than independent ones were, some surviving them and some being reinstated afterwards. In contrast, Equateur and Mongala provinces, which originally had pro-MLC independent governors, are now under MP governors. After 2016, it was important for Kinshasa to secure the loyalty of governors as their help would be needed when presidential elections, originally scheduled for 2016, took place.

Table 1: Provincial no-confidence motions against governors since 2016

Province	Governor	Party	Date	Outcome
Equateur	Tony Cassius Bolamba	Independent	September 2017	Replaced
Mongala	Bienvenu Essimba Baluwa Bolea	Independent	October 2017	Replaced
Mongala	Aimé Bokungu (Acting VG)	MP	January 2017	Replaced
Mongala	Louis Mbonga Magalu Egbanda	MP	July 2018	Survived
Nord-Ubangi	Marie-Thérèse Gerengbo	PPRD	June 2017	Survived
Sud-Ubangi	José Makila Sumanda	Independent	December 2016	Replaced
Tshuapa	Cyprien Lomboto	MP	October 2016	Replaced
Kasai Central	Alex Kande Mupompa	Independent	October 2017	Replaced
Lomami	Patrice Kamanda Tshibangu Muteba	MP	December 2017	Survived
Sankuru	Berthold Ulungu Ekunda	MP	N.A.	Survived
Haut-Katanga	Jean-Claude Kazembe Musonda	PPRD	April 2017	Replaced
Haut-Lomami	Célestin Mbuyu Kabango Mukolwe	PPRD	May 2017	Replaced
Kwango	Larousse Kabula Mavula	MP	July 2017	Replaced
Kwilu	Godel Kinyoka Kabalumuna	MP	July 2017	Replaced
Tshopo	Jean Ilongo Tokole	MP	August 2017	Replaced
Maniema	Pascal Tutu Salumu	PPRD	December 2017	Replaced
South Kivu	Marcellin Cishambo	PPRD	October 2017	Replaced

The dismissal of Jean-Claude Kazembe in Haut-Katanga illustrates the logic of the motion-based sanction regime. When originally campaigning to become governor, Kazembe sought to be well liked by Kabila. He lobbied Shadari and Minaku and was designated the PPRD candidate. The regime then managed to invalidate the candidacies submitted by allies of former-governor Katumbi and cleared the way for his victory (with financial incentives for deputies, as discussed earlier). However, as noted, once in office, Kazembe proved hard to control and resistant to sharing. In addition to failing to take recommendations from *parrains* for hiring certain individuals, he did not butter up the provincial deputies as Katumbi used to, and allocated numerous provincial public contracts to his own companies (interviews 1-11, 1-17 and 3-18). The aforementioned deposit of the \$27 million tax payment from Mutanda Mining into his own account was apparently the straw that broke the camel's back for both Kinshasa and the Provincial Assembly. Accusations surfaced against his management methods and some reported his 'lack of respect for the authorities of his party the PPRD and of the presidential majority' (Geopolis Magazine, 2017²⁰). Kazembe's perceived arrogance towards the Provincial Assembly did not help. He rejected both their

accusation as well as the competence of the Assembly to question him when it sought to. This is how Kazembe himself assessed the situation with us:

My friends from Kinshasa ... created problems. They did not like that I was successful ... I had not read in the intentions of my backers in Kinshasa that their agenda was that I help them get rich. A Minister from Kinshasa said after visiting Lubumbashi: 'are we going to eat the new gouvernorat building?' When they saw that I was erecting a new executive building, the folks in Kinshasa said I had money. The motion came because they thought I was not being generous. I was told that Joseph Kabila wanted me to resign.²¹ I went to Kinshasa and he exonerated me. But then his entourage started vilifying me until he changed his mind. Someone then told the President of the Provincial Assembly that Kabila wanted me out and to make a motion, even though my budget had passed with 100% approval two weeks earlier. After I was voted out, the constitutional court invalidated [the destitution] and said there was no power vacancy in Haut-Katanga. Yet, the CENI (Commission Electorale Nationale Indépendante) [went ahead

²⁰ <https://geopolismagazine.com/haut-katanga-destitution-de-jean-claude-kazembe-larbre-qui-cache-la-foret/>

²¹ Note the indirect and informal relaying of directions, allegedly from the President.

and] organised elections anyway and said they did so under instructions of the Ministry of Interior ... In short, they got rid of me because they said I ate alone. Then I could not even recover my seat at the National Assembly. The PPRD withdrew its confidence. Then I created my own party (interview with Kazembe).²²

