Curing the Mal Zaïrois
The Democratic Republic of Congo Edges Toward Statehood

By James A. Robinson
Based in London, the Legatum Institute (LI) is an independent non-partisan public policy organisation whose research, publications, and programmes advance ideas and policies in support of free and prosperous societies around the world.

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Chances are, you don’t spend a lot of time thinking about the Democratic Republic of Congo (D.R. Congo; a.k.a. Zaire, a.k.a. the former Belgian Congo). And if anything does ring a bell about the place, it may well be the fact that the term “kleptocrat” was coined to describe the Congo’s long-time dictator, Joseph Mobutu. However, this sprawling country (the largest in Sub-Saharan Africa) deserves your attention, at very least as a prime example of just how much damage European colonialism could wreak—and how much more was in store for former African colonies that hosted proxy wars between the USSR and the US.

D.R. Congo (whose neighbour, confusingly, is the former French colony called the Republic of Congo) ranked 140th (out of 142 countries) on the 2013 Legatum Prosperity Index. This shouldn’t surprise; it has the lowest per capita income in the world in spite of being endowed with vast deposits of hard rock minerals. Life expectancy at birth is just 48 years—lower than any nation outside Africa.

But James Robinson, Harvard professor of government and co-author of the pathbreaking book, *Why Nations Fail*, is surprisingly upbeat on D.R. Congo’s prospects. He views the country’s progress (and past lack thereof) through the lens of political theory. The D.R. Congo, he argues, has been governed since independence in the “patrimonial” style, through complex pyramids of obligation cemented by material rewards—much as Europe was governed before the rise of the nation-state. It “worked” in the sense that it kept leaders in power, Robinson notes, but left the economy a stagnant ruin.

And that good news I promised? Robinson sees signs that, over the last dozen years, D.R. Congo’s governance has been evolving away from patrimonialism toward a more modern form that is responsive to the needs of the broader society and compatible with long-term economic growth. And about time, too.

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The views expressed in this paper are those of the author(s) and not necessarily those of the Legatum Institute.
In the heyday of the kleptocratic dictatorship of Joseph Mobutu Sese Seko, the conventional wisdom about Zaire’s economic problems was that they all boiled down to *le mal Zaïrois* (the Zaïrean malady)—a phrase coined by the larcenous Mobutu himself in 1977. That malady was corruption, which infiltrated every aspect of society and corroded the effective functioning of the state.

But Mobutu was obviously of two minds about the disease. Stealing, it seems, was OK within limits. As Mobutu famously put it: “If you want to steal, steal a little in a nice way. But if you steal too much to become rich overnight, you’ll be caught.”

What on earth was Mobutu thinking when he said this? The most plausible reason for his blatant promotion of corruption (apart from the fact that it made Mobutu very, very wealthy) was its value in maintaining the mechanism of governance that Mobutu perfected—one the German sociologist Max Weber called “patrimonialism”. The Mobutu state was not based on the creation and enforcement of rules, but on the maintenance of a vast web of informal patron-client relationships.

Today’s Democratic Republic of the Congo (D.R. Congo; not to be confused with its more affluent but equally troubled neighbour, the former French colony now called the Republic of Congo) seems a long way from Mobutu’s *mal Zaïrois*. There have been two democratic, albeit flawed, presidential elections (in 2006 and 2011), both won by Joseph Kabila whose father removed Mobutu from power in 1997. Many, however, argue that these changes have been superficial, that *le mal Zaïrois* has just mutated into *le mal Congolaise*.

At its core, this is a question about whether the structure of the state has changed, or is, at least, changing. Are there good reasons to believe that the features of the D.R. Congo that led Mobutu to organise the state in this way have been altered by civil war, or does patrimonialism remain the most attractive way (from the perspective of its leaders) to govern the country? D.R. Congo’s prospects for economic growth and evolution into a stable, democratic society, I would argue, rest on the answer.

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1. According to his obituary in *The New York Times*, his full adopted name was Mobutu Sese Seko Kuku Ngbendu wa za Banga, which translates as “the all-powerful warrior who, because of his endurance and inflexible will to win, will go from conquest to conquest leaving fire in his wake”—or maybe just “the rooster that watches over all the hens.”
WHAT’S IN A WORD?

I’ve gotten ahead of myself. Patrimonialism is a way of organising power and exercising control over society. In any society, there are rulers and those who are ruled. But the methods of rule can take many forms. If society is organised in a patrimonial way, the rulers take on the role of patrons, while the ruled become their clients. The patrons typically control scarce resources that they allocate at their discretion in exchange for services and support. The criteria for access to patronage is not merit, or any other legally defined criterion; it comes because one’s patron has access to the resources, as a reward for loyalty.

