

# **Post-war Labour Market Reconstruction: The Case of the Democratic Republic of the Congo**

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## DECLARATION

I declare that the thesis I hereby submit to the University of Pretoria is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution. Due efforts have been made to acknowledge and reference all secondary material used.

Signature: .....

September 2020

## DEDICATIONS

To the victims of coronavirus (Covid -19)

To Marie Josée INAKA

## ABSTRACT

The Democratic Republic of Congo experienced a merciless war from 1998 to 2002 that seriously affected its labour market, as it did all other aspects of society. The effects on the labour market have aroused various debates. This thesis offers a first analysis of the reconstruction process of the labour market in post-war Congo, and of the roles that key actors involved played in it. It asks the following fundamental question: what are the processes involved in the reconstruction of the post-war Congolese labour market, and how did the main actors affect these processes?

The research used a constructivist methodological approach and the extended case method to collect detailed data through field interviews conducted with 109 people in Kinshasa. The data suggest that the past of the Congolese labour market is clearly visible in its post-war recovery processes (2003–2018). While the past weighed heavily on the present, from 2003 to 2011 the Congolese government nevertheless delayed the implementation of reform policies aimed at achieving a functioning labour market. Reforms introduced since then have been blunted by poor implementation processes. Moreover, the inherent weakness of Congo's labour market institutions deepened the lack of impact of the reconstruction attempts. Likewise, the private sector did not contribute substantially to efforts at creating an effective labour market. Entering this landscape, many Congolese employees struggled to achieve integration into the formal labour market. The main argument of this thesis is that the post-war Congolese labour market has experienced an extended reconstruction due to delayed and poorly implemented labour market policies. On a more positive note, this study demonstrates the usefulness of Peck's theory of labour market social regulation as an efficient theoretical tool in evaluating a problematic transition such as that experienced in the Democratic Republic of Congo.

**Keywords:** post-war labour market reconstruction; Democratic Republic of the Congo; labour market institution; state; international system; Peck's theory of social regulation

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## LIST OF ACRONYMS

AACP	Anglo-American Council on Productivity
ABIR	Anglo-Belgian India Rubber and Exploring
ACP	<i>Agence Congolaise de Presse</i> (Congoese Governmental Press Agency)
AFDL	<i>Alliance des Forces Démocratiques pour la Libération du Congo</i> (Alliance of Democratic Forces for the Liberation of Congo)
AFL	American Federation of Labor
ANAPI	<i>Agence Nationale pour la Promotion des Investissements</i> (National Agency for the Promotion of Investments)
ANC	<i>Armée Nationale Congolaise</i> (Congoese National Army)
ANEZA	<i>Association Nationale des Entreprises du Zaïre</i> (National Association of Zairian Enterprises)
ANR	<i>Agence Nationale des Renseignements</i> (National Intelligence Agency)
APIC	<i>Association de Personnel Indigène de la Colonie</i> (Association of Indigenous Personnel of the Colony)
APIPO	<i>Association des Postiers de la Province Orientale</i> (Oriental Province's Native Postmen's Association)
ATC	<i>Alliance des Travailleurs du Congo</i> (Alliance of the Congoese Workers)
BIAC	<i>Banque International de l'Afrique Centrale</i> (International Bank of Central Africa)
BLS	Bureau of Labor Statistics, United States Department of Labor
CBT	Belgian Technical Cooperation

CDT	<i>Confédération Démocratique du Travail</i> (Democratic Confederation of Labour)
CGSA	<i>Confédération Générale des Syndicats Autonome</i> (General Confederation of Autonomous Unions)
CIAT	<i>Comité International d'Accompagnement de la Transition</i> (International Committee in Support of the Transition)
CIPRAP	<i>Commission Interministérielle de Pilotage de la Réforme de l'Administration Publique</i> (Interdepartmental Steering Committee for the Reforms of the Public Administration)
CNSS	<i>Caisse Nationale de Sécurité Sociale</i> (National Social Security Fund)
CNT	<i>Conseil National du Travail</i> (National Council of Labour)
CSG	<i>Confédération Syndicale du Congo</i> (Congolese Trade Unions Confederation)
CSGA	<i>Confédération Générale des Syndicats autonomes du Congo</i> (Congolese General Confederation of Autonomous Trade Unions)
CTB	<i>Coopération Technique Belge</i> (Belgian Technical Cooperation)
DG	Director General
DGI	<i>Direction Générale des Impôts</i> (Directorate-General for Taxation)
DGRK	<i>Direction Générale des Recettes de Kinshasa</i> (General Directorate of Revenue Collections of Kinshasa)
DRC	Democratic Republic of Congo
ECA	Economic Cooperation Administration, United States of America
ECM	Extended case method
EDUCAT	<i>Éducation au Katanga</i> (Education in Katanga)
ERPTUAC	European Recovery Programme Trade Union Advisor Committee

FAO	Food and Agriculture Organisation, United Nations
FARDC	<i>Forces Armées de la République Démocratique du Congo</i> (Armed Forces of the DR Congo)
FEC	<i>Fédération des Entreprises du Congo</i> (Congolese Business Federation)
FGTK	<i>Fédération Générale du Travail du Kongo</i> (General Federation of Labour of Kongo)
FLNC	<i>Front pour la Libération Nationale du Congo</i> (Front for the National Liberation of Congo)
FOSYCO	<i>Force Syndicale du Congo</i> (Congolese Union Force)
GIZ	German Society for International Cooperation
IBTP	<i>Institut des Bâtiments et des Travaux Publics</i> (Building and Public Works Institute)
ILO	International Labour Organisation
IMF	International Monetary Fund
INPP	<i>Institut National Préparation Professionnelle</i> (National Institute of Vocational Training)
IRCA	International Railways of Central America
JICA	Japan International Cooperation Agency
MLC	<i>Mouvement pour la Libération du Congo</i> (Movement for the Liberation of Congo)
MONUC	<i>Mission des Nations-Unies au Congo</i> (Mission of the United Nations in Congo)

MONUSCO	<i>Mission de l'Organisation des Nations Unies pour la Stabilisation en République Démocratique du Congo</i> (United Nations Organisation Stabilization Mission in the DR Congo)
MPR	<i>Mouvement Populaire de la Révolution</i> (Popular Movement of the Revolution)
NGO	Non-governmental organisation
OEEC	Organisation for European Economic Cooperation
ONEM	<i>Office National de l'Emploi</i> (National Employment Office)
ONUC	<i>Opération des Nations Unies au Congo</i> (United Nations Operation in the Congo)
OTUC	<i>Organisation des Travailleurs Unis du Congo</i> (Congolese Organisation of United Workers)
PPRD	<i>Parti du Peuple pour la Reconstruction et la Démocratie</i> (People's Party for Reconstruction and Democracy)
RCD	<i>Rassemblement Congolais pour la Démocratie</i> (Congolese Rally for Democracy)
SADC	Southern African Development Community
SAP	Structural Adjustment Programme
SENEM	<i>Service National de l'Emploi</i> (National Employment Service)
SIAP	<i>Syndicats Indépendants de l'Administration Publique</i> (Independent Unions of the Public Administration)
SNEL	<i>Société Nationale d'Électricité</i> (National Electric Company)
SOPA	<i>Solidarité Ouvrière et Paysanne</i> (Worker and Peasant Solidarity)
TOE	<i>Les travaux d'ordre éducatif</i>
UFCO	United Fruit Company

UMHK	<i>Union Minière du Haut-Katanga</i> (Mining Union of the Upper-Katanga)
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations Refugee Agency
UNICEF	United Nations Children's Fund
UNTC	<i>Union Nationale des Travailleurs du Congo</i> (National Union of the Workers of the Congo)
UNTZA	<i>Union Nationale des Travailleurs du Zaïre</i> (Zairian National Union of Workers)
US	United States of America
WWI	World War I
WWII	World War II

# CHAPTER ONE: WAR AND THE CONGOLESE LABOUR MARKET

## 1.1 Embarking on this Study

I returned to Kinshasa in the Democratic Republic of Congo (DRC) in July 2003 after obtaining an honour's degree in sociology from the University of Bangui in the Central African Republic. I headed home hoping to find a good job. I had been made aware that the process of rebuilding after the 1998–2002 war would possibly create job opportunities. I did not realise, however, that I returned home as Kinshasa entered a six-year period of high unemployment (2003–2008). Additional adverse factors affecting my chances getting a job were clientelism, ethnicity, corruption, and the politicisation of the Congolese labour market, aggravated by a limited need for sociologists. In 2004, I was advised to do a Master's in human rights and governance at the University of Kinshasa as this would open up more job opportunities in the international organisations based in the capital. And yet, despite completing the Master's, accessing such a job proved to be uphill work. I was not sufficiently proficient in English and did not have the work experience the companies required. In short, my credentials did not help me, until 2008, when I became a public servant.

During this time, I observed many other Congolese graduates facing unemployment and neglect. A disproportionately large number of applicants responded to job advertisements. For instance, when in 2009 the Higher Council of the Magistracy advertised 500 positions, more than 13,000 Bachelor of Law graduates, all under 40 years of age, submitted applications (Radio Okapi 2009). Similarly, there were 19,000 applications for positions advertised by Kinshasa's *Direction Générale des Recettes de Kinshasa* (General Directorate of Revenue Collections, DGRK) in 2008. Only 1,000 people were offered a job, and I considered myself fortunate to be among those.

As a civil servant, I was to receive a monthly salary of US\$150. However, I was not paid for several months. Although my co-workers and I suffered many trials and tribulations, we were unable to claim our labour rights. Some of my colleagues tried to strike, but were threatened, arrested, tortured, and even dismissed. Those who remained bulked up their meagre salaries through the embezzlement of funds and other corrupt

practices. In October 2013, at my father's funeral in Kinshasa, I asked a colleague how he managed to own cars and a house when we earned similar salaries. He stated frankly:

Saint Joe Inaka, you know, while we were looking to build networks with our senior authorities, who were former subordinates of your late father, you spent your time in libraries reading books. You have a surname, but you don't want to use it.

As unemployment and underpayment lead to poverty, both the unemployed and employed in Kinshasa resorted to the informal economy as a survival strategy. I have thus worked as an informal Master of Ceremonies, driver, journalist, data collector, and translator for Western researchers and fashion designers. Still, these informal jobs did not cover address my economic needs. I suffered the social stigma of being in my late 30s, single, poor, and living in my parents' house. I was the living face of a distorted labour market.

While many Congolese shared experiences similar to mine, I needed, as a sociologist and civil servant, to understand why the actions taken by the Congolese state did not restore the labour market. I was aware of the pre-existing and present complexities, paradoxes, and contradictions that marked the post-war Congolese labour market. It was those realities that led me to examine the processes of post-war labour market reconstruction and the contributions of key actors in these processes since 2003.

## **1.2 Research Problem Statement**

Between 1996 and 1997 and from 1998 to 2002, the DRC was plagued by violent conflicts (Larmer *et al.* 2013). The war of 1998–2002 was the bloodiest (Nzongola-Ntalaja 2004) — termed 'Africa's World War' (Prunier 2008) or the 'Great African War' (Reyntjens 2009: 44) — as several African countries intervened for or against the forces of DRC President Laurent Désiré Kabila (Renton *et al.* 2007: 202). This war resulted in the deaths of over three million Congolese and was described by Turner (2013: 2) as one of the 'deadliest conflicts since World War II'. It also damaged the Congolese socio-cultural, economic, and political landscape (Ngolet 2011). Much of the country's infrastructure, particularly roads and industries, was destroyed (Diallo *et al.* 2012).

As the Congolese situation worsened, the international community helped Congo's enemies to end the conflict and a peace agreement was signed in Pretoria in December 2002. After the war, state institutions remained weak and corrupt (Trefon 2010). Public institutions — the police and the army (Cox 2012), but also the entire public administration — became highly politicised and paid allegiance to politicians and their cronies (Trefon 2011: 90).

These post-war realities negatively affected the Congolese labour market and the employment environment. The latter was marked by a lack of meritocracy in recruitment and promotion (Trefon 2011: 91), unfair labour relations, and low wages (Inaka and Trapido 2015: 151). There were also barriers to women's entry into the labour market, sexual harassment, and many other forms of discrimination (Turner 2013).

From 1990 to 2018, the United Nations Development Programme's Human Development Index ranked the DRC as one of the poorest countries in the world (United Nations Development Programme 2018). Unemployment was very high, sitting at more than 80% of the economically active population (Kankwanda *et al.* 2014). In 2015, more than 80% of economically active Congolese worked in the informal sector (Office National de l'Emploi 2015: 13). Opportunities for formal employment were limited to non-governmental organisations (NGOs), international institutions, and a few private companies that invested in the DRC. These were the preferred employment sectors for DRC residents because they offered more attractive salary packages than the public sector (Freund 2012: 908).