There was indeed a fair amount of confusion over Kazembe's dismissal. The Constitutional Court invalidated the no-confidence motion against him because it was passed when Kazembe was in Kinshasa and thus unable to attend the session and defend himself. Yet the Court's decision to reinstate the governor allegedly required promulgation by the president to be executory.²³ Some suggest that Kinshasa's idea was only to make him afraid so that he would behave in the manner they desired but that his self-assured reaction to the Court's decision convinced Kinshasa that he would remain a liability (interview 1-17). The result of this was that Kabila abstained from signing the necessary document, Kazembe found himself stuck in Kinshasa (he may even have been physically prevented from boarding a plane to Lubumbashi), and the Provincial Assembly elected a new governor. In the words of a provincial deputy, Kazembe 'was not sufficiently weak towards Kinshasa so they wanted to get rid of him' (interview 3-16). Omasombo (2018) suggests instead that Kinshasa wanted him back in power but the resistance of the Provincial Assembly was too strong, but this interpretation does not fit well with our information.

However, while the impeachment of Kazembe illustrates the willingness of Kinshasa to instrumentalise provincial assemblies to retain control of provincial elites, several no-confidence votes also emanated from legitimate push-back by provincial assemblies upset at the candidates imposed on them by Kinshasa. This illustrates the incomplete hegemony Kinshasa exercises over provinces and the

instability intrinsic in the extractive *parrain* system. It is particularly telling that, of the 13 special commissioners appointed by Kinshasa in 2015 who were then elected governors in 2016, eight subsequently faced votes of no confidence by their provincial assemblies. Six of these eight were PPRD/MP governors. Although Kazembe was one of them, most others did not display the same attitude towards Kinshasa and were instead sanctioned by their own provincial elites, either because they acted as if only Kinshasa mattered, because they shared insufficiently, or because they belonged to the wrong ethnic group or came from the wrong territory within the province. The goal of provincial assemblies was thus partly to let Kinshasa know that the province's wishes had to be taken into account, a degree of local collective action possibly facilitated by the greater ethnic homogeneity of new provinces. We found that the ethnic heterogeneity index averaged 0.60 for the new provinces that had motions, versus 0.72 for those that did not (Englebert et al., 2018)²⁴.

Having opened the Pandora's box of motions, the regime sought to put a lid back on it and called all the provincial assembly presidents to Kinshasa in May 2017 in the hope of reining things in. The presidents were 'called to order,' as someone who participated in the meeting put it (interview 3-18). According to the president of the Haut-Lomami Provincial Assembly, the meeting was:

...to listen to us, to know what was going on [with the motions]. We looked for solutions together. There was bad management, financial recklessness. They asked us to do our job properly to build the provinces and not to be nuisances. Since then, things have changed (interview 3-8).

There were more motions later in 2017 but there haven't been any in 2018, suggesting that the system may have found a precarious balance on the eve of national elections.

²² Governor Kazembe authorised us to quote him openly.

²³ We are not sure this is a constitutional requirement, as it seems to undermine the separation of power, but this lack of presidential endorsement seems to have prevented Kazembe from returning to Lubumbashi after the court's decision.

²⁴ Englebert et al. 2018 calculated Herfindahl indices (the probability that two randomly selected individuals belong to different ethnic groups) using recoded data from the Institut National de la Statistique. The formula is Ethnic Heterogeneity = $1 - \sum (n_i^2)$, where n_i is the size of each group in proportion to the province's population.

4 Conclusions and policy implications

Decentralisation reforms are expected to transfer authority downward, improve accountability, enhance public goods provision and usher in a host of other advantages for citizens. Yet these expectations are predicated on assumptions of formal institutions unencumbered by a countervailing informal system that is ever-hungry for upward-flowing resources and that exerts varied strategies of local control. In Congo's system of informal extractive centralism, the authority of Kinshasa, which bypasses constitutional constraints, is fed by the distribution of financial opportunities to provincial elites, including local patronage opportunities. The ultimate goal of Kinshasa appears to be the extraction of resources, which it pays for through the patronage of provincial politicians. Provincial politicians participate as they see their own patronage opportunities expanded by *découpage*. In practice, however, they compete with Kinshasa for resource appropriation and must take into account provincial pressures for a greater share of resources, more autonomy and ethnic balancing. Provincial elites, like governors, are kept in check by the *parrain* system, which provides screening for their selection, and by the *débauchage* of provincial assembly members, which can sanction errant governors. However, competition among *parrains* and the self-interests of provincial assemblies can sometimes lead to suboptimal outcomes for Kinshasa, whose incomplete hegemony occasionally takes on airs of amateurism.