When Mobutu, the head of the army, took over the Congolese state in 1965 by means of a military coup (according to the New York Times and others, sponsored by the CIA), his first objective was to consolidate power. He was confronted by a factious “nation” with powerful independence movements mobilising...
in the Katanga and Kasai regions of the Belgium-built state, along with the Simba Revolt, whose soldiers controlled most of the eastern half of the country. The Congolese government was not only short on political legitimacy, it was woefully short of human capital and administrative experience. The top echelon of the civil service had been staffed by Belgian colonialists, who left in 1960. Belgium’s earlier malign neglect of the people of Congo is probably best captured by the fact that, as of 1956, only one African had graduated from a university.

Thus, in 1965, Mobutu faced the dual challenge of taking control of the deeply fractured ex-colony and then organising political institutions in a way that would allow him to keep it. He had a bureaucracy and army of sorts, but could not rely on anybody’s loyalty. And he was also short of funds; most of the vast mineral wealth of the country (cobalt, copper, gold and diamonds) was still controlled by foreigners.

An 18th century founding father of the United States might think the solution to this problem turned on devising a better written constitution. But Mobutu did not go the Madisonian route. He believed that the establishment and maintenance of a vast network of informal patron-client relationships was integral to controlling the control. This involved dispensing resources and favours to people of influence who, in turn, dispensed them to others below them, creating a pyramid of obligations flowing to and from his office and ultimately covering the entire country.

Such a strategy for consolidating power would work only if the clients couldn’t shift allegiance to another patron bearing gifts. So Mobutu also shrewdly sidelined potential candidates. Members of the political elite were shuffled from one position to another, thrown into prison, rehabilitated, cast into exile, only to be rehabilitated again. The most famous example was Mobutu’s first foreign minister, Nguza Karl-i-Bond, who was imprisoned, tortured and sentenced to death, then pardoned and made foreign minister again, anointed with the title First Commissioner of State, exiled, then rehabilitated and finally made ambassador to the United States.

Mobutu made no bones about his Machiavellian approach to political control:

“In a word, everything is for sale, anything can be bought in our country. And in this flow, he who holds the slightest cover of public authority uses it illegally to acquire money, goods, prestige or to avoid obligations. The right to be recognised by a public servant, to have one’s children enrolled in school, to obtain medical care, etc… are all subject to this tax which, though invisible, is known and expected by all.”

Not only was corruption acceptable (albeit within limits, fine-tuned from the top) but so was preying on society. This latter reality allowed Mobutu to extend his patronage machine to incorporate far more people than the public fisc could pay for. A key tool of patronage was employment in the government, which ordinarily requires a budget to pay their salaries. But in the D.R. Congo, people could be hired without a salary as working for the state came with the option of being able to extort money and other things of value from those on the next level down in the pecking order.

By 1997 per-capita income had shrunk by around two thirds. Yet as a political strategy, patrimonialism was a huge success.
Of course, this organisation came at huge costs to societal welfare. Civil servants were not chosen on merit, but by the criterion of who could best serve Mobutu’s political and social networks. Clients had no incentive to work hard or even to undertake their nominal jobs. And this legitimised form of predation undermined incentives to invest in productive enterprises that could be seized as prizes.

It should be no surprise, then, that the economy began a long, steady contraction in the early 1970s. Indeed, by 1997 per-capita income had shrunk by around two thirds, to less than $300 in today’s purchasing power. Yet as a political strategy, it was a huge success: Mobutu consolidated his authority and managed to hang on for 32 years.

The approach that Mobutu favoured, and its impact on the broader Congolese society, are not that anomalous in history. One political scientist even compared the Mobutu state to that of Louis XIV.

Patrimonialism was widely used in medieval Britain, and removing the patrimonial elements from the British state was a long process. One could date the beginning of the end to what the historian G.R. Elton dubbed “the Tudor revolution in government,” which was implemented by Thomas Cromwell during the reign of Henry VIII in the 1530s. But the end of the end did not really arrive until the Northcote-Trevelyan Reforms implemented by Prime Minister William Gladstone in the 1870s. Anthony Trollope satirised the unprofessional way in which he was recruited into the Post Office in 1834, recalling “I was asked to copy some lines from The Times newspaper with an old quill pen, and at once made a series of blots and false spellings … (the next day) I was seated at a desk without any further reference to my competence.”

In his 1855 book, Little Dorrit, Charles Dickens developed the character of Lord Decimus Tite Barnacle, who was head of something called the Circumlocution Office and believed in only hiring his relatives.

