

# ***PUBLIC SERVICE DELIVERY IN THE DEMOCRATIC REPUBLIC OF THE CONGO: AN OVERVIEW OF LEADERSHIP, GOVERNANCE AND PUBLIC POLICY INTERROGATION***

*M.M. Tshiyoyo  
School of Public Management and Administration  
University of Pretoria*

## **ABSTRACT**

**T**his article examines the problem of public service delivery in the Democratic Republic of the Congo (DRC). It uses a case study approach of the Congolese Customs Office 'OFIDA' (*Office des Douanes et Accises*) as an explication of the issue. The article further explores policy interpolations in an attempt to find the extent to which exigencies of the end product of service delivery can be addressed in a public organisation such as OFIDA within the triangulation of Leadership, Governance and Public Policy. The article critically examines the performance of OFIDA within the context of administrative governance imperatives, while at the same time, focusing on its ability to provide customs service in the DRC and its ability to gather budgetary funds for the support of government's activities. This article posits that an intellectual and organisational triangulation of policy provisions can provide the vital stimulus for leadership in the DRC which will focus on the tangential hinge of governance and public policy.

## **INTRODUCTION**

**P**ublic service delivery remains a challenge in most countries across the world particularly in Africa. The challenges may include factors such as socio-economic crises e.g. lack of effective public institutions, non diversification of sectors to generate funds for supporting government activities. The last factor is considerable for the sake of this article as many African countries dispose of abundant resources, but yet they cannot effectively capitalise them in order to deliver improved services to their respective communities. The Democratic Republic of the Congo (DRC) is not an exception. In spite of

the abundant natural resources, the country is not able to gather sufficient funds to support government activities. This article is compiled from a study in progress that examines the impact of administrative leadership on public service delivery in a developing country such as the Democratic Republic of the Congo. The article uses a case study approach of the Congolese Customs Office 'OFIDA' (Office *des Douanes et Accises*) as an explication of the issue. The article further explores policy interpolations in an attempt to find the extent to which exigencies of the end product of service delivery can be addressed in a public organisation such as OFIDA within the triangulation of leadership, governance and public policy. The article critically examines the performance of OFIDA within the context of administrative imperatives, while at the same time, focusing on its ability to provide customs service in the DRC and its ability to gather budgetary funds for the support of government's activities. For instance, customs administration is one of the sectors that play a significant role in the Congolese economy, but despite its substantial function customs services have not been developed to play a more economic role.

Due (1970:181-182) stresses that in the earliest years of development, with virtually no domestic production, barring subsistence agriculture and output of extractive industries for export, customs duties constituted the only suitable form of indirect taxation. Few countries in the world remain in this situation today, but some have experienced so little development that duties appropriately remain the major means of indirect tax. As domestic production develops, customs duties (but, initially, not necessarily collection of taxes at the time of importation) lose their advantages and their acceptability as the primary source of revenue. Import substitution reduces the revenue from the duties and their equity. At the same time duties artificially encourage import substitution beyond that desired for development. A failure to supplement or partly replace duties by domestic indirect taxes will not only sacrifice tax revenue but cause a serious decline in the efficiency of the use of resources, with inefficient small-scale enterprises developing in fields in which the country has a severe competitive disadvantage. For instance, customs administrations are expected to raise substantial revenue, provide domestic producers with protection, provide supply chain security, prevent the importation of prohibited or unsafe imports (for example, illegal weapons or expired medicines), and combat the trade of narcotics through the implementation of laws and regulations that are in line with WTO (World Trade Organisation) commitments. Customs administrations are expected to accomplish these objectives, both effectively (by achieving them) and efficiently (at the lowest possible cost to the budget and to the trading community) without compromising trade facilitation (De Wulf & Sokol, 2005:5).

Nzongola-Ntalaja (1986:182) states that in most countries of the world, the administrative experience of the last decades has produced substantial evidence that government agencies engaged in the process of delivering services have not always been successful. This is because governments do not always have an adequate capacity to deliver services. To become more effective, improved delivery of services can be obtained by conscious decisions, policies, and organisations aimed at altering the situation. Nevertheless, Maas and Fox (1997:4-5) argue that an entrepreneurial institution is an innovative organisation. This is especially necessary in the public sector because

the public service, as a whole, is bound to encounter greater competition and will face new challenges. It is, in this instance, that there is an apparent need for OFIDA to thrive in providing services that are accurate and also operate in an efficacious way. This can only be achieved if OFIDA establishes adequate organisational structures and dispose of a strong leadership that will put in place efficient management systems and acquaint the organisation to new ways of doing things. To render excellent services, OFIDA will also need to adopt new technologies and procedures or revise the existing system and also dispose of unproductive personnel.