This system produces two important effects. First, all its dimensions militate for ever-renewed resource extraction. Networks based in Kinshasa are intent on maximising the benefits of their access to power and demand that their provincial clients send resources upwards. These clients receive their own patronage benefits and seek to maximise provincial employment but their provinces, as formal institutions, are starved of resources. Provincial assembly members make financial demands on provincial authorities under the threat of destabilisation. Provincial administrations respond by seeking all sorts of local fiscal opportunities and deploy their agents as tax farmers rather than as public good providers. Citizens, who were the intended beneficiaries of decentralisation reforms that meant to bring governance closer to the public and make it more accountable, end up on the losing end of this extractive racket.

Second, the system is structurally unstable because it is fundamentally transactional. While it can absorb opponents with relative ease, no deal is permanent, and its own members must constantly

be fed. As a result, Kinshasa's power, while it seems ubiquitous, is far from absolute. It must take account of local realities, which reintroduces a dimension of accountability, however informal and elite-based. Despite all the motions and direct interventions by Kinshasa, the PPRD/MP (itself far from a homogeneous or stable coalition) did not appear to control more than 19 out of 26 provinces as of 2018. The current system stands thus in contrast with the more hegemonic one that prevailed under Mobutu (see Marijsse (2018) for a similar point).

Other scholars have noted the relationship between patronage and failed decentralisation but they all highlight very different arguments and observe different empirical realities. Kraxberger (2004), Green (2010), Grossman and Lewis (2014), and Hassan and Sheely (2016) all more or less argue that incumbent regimes create additional decentralised units as tools of patronage, thereby undermining local autonomy. But in Congo, the *découpage* of 2015, while a case of decentralised unit proliferation, was not a government initiative intent on achieving perverse effects but instead harked back to the negotiations of the 2003–2006 transition, the National Sovereign Conference of the early 1990s and even the first five years of the country's independence when a similar experiment in provincial multiplication took place. Riedl and Dickovick (2014) stress that *de jure* decentralisation can be undermined by the *de facto* patronage opportunities presented by the reforms, but their argument is that it is the reforms themselves that are instrumentalised, rather than their implementation stifled by an underlying informal system. Lewis (2014) has also shown that unit proliferation can lead to recentralisation as the rapid creation of subnational administrative divisions affects the balance of power between central and local government. While all these arguments are not without relevance to Congo, they differ from ours and are not necessarily helpful in understanding the fundamental roots of decentralisation failure in Congo. Nowhere else, to our knowledge, has a similar system of informal extractive centralism been identified and its effects analysed as the one we unearthed in Congo.

4.1 Policy recommendation #1: work with patronage, not against it

What is a policy reformer, a decentralisation proponent or a donor to do with our findings? It is one thing to

recommend 'going with the grain' (Kelsall, 2011) in donor-recipient relations, but it is quite another to do so when the grain is predatory due to the entrenchment of informal extractive centralism. Nonetheless, decades of failed reforms in Congo suggest that it might be useless trying to promote formal reforms based on behavioural and normative assumptions that are at odds with actual praxis. As Thomas (2016: 6) wrote about US policy in another failed state, 'The idea of building a strong central government in Afghanistan that operates under the rule of law and delivers public goods and services to all citizens was flawed from the start.'

While it is not generally developmental, patronage is an effective mode of rule for countries facing resource constraints, post-colonial institutional weakness and high degrees of socio-cultural diversity (Thomas, 2016). In Congo, its ultimate achievement is to have preserved the country by giving its constituent groups and their elites a vested interest in it. Given the immediate breakdown that followed independence, this is a signal achievement (provided one finds more utility in having Congo than not). It presently seems both unrealistic and impractical for foreign actors to go forcefully against the entrenched system of patronage. To be sure, the Congolese themselves might aspire to more universalistic, transparent and accountable forms of rule, but they have not proven willing or able to get there, embedded as they are in clientelistic obligations and expectations.

4.2 Policy recommendation #2: invest in provincial governments

Donors might have a small degree of leverage in tweaking the manifestations and outcomes of patronage in ways that may reduce its predatory effects and provide provinces with a relative boost in autonomy. The degree of extraction by Kinshasa and its monopolisation of resources at the expense of provincial elites has become a problem within the functioning of the patronage system itself. The Congolese did not begrudge President Joseph Kabila for the wealth he had amassed in office; it was his stinginess in disposing of it which they lamented.²⁵

Providing direct funding to provincial governments and assemblies in the mode of unconditional budget support could increase the level of effective decentralisation and autonomy for provincial elites. It is true that, at a national level, budget support has

²⁵ On Kabila's wealth, see CRG (2017).

gone out of fashion in part because it was unable to secure genuine policy commitments and prevent corruption scandals linked to patronage politics (Swedlund, 2017: 97-121). However, the goal here is not to support specific policies or to prevent and dismantle the patronage system, but rather to provide provincial elites with resources that could free them up from Kinshasa's stifling embrace. If donors covered the functioning costs or public investment goals of provinces, say by making up shortfalls in retrocession, they would reduce provincial elites' dependence on Kinshasa and their vulnerability to *débauchage*.