Post-war unemployment, the brain drain, poverty, and inequality are popular topics of discussion among Congolese politicians, academics, journalists, civil society actors, and ordinary citizens. These debates become much more intense when one attempts to explore why, despite investment by private foreign companies, massive unemployment persists. A related question is why, despite its huge potential and abundant natural resources, the DRC remains among the poorest countries in the world, with mass unemployment (Ngolet 2011: 240). The questions that thus drive this thesis concern the reconstruction of the Congolese labour market and the actions taken by actors involved in this sphere.

### 1.3 Research Context

Formerly known as Zaïre, the DRC is located in Central Africa and borders nine countries, namely (clockwise from the north-west) the Central African Republic, South Sudan, Uganda, Rwanda, Burundi, Tanzania, Zambia, Angola, the Republic of the Congo. To the west it adjoins the Atlantic Ocean (Mwanza 2014 ). After Algeria, the DRC is the second-largest country in Africa, occupying approximately 2,345,408 square kilometres (World Bank 2018). In 2018 its population was estimated to be over 89 million people (IMF 2019).

The DRC has roughly 80 million hectares of arable soil and should have great agrarian potential (Rusembuka 2015). It should be able to provide food for over 1 billion people and contribute significantly to economic growth in Africa (Food and Agriculture Organization 2017: 1). The Congo Basin holds the second largest rainforest in the world, after the Amazon, and more than 45% of Africa's forests (Counsell 2006: 7). The rainforest is crossed by the Congo River that, with a flow rate of 42,000 cubic meters per second (Green *et al.* 2015: 135), is the second most powerful in the world. The Inga Falls on the Congo River have the potential to produce sufficient electricity to supply the whole continent (Green *et al.* 2015).

The DRC also boasts greater mineral wealth than most countries in the world. Its subsoil is rich in gold, copper, diamonds, tin, tungsten, cobalt, and tantalum (Broodryk and Solomon 2010). It possess the world's largest reserves of rare metals such as cobalt (IMF 2018: 60), and is an important supplier of (smuggled) coltan (Montague 2002; Nest 2011).

Despite this vast potential and wealth, Congolese citizens are among the poorest in the world, and the country is plagued by insecurity, human rights violations, poverty, hunger, disease, and unemployment (Kohli *et al.* 2017: 2). More than 80% of Congolese live on less than US\$2 a day (IMF 2019).

Researchers locate 'the Congolese tragedy' in a number of places. Some point to its long history of overlapping wars, political instability, and/or bad governance (Collier and Sambanis 2005; Reyntjens 2009). Others mention international conspiracies (Collier and Hoeffler 2004), economic mismanagement (Kambuya 2011), corruption (Muzong 2008), ethnicity, kleptocracy, and plunder (Renton *et al.* 2007). Still others

point to broader issues: poor political leadership (Haskin 2005) or neo-colonialism (Vanthemsche 2012). The economic consequences of all this are reflected in the country's GDP per capita, currently standing at US\$230. Such a low GDP has a direct effect on the level of economic freedom of Congolese citizens, expressed by the fact that the country's business climate is ranked at nearly the lowest position in the world (180 out of 190) (Doing Business 2019).

The Congo has survived a complex political history marked by wars, violence, tyranny, plundering, and kleptocracy since it achieved independence on 30 June 1960. The first president of the independent country of Congo was Joseph Kasa-Vubu (1960–1965). Yet a number of wars and secessions led to total chaos (Ndaywel 1997). Mobutu Sese Seko succeeded Kasa-Vubu, in 1965 and governed Zaïre for thirty-two years until 1997. He ruled by tyranny, kleptocracy, and corruption, further contributing to the failure of the state (Reybrouck 2014). Mobutu was forced from power by Laurent Désiré Kabila after a war (1996–1997) in which Kabila's rebel forces were backed by Rwanda and Uganda. However, Congo's nightmare continued in a similar vein under Kabila until he was assassinated on 16 January 2001 in the middle of yet another war (1998–2002). Also in this war a number of Congo's neighbours were involved; peace was brokered in 2002 through the Pretoria Accord. A transition period (2003–2006) grounded in power-sharing among the former protagonists followed.

The reconstruction of the Congolese labour market officially began in the context of power-sharing. The transition ended with the election of Joseph Kabila (son of Laurent Kabila) as president in 2006, re-elected in 2011 (Inaka 2016). Joseph Kabila set up a political regime characterised by clientelism, the violation of law, a lack of democracy, and a basic incapacity to satisfy people's needs (Berwouts and Reyntjens 2019). In late 2018 new presidential elections were held and, after much controversy, Félix Tshisekedi was announced as the newly 'elected' Congolese president in January 2019. Many were of the opinion, however, that the elections were held under fraudulent conditions:

Félix Tshisekedi was declared the winner of an unlikely electoral coup d'état based on manipulated results and an unexpected alliance. In reality, he obtained less than a third of the votes of his main competitor Martin Fayulu. ... The regime approached the Tshisekedi camp and offered their candidate the presidency to avoid power falling into the hands of Fayulu,

... This scenario allowed Kabila's [*Front commun pour le Congo* (Common Front for Congo Coalition, FCC)] to remain in control, in combination with its overwhelming victory in the parliamentary and provincial elections which were held under the same fraudulent conditions as the presidential poll. This also meant that Kabila would remain at the centre of the parallel networks which have governed the country since Mobutu's days (Berwouts and Reyntjens 2019: 2).

Meanwhile, since 2008, rebellions and massacres have occurred in the country (Arnould and Vlassenroot 2018). In addition, the DRC has been dubbed the 'rape capital of the world' due to the high prevalence of sexual violence against women (Marks 2015). It is within this socioeconomic and political setting that the Congolese labour market has been (re)shaped during and since the period of the transition (2003–2006).

#### **1.4 Aims and Objectives of the Study**

The main objective of the study is to understand the role that a range of actors — the Congolese state, labour market institutions, employers, employees, and non-market actors — played in the reconstruction of the post-war Congolese labour market.

This broad objective is supported by four specific objectives:

1. To examine the role of the Congolese state in the reconstruction processes of the post-war labour market.
2. To understand the contribution of labour market institutions to the reconstruction of the post-war labour market.
3. To analyse the participation of the private sector in the remaking of the labour market.
4. To understand the experiences of Congolese employees (specifically those employed by companies owned by Indian, South African, and Chinese capital) in finding job positions in this reconstructing labour market.

## 1.5 Research Questions

Drawing on these objectives, the study poses the following specific research question: what are the processes involved in the reconstruction of the Congolese labour market after the 1998–2002 war, and how have the main actors affected these processes?

The specific research questions are:

1. What actions has the Congolese state taken to facilitate the reconstruction of the labour market?
2. What are the roles and impacts of labour market institutions in the labour market reconstruction?
3. How has the private sector contributed to the reconstruction of the labour market?
4. How do employees in the private sector experience labour insertion, focusing particularly on the construction, telecommunications, and retail sectors?

## 1.6 Thesis Arguments

The main argument of this thesis addresses the main research question posed on processes of post-war labour market reconstruction. After three decades of disruption before and during war, the Congolese labour market has been undergoing long-lasting reconstruction, which started in the post-war period (since 2003), marked by delays and/or poor implementation of labour market policies. Using Peck's theory of the social regulation of the labour market, I suggest that dynamics of the international system, of local politics and governance, and of conflicting interests between the actors involved in the labour market negatively shaped post-war labour market reconstruction processes. This broad argument is supported by the following subordinate arguments.

The first subordinate argument is that the history of the Congolese labour market has a direct bearing on the current situation, with both continuities from and ruptures with the past. During the colonial period (1885–1960), a discriminatory labour market was officially regulated through legislation and decrees. I suggest that the changes that have happened through time in terms of political regimes, international system dynamics, and power relations among actors have all influenced the present-day situation in the Congolese labour market.

The second subordinate argument is that the actions of the Congolese state since 2003 have not moved fast enough to facilitate the proposed improvements. I present the evidence to support this argument in Chapter Six. Here I highlight that while the destruction of the DRC labour market lasted from the late 1970s, its process of reconstruction occurred after the 1998–2002 post-war period. I point out that the proposed labour-market reforms were at odds with the power-sharing provisions of the 2003–2006 transitional government. In other words, there was no fit between the projected reforms and the political structures and timeframes initially available. Thus, during the actual post-transition period since 2007, these reforms were often implemented poorly and with a significant lack of speed. I also demonstrate that since 2007 the Congolese state has done little to ameliorate the functioning of the labour market and accelerate its reconstruction.

The third subsidiary argument is addressed in Chapter Seven. Here I demonstrate that the general weakness of existing Congolese labour market institutions makes them incapable of facilitating effective improvements. I examine the difficulties faced by these institutions in reaching their goals and fulfilling their mission. I recognise occasional successes within some institutions, but show that these are insufficient to significantly improve the functioning of the labour market as a whole. I thus contend that the poor functioning of many Congolese labour market institutions renders them unable to fulfil their promise in the labour market reconstruction process.

The fourth ancillary argument of this thesis is that some of the large companies, members of the Congolese Business Federation, do not contribute sufficiently to the reconstruction of the labour market. While they may create some job opportunities, many of them prioritise using their relationship with the Congolese state to their own advantage. The continuation of anti-trade unionism and the collusion between state authorities and some employers maintains the exploitation of employees. Beyond this, non-market actors interfered to usurp the responsibilities of labour market institutions, thereby exacerbating labour market malpractices inherited from the past.

Finally, I maintain that employees — notably in construction, retail, and telecommunications — experience numerous challenges when it comes to finding employment, or ‘labour market insertion’. Chapter Nine suggests that employees in the

private sector located employment through the use of what studies of recruitment refer to as strong (as opposed to weak) social ties among employees. The ways in which private companies go about recruitment contradicts legislation, undermining labour market institutions and their role in reconstructing the labour market.

In light of the foregoing, I assert that the reconstruction of the post-war Congolese labour market has been shaped by a convergence of historical, international, and national factors, and by performance of actors involved in that labour market.

## **1.7 Chapter Outline**

Chapter Two reviews the literature on labour market reconstruction in post-war situations. It demonstrates how the dynamics of the international system are key in shaping labour markets in such settings. It emphasises how during the Cold War the two competing superpowers, the United States and the Soviet Union, were pivotal in the reconstruction of the post-war labour markets of their allies. The chapter then reviews the scholarly debates on labour market reconstruction in the political dynamics of the post-Cold War era. These debates focus on recent causes of wars, the influence of neoliberal ideology, and current trends of post-war labour reform policies. In a next step the chapter analyses empirical studies that deal with post-war labour markets in developing countries. Finally, it identifies aspects and concerns that have not found sufficient attention yet — some of which this thesis intends to address.

Chapter Three justifies the usefulness of concepts such as the labour market, labour market institutions, and state/international systems of power as analytical tools for capturing post-war labour market reconstructions. After a review of the mainstream theoretical paradigms of the labour market — highlighting their merits and demerits in understanding labour market reconstruction — the chapter explains why this study adopts Peck's theory of social regulation of the labour market. It demonstrates Peck's theoretical assumptions and outlines why his approach is a suitable tool for analysing the regulation of the labour market.

Chapter Four demonstrates how a qualitative methodology and a constructivist approach are necessary methodological strategies to analyse the remaking the Congolese labour market and the main actors involved in these processes. These

methods enable an examination of these processes from the perspective of the main actors. The chapter also justifies the use of the extended case method as research tool. It then delineates the research site, the study population and data collection methods. Finally, it explains the practicality of the research instruments, the ethical concerns that marked the fieldwork and the difficulties encountered during the course of the study.

Chapter Five focuses on the historical evolution of the Congolese labour market up to the 1998–2002 war. It traces the form and function of the labour market over the various periods in Congo’s past: the forced labour regime during the era of Leopold II (1885–1908), the dual labour market of the Belgian Congo (1908–1960), the fragmented labour market during the post-independence war (1960–1964), to, finally, the turbulent labour markets of the Mobutu regime (1965–1997) and the Kabila regime (1998–2002). The chapter stresses on processes and actions of stakeholders involved in each of the above labour markets.

Chapter Six analyses how and why actions by the Congolese state did not facilitate an effective post-war labour market reconstruction process. First, the chapter shows that both the transitional power-sharing regime and a legal politicisation of the labour market had negatively affected on its regulation and reconstruction between 2003 to 2006. The chapter then demonstrates that the Congolese state poorly implemented labour market reforms between 2012 until 2018. Finally, it asserts that the state contributed little to the remaking of the labour market remaking since 2006.