## **CRITICAL ELEMENTS IN PUBLIC SERVICE DELIVERY**

In order for a public institution such as OFIDA to become effective and even more effective in the provision of services it needs to be transformed and reformed looking at the global trends but focusing on their local context. This will require a consideration of the following elements: leadership, governance and strategic planning which enhance the organisational ability to innovate, find creative and new ways of performing public sector functions.

Leadership plays a significant role in any organisation and this role is consistently needed particularly in the context of public organisations. For instance, De Wulf and Sokol (2005:74) state that a firm commitment at the highest political level to maintaining a high standard of integrity throughout customs is particularly important in societies where corruption is a widespread or systemic problem. Effective integrity programmes, therefore require a high level of management support and leadership. Hence, it is important to set up clearly defined supervisory and decision-making structures and obligations. However, Gold-Smith in Hope (2002:87-96) states that good leadership and good governance are imperatives in Africa because they would provide the means and represent the realm through which effective policies can be implemented in the national interest. It should be quite well understood that a well-functioning bureaucracy can help to improve the efficiency with which resources are allocated and promote growth and poverty reduction by providing sound policy input and delivering critical public goods and services in a cost-effective manner (Gardner, 1990:1).

In addressing the delivery of end services at the Congolese Customs and Excises Office 'OFIDA', sound leadership is needed. This is critical because of leaders' aptitude to come up with informed decisions, to provide guidance and direction, to enlarge the institution's mission, vision, and values; to communicate these to all members of the organisation; and to optimise the behaviour of all organisational components and systems which will bring about effectiveness and thus, enhance the provision of services for the betterment of all.

To enhance the role of OFIDA in the Congolese economy, leaders can serve an important function as shapers and co-ordinators; leaders can also cause changes in structures as well as work processes in order to allow the Congolese Customs Office to function in a way that promotes operational coherence. This is because they are in a position to ensure that the various systems within OFIDA are mutually enabling and each system operates in a way that supports the performance of the organisation as a

whole. Beyond ensuring that the systems work co-operatively, leaders are also able to ensure that the joint effort of the management systems supports a commonly held vision of the achievement of the organisation's missions, goals, and objectives. But even leaders will not be able to attain results efficiently without adequate policies. In order to address the provision of end products at OFIDA, policies must be formulated with the aim of strengthening the structures of the organisation so that they can meet the organisational goals. In turn, the organisation will be able to play its meaningful role within the Congolese economy. It is in this instance that it is posited that the end product of service delivery can only be addressed within the triangulation of leadership, governance and public policy. Thus, the article posits that an intellectual and organisational triangulation of policy provisions can provide the vital stimulus for leaders in the DRC to focus on the tangential hinge of governance and public policy.

Strategic decisions are essentially concerned with: the long-term direction of the organisation, as opposed to day-to-day management issues; defining the scope of the organisation's activities in terms of what it will and will not do; matching the activities of the organisation to the environment in which it operates, to optimise opportunities and minimise threats, and matching the organization's activities to its resource capacity, be it finance, manpower, technology or skill levels. In this context, strategic management can play a meaningful role within OFIDA and will assist the organisation to adapt and cope with changes that occur in the current changing environment. To this end, it is the responsibility of decision-makers and particularly the management of OFIDA to exercise their utmost discretion in transforming this institution so that it can become entrepreneurial in nature and cherish excellence in the provision of customs services. To achieve this, it is essential for OFIDA to develop a strong and effective leadership which will abide to the principles of good governance and establish a reliable strategic management system. To this end, it is argued once again that an intellectual and organisational triangulation of policy provisions can provide the vital stimulus needed for the establishment of responsible leaders that will assist OFIDA to attain its objectives in the Democratic Republic of the Congo.

## **CUSTOMS SERVICES IN THE ECONOMY**

**I**n the Democratic Republic of the Congo, OFIDA was established, not only, for the purpose of collecting customs duties, but it was also mandated to ensure that trades and exchanges take place within the framework of established policies, rules and regulations, and that goods pass rapidly through customs to their destinations. OFIDA also plays a significant role in the maintenance of primary trade statistics, the administration of customs tariffs and laws which have key implications in the administration of other taxes and the whole economy. Nevertheless, the mission of OFIDA can be grouped into two categories, namely: A fiscal mission and an economic mission. In sum, the missions of OFIDA consist of: collecting duties and taxes on imports and exports; collecting excises duties; controlling borders; investigating offences pertaining to customs, excises and other related policies; training personnel in line with modern techniques of management; protecting the national economic space; and producing customs and excises statistics.