To some extent, this recommendation might seem like it runs counter to the first one as greater financial autonomy for provinces might threaten existing patronage networks. Kinshasa might seek to create obstacles in the path of donors to prevent this rebalancing of relations with the province from taking place. But the purpose of the recommendation is to reduce the predatory nature of patronage, not undermine patronage itself. Under such donor financing, Kinshasa might reduce its own rate of extraction from the provinces or increase its redistribution to their elites so as to maintain its leverage over them (but one cannot rule out that Kinshasa would find ways to extract the donor funds from the provinces). Thus, the donor intervention would take place within the logic of patronage. The result could be a net reduction in predation and greater opportunities for provincial elites to respond to provincial demands. That these would be mainly clientelistic could be bemoaned; but it could also be understood as the local adaptation or appropriation of an externally-inspired reform, with tangible welfare benefits.

Indeed, untethered by conditionality, the funds are likely to feed intra-provincial relations of patronage. This is not to be fought off. Providing local elites with the means to take care of local clients with less interference from Kinshasa can nurture the foundations of a patronage-based decentralised system. Such a system might be a far cry from the lofty expectations of donors and the Congolese Constitution alike, but it would nevertheless be a form of accountable governance with the advantage of building upon local norms of political legitimacy. Relatively freed from its earlier budget constraints, this system would also be less dependent on local taxation, providing relief to local citizens.

There are obvious risks associated with this recommendation, however, including that all the funds could disappear without any corresponding improvements in public services or greater delivery

of public goods, and that local taxation could remain punitive. There is also the possibility that provincial elites would not alter their behaviour as they would not find the commitment of donors to maintain this policy credible. Yet without a long-term guarantee from donors, such budget support cannot be expected to lead to behavioural adjustments.

One possible way to mitigate the likelihood of these undesirable outcomes could be to limit the intervention to one or two pilot provinces at first. It would be easier for donors to commit to a longer time period in this reduced context. Other provinces might be encouraged to emulate the results of the sponsored ones if they could be next. Ideal provinces would be those where provincial elites have more tenuous links with Kinshasa, like those run by independent rather than MP/PPRD governors, and with more limited mineral resources.

Another possibility might be to reduce the scope of the policy and, instead of providing full provincial budget support, to provide constituency funds for provincial *honorables*. Keeping these unconditional might help strengthen provincial assemblies against both Kinshasa and governors. But conditional funds aimed at infrastructural developments might also be an option, although they have had, at best, mixed success in Kenya (Hickey, 2010).

4.3 Policy recommendation #3: invest in provincial infrastructure

A third option might be to recognise the ineffectiveness of provinces as public-service delivery mechanisms and providers of development, bypassing them altogether to finance instead more centralised public investments, particularly in transport infrastructure. To some extent, this approach is equivalent to giving up on decentralisation. But that is not necessarily the case. One could recognise that the legitimisation function of decentralisation is important for the peaceful reproduction of Congo as a state, but that it is not developmental and might actually undermine development. Thus, donors might want to substitute more centralised policies in some areas to mitigate the negative developmental externalities of the system. Moreover, investing in infrastructure, particularly roads and river transport, could help reduce the isolation and vulnerability of many provinces, and have direct positive welfare effects on local citizens. Indeed, numerous local officeholders, particularly in more remote Haut-Lomami, pointed to lack of infrastructure, especially roads, as a

singular problem afflicting their provinces. Because roads fall under national jurisdiction, provincial authorities fear that investing in them would be seen by Kinshasa as threatening attempts at autonomy. Only well-connected governors, like Richard Muej of Lualaba, with direct access to the President, can take such a risk. Donors picking up the slack here might improve the provincial lot while preventing provincial elites from falling into disgrace in Kinshasa.

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Secure Livelihoods Research Consortium
Overseas Development Institute (ODI)
203 Blackfriars Road
London SE1 8NJ
United Kingdom

T +44 (0)20 3817 0031
F +44 (0)20 7922 0399
E slrc@odi.org.uk
www.securelivelihoods.org
[@SLRCtweet](https://twitter.com/SLRCtweet)

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