Chapter Seven analyses how and why the existing historical and current statistical data of the DRC labour market demonstrate some challenges that labour market face in its reconstruction process. First, the chapter defines the concepts of economically active population, employment, unemployment, underemployment, and informality because there are standard indicators for collecting and analysing data of labour markets. Then it uses these concepts and the existing statistical data of the DRC labour market to give an overview of past and current information on the Congolese workforce participation, employment and unemployment situations, and an implications of unemployment and underemployment on the labour market. It also pays attention at the evolution role and impacts of informal employment in the DRC. Finally, it shows that the DRC labour market has been facing many different challenges before and during its process of

reconstruction. These challenges show how the Congolese state implemented reforms that insufficiently facilitated that process of its post-war labour market reconstruction.

Chapter Eight shows how the contribution of Congolese state institutions to the recovery of the labour market was not only insufficient but also did not move the process forward effectively. The chapter examines the missions and actions of the Department of Employment, Labour, and Social Welfare (Labour Department), the National Council of Labour, the National Agency for the Promotion of Investments, the National Employment Office, the National Institute of Vocational Training, and the National Social Security Fund, and demonstrates their limitations in contributing to post-war labour market reconstruction. Finally, it shows how the encroachment by some non-market actors affected the functioning of the Congolese labour market institutions.

Chapter Nine examines how the Congolese Business Federation sought the pursuit of employers' interests to the detriment of that of their workers, thus hindering the recovery of the labour market to meet the needs and expectations of the workers. After that, the chapter reveals how the Congo is still an anti-trade unionist country with trade unions appearing too weak to defend worker interests and hardly capable of contributing to the progress of the labour market.

Chapter Ten analyses how employees at Indian, South African, and Chinese companies in the telecommunication, retail, and construction sectors experienced their integration into the Congolese labour market. It examines restrictive access to jobs, the weight of outsourcing, unfair hiring practices, and the weakness of the National Employment Office which struggles to play its role of assisting job candidates in recruitment and hiring processes.

Finally, Chapter Eleven concludes the study by reviewing the key arguments. This is followed by a discussion of the theoretical and empirical contributions of the thesis to sociology. The chapter closes by suggesting future avenues for research into post-war labour market reconstruction.

# **CHAPTER TWO: POST-WAR LABOUR MARKET RECONSTRUCTION: A CRITICAL REVIEW OF THE LITERATURE**

## **2.1 Introduction**

This chapter reviews the way in which the literature has analysed processes of post-war labour market reconstruction. I have organised the chapter into three themes in order to highlight the existing scholarly debates.

First, I analyse literature on the history of post-war labour market recovery processes during the Cold War era to demonstrate how both capitalist and communist ideologies had a bearing on these processes. I outline the actions of the key actors, especially the superpowers, and the role of the state in these post-war countries, and how they influenced changes in labour market regimes during the Cold War.

Second, I explore post-Cold War debates on the relationship between post-war labour market reconstruction and the political dynamics of the post-Cold War era. The literature argues that post-Cold war labour market recovery is dependent upon the cause(s) of how the war manifested itself locally, the influence of the neoliberal political and economic ideologies, the ‘type’ of the post-war country, and the actions of local and international actors.

Second, I explore post-Cold War debates on the relationship between post-war labour market reconstruction and the political dynamics of the post-Cold War era. The literature argues that post-Cold War labour market recovery is dependent upon the cause(s) of how the war manifested itself locally, the influence of neoliberal political and economic ideologies, the ‘type’ of country the post-war country is, and the actions of local and international actors. The ‘greedy thesis’ maintains that current wars are caused by the economic agendas of aggressive rebels and are fuelled by unemployment. The ‘grievance thesis’, in contrast, suggests that issues related to identity, religion, race, ethnicity, authoritarianism, socioeconomic inequality, and employment are the main causes of current wars. I then discuss the literature which suggests that the emergence of political and economic neoliberal ideologies shapes current peacebuilding, post-war rebuilding and labour market recovery processes. Here I analyse the debates around the

interventions by international partners in post-war labour markets. I also analyse debates around the new trend of implementing power-sharing provisions in the transition from war to democracy.

Third, I review empirical studies which analyse post-war labour market recoveries in some war-torn developing countries. The key debates in this literature focus on policy reforms in post-war labour market reconstruction; labour supply and labour demand reforms; and reforms of labour market institutions. I draw on this literature to highlight that the dynamics of the international system, the political power and power relations, and the type represented by the post-war country all shape the manner in which that country can reconstruct its labour market. Finally, I explain why social scientists call for more theoretical and empirical research in that field of research.

## **2.2 Labour Market Reconstruction during the Cold War**

This section reviews the literature on post-war labour market reconstruction in war-torn countries during the Cold War era in order to show that labour market reconstruction has evolved according to dynamics in international politics. I thus discuss the two opposing ideological lines, capitalism and communism, that defined the Cold War to see how they impacted on post-war labour market rebuilding in the Congo.

### **2.2.1 The West**

After World War II (WWII), the government of the United States of America (US) (as capitalist superpower), Western states, labour market institutions (companies as well as employers' associations, trade unions and international organisations), non-market actors, and employees were key players in the remaking of labour markets in capitalist countries. Labour market recovery was underpinned by a capitalist approach, one that led to the emergence of new regimes ruling labour markets in these countries. As superpower, the US was directly and indirectly involved in the post-war reconstruction of its allied and client countries (Del Castillo 2008: 23; Sorel *et al.* 2008: 6), a process that has been heavily debated in the literature.

One group of scholars argues that the American government assisted in rebuilding Western Europe after World War II for humanitarian reasons (De Long and Eichengreen 1993: 2–3; Weissman 2013: 112). The second group contends, in contrast,

that the US was driven by the fear of communist expansion, one that would threaten its business interests in allied countries (Ripsman 2007: 172). The third group merged these views by demonstrating that US support varied according to the political and economic interests it held in a particular country (Brockett 2010).

Arguably, after WWII the US assisted European countries to recover economically (Toropov 2000: 123–125; Del Castillo 2008: 23). They set up the European Recovery Program (ERP), also known as the Marshall Plan, which was administered by the American Economic Cooperation Administration (ECA) (Wasser and Dolfman 2005: 44) in collaboration with the Organisation for European Economic Cooperation (OEEC) (Machado 2007: 13). US labour market institutions worked with European governments to implement labour reforms and regulations grounded in Fordist labour regulation and Keynesian principles (Mckenzie 2007: 148).

In addition to its direct involvement in Europe, the US also supported democratic regimes like Japan (Yokoi 2004) and many totalitarian regimes in Asia and Latin America (Nye and Owens 1996: 20; Levitsky and Way 2010: 17), and kleptocratic regimes in Africa, such as Zaïre under Mobutu and Liberia under Samuel Doe (Englebert and Tull 2008: 114). In many cases, the US not only supported but also actively participated in post-war reconstruction in these totalitarian regimes (Brockett 2010: 517). In Guatemala, for instance, the US failed to promote democracy and a US-style labour market, yet supported local labour movements to resist the political elite of President Carlos Castillo Armas as well as the interest of US-based companies, such as the United Fruit Company (UFCO) and the International Railways of Central America (IRCA), which mercilessly exploited employees in Guatemala (Brockett 2010: 522–535). Meanwhile, the US funded the rebuilding of a democratic regime in Japan (Yokoi 2004) but also the militaristic regime in South Korea after the Korean war of 1950s (Webster *et al.* 2008: 34), though without directly influencing these processes.

Regarding power relations between the US and its allies, three overlapping patterns emerge from the literature. The first is centred on US domination, the second on collaboration between post-war states and the US, and the last on resistance to US interference in the labour market reconstruction processes. For instance, the French and Italian governments repelled US domination during the Marshall Plan by setting up their

own labour market reforms (Mckenzie 2007: 148). In response, the US demanded that the French and Italian political elites exclude socialists from serving in government (Machado 2007: 75). In Britain, employers, employees, and labour market institutions also resisted US domination (Clark 2001); similarly, the Guatemalan government resisted US policies on labour movements (Brockett 2010).

Key in post-war labour market reconstructions was the state in post-WWII war countries. Various scholars (e.g. Kwon and O'Donnell 2003; Yokoi 2004; Machado 2007; Mckenzie 2007) demonstrate that state action resulted in changes to labour market regimes. For example, the Japanese government introduced a 'Japanese-style management' labour regime (Forsberg 2000; Yokoi 2004) which was based on consensual collaboration between government, employers, trade unionists and workers (Forsberg 2000: 25). In South Korea the state collaborated with the chaebols (family-owned conglomerates) to set up an authoritarian militaristic labour regime, characterised by anti-trade unionism policies (Kwon and O'Donnell 2003: 1) and militarised industrial relations (Webster *et al.* 2008: 35). In Africa states subjected trade unions and employees to domination by political parties and the state (Britwum 2012).

Labour market institutions (such as private companies, international organisations, and international trade unions) were also key players in the reconstruction of labour markets in capitalist countries after WWII. Private companies, like the chaebols in South Korea (Kwon and O'Donnell 2003), or the UFCO and the IRCA in Guatemala (Brockett 2010), influenced their respective governments to establish labour market policies that facilitated the accumulation of wealth through the super-exploitation of workers. Similarly, the Italian automobile company FIAT conspired with US authorities to thwart the Italian government's labour market policy that would have opposed the American drive towards Fordist and Keynesian labour regimes (Machado 2007: 95; Mckenzie 2007: 148).

The last group of key players in the remaking of post-WWII labour markets were non-market actors. In South Korea, for instance, students and religious groups adopted covert resistance mechanisms (Kwon and O'Donnell 2003: 2) against the authoritarian measures of the political regime that supported chaebol wealth accumulation (Moore

2000: 12). The chaebols exercised ‘despotic labour control’, imposing military-style discipline on workers (Webster *et al.* 2008: 36–42).

Post-war labour reconstruction throughout the Western world was significantly influenced by the communist threat to the political and economic interests of the US, leading the US to intervene in other states, either for humanitarian or economic and geopolitical reasons. Although the sovereign nation states drove the functioning and/or regulation of their own post-war labour markets, there were conflicting power relations amongst the actors involved, such as employers, employees, trade unions, and non-market actors. Overall, recovery of the labour market in Western countries during the Cold War occurred through the interaction of many different actors, on the basis of a capitalist market. The socialist bloc, however, organised labour market reconstruction after the war in a different way.

### **2.2.2 The Soviet Bloc**

The economy of the Soviet Union was severely affected by WWII (Harrison 2002: 165–169). While it was reconstructing its own economy it also assisted its allies in the Soviet Bloc (Harrison 2002) reconstruct their own labour markets (Porket 1995: 7–9). These endeavours were, however, often disrupted by economic embargos initiated by the US, as for example in Cuba and Vietnam.

In Cuba, Fidel Castro ended the country’s economic dependence on the US by aligning with the Soviet Union (Alexander 2002: 175). He nationalised the economy, including all privately held land, companies, and private property (Magnusen and Rodríguez 1998: 34). He strived to improve Cuban living standards by increasing wages (Chomsky 2011: 31).

After its victory in Vietnam, the Vietcong nationalised all private companies (Joes 2001: 1) and consolidated its alliance with the Soviet Bloc. It developed a five-year economic plan focusing on developing industry and collective agriculture (Gustafsson 2010: 115). It then implemented an anti-trade unionism labour regime and created New Economic Zones (Gustafsson 2010: 115–116). In the meantime, public servants, religious, and military officers of the former government were imprisoned and forced to do heavy and risky work, essentially slave labour, in re-education camps (Truong 2014).

The policies introduced by the Cuban and Vietnamese governments as well as the US-led embargos had serious repercussions for the economies and labour markets in these two countries. In Cuba, the government struggled to pay workers (Alexander 2002: 173), as a result of which Castro introduced a labour policy that encouraged non-paid voluntary work (Chomsky 2011: 31). Since the 1980s, however, high poverty rates have forced employees to adopt new survival strategies. Opportunities for corruption and the black market (Chomsky 2011: 181–183), clandestine personal businesses among civil servants (Alexander 2002: 180), and various forms of self-employment were created in the process (Chomsky 2011: 157).

Vietnam's experience has been similar. During the mid-1980s, the country faced severe shortages in food and basic necessities as well as hyperinflation (Vuong 2014: 3; Tran 2017: 21). In the late 1980s, a five-year-plan was developed (Vuong 2014: 21) which led to the abandonment of collective industry and agriculture and the adoption of a market economy. With this, the Vietnamese labour market regime shifted from one of slave labour to one of unionised and cheap labour (Tran 2017: 30–32).

Generally, labour market reconstruction in the Soviet Bloc was dependent upon governments that portrayed themselves as the 'sole owners' of all political, ideological, and economic powers, and as the controllers of the labour market. Communitarian policies shaped the labour market reconstructions and regulations. Yet global geopolitics negatively affected the functioning of these labour markets.