A STUBBORN MALADY

Patrimonial states still exist in Latin America and southern Asia. But patrimonialism does not seem to have arrived (or stayed) in the unusually pervasive form that prevailed in Mobutu’s D.R. Congo, with such pernicious effects on the economy. Which begs the simple question: why?

There seem to be at least five possible answers. But before considering them, it’s useful to contemplate the plausible alternatives to paternalism in 1970s D.R. Congo. For simplicity, they can be placed under the umbrella of “Weberian” states—ones structured by rules rather than patronage. A Weberian state:

- Eliminates competing sources of power and establishes a monopoly on violence as a means of enforcing the rules. A patrimonial state, by contrast, makes deals and co-opts rivals, rather than annihilating them.

- Centralises power, developing a fiscal system and a bureaucracy to implement its decisions. A patrimonial state may try to centralise, but only to extend its reach over more sources of patronage. A patrimonial state will have a fiscal system and bureaucracy, but they will necessarily be ineffective at raising taxes or implementing nominal public policy.
Weberian organisation delivers much more than paternalism in terms of prosperity and social welfare, and as such has clear attractions for even the most venal leader. However, it is hard (and risky) to manage. For a strategy based on common rules to work, the costs of getting people to obey those rules must be relatively low. But to establish a monopoly of violence, Mobutu would have had to trust that his army would obey him.

By the same token, developing an effective fiscal system is costly, and people have to be socialised into paying taxes. Moreover, an effective fiscal system opens the door to other challenges: for instance, citizens who have to pay taxes may decide that the state needs to be held accountable for what it does with the revenue.

With the alternative of a Weberian state in mind, let’s return to the factors that might have encouraged patrimonial rule. First, issues of ethnic heterogeneity and size (the D.R. Congo covers almost four times the area of Texas) made it inherently difficult to govern by rules. The secessionist movements of the 1960s persisted into the 1970s, with the two invasions (Shaba I and Shaba II) aimed at creating an independent Katanga state in southeast D.R Congo in 1977 and 1978. And here, there are strong similarities with two other huge multi-ethnic Africa states, Nigeria and Sudan.
Both have faced secessionist threats—Biafra in the former, South Sudan, Darfur and Kordofan in the latter. Moreover, all three of these countries are home to rich natural resource deposits.

Could the resource wealth of the D.R. Congo have induced such a severe form of patrimonialism? The simple argument here is that one of the incentives to build a Weberian state is to generate fiscal resources. But if a state can easily skim the cream from resource extraction, there is less need to organise and manage a rule-based environment.

Social scientists speak of “path dependence”—the idea, that, once an economy/society starts down a road, it becomes increasingly difficult to alter course. And it could be that the D.R. Congo’s particularly nasty colonial experience with Belgium provided the role model for post-independence Congolese elites, including Mobutu, for how a state could be organised.

Fourth, it’s possible that Mobutu’s patrimonial strategy was nurtured by external meddling during the Cold War. Mobutu’s anti-communism generated a lot of financial support from Western powers, which left him with less incentive to build a state that
could generate taxes. Note, too, that Mobutu did not need to
develop a government monopoly on violence because he could
rely on foreign allies to protect him from invasion—as they did in
Shaba I and Shaba II.

Finally, it’s worth considering that patrimonialism does not occur in
a vacuum. The success of Mobutu’s strategy in winning and holding
power may have reflected the patrimonial nature of Congolese ethnic
groups. State formation in the Congo basin was in its formative stages
before the arrival of Europeans. Though the Kingdom of the Kongo
was created close to the mouth of the River Congo in the early 15th
century, and the Kuba, Luba and Lunda states emerged slightly
later on the southern savannah fringe of the forest, these were
exceptions—pockets of centralisation in a sea of decentralised
polities that coexisted by means of patrimonial agreements.

Of these explanations, I find the first (geographic and ethic
obstacles to rule-based governance) and the last (little experience
with centralised government in the pre-colonial era) the most
plausible. The explanation based on resource wealth seems thin:
though the D.R. Congo was (and is rich) in natural resources,
Mobutu’s political strategy was actually one predicated on a
relative scarcity of fiscal resources. And while he did amass
vast personal wealth (including castles in Europe), he eventually
dissipated most of it in an attempt to maintain his grip on power.

It is also hard to see a link between Belgium’s style of colonial
governance and the patrimonialism that followed. The colony
was authoritarian and violent, but the Belgians did not organise it
patrimonially. Nor does the Cold War appear to explain Mobutu’s
choices. Mobutu relied on foreign military forces because he
feared that a powerful domestic army could topple his regime.