The magnitude of customs revenue in the economy of a developing country such as the Democratic Republic of the Congo cannot be negated. This is because of the extraversion nature of its economy. For example, between 1989 and 1990, customs revenues have contributed for more than 30% of the overall income of the Congolese government. This was estimated to approximately 400 million US dollars each year (Thambwe-Mwamba, 1996:20). Between 1995 and 1997, customs revenue alone contributed for 38,1%, in 1995; 33,3% in 1996; and 36,5% in 1997. In terms of public budgetary income, this represents approximately one half of the contribution of all the other sectors of the economy together. With an average of 35% each year from 1995 to 1997, customs revenue contributed significantly to the government revenue (Central Bank of the Congo, 2005). This sustains the belief that customs revenue can provide the necessary funds to finance economic development and growth in the country. Customs revenue can transform the determinants of economic development and thus provide resources for the support of governmental actions. However, although customs revenue contributes substantially to the budgetary income, it is essential to note that OFIDA is not yet realising its full potential. As soon as OFIDA is able to function to its full potential, it will grant the government the opportunity to steer away from its reliance on aid and loans from international donors and therefore concentrate on its local sources before requesting external financial assistance. This will assist the country to become more financially independent and then create an environment that attracts investments, revitalizes the economy and enhances the welfare of its citizens. In this context, it is imperative for the government to revitalise customs services and allow OFIDA to develop and improve its activities so that it can play a more consistent role in the Congolese economy. This will enable government to uphold the means to effectively support the reconstruction programmes that are supposed to be taking place in the country.

In spite of its substantial contribution to the Congolese economy, OFIDA is still faced with numerous challenges. The major ones are those related to the evasion of customs duties and those imposed by the aggression the country is suffering from the neighbouring countries: Rwanda and Uganda. The evasion concerns mainly the fraudulent practices that weaken the effectiveness of customs administration. In the DRC, customs duties evasion occurs mostly throughout the following practices: misclassification, understating the value of goods, misstatement of country of origin and smuggling. In this context, customs and fiscal frauds are becoming accepted activities of business people and customs agents in the country, particularly at the ports of entry. On the other hand, the aggression is impacting negatively on the DRC's prospects of revitalising its political and socio-economic structures. Furthermore, it is paralysing government institutions. OFIDA is not an exception. Consequently, peace and political stability need to be restored in the DRC.

After peace and stability are re-established, OFIDA should strive to address the evasion of customs duties. As a result, OFIDA will be able to play its meaningful role in the Congolese economy and sustain the government in creating a business friendly environment. In order for OFIDA to become effective and more efficient in the provision of services there is a need of instilling reform and transformation within the organisation. This will require a thorough consideration of the role played by leaders and public policy in

allowing an organisation such as OFIDA to meet the administrative governance imperatives in the Democratic Republic of the Congo. Given that OFIDA operates in an environment where corruption is a widespread and a systemic problem, leaders can assist in providing clearly defined supervisory and decision-making structures and furthermore, instil a culture of high performance within the organisation in order to increase the level of the output.

## OFIDA 'S ROLE IN PROVISION OF CUSTOMS SERVICES

The performance of OFIDA in the provision of customs services can only be measured in line with the institution's ability to achieve its fiscal and economic missions. This article relies therefore on the findings on an interview questionnaire that was conducted in 2005 with the customs agents at the Head Office of OFIDA located in the area of Gombe in Kinshasa, the capital city of the Democratic Republic of the Congo. For the purpose of this interview-questionnaire, members were selected from different divisions thus within the General Delegation Department, the Administrative and Financial Department, and in the Technical Department. In total, the following 10 divisions were selected: the Legal Division, the Division of Research, the Division of Customs, the Division of Excises, the Division of Information Technology, the Division of Internal Audit, the Division of Revenues, the Division of Personnel, the Division of General Services and the Division of Legal Matters.

The report of the findings reveals that the majority of employees at OFIDA acknowledge that they understand the aim of their organisation, although the majority of respondents are of the view that they were not involved in the process of revising procedures and standards of services. They have also indicated that they know what OFIDA and its customers expect from them.

The commitment of OFIDA in improving the provision of customs services is shown in the responses of the majority (84,4%) of employees who believe that management does formally meet, on a regular basis, in order to discuss strategic issues and propose solutions that will be cascaded to employees for implementation. This demonstrates that the management of the organisation is conscious of the changes that are taking place in the realm of international trade and exchanges. It is critical for officials at this institution to remain innovative and creative by coming up with strategic decisions that will continue enhancing the operations of OFIDA and allow it to align with international standards and norms. Lastly, the majority (87,5%) of respondents believe that OFIDA plays a meaningful role in the expansion of the Congolese economy, and it also supports effectively, governmental activities in the country. On the same note, the majority (84,6%) of respondents were of the opinion that OFIDA provides excellent services to the community. To this end, one can assume that OFIDA achieves its mandate, as all employees have acknowledged its performance in doing so. This favourable view should not be taken for granted. It is essential for OFIDA to continue raising the standard of services in order to become more and more competitive, and then, realise its full potential. It is only then that efforts can be concentrated towards reforming the institution to focus more on its economic role in order to sustain regional integration particularly in the SADC region.