Both the Soviet Union and the US supported their allies in wars and later in governing their war-torn countries, whether by direct or by indirect means. The outcome were post-war labour markets grounded in a market-oriented economy (for countries working under a capitalist ideology) or in a state-led economy (for those under communist ideology). The geo-political clashes on world level thus interfered with and shaped local political governance and the reconstruction of labour markets.

### **2.3 Labour Market Reconstruction in the Post-Cold War Era**

From 1989 onwards, the international system shifted away from the bipolar one during the Cold War. In this section I analyse the literature that examines the rebuilding of

post-war countries in the post-Cold War era. Two themes determine labour market reconstruction during this period: *causa belli* and *modus vivendi*.

According to Kalyvas and Balcells (2010: 415) and Kaldor (2012: 2), since the end of the Cold War conflict no longer takes the form of war between states, based on political and/or ideological difference, but rather that of intra-state civil war. This shift is associated with changes in the *causa belli*, though the exact cause is subject of debate between two groups of scholars.

The first group maintains that civil wars that have erupted since the end of the Cold War have been driven by the economic agendas of warlords, criminals, and thugs (Collier and Hoeffler 2004; Weinstein 2005; Brewer 2010; Kevlihan 2013). This approach is based on Collier's (2000) theory of greed and grievance, by which these individuals wage war, loot state resources, extort people, and engage in national and international-level criminality for self-enrichment. In this, rebel political groups exploit the needs of unemployed youth to recruit them as combatants for their armed conflict in exchange for economic support. Collier (2000: 4) suggests that 'the more plentiful [the] employment opportunities relative to new job seekers, the more difficult is rebel recruitment'.

The second group argues that the focus on greed ignores the importance of structural, social, historical, and political factors that contribute to the causation of wars (Fearon and Laitin 2003; Stewart and Langer 2008; Stewart 2016). They argue that greed theory does not fully capture the dynamics of post-Cold War conflicts (Ugarriza 2009: 84), assumes that large countries with heterogeneous ethnic groups are pretty safe (Keen 2012: 762), dismisses the reasons rebel groups provide for their involvement in war (Keen 2012: 766), and, lastly, pays little attention to kleptocratic governments or state-sponsored criminal activities (Stewart 2008: 323–324). This group of theorists focuses rather on grievances and proposes that it is issues of religious or ethnic discrimination in particular that contribute to the causation of war (Fearon and Laitin 2003). Stewart (2016) speaks of 'horizontal inequalities', thus inequalities between ethnic, political, religious, or racial groups. This groups of theorists also suggests that high unemployment plays an important role in perpetuating armed conflict in developing countries (Walton 2010: 2). Consequently, the grievance approach proposes that

reducing unemployment will reduce inter-group grievances (Walton 2010: 2), consolidate peace, and facilitate sustained development (Stewart and Langer 2008; Stewart 2016).

Not just the *causa belli* have changed with the end of the Cold War, but also the *modus vivendi* of post-war countries (Kalyvas and Balcells 2010: 421). The main change is that international partners, such as the United Nations' peacekeeping missions (Paris 2004: 3), international development agencies, non-governmental organisations (NGOs), international financial institutions, and regional organisations mimic the role of the Cold War superpowers (Paris 2004: 3; Kaldor 2012: 5).

Furthermore, most international partners in post-war labour market reconstruction processes base their work on neoliberal ideologies (Paris 2004: 55–57; Izzi 2013: 106). The implementation of neoliberal labour market policy reforms has resulted in a burgeoning academic literature focused on the impact of these policies on labour markets. The key principle of neoliberalism is that the labour market is grounded in a market-oriented economy, defined by Roland Paris as

[a]n economic order in which goods and services are predominantly produced and allocated by more or less competitive firms that are predominantly privately owned and strongly influenced by market prices and by the goal of profitability (Paris 1997: 56).

In the context of post-war labour market reconstruction, neoliberal reforms, mostly sponsored by the World Bank and the International Monetary Fund (IMF), aim to privatise public enterprises, reduce governments' intervention in the functioning of the labour market, improve the business climate, and establish the rule of law for commercial relations and an efficient fiscal system (Cubitt 2011: 6; Stewart 2012: 68).

However, some empirical studies (Date-Bah 2006; Cramer 2008, 2011; Cubitt 2011; Stewart 2012, 2015) demonstrate that these neoliberal policies have negative consequences for the post-war labour market. The loss of jobs (Stewart 2012: 68), increase of precarious jobs (Beasley 2006: 5; Izzi 2013: 111), abuse of employment rights, and weakening of trade unionisation (Pugh *et al.* 2011: 40) are all indicated as side effects of neoliberal policies.

The end of the Cold War saw the conclusion of many civil wars with warring factions entering peace negotiations. These peace processes were generally implemented in two ways. The first is to divide the war-torn country (Collier 2011). This was applied in the case of Eritrea's secession from Ethiopia in 1993 and East Timor's split from Indonesia in 2002 (Collier 2011: 131). Yugoslavia broke up into seven different countries: it first divided into Slovenia, Bosnia and Herzegovina, Croatia, and North Macedonia (1991), then Montenegro and Serbia broke away in 2006, and lastly Kosovo in 2008. South Sudan separated from Sudan in 2011. In Bosnia and Herzegovina (Stewart 2012, 2015), Kosovo (Beasley 2006; Kondylis 2010), and East Timor (Krishnamurty 2007; Stewart 2012) state authorities then collaborated with international partners to reconstruct their labour markets.

The second way is to create transitional institutions in order to promote power sharing within the nation state (Mehler 2009; Simons *et al.* 2013). The power-sharing provision was applied, for example, in the context of the South African transition from apartheid to democracy in the early 1990s (Hartzell and Hoddie 2007: 2). Since then, power sharing has been widely used as a transitional device in post-war African countries (Levitt 2012: 1), where former enemies compromise to create a viable structure of shared rule in their countries for a given period.

Much of the literature on post-war power sharing has drawn on Lijphart's consociationalism democracy theory (Hartzell and Hoddie 2007: 38; Levitt 2012: 35). Given the difficulty of maintaining stable democratic systems in countries profoundly marked by religious, ideological, linguistic, gender, class, cultural, racial, and even ethnic cleavages, Lijphart (1977) suggests bringing together representatives of all important segments of the population in a national decision-making institution to overcome the cleavages of these divided or plural societies.

Power-sharing accords are political agreements between enemies that formally outline the way in which power will be shared in the legislative and/or executive branch of government — including both formal or informal provisions for political, military, economic, and territorial functions (Jarstad 2008: 106–111). The purpose of power sharing through inclusion in decision-making bodies is to overcome the security concerns of contesting groups (Binningsbø and Dupuy 2009: 88).

Three themes have emerged from debates of the impact of power-sharing provisions on peace making and the governance of post-war countries. The first points out that too often the conceptualisation and implementation of power-sharing processes in Africa ignore domestic, regional, and international law, doctrine, norms, and jurisprudence (Levitt 2012). The second asserts that most empirical research does not support the argument that power sharing strengthens peace and fosters democracy (Jarstad 2008: 105–107). It rather points to case studies that illustrate that power sharing is a source of political instability, ineffective governance, and violent conflicts. The last theme points out that the argument that power sharing leads to tolerance and compromise defines success only in terms of an absence of large-scale civil war, and ignores issues of human rights and good governance (Tull and Mehler 2005; Mehler 2009).

What one might observe as a gap in this literature on the *modus vivendi* of post-war countries is that much has been written on the role of political authorities but little of this research has been done on post-war labour market reconstruction in the context of power-sharing provisions. This issue is partially explained by Cramer (2011: 121) who considers that there is a weakness in understanding labour markets in the contexts of transition from war to peace. As power-sharing provisions govern both post-war countries and their labour markets, it is important to understand how such political regimes shape the remaking of labour markets during the transition from war to democracy.

Overall, the literature on post-war labour market reconstruction provides insight into changes (such as the *causa belli* and *modus vivendi*) that have occurred in the post-Cold War era. The literature on *causa belli* (greed, grievance, and multiple-factor theses) acknowledges that employment issues are amongst the causes of civil wars in this era. Although some writers dismiss the role of the labour market due to a lack of empirical evidence, the *causa belli* literature suggests that the improvement of labour market is a tool for consolidating peace and ensuring development.

The second focus of change is the *modus vivendi* of post-war labour market reconstructions. Since the 1990s there has been an increased involvement of new international partners in these processes. The literature shows that these shifts have also influenced processes of post-war labour reconstruction. It has been shown that the post-

Cold War *modus vivendi* is marked by the implementation of the neoliberal political policies, especially splitting up countries and introducing power-sharing provisions. However, the literature does not show how such power-sharing provisions influence labour market reconstruction. This is problematic since labour markets need to be regarded, first and foremost, as a political construct (Peck 1992: 336): it is very likely that if power-sharing provisions shape peace-building processes and the governance of post-war countries, it would also impact labour market reconstructions. Therefore, it is of profound interest to focus on this gap.

## **2.4 Policies for Post-War Labour Market Reconstruction**

In a post-war setting, labour markets can become chaotic due to an absence of labour legislation and regulation, which in turn can cause inequitable employment practices (Date-Bah 2006). Reconstructing such labour markets can be challenging, in particular for developing countries (Beasley 2006). The reasons are twofold. First, the economies of most of these countries are weak (Bray 2005). Second, the absence or weakness of state institutions often give rise to unemployment, underemployment (Bray 2005), and job insecurity (Cramer and Goodhand 2002; Cramer 2008). Hence, it is necessary to focus on labour market policy reforms, labour supply/demand reform programmes, and labour market institutional issues when studying post-war labour market reconstruction (Beasley 2006; Date-Bah 2006; Cramer 2008; Kisekka-Ntale 2012; Izzi 2013).

### **2.4.1 Issues of labour market policy reform in post-conflict settings**

It has been argued that labour market policy reforms are crucial for peace and job creation in order to improve socioeconomic conditions, dignity, social healing and hope in post-conflict countries (Date-Bah 2006: 1–2; Izzi 2013: 106). For that reason, state authorities in war-torn countries often work together with international partners, particularly the World Bank and the IMF, to conceive and find funding for such reforms (Date-Bah 2006; Cramer 2008, 2011; Stewart 2012, 2015). Where these reforms have been successful and what they have achieved is, however, debatable.

First, claims to success have been critiqued for assuming that post-war employment policies inherently lead to improvements in the labour market (Beasley 2006; Mcleod and Davalos 2008; Amarasuriya *et al.* 2009; Kondylis 2010). State authorities in Bosnia

and Herzegovina together with the World Bank, for example, celebrated an employment programme for reducing the unemployment rate from 64% to 44% (Stewart 2015: 12). Empirical studies (Beasley 2006: 26; Mcleod and Davalos 2008: 18–21; Kondylis 2010: 18–21) show, however, that the programme did not lead to an improvement of the labour market: employment rates remained low because of the persistence of restricted access to well-paid permanent jobs, poor labour protection of employees, and labour inequalities based on ethnicity and gender. The situation in Kosovo looks quite similar. A 2008 World Bank report (cited in Stewart 2015: 12) posits that the Kosovo Youth Employment Action lowered the unemployment rate from 44.6% to 35%. An empirical study by Stewart (2015: 12) found, however, that the programme did not include Serbs due to their ethnicity and that it created few job opportunities for skilled people. Lastly, in Sri Lanka, local state authorities, supported by the United Nations, set up an Action Plan for Youth Employment in 2000 and then presented this as having led to a reduction in the unemployment rate from over 60% to 40%. Yet again empirical studies showed that 20% of those categorised as ‘employees’ were in fact underemployed (Amarasuriya *et al.* 2009: 14–18). It can thus be argued that what matters more than an increase in the number of jobs is the nature of employment, its coordination and the resulting effectiveness of labour market actors, and overall efficient labour market regulation.

Second, claims to success have been queried by pointing to the fact that economic growth has been inversely linked to an increase in unemployment. In Sierra Leone (Cubitt 2011: 6) and Mozambique (Paris 2004: 58–59), for example, the governments aimed to stimulate economic growth by reducing their roles in the economy, improving the business climate, and privatising public enterprises, following the neoliberal recommendations of the IMF and the World Bank. Yet, while both countries achieved economic growth (Paris 2004; Cramer 2008; Cubitt 2011), this was not accompanied by the creation of new jobs in the formal sector (Dunne 2003: 46; Cubitt 2011: 9) and labour market inequalities, exploitation, underemployment, and poverty remained unchanged (Dunne 2003: 46; Cubitt 2011: 9). The literature clearly demonstrates the limitations of neoliberal assumptions that liberalisation, privatisation, and deregulation of post-war labour markets will promote high job opportunities.