**GLIMMERS OF NATIONHOOD**

Today’s Democratic Republic of the Congo bears little resemblance
to Mobutu’s patrimonial state. Joseph Kabila, whose father
deposed Mobutu in 1997, has twice been elected, and the
government seems to have moved toward rule by rules. It’s still
fashionable to argue, though, that the changes have been more
apparent than real. The big question, then, is whether there are
reasons to believe that the structural factors that led Mobutu to
organise the state his way have changed, reducing the relative
attractions of patrimonial governance.

I think the underlying structure of Congolese society really has
changed. Firstly, there is the fact that since 1965, the Congo has
become much less heterogeneous in the sense that most people
identify as citizens of a common state. During the two Congo
wars (1995-7 and 1998-2003), neither Katanga nor Kasai seemed
inclined to secede (as they had in the 1960s and 1970s), even though it would have been easy for them to do so.

Consider here, too, the consequences of those wars. Both were immensely destructive: millions probably perished, more as victims of starvation than of bloodshed. But history suggests that civil wars can change societies in ways that fundamentally alter their subsequent development paths.

An important example is the English civil war, which took place between 1642 and 1651. Prior to the war, King Charles I aspired to organise power in a patrimonial way. He viewed attempts to build a modern state as dangerously destabilising and opposed economic reforms, such as the enclosure of common land, because he thought it would threaten traditional patrimonial ties in the countryside. The civil war radically transformed English society, giving rise to radical groups, including the Diggers and the Levellers, which demanded institutional change. And after the restoration of the Stuart monarchy in 1660, Charles II abandoned his father’s patrimonial rule, as it was no longer feasible, switching to a version of the Weberian model.

Equally telling, civil wars have a way of empowering new elites and/or changing the balance of power within the existing ones in ways that fundamentally shift the feasibility of alternative governance styles. After 1965, Mobutu emasculated the elites that threatened his authority, which proved fairly easy to do because the Belgian colonial system severely impeded the creation of elites prior to 1960. However, the civil wars led to a great deal of elite formation with important consequences for the type of society that would emerge. The power-sharing deal that ended the wars makes it far more difficult to sideline elites in the way Mobutu was able to do early in his reign.

Though it’s stretching it a bit to claim that the civil war fundamentally transformed the D.R. Congo’s polity, there is evidence that it did change the role of elites. The most obvious evidence for this is that the second civil war was ended in 2002 by the Sun City agreement (taking its name from the South African gambling resort where it was signed), and the “1+4” power-sharing arrangement put in place for the 2006 election (the first since 1960).

Though this agreement confirmed Joseph Kabila as president, it made Jean-Paul Bemba, head of the armed opposition group Mouvement de Liberation du Congo (MLC), prime minister. It also created four vice-presidents, one from each of the two main armed opposition movements (including the MLC), one from the Kabila government and, significantly, one from the unarmed political opposition. Indeed, though the Sun City agreement could be viewed as a paternalist shuffle that would not have been out of place under Mobutu’s stewardship, it was more
complex than this, since the negotiations also incorporated non-belligerent groups from civil society; an innovation in Congolese history.

It makes sense to see the combination of the emergence of a national Congolese identity, the new elite political geography and the Sun City agreement as the basis of a social contract—or at least a settlement among elites that makes the construction of a modern, non-patrimonial state feasible, if hardly inevitable. Many states have been built as a consequence of coercion and violence, as central authorities used force to eliminate alternative sources of power. Thus, the French state expanded out of the Paris basin in the late-medieval and early-modern periods, bending the previously separate political entities of Anjou, Brittany, Burgundy and Normandy to its will.

A similar dynamic has been at work in Africa. After its establishment by King Ruganzu Ndori in the early 17th century, the Rwandan state expanded from its core, northeast of the modern capital of Kigali, to gradually incorporate the rest of modern Rwanda. He did this using military force as well as patronage—Ndori institutionalised a standing army. But there is no logic that suggests this is the only path to the creation of a modern state.
The reason coercion is so often involved is that it is difficult to reach consensus among elites over the institutions that lead to a non-patrimonial state. Along the transition path, when institutions are being constructed but are still in flux, it is very difficult to guarantee that everyone's interests will be protected. Thus while there may be a collective interest in building a non-patrimonial state, it is very difficult to take the necessary steps to achieve it. This is where the Sun City agreement is significant, as it may be the basis for the mutual security that elites need to manage the transition to a rule-based modern state.

After his re-election in 2011, President Kabila appointed Augustin Matata Ponyo, the former minister of finance, as prime minister. Prime Minister Matata, in turn, appointed a cabinet, and since then no minister has been fired or reassigned. It seems that Mobutu-style governance, in which no one glimpsed power long enough to become a serious rival, is a thing of the past.