## **RECOMMENDATIONS**

In the current situation, the major issues that need to be considered in improving and developing customs services delivery are as follow:

### **Legislation**

Masango (2000:63) states that the manner in which public institutions conduct their activities is determined by public policy. In order to ensure that public institutions deliver services efficiently and effectively, relevant legislation should be enacted and enforced. Considering the changes that have taken place in international trade and exchanges, the Decree (Decree of January 29, 1949 which was amended by the Ordinance Number 33/9 of 6 January 1950) became obsolete and therefore did not fit the customs' reality in the DRC. To address customs service delivery, policy makers should not only revise the Decree but consistently come up with legislation that responds to the current needs of customs administration in the DRC.

### **Communication and participation in decision-making**

Masango (2000:66) argues that it is necessary to involve employees at all stages of the programme. This will contribute towards ensuring that employees perceive the process as fair and democratic; do not become defensive and resist the implementation of the programme; and develop a greater commitment with respect to the fulfilment of their respective roles. Thus, in order to develop and improve the procedures and standards of customs services, it is essential for OFIDA to ensure that employees participate in the policy formulation process. This will contribute to supporting those policies during the implementation phase. It is also essential to establish good communication systems.

### **Training and inducement**

OFIDA should evaluate its staff on a regular basis and train those who require training. This will assist in raising the standard of service and allow employees to cope with changes that are taking place. Beyond training, customs agents need to be motivated by competitive salaries and incentives which will give them satisfaction in their work. In this context, leaders should be concerned with the amelioration of work conditions and also the creation of an enabling environment for the organisation to render excellent services.

### **Decentralisation and delegation of responsibility**

The DRC is the third largest country on the African continent. The capital city, Kinshasa, is not in the centre of the country, this has resulted in the central services being un-centred. In the context of customs services, administering such services makes the liaison between the central and external services complex and presents many challenges. Under these

circumstances, it is critical for the management of OFIDA to decentralise its functions and establish a strong culture of delegation in order to enable regional headquarters to have a fair degree of autonomy and delegated powers so that they can speedily respond to the needs and expectations of their respective communities. They are closer to these communities and therefore can better understand their major concerns.

## **Logistics**

Considering the size of the DRC, the lack of adequate logistics as well as the persistence of the war of aggression from neighbouring countries in the eastern part of the country has weakened OFIDA's ability to play one of its roles which is to protect and control the country's borders. To address this situation, OFIDA should strengthen its offices around the country by acquiring adequate logistics and equipment that can be used according to the needs of specific locations. This will assist OFIDA to not only prevent fraud and smuggling, but it will also play a key role in fighting customs contraband, trans-national corruption and cross-border crime.

## **Information technology**

Compared to other customs administrations on the continent, OFIDA is far behind in terms of the use of information technology. Information technology is a critical tool in the provision of services in the 21<sup>st</sup> century. It is imperative for every country to take advantage of the use of electronic data processing systems. Information technology will assist to OFIDA to first, simplify and harmonise customs procedures and facilitate trade. Secondly, IT will assist in alleviating if not eradicating the opportunities for fraud. OFIDA should emphasize the use of information technology to support operations where IT is cost-effective and efficient for both, customs agents and traders.

## **CONCLUSION**

**P**ublic service delivery is a crucial responsibility of government and its institutions. Hence, the role of the government is concerned mainly with carrying out particular activities in order to correct inconsistencies within society. In the Democratic Republic of the Congo, OFIDA was established not only for the purpose of collecting customs duties, but it was also mandated to ensure that trade and exchanges take place within the framework of established policies, rules and regulations, and that goods pass rapidly through customs to their destinations. Its role is of double nature: both fiscal and economic. This implies that OFIDA plays an essential and encompassing role in the Congolese economy. The magnitude of customs revenue in the Congolese economy is important due to its extraversion nature. In spite of OFIDA's substantial contribution to the Congolese economy, the organisation is not yet realising its full potential. To address the provision of end products at OFIDA and maximise its potential, it is argued that beyond a sound leadership, there is also a need to formulate policies that will aim at strengthening



the structures of the organisation in order for them to embrace the modern principles of governance. However, the article insists that the end product of service delivery at OFIDA can only be addressed within the triangulation of leadership, governance and public policy. This confirms that an intellectual and organisational triangulation of policy provisions can provide the vital stimulus for leaders in the DRC which will focus on the tangential hinge of governance and public policy. It is only then that OFIDA will be able to play its meaningful role in the Congolese economy and sustain the government in creating a business friendly environment. This will in turn assist the organisation to shift from a fiscal role and focus more on its economic mission and then promote economic integration in the continent and even on the international level.

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