Third, the literature identifies failures in both how the local authorities and their international partners dealt with reforms. Thus, for example, local authorities obstructed

the implementation of reforms in the DRC (Diumasumbu 2008; Trefon 2010), Afghanistan (Barakat 2002) and Sierra Leone (Cubitt 2011), and managed them poorly in Mozambique (Dunne 2003) and Uganda (Stewart 2015). International partners, in turn, failed to do detailed investigations into the specific political, economic, and sociocultural factors that shape labour markets on the ground (Dunne 2003; Walton 2010).

Last, international agents often do not share the same views (Dunne 2003: 46). Indeed, it is surprising to note that there is often a lack of coordination, cohesion, and understanding between international partners, such as the International Labour Organisation (ILO), the World Bank, and the IMF, supposedly joint authors of reconstructed labour markets, yet often consumed by internecine wars. Often the opposing views are the result of different objectives concerning employment: where the ILO advocates an increase and protection of employment, based on its Decent Work Agenda, the World Bank and the IMF tend to focus on promoting high employment through sustainable economic growth. Often, the decision of what advice a country will implement is determined by the capacity of the World Bank and the IMF have to lend money (Berg and Kucera 2008: 21).

#### **2.4.2 Labour supply, labour demand, and labour market institutionalisation**

This subsection examines three types of policies in post-war countries, namely those on labour supply, labour demand, and labour market institutions. Through this discussion the subsection identifies a lack of focus on war and violence in the study of post-war countries.

Labour supply policies generally focus on improving systems of information for employment by setting up employment services and building the capacities of the workforce through vocational training (Krishnamurty 2007: 62). I deal with each in turn.

Krishnamurty (2007: 62) found that employment services in East Timor and Sierra Leone played significant roles in supplying highly qualified job candidates to international organisations and private companies. But not everywhere have these employment services been successful. Cubitt (2011) shows that those in Sierra Leone

did not assist low- or semi-skilled workers. And Kondylis (2010: 24) demonstrates that formal job seekers in Bosnia and Herzegovina did not trust these services and continued to rely on their informal networks for finding jobs.

The second way to build labour supply is to increase employability. This is by instituting vocational training, internships, and apprenticeships (Date-Bah 2006; Walton 2010; Stewart 2015). The reason for this focus is that short courses allow people to earn a living more quickly while higher education is expensive and time-consuming. Often vocational training is organised through Disarmament, Demobilisation, and Reintegration (DDR) programmes and employment promotion programmes for women and youth. Many positive impacts have been observed for DDR programmes in Uganda (Kisekka-Ntale 2012), Sierra Leone (Bah *et al.* 2004; Cubitt 2010, 2011), Mozambique (Cramer 2008), and Cambodia (McLeod and Davalos 2008), though Krishnamurty (2007: 99) points out that their assistance of ex-combatants neglect other unemployed people who are also affected by war.

The promotion of women's employment through vocational training programmes has also proven to be problematic. Vocational training was introduced in Mozambique, Guatemala, Lebanon, and Bosnia to develop women micro-entrepreneurs (Date-Bah 2006: 129–130). The programmes were sponsored by international partners (like the World Bank's Refugee Agency [UNHCR], the United Nations Children's Fund [UNICEF], and the US) and local non-governmental organisations (NGO). Yet the training focused on a very small selection of skills, namely sewing, hairdressing, cake decoration, and knitting. As a result, the women who underwent the training found themselves in direct competition with each other, producing similar goods, which lowered their ability to earn a proper income from their work — while nevertheless bearing the traditional stigma of being women working.

A similar pattern was found in studies of youth employment programmes in Sierra Leone (Beasley 2006; Cubitt 2011), Guinea Bissau (Izzi 2013) and the DRC (Bannon 2003). Although young people received practical training in building, mechanical maintenance, electricity, driving, and running microenterprise projects, few of them were subsequently able to find employment. The vocational training offered was driven mainly by the preferences of international funding partners. But the programme

contents were often disconnected from the political and economic realities on the ground, not to mention the actual needs of the local labour market.

The second aspect of this section is labour demand policies. These policies focus on creating jobs in the public sector and on promoting investment that, in turn, would create job opportunities in the private sector (Walton 2010: 1; Izzi 2013: 106). In practice, however, as several studies have found (see Bray 2005; Cramer 2008; Walton 2010; Izzi 2013), labour demand policies tend to create very few job opportunities, either the public or the private sectors of post-war countries; indeed, possibilities of job creation are quite limited (see Bray 2005; Cramer 2008). One of the problems is that little attention is given to what is actually required on the ground (Walton 2010: 5): they are not conceptualised to meet local economic, political, and employment realities. Another is that many private investors are reluctant to invest and create jobs in post-war countries because of unsound business climates and security risks (Carbonnier 1999: 305; Cubitt 2011: 8). The only industries prepared to risk investment in post-war countries are mining, petroleum, mobile communication, construction, and engineering — and some commercial banks (Bray 2005). In addition, some of the companies that do want to invest, want to do so exactly because the countries are disorganised after a war: these are not companies that necessarily want to act to the good of the labour market. This is one of the ways in which an increase of investment does not necessarily lead to job creation (see Section 2.4.1).

The third aspect is policies on labour market institutions. As key funders of post-war labour market reconstruction processes, the IMF and World Bank advocate the liberalisation of labour markets; but generally they do not consider their institutionalisation. It is thus difficult to see these institutions supporting projects aimed at the effective institutionalisation of a labour market. The only international organisation that is openly concerned with helping local governments strengthen their labour market institutions and protect employees' labour rights is the ILO.

One of the aspects that has been particularly neglected in the study of labour, in particular from a sociological position, is labour in situations of war, violence, and immediately after a war (Giddens 1985; Brewer 2010; Malešević 2010b; Joas and Knöbl 2012). One reason for this neglect has been the assumption by sociology's

founding fathers that war and violence are irrational and primitive features doomed to vanish with the progress of modernity (Giddens 1985; Tilly 1985; Mann 1988). Similarly, American and European scholars of the 1960s and 1970s avoided studies of war because of the wide anti-war sentiments after the experiences of World War I (WWI) and WWII, manifested in particular in relation to the Vietnam war (Malešević 2010a; Mcsorley 2014).

This thesis is thus located exactly at the interstices of labour and war, hoping to contribute to a better sociological understanding of the labour market in a post-war setting.

## **2.5 Conclusion**

This chapter reviewed the literature on post-war labour market reconstructions, both after WWII and after the Cold War, and examined the policies of labour demand, labour supply and labour market institutionalisation that are applied in labour market reconstructions. It demonstrated how capitalist and communist ideologies had a bearing on post-war labour market recoveries during the Cold War era, but how the influence of neo-colonialism in these processes has not been studied sufficiently yet. The shift to the post-Cold War period led to a change in the causes of wars and how rebuilding processes were undertaken in post-war countries and their labour markets. This period was marked by reconstructions that were based in neoliberal ideologies and that strengthened asymmetrical relation between local and international actors. The present study aims to contribute to the sociological study of labour markets in war and post-war situations, by providing empirical data on the Congolese labour market and by offering an in-depth analysis.

## **CHAPTER THREE: CONCEPTUAL AND THEORETICAL PERSPECTIVES**

### **3.1 Introduction**

This chapter discusses the concepts and theories through which the present study approaches its examination of the processes of labour market reconstruction in post-war DRC. Centrally, it draws on Peck (1996)'s theory of the social regulation of labour markets and attempts to expand on it.

To do so, the chapter begins with an exploration of the basic concepts of the labour market, labour market institutions, the state, power, and the international system. From there it examines three different theoretical approaches to post-war labour market reconstruction: classical, neoclassical and institutionalist theories; labour market segmentation theory; and Peck's theory of social regulation.

### **3.2 Concepts**

This this study uses five key concepts: labour market, labour market institutions, the state, power, and the international system. In the following subsections, I examine each in turn, focusing on debates and elucidating ambiguities. I start with the most important concept of this thesis: the labour market.

#### **3.2.1 The labour market**

The concept of the 'labour market' is strongly debated between neoclassical economists and other social scientists. Neoclassical economists understand the labour market as an imaginary market in which employers buy and employees sell labour as a commodity under terms of a contract (Peck 1996: 23). They consider that both employers and employees enjoy freedom of choice in taking and offering labour, respectively (Wilthagen and Rogowski 2002: 240). For them the labour market is a competitive space between buyers of labour (employers) and sellers (employees) that is marked by competition over jobs between the sellers (Kaufman 2007: 775). This competition leads to an equilibrium of price that mirrors the balance between supply and demand (Fevre 1992: 24).

Kalleberg and Sorensen (1979) summarise these meanings of the term in the following way:

[The concept of the labour market] refers broadly to the institutions and practices that govern the purchase, sale, and pricing of labour services. These structures include how workers are distributed among jobs and the rules that govern employment, mobility, the acquisition of skills and training, and the distribution of wages and other rewards obtained contingent upon participation in the economic system (Kalleberg and Sorensen 1979: 351–352).

Kalleberg and Sorensen's conceptualisation of the labour market is useful for analysing labour market reconstruction in a post-war setting as it offers a range of indicators: labour market institutions, labour market behaviours, labour demand, labour supply, labour allocation, career advancement, labour market legislation and regulation, wages, fringe benefits.

In contrast, institutional economists and some sociologists (see i.e. Braverman 1974; Peck 1996; Streeck 2005) argue that labour is neither a commodity nor a homogeneous good. As workers are human beings, it is impossible to detach labour from persons who sell or process it. Moreover, labour and workers are 'embedded' within society, so that other social, political, historical, and institutional factors have an influence on individuals' choices in the labour markets. Finally, some scholars (e.g. Peck 1996; Fine 2003) also assert that free and unregulated labour markets are neither free nor sufficiently fair.

### **3.2.2 Labour market institutions**

The concept 'labour market institutions', in its wider sense, refers to public and private institutions that regulate the workplace (Berg 2015: 1). These include, amongst others, collective bargaining organisations, trade unions or trade/craft associations, employers'/business associations, and training and skills-transfer institutions (Berg and Kucera 2008: 9–12; Berg 2015: 1). The institutions also include those that 'redistribute income, including pensions, income support for the unemployed and the poor, as well as public social services' (Berg 2015: 1).

Labour market institutions play a role at several points in the labour market, including the demand side, the supply side, regulation, and legislation. For that reason, Peck (1996: 100) argues that it is critical to examine these institutions in detail. This analysis should take into consideration local and international realities as these institutions are embedded into local, national, and international contexts (Peck 1996: 101).

Central to neoclassical economic theory is that protective labour market institutions impede the functioning of the labour markets and cause the increase of unemployment (Freeman 2010). It considers these institutions to stifle the capacity ‘of private parties to freely set quantities and prices’ (Saint-Paul 2000: 1). It also views the efforts of labour market institutions to promote minimum wages, unemployment benefits, and protection as rigid and harmful for job creation and leading to the increase of unemployment (Saint-Paul 2000).

Neoclassical economists advocate that the liberalisation of labour markets boosts investments and promotes high employment (Berg and Kucera 2008: 12). To do so, they suggest that developing countries institutionalise free trade, reduce the role of the state in labour markets, weaken the power of trade unions, and privatise public companies (Berg and Kucera 2008: 12). In short, they argue that the deregulation of the labour market would lead to an increase in investment that in turn would lead to economic growth and high employment (Berg and Kucera 2008: 12). Ultimately, they call for a reduction in the role of the state.

It is important to take the neoclassical theory into consideration here as it has influenced international financial institutions such as the IMF and the World Bank that carry great weight in post-war labour market reconstruction processes around the world, and specifically in the DRC. Neoclassical theory has influenced these institutions to the extent that they consider employment protection legislation, because ‘generous’ to unemployment, as likely to lead to high unemployment (Howell 2004: 6). Moreover, the World Bank and the IMF believe that hiring on permanent contracts, paying large amounts of severance on dismissal, and protecting labour rights hamper investment and job growth (Berg and Kucera 2008: 1). Similarly, they worry that labour market institutions undermine structural adjustment programmes designed to cure balance of

payment deficits (Freeman 2010: 3), which requires a shift of resources from the public to the private sector.

Institutionalists have criticised neoclassical theory for overstating the negative effects of labour market institutions on the functioning of labour markets. For them, labour market laws and labour market policies are needed to ensure social justice for workers in developing countries. Institutions regulating the labour market are important in these countries because many workers there enjoy little or no protection under the law, are excluded from social security, and are often underpaid. Unlike the World Bank and the IMF, the ILO's supports the setting and promotion of labour standards. Thus the ILO requires that member states guarantee effective protection for workers through national labour laws, efficient labour market administration, and labour reform policies (Berg and Kucera 2008: 3). Institutionalists support the ILO in its efforts to expand the role of the state.