While there may be a collective interest in building a non-patrimonial state, it is very difficult to take the necessary steps to achieve it.
There are a slew of barriers to building a modern Congolese state. First, the Sun City agreement was the brainchild of Joseph Kabila and his arch-rival Jean-Paul Bemba. Significantly, one of the most important factions in the second civil war, the Rwanda-backed Rassemblement Congolais pour la Démocratie-Goma (RDC-Goma) refused to sign. As a result, conflict continues to plague the eastern part of the country.

Weber defined a state as “a human community that [successfully] claims the monopoly of the legitimate use of physical force within a given territory”. And it is natural to think that a modern state should command a monopoly on violence. Yet this is obviously not the case in the D.R. Congo, where numerous militias remain on the political stage and where, as recently as this year, the major eastern cities of Goma and Lubumbashi were overrun by them. That this situation has persisted since 2002 suggests that the elites who signed the Sun City agreement have decided that they would rather manage the people of eastern D.R. Congo militarily (with the help of the United Nations and, more recently, Malawian, South African and Tanzanian troops), than strive for a more inclusive social contract. Indeed, the use of foreign armed forces to manage internal dissent is disturbingly reminiscent of the Mobutu period. Kabila, it seems, would rather live with aspects of a patrimonial state than do what is necessary to incorporate eastern factions into the rule-based state.

Second, it’s possible that the Sun City agreement will unravel. Jean-Pierre Bemba, the leader of the aforementioned MLC faction and one of four vice-presidents in the transitional government, was arrested for crimes against humanity and deported to Europe in 2008. A successor of his stature has not emerged (Bemba, it should be noted, came second in the presidential election in 2006). Thus, Kabila may be tempted to change the constitution to remove the two-term limit he now faces. Were this to happen, it would be a very bad sign.

Third, Mobutu still casts a long shadow because patrimonial rule left the state with many autonomous power nodes whose loyalty turned on individual deals with the centre. And this legacy manifests itself in disturbing ways: last year, the Congolese government hired an additional 62,000 civil servants. The process was driven by the logic of patrimonialism, as senior members of the civil service extended their networks to bind more clients to them at considerable expense to the broader society; in 2012, the World Bank cancelled a grant initiative because, in collusion with government officials, the
consultants hired to come up with qualified recipients produced a fake list. The concept of "objectively qualified" simply does not make sense in a patrimonial world that runs on the exchange of favours; according to the 2013 African Progress Report (a watchdog group headed by Kofi Annan) the D.R. Congo lost about $1.4 billion—twice the country’s annual education budget—by underpricing sales of mining assets in what was plainly business-as-usual patrimonial deal making.

Arguably, the civil service padding referred to above ranks as a greater threat to nation-building than the outright corruption of the mining deals. And so in this context, Prime Minister Matata’s decision to switch civil servants’ salary payments from cash to electronic bank transfers was significant.

On the face of it, this seems like an innocuous technical reform. In fact, it cuts at the heart of patrimonialism. Under the old system, the people at the top of the civil service got a pile of cash that they distributed to those below them, while keeping a bit for themselves. Their clients, in turn, distributed it to the people below them, keeping a bit for themselves, and so forth. Clients who didn’t show sufficient loyalty were left out of the spoils chain. But with electronic payments, Congolese civil servants will not be getting their wages from their patrons, but from the government.

It is a radical change. The prime minister received threats from military officers, but he did it anyway—and Kabila backed him up. Now he is going after the civil service bonus system, which is so opaque that nobody actually seems to understand it.

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There are reasons for cautious optimism about the future of the D.R. Congo. Congolese society has changed significantly in the 16 years since Mobutu was exiled to Morocco and, for the most part, the changes have nudged the country toward a path on which economic and political development will possible. Much, however, hinges on whether the current political settlement can hold together, and whether Kabila, who is just 42 years old, will step down from the presidency on schedule in 2016. If he does not, it's likely that the Sun City accord will collapse, and that, like Mobutu, those in charge will decide that deals, not rules, are the way forward.

History, alas, does not favour Congolese optimists. As one of my Congolese friends commented on my observation that the constitution stipulates President Kabila must stand down in 2016: "That’s not the logic in this country."
The Democratic Republic of Congo rose one place on the Prosperity Index in 2013, rising to 140th from 141st in 2012. The country improved eighteen places on the Economy sub-index, rising to 118th, the result of an increase in satisfaction with living standards and perceptions of the job market. Conversely the country fell eighteen places on the Personal Freedom sub-index to 128th. This was caused by a decrease in tolerance for ethnicities and immigrants.