Despite the influence of the IMF's and World Bank's neoliberal agendas, many post-war countries still pursue labour policies to improve and strengthen labour market institutions (see previous chapter). Against this background, the institutionalist understanding of the role and importance of these institutions is critical for this thesis.

### **3.2.3 The state**

To avoid any misunderstanding over the concept of the state, with its multiple semantic connotations and dimensions, I draw on the definition given in the 1933 Montevideo Convention on the Rights and Duties of States. This convention establishes benchmarks by which United Nations member states recognise other states. The convention sets up four criteria that have to be fulfilled for a state to be recognised in accordance with customary international law:

[t]he state as a person of international law should possess the following qualifications: 1) a permanent population ...; 2) a defined territory ...; 3) a government ... and 4) [the] capacity to enter into relations with the other states (United Nations Treaty Collection 2013).

It is necessary to understand the difference between state and government. In democracies, the government is composed of three separate bodies: the legislature or

law-making body, the judiciary that oversees interpretations and applications of the law, and the executive, responsible for implementing the law and managing a country (Duverger 1988: 23).

The core roles of a state are to defend its integrity and independence; to protect its citizens; to provide for its conservation and prosperity; to deliver the political advantages of statehood; and to administer the country (Duverger 1988: 21–22; Quermonne 2002: 6–9). Government represents the means through which the state fulfils these roles. The government encompasses the people and agencies designated to complete a state's purpose (Wood and Brewster 2007), including those required for the reconstruction and regulation of a post-war labour market.

Many polities in Africa do not reflect the ideal type of state and government as captured in these definitions. Various scholars have suggested ways in which to approach and understand these states. One aspect identified by many scholars is that of patrimonialism, a tendency by which the right to rule is ascribed to individual rulers rather than to the ruling administration (Thomson 2010). In such states, rulers misappropriate state resources and make distributions to ensure the loyalty of their entourages. Real power is exercised through individual relationships rather than political institutions or an established bureaucracy. The division between private and public is blurred, the rule of law is often undermined, and even reforms are tailored by rulers to suit their personal interests (Clapham 1985). Bratton and Van De Walle (1994) describe these neopatrimonial African regimes as polities ruled by chief executives who maintain authority through personal patronage rather than through ideology or law. In such states, bureaucrats perform less public service, seeking instead to accrue personal wealth and status. Neopatrimonial regimes are grounded in exchanges of favour between patrons and clients: patrons give public sector job positions and/or socio-economic favours (licences, contracts, projects) to their clients while clients mobilise political, social, and administrative supports for their patrons.

Chabal and Daloz (1999) coined the notion of the 'instrumentalisation of disorder' to describe these states. They suggest that African rulers take advantage of weak institutions in their countries to satisfy their various needs. Bayart *et al.* (1999) suggest

that in these settings, African state bureaucracies often turn to corruption instead of performing their accredited roles.

Mbembe (2000) proposes the concepts of *commandement* and indirect private government to understand states in Africa. Strong individuals used the *commandement*, the violence of the state, as strategy of oppression as and repression to ensure submission to their authority. They also distribute gifts or donations, allocate jobs to their cronies, and guarantee various favours to individuals in order to establish and perpetuate their power. An indirect private government, in turn, is a regime of power that operates to the advantage of strong individuals, who are competing mercilessly for the concentration of power and the hoarding of public assets. Although public administrations tend to resist, their fate is often to be dismembered: they become empty shells, their orders are ignored, their hierarchies are rejected, and their positions abused as tradeable commodities.

Another set of scholars attempt to differentiate between weak, failing, failed, and collapsed states, in particular those in Africa (Kreijen 2004; Rotberg 2004; Giorgetti 2010; Rotberg 2010; Taylor 2013). Rotberg (2004) proposes as criteria for this differentiation the level of a state's capacity to provide a set of 'political goods': namely, human security, prevalence of the rule of law, political freedom, civil and human rights, medical and health care, education, and physical infrastructures.

### **3.2.4 Power**

The concept of power is fundamental in the social sciences (Clegg and Haugaard 2009) and particularly in political science and political sociology (Pels 2002). However, it is a polysemous concept, triggering bottomless debates (Hermet *et al.* 1998). In this section, I review some of these debates and then explain why I consider Foucault's conception as particularly suitable to explain how power operates in post-war labour market reconstruction.

Weber (1968: 212) defines power as 'the chance of a man or a number of men to realise their own will in a command action even against the resistance of others who are participating in the action'. He identifies three types of authority: traditional authority, as power legitimised through respect for long-established cultural patterns; charismatic

authority, drawn from the devotion felt towards a leader by subordinates who believe the leader possesses exceptional qualities; and rational-legal authority, legitimated through the enactment of rules and regulations and instituted through formal organisations. This conception of power has been discussed and reformulated by a series of thinkers. Dahl (1961) argues that power has to be analysed in the context of organisations and structures, and particularly in the roles of ruling elites. He believes that certain elites exercise power in society and compel those who are subjected to them to follow their private preferences (Dahl 1971). Drawing on Dahl, Bachrach and Baratz (1962) argue that there are two faces of power: the overt face, linked to the way decisions are made, and the covert face, the capacity to resist a decision. Lukes (2005), in contrast, challenges Weber's conceptualisation, arguing that it overlooks the latent dimension of power, namely the relation between political preference and *real interests*. In his view, the analysis of power ought to look at 'the entire political agenda, in order to examine its adequacy to the true interest of various groups' (Lukes, as cited in Sadan 2004: 37).

Foucault (1975, 1976) argues that power is not a property or commodity that can be owned and/or exerted by institutions, persons, or groups of individuals. Rather, he conceptualises power as omnipresent and multidirectional, something that 'operates from the top-down and bottom-up' and that 'occurs at sites of all kinds and sizes, including in the most minute and most intimate circumstances, such as the human body' (Foucault 1975: 32). For him, power relations are mobile, asymmetrical, unbalanced, and dependent on culture, place, and time; and they involve discourse (systems of ideas), which allows the possibility of resistance (Foucault 1975: 119). Power gives the conditions in which people's conduct can be corrected, regulated, checked, and controlled through surveillance (Sadan 2004: 58–59). Foucault rejects the widespread notion of sovereignty, however, namely the conception that independent states are free from outside power (Foucault, as cited in Dean 2010: 330). His rejection is premised on the reason that outsiders will always interfere in the internal affairs of other countries.

Foucault (1975, 1976; see also Kelly 2010: 37–38) distinguishes six characteristics of power:

1. Power is impersonal, or subjectless: it is not guided by the will of individual subjects (Foucault 1975: 27).
2. Power is relational: it always exists as a relation between people; it is not a quantum possessed by people (Foucault 1975: 27).
3. Power is decentered: it is not concentrated in a single individual or class (Foucault 1975: 27).
4. Power is multi-directional: it flows not only downwards, from the more to the less powerful, but also upwards, even if it is nevertheless non-egalitarian (Foucault 1976: 20).
5. Power is strategic: it has a dynamic of its own and is intentional (Foucault 1975: 26).
6. Power is intertwined with knowledge: knowledge gives birth to technologies or practices that exert power (Foucault 1975: 21).

Some scholars decry the Foucauldian conception of power, however, on the basis that it lacks an explicit basis in normative assumptions (see Charles Taylor [1984], Jürgen Habermas [1987], Nancy Fraser [1995], Lemke [1997: 13–22], and Paul Patton [cited in Kelly 2010: 5] to name a few). These scholars argue that Foucault does not provide a general theory of power. Patton (1992: 91) critiqued Foucault for emphasising the spread of power and ignoring its codification and condensation by the state, implying that human beings lack options to escape from the bonds of power. For him, Foucault's conceptualisation of power does not provide criteria for assessing (or condemning) regimes of power. Other scholars, such as (Kelly 2010: 4), argue on the contrary that Foucault's conception of power is consistent and coherent since it approaches power from its manifestation at the social micro-level.

For Foucault, power and resistance cannot be decoupled. Human beings always seek ways to escape from bonds of power, even if this takes the form of an infinite diffusion of resistance and micro-revolts. Other Foucauldians (Dean 2010: 326; Kelly 2010: 31) suggest that Foucault's concept of governmentality clearly addresses the adequacy between a government's policies and its citizens' desiderata, and processes of making societies governable. Governmentality, in its wider sense, also refers to the governance of a given state, the set of mental, technical, and cultural practices that influence the way in which people are governed (Dimier 2010).

Foucault's understanding of power as omnipresent and multidirectional, in a web of mobile, asymmetrical, and unbalanced power relations, is very useful to approach and understand the complex roles played by multiple actors in post-war labour market reconstruction processes such as in the DRC. As the discussion above has shown (see Section 2.4), processes of labour market reconstruction in developing post-war countries tend to depend on powerful states, international actors, and the dynamics of the international system. This study draws on Foucault's notions of sovereignty and governmentality to be more sensitive for how the international system and local realities interact and influence these reconstructions.

### **3.2.5 The international system**

The international system is an assemblage of relationships among states (the main actors) and non-state actors (like international organisations, NGOs, multinational corporations, or transnational criminal networks) that is structured according to certain rules and patterns of interaction (Hill 2015: 1). The activities of these actors are grounded in a distribution of power relations that shapes the international system at any given period (Hyde-Price 2007: 41). This is because these power relations create a system of polarities that harden into blocs that exert power on an international level (Ikenberry *et al.* 2009: 5). These polarities evolve with changes in the stages of international capitalism (Dugin 2018). The polarities also influence labour markets as well as the outcomes of post-war labour reconstruction. There are three types of 'polarity systems': the multipolar system, the bipolar system, and the post-Cold War era (like Hyde-Price 2007: 41–42; Scott 2013: 32).

#### ***3.2.5.1 The multipolar system***

A multipolar system refers to a situation in which multiple states possess a considerable degree of military, political, cultural, and economic influence in the world (Scott 2013: 31). It implies that the distribution of power among states is concentrated at several poles of power (Scott 2013). Multipolarity characterised the Westphalian political system that governed from 1648 to 1945 (Hyde-Price 2007: 55–56).

The multipolar system co-evolved with two successive stages of Western capitalism: mercantilism (from the sixteenth to the early nineteenth century) and competitive

capitalism (from the late nineteenth century to the 1940s). Mercantilism was at the core of the triangular trade of slaves from Africa (Williams 2014: 6). It allowed European merchant capitalists, who owned means of buying, transporting and selling, to play a dominant role in organising relations of production (Albritton 1991: 67). Competitive capitalism occurred during the early stage of colonisation, before WWI (Albritton 1991). Many colonisers enacted laws and set up labour policies aimed at installing and reinforcing the capitalist labour market, and retaining the availability of cheap labour by force (Sender and Smith 2003).

### **3.2.5.2 *The bipolar system***

A bipolar international system exists when two competing superpowers, associated with their allies, dominate the world (Scott 2013). Bipolarity is exemplified by what happened between 1947 and 1990 (Hyde-Price 2007). During this period the US and the Soviet Union were two hostile poles of power, supported by their respective allies.

This period coincided with capitalism characterised by the internationalisation of Fordism and Keynesianism after WWII (Albritton 1991). The latter facilitated stable economic growth and living standards in many advanced capitalist countries from 1949 to 1973 (Harvey 1989: 135; Postone 2010: 8). The era was additionally marked by the emergence of stable rule-governed institutions that regulated labour markets in Western countries, guaranteed security of employment, and strengthened trade unions (Gartman 1998: 122; Ruggunan 2008: 39).

The post-WWII era was also a time for the transition to independence for many African countries (Britwum 2012). Many colonial authorities tried improving labour regimes through the amelioration of labour conditions, the partial authorisation of trade unionism, the implementation of new labour acts, and by increasing job opportunities for African workers (Britwum 2012).

By the end of the 1960s, advanced capitalist countries experienced a decline in high wages and their levels of profitability and productivity (Ruggunan 2008: 44), accompanied by an increase of unemployment and inflation (Harvey 2007: 12). These factors led to a crisis in the Fordist approach, marked particularly by the end of the Bretton Woods system in 1971 and the oil crisis of 1973 (Harvey 2007: 12).

In mitigation of this crisis, the US and the UK began to implement a neoliberal approach to their economies in the early 1980s (Standing 2011: 5). Neoliberalism expanded to other capitalist countries in the 1990s (Gartman 1998: 133). With the end of the Cold War in 1989 and the demise of the bipolar order, neoliberal economic and political principles became the dominant model for labour markets in most countries (see Paris 2004: 55–57; Izzi 2013: 106; also, Section 2.3 above).

### ***3.2.5.3 The post-Cold War era***

‘On 3 December 1989, the leaders of the USA and the USSR declared an end to the Cold War, after two days of talks at the Malta summit’ (Spohr and Reynolds 2016: 1). This resulted in the shift of the international system from bipolarity to a new globalised system, termed by some scholars as the post-Cold War era (Spohr and Reynolds 2016).

There is, however, an ongoing debate whether this globalised system tends more towards a unipolar system or more towards a multipolar one. Authors such as (Hansen 2010; Thalakada 2012) posit that the United States became the sole superpower and established its political hegemony in the new world order. Thalakada demonstrates how the US and its allies persuaded the rest of the world to adhere to neoliberal political and economic ideologies and practices. This is countered by Scott (2013: 43) who argues that there is concentration of power in several poles or multiple centres of power.

The rise of neoliberalism in the post-Cold War era led to privatisation, liberalisation, and deregulation in labour markets (Harvey 2007).

## **3.3 Theories of the Labour Market**

I begin this section on the theories of post-war labour market reconstruction with the paradigms in which most labour market theories are grounded: the classical, neoclassical, and institutionalist paradigms. I then examine two theories — labour market segmentation theory and the theory of social regulation — because of their capacity to explain the phenomena on the ground in the DRC.

### 3.3.1 Classical, neoclassical and institutionalist labour market paradigms

At the core of the classical labour market paradigm is the idea that the labour market is analogous to the capital and commodities market. The labour market is, thus, a regulating factor on prices, salaries, and the maintenance of balance between supply and demand of labour (Kaufman 2007). It considers full employment as the normal situation in the labour market, and unemployment as an abnormality (Keynes [1935] 2018: 19–20). Full employment is given when the demand and supply of labour are equal. Unemployment, in turn, is the product of a rigid wage structure (Pigou, cited in Aldrich Aldrich 1979: 321–322).

The classical labour market paradigm has three limitations. First, while full employment is an ideal situation in a capitalist economy, the underlying reality is a high rate of unemployment (Keynes [1935] 2018: 20). Second, the assumptions of perfect competition, perfect information, and homogeneity of labour are unrealistic for an analysis of labour markets (Manning 2003). Third, classical theory fails to consider labour as a human factor of production (Peck 1996). All three points apply to the Congolese situation, for which reason the classical labour market paradigm is not helpful for this thesis.

The limitations in the classical theory led to the neoclassical economic paradigm which understands the labour market process to be driven by employers, workers and their unions (Yoder and Heneman 1959). It considers labour as an immaterial commodity of the capitalist economy that can be bought and sold on the market, with prices determined by supply and demand (Streeck 2005: 206). Workers are thus paid proportionally to their productivity and price relations drive labour market (Fine 2003: 29).

Yet, as pointed out by the institutionalist scholars, labour is a fictitious commodity. Polanyi (1944: 72–73) shows how labour cannot be produced and sold in the market like other commodities. Granovetter (1985) and Peck (1996) demonstrate how the labour market is a socially embedded institutional phenomenon; individual workers cannot be removed from the social relations in which they are embedded. For these reasons, the neoclassical economic paradigm does not allow us to explain holistically the course of Congolese post-war labour market reconstruction.

The third, institutionalist paradigm accommodates the concerns raised against the classical and neoclassical theories. It approaches the labour market as a phenomenon grounded in social norms. Thus, collective bargaining, labour rules and practices, skills divisions, and educational systems are drawn on to explain how and why labour market structures are resistant to rapid change (Wootton, as cited in Rowe 2009: 18). Critically, institutionalists understand labour markets to embody values that extend outside the commodity market or exchange nexus that cannot be reduced to crude notions of supply and demand (Rubery 2002: 23).

In the institutionalist paradigm, the reconstruction of institutions that provide political stability and efficient administration needs to precede political and economic reforms in post-war settings (Paris 2004; Cramer 2006; Kisekka-Ntale 2012). This is because a weakness in institutions charged with regulating political and economic competition can lead to the failure of reforms, and even to the re-emergence of armed conflict.

The institutionalist perspective is important in a setting such as post-war Congo to explain the functioning of labour markets — to describe institutions that might be characterised as weak, failed, or collapsed. The institutionalist paradigm is also the foundation on which the following two theories are based.

### **3.3.2 Labour market segmentation theory**

There are three approaches to labour market segmentation theory: by the dualists, the radicals, and the Cambridge School (Peck 196: 56–60). I discuss each in turn.

Segmentation theory began with Doeringer and Piore (1971) notion of the ‘dual labour market’. The notion implied that labour markets are divided into two parts: a primary (internal, core) and a secondary (external, periphery) market (see also Peck 1996; Fine 2003). Doeringer and Piore (1971: 45) describe the two in the following way:

Jobs in the primary market possess several of the following characteristics: high wages, good working conditions, employment stability, chances of advancement, and equity and due process in the administration of work rules. Jobs in the secondary market, in contrast, tend to have low wages and fringe benefits, poor working conditions, high labor turnover, little chance of advancement, and often arbitrary and capricious supervision.

Doeringer and Piore emphasise technological developments and industrial structures that create internal labour markets and require on-the-job training or firm-specific skilled employees in the primary sector. This theory challenges the notion of human capital, which postulates that there is a relationship between educational achievement and workers' rewards, and that the educational system serves to prepare workers and screen them for their destined roles under capitalist employment (Doeringer and Piore 1971: 7).

The dualist model also challenges the classical economic assumption of homogeneity in the labour market (Wachter *et al.* 1974: 281–284). Dualist theorists explain the state of labour markets through the existing qualitative differences within jobs and jobs structures (Wachter *et al.* 1974: 679). They critique the neoclassical notion of human capital by demonstrating that employers' discriminatory strategies shape the demand for labour (Peck 1996: 54). Dualists also suggest that labour markets are socially and institutionally constructed, hence bringing the neoclassical assumption of the self-regulating labour market into question (Kalleberg and Sorensen 1979: 358).

The second group of segmentation theories, the radicals, are Marxist economists who argue that dual labour markets are founded on a capitalist labour control strategy rather than on employees' skills (see, for example, Reich *et al.* 1973: 360–364). Their argument is informed by the history of labour market segmentation. They point to the 1919–1920 strikes and labour movements in the US when 'employers actively and consciously fostered labor market segmentation in order to 'divide and conquer' the labor force' (Reich *et al.* 1973: 361). This strategy allowed employers to break up the labour market in four ways: a segmentation between primary and secondary sectors; a segmentation between subordinate and independent employees (in the primary sector); a segmentation by sex; and a segmentation by race (Reich *et al.* 1973: 361).

Proponents of neoclassical economic theory (like Wachter *et al.* 1974; Cain 1976) have critiqued the dualist model for being too descriptive of job types, lacking methodological and empirical credibility, and therefore not offering a credible alternative to the 'powerful' neoclassical economic theory of labour. They argue that dualists overgeneralise the existence of bipolarity between primary and secondary labour markets. Cain (1976: 1231), for example, refers to evidence of a high range of

mobility of employees between these sectors, though this is countered by the neoclassicist Evans (1973: 33) who suggests that such generalisation might be useful in explaining labour markets in developing countries. Notwithstanding, neoclassical theorists continue to challenge dualism on the basis of its limited application and overlooking, for example, supply-side factors and the role of the state in labour markets (Craig *et al.* 1985) observe that dualism tends to focus more on labour demand while overlooking supply-side factors and the roles of the state in the labour market.

The third group of segmentation theorists (see Rubery and Wilkinson 1981; Craig *et al.* 1985) — known as the Cambridge School — debate processes of social reproduction and the roles of social institutions. At the core of their argument is the claim that social forces, social institutions, and the state shape interactions on both demand and supply sides of labour markets. This group insists on the interaction between supply and demand, and ways in which various sectors within labour markets overlap (Craig *et al.* 1985: 95). The Cambridge School also emphasises state policies of labour legislation, welfare, and education/training systems in regulating labour markets (Peck 1996; Fine 2003).

Market segmentation theory is criticised in particular on the basis of its theoretical limitations. Peck (1996: 79) and Fine (2003: 130) argue that it omits interactions between labour market and spatial context. The state as employer and political force that influences the labour market is also absent. Another weakness is the neglect of the role of the world economy and international economic relations.

Despite these challenges, segmentation theory is a useful tool for examining dual labour markets and policies discriminating by race or gender in during the colonial period. Its usefulness may, however, be compromised by its failure to account for a post-war labour market that is skewed towards labour market flexibility. It is here that Peck's theory of social regulation becomes important, discussed in the next section.

### **3.3.3 Peck's theory of social regulation**

Given the absence of an appropriate post-war labour market theory, this thesis seeks to draw and expand on Peck's (1996) theory of social regulation of the labour market. This is because labour market phenomena in post-war situations need to be scrutinised by

looking at the effects of political, economic, and social factors operating before, during, and after conflicts (Krishnamurty 2007: 54). To that end, the assumptions and precepts of Peck's theory may help us achieve a more holistic understanding of post-war labour market reconstruction. In what follows, I demonstrate the usefulness of his theory in this thesis.

Labour markets, Peck argues, are constructed and work in locally specific ways. Thus, existing spatial, occupational, political, economic, and socio-cultural structures have to be taken into account when wishing to regulate labour markets. By looking at how systems are rooted in the local, Peck's theory provides a framework for examining the governance of labour markets in the context of contradictory institutions (international institutions vs. national ones, companies vs. trade unions, etc.) and the constrictions that act on social actors.

In Peck's understanding, labour supply and labour demand are linked by processes of incorporation, allocation, control, and reproduction. A range of social factors have an impact on the demand for labour, including education and social and economic decisions. Without taking these factors into consideration, it is hard to incorporate the labour market, and it cannot be regulated by simply matching supply with demand. These social processes have to be taken into account when shaping any regulation of the labour market. Peck points to four elements that can be used to identify these social processes: labour incorporation, labour allocation, labour control, and labour reproduction.

### ***3.3.5.1 Labour incorporation***

Labour incorporation refers to 'the processes by which individuals become wage earners or self-employed in the labour market' (Peck 1996: 26). By determining labour incorporation, the choices of individuals in the labour market, and their potential to do certain jobs, are determined (Bezuidenhout *et al.* 2008: 7). For Peck, the flow of workers into the market is not a function simply of the number of available jobs. Rather, he argues that this flow depends on the intersection of various social, demographic, educational, and economic factors, on institutional labour legislation and on 'autonomous social forces such as state policies, ideological norms, and family structures' (Peck 1996: 27). These social realities thus point to the fact that 'labour

supply is not simply regulated by market forces' (Peck 1996: 27). In addition, studies must take into account extra-market actors and/or factors that unpredictably affect state regulation of the incorporation of labour. Overall, Peck's theory touches on conceptual elements that this study can use as lenses for understanding workers' integration in labour markets.

Labour market incorporation takes place in two main steps. The first consists of an individual's decision to look for a job. This decision can be free or unfree: 'adverse labour incorporation' occurs, for example, in situations such as forced labour, slave labour, child labour, and human trafficking (Phillips 2013). The second step consists of looking for information on job opportunities. For this several studies employ Granovetter's (1973: 1367) theory of the strength of weak ties: jobseekers finding information on job vacancies through persons who they are not close to, such as acquaintances, friends of friends, former college friends, former workmates, or employers. The strength of these ties is 'a combination of the amount of time, the emotional intensity, the intimacy, and the reciprocal services which characterize the tie' (Granovetter 1973: 1361). Compared to close friends or family members, these acquaintances are more likely to move in circles different from those of the job seekers and thus have access to job information the job seekers cannot access by themselves.

A large body of research has argued that context matters when it comes to strong or weak social ties. Langlois (1977) argues that executives and professionals frequently use weak ties, while individuals of low status often draw on strong ties. Lin *et al.* (1981) underline the effectiveness of using weak ties in the free and complex labour markets of the US and Europe. Brown and Konrad (2001) note that people tend to use weak ties in growth sectors of the economy, whereas they make use of strong ties in shrinking industries.

Granovetter's concepts of strong and weak social ties is critical for an analysis of how Congolese engage in the job-searching process. Phillips' notion of adverse labour incorporation will be relevant when dealing with situations of forced labour, including child labour, in the DRC.

### ***3.3.5.2 Labour allocation***

The second phase of the labour market process is labour allocation, which links the demand and supply sides of the labour market by matching workers and jobs. Peck argues that an individual's achieved and/or ascribed status, as well as the social ties held, play a huge roles in the person's allocation in the labour market. An individual's achieved status refers to the manner in which someone's human capital (qualifications, work experience, and skill) determines how he/she may be slotted within the labour market. The allocation of labour is often influenced by ascribed characteristics such as ethnicity, race, sexual orientation, gender, and citizenship. In addition, 'the complex intermeshing of employers' recruitment networks and worker supply networks' plays a significant role in labour allocation (Peck 1996: 30). Peck, therefore, insists that labour allocation is based more on relations of trust than on human capital (Peck 1996: 33–34). This point is critical in analysing the ways in which employers hire Congolese employees.

### ***3.3.5.3 Labour control***

Labour control refers to 'the interrelated processes of, first, securing an appropriate labour supply; second, maintaining control within labour process; and third, effectively reproducing this set of relations' (Peck 1992: 337). Labour control is the terrain where conflict of interests between employers and employees take place. While employers seek to control employees in order to increase their productivity and the functioning of the enterprise, employees seek to defend their autonomy, the physical integrity of their labour power and their skills. There are no universal rules of labour control; rather, they vary historically, geographically and from one industry to another (Peck 1992). Other factors can also have an impact, such as production, technology, plant size, the nature of the labour supply, and the system of labour regulation (Peck 1996).

Strategies of labour control are strongly influenced by local politics (Peck 1992). The role of the state in the reproduction of labour, the relationship between internal and external labour markets, and the dynamics of political movements are amongst factors that shape labour control.

Drawing on Burawoy (1979) typology of labour control, which distinguishes the despotic labour control of early capitalism from contemporary hegemonic labour control, Peck differentiates consent from control. Despotic labour control, in his presentation, is managerial despotism. In such a management system, workers do not have a voice in the labour process. Instead they are coerced into following instructions. Consent, in contrast, draws willingness and cooperation from workers:

[A]chieving and maintaining a balance between consent and control in the workplace is not simply a matter of setting appropriate wage rates but involves continuous negotiation with both labour process (for example, around the introduction of new technologies) and the labour market (for example, around hiring and promotion decisions) (Peck 1996: 32–33).

Research based on Peck's approach shows the existence of various labour control strategies. Direct political control can be as blatant as inserting state agents into companies in order to monitor their activities (Bezuidenhout and Buhlungu 2011). Spatial control regulates and restricts the movement of individuals or employees in industrial enclaves, worker accommodation facilities, industrial zones, or more broadly within a country (Kelly 2002; Bezuidenhout and Buhlungu 2011). Reproductive or identity-based control intervenes in actual reproductive functions such as sexual intercourse, alimentation styles, or personal hygiene (Bezuidenhout and Buhlungu 2011). Associational control or workplace containment regulate and curb worker organisations, trade unions, and sporting or religious activities (Bezuidenhout and Buhlungu 2011). Authoritarian control of production leads company managements to promote a state of fear among employees by overt displays of power (Kelly 2002). Gender-based control targets female employees in terms of labour allocation, career advancement, and wage inequality (Kelly 2002).

Edwards (1979) offers two types of labour control, general directive controls and detailed control. While the former focuses on the extraction of surplus value, the latter is based on negotiation of order at work. Edwards argues that labour control results from the struggle between employers/managers and employees in which employers seek to minimise employees' opportunities for resistance while employees struggle for their rights. This can result in situations where employees acquiesce to domination by

employers, a situation Edwards (1979) calls compliance. If, however, employees and employers manage to reach agreement, then they achieve consent.

Friedman (1977) offers two slightly different types of labour control: absolute control, in which the workers' productivity behaviours are directly controlled by hierarchical authorities, and relative control, where skilled workers are given responsibilities to control their subalterns (Friedman 1987, 2004).

#### ***3.3.5.4 Labour reproduction***

The last aspect of Peck's theory of social regulation is labour reproduction. With this concept Peck emphasises that all processes of labour incorporation, allocation, and control relate to the household (family) and community. He argues:

The sphere of production and the sphere of social reproduction are both separate and connected. They are separate in the sense that they each have their own structures of dominance along with their own distinctive rhythms and tendencies, but they are also related in the sense that each conditions and interacts with the other (Peck 1996: 36).

Workers' productivity depends not only on their treatment in the workplace but also on the household, community, and state that define the worker's social being. For Peck, research needs to look at how the reproduction of labour is regulated, including at how labour is trained and supported by family, community, and state inputs outside the workplace. Likewise, it is crucial to know how labour is influenced by interconnected social realities such as the individual workplace, the industry or sector, and the locality, region, or national economy, politics, culture, and ideology.

Peck's theory, which is widely adopted by labour sociologists, will allow a careful analysis of the role played by all labour market actors in studies of post-war labour market reconstruction. This study uses Peck's theory because the concepts it proposes allow me to take into account the DRC's weak institutions and its large number of marginalised or unemployed workers. Equally important, Peck's theory allows us to understand how, historically and currently, the Congolese have been subject to several contradictions, complexities and regulatory dilemmas. In short, Peck's theoretical framework is an important analytical tool for understanding how post-war labour markets are socially reconstructed.

### **3.4 Conclusion**

This chapter elaborated concepts and theoretical perspectives used to examine the process of post-war labour market reconstruction. It first examined five key concepts used in this study: the labour market, labour market institutions, the state, power, and the international system. With regard to the term ‘labour market’, it explained that a comparatively narrow economic conception of the labour market has limitations for use in this thesis, while a broader, holistic view, advanced from various social science standpoints, has greater relevance for the arguments I wish to make. As a post-war labour market occurs within a state, it is critical to understand the concept of the state from the perspective of theories of the African state because these are sensitive to the complex situations that can be found in a decolonial country that has experienced multiple wars. Other approaches are too broad, or too strongly based on labour situations in Western countries. Regarding Foucault’s concept of power, it is important to use that concept for understanding activities of all actors involved in the Congolese labour market reconstruction. It is also useful to show how mechanisms of power and/or power relations shape processes of post-war labour market reconstruction. This also applies for the concept of international system, which influences these processes in the current context of post-Cold war.

The chapter argues that Peck’s theory of labour market social regulation provides an appropriate lens for examining processes of post-war labour reconstruction. This choice was arrived at following the analysis of the merits and demerits of labour market segmentation theory. I concluded that Peck’s theory was much more appropriate.

## **CHAPTER FOUR: RESEARCH METHODOLOGY: A CONSTRUCTIVIST APPROACH**

### **4.1 Introduction**

This chapter discusses and justifies the methodology chosen for this study. It argues that the ethnographic approach, based on the extended case method (ECM), is the most appropriate research design as it enables the collection of relevant data to answer the research questions. The study grounds the ethnographic research in a constructivist approach that assumes the presence of constructed and co-constructed multiple realities. There is no single truth and way of knowing. Rather, ideas of the world are several and socially constructed through how people interact. The constructivist basis allows the research to be sensitive to complexities on the ground in the DRC.

The chapter first defines the concept of the paradigm and examines four paradigms, positivism, post-positivism, critical theory, and constructivism. It then discusses the research design of the thesis: the extended case method, the sampling methods, the research instruments, the research site and study population, the data collection, the data analysis, and the credibility and reliability of the data. Lastly, the chapter explores the ethical considerations and limitations that impact the study.

### **4.2 Theoretical Research Paradigms**

In this section I examine the concept of the paradigm, in particular as applied in the social sciences and justify why my adoption of the constructivist approach is more suitable for the study at hand than other major theoretical paradigms.

#### **4.2.1 Defining the paradigm**

All research is grounded in philosophical assumptions related to validity and research methods. Kuhn (1983: 30) refers to these assumptions as ‘paradigms’. A paradigm is thus a philosophical way of thinking, a set of beliefs, values, and assumptions that a community of researchers has in common regarding the nature and conduct of research. Paradigms cannot be ignored in research because

[t]he selection of research methodology depends on the paradigm that guides the research activity, it relates to beliefs about the nature of reality and humanity (ontology), the theory of knowledge that informs the research (epistemology), and how that knowledge may be gained (methodology) (Audet and Larouche 1988: 4).

A paradigm thus comprises three components: ontology, epistemology, and methodology. Ontology asks about the nature of reality and the nature of the human presence in the world. It asks the following questions: What exists? What is true? What is a reality? How can we seek existing things? The researcher thus has to take a position towards the nature of reality (Creswell 2007: 15). The ontology then informs the epistemology and methodology (Tuli 2010: 99). Epistemology is the study of knowledge (Flick 2008: 116). According to Baergen (2006: 69), it refers to ‘how we come to know what we know’. Who is the inquirer and what is the known? How do we know what we know? (Marvasti 2004: 5). Thus, epistemology plays a key role in research by examining the relationship between the researcher and knowledge during discovery (Denzin 2005: 22). As Van Maanen (2011: 102) notes, ‘the epistemological aim is then to braid the knower with the known’. In this light, ‘the choice of an epistemological approach is likely to be influenced by the background, discipline, and ontology of the researchers involved’ (Johnstone 2007: 105).

The third concept, methodology, translates ontological and epistemological principles into guidelines that show how research is to be conducted (Sarantaros 2013). Several scholars (see i.e Wilson 2001; Marvasti 2004; Lincoln and Guba 2013) in the social sciences consider methodology — a set of methods — as a specific and practical way through which researchers approach problems and seek appropriate answers in the process of research. It defines the principles, procedures, and practices that direct enquiry and that guide the way we go about gaining knowledge.

In summary, paradigms shape and define the conduct of inquiry in social science research through assumptions about the nature of reality and humanity (ontology), the theory of knowledge that informs the research (epistemology), and how that knowledge may be gained (methodology). I use these definitions as basis to examine four different paradigms and to argue for why constructivism is the best for the study at hand.

#### 4.2.2 Positivism, post-positivism, critical theory, and constructivism

Lincoln and Guba identify four social science paradigms: positivism, post-positivism, critical theory, and constructivism. Positivism, also ‘realism’ or ‘naïve realism’, theorises that human beings perceive the world directly. The ontological underpinning of positivism is that an external and constant reality exists and can be measured objectively (Guba and Lincoln 1994: 109); reality, truth, or ‘social facts exist outside of men’s consciousness’ (Brand 2009: 436). For this reason, positivist epistemology is dualist and objectivist in nature. It obliges the researcher to determine objectively ‘how things really are, and work’ (Guba and Lincoln 1994: 111) in order to prevent subjective feelings, values, or prejudices to influence the findings (Lincoln and Guba 2013: 87). The positivist methodology is, therefore, experimental in approach, focusing on the verification of hypotheses (Guba and Lincoln 1994: 110–111).

Post-positivism stands opposed to what is understood as positivism’s naïve realism. Rather, it is based on a critical realist ontology, according to which reality can never be perfectly apprehended (Guba and Lincoln 1994: 110–111). It follows that post-positivist epistemology is grounded on positivism’s assumption that postulates that ‘the knower and the known can be separated out’ (Brand 2009: 438). However, this modified version of positivism’s (quantitative) methodology is experimental and manipulative, resorting to qualitative techniques of falsifying hypotheses to avoid the shortcomings of positivism.

The critical theory paradigm is rooted in a tradition of historical realism and ontologically assumes that there is only one reality. Yet, it conceives of this reality as fluid and shaped by social, political, historical, economic, cultural, ethnic, and gendered factors (Lincoln and Guba 2013: 88). Critical theory is thus a context-based, value-mediated, transactional, and subjectivist epistemology that emerges in the interaction between researcher and researched (Guba and Lincoln 1994: 111). Since in this paradigm the distinction between ontology and epistemology may seem clouded, dialogue oriented towards the discovery of findings emerges as a key methodological tool for critical theory (Brand 2009: 438).

Constructivism can also be considered a relativist paradigm, as it assumes that realities are multiple, socially constructed, and interpreted, whether experienced by people in

their mutual interactions or in contacts with wider social systems (Guba and Lincoln 1994: 110–111). The paradigm considers wider social systems as relatively and subjectively socially constructed (Henning *et al.* 2004: 20). Constructivists thus seek to understand how humans make meaning of the world in which they live and work (Sembera 2007: 153). They consider these meanings to be varied, multiple, constructed by individual interactions, and historically developed and transmitted within a given geographical, temporal, political, and socio-cultural context. Thus, they seek to take the role of context into full consideration during an inquiry (Schwandt 2007: 38).

Epistemologically, constructivists believe that knowledge of social reality is subjective, situational, culturally variable, and ideologically conscious (Marvasti 2004). The basic assumption of constructivism is that investigators cannot be isolated from their knowledge and research participants. Interactions between investigator and informant should lead to a deeper understanding of the issues in which findings or knowledge are co-created (Creswell 2007).

Methodologically, constructivists prefer using qualitative approaches to investigate, interpret, and describe social realities. These approaches allow them to make sense of participants' realities through the use of observation, interviews, and documentary research (Henning *et al.* 2004: 20). In other words, the usefulness of qualitative research methodology is founded on its ability to address complex social questions (Ormston *et al.* 2013: 5).

It remains to discuss the rationale for using constructivism for this study. In labour market studies, relations between institutions, employers, employees, and non-market actors all involve human beings. All these actors contribute to the construction of the labour market. In doing so, they have different understandings of their actions in, ideas about, and hopes for the labour market. Therefore, I argue that actors involved in post-war labour market reconstructions might conceive these processes differently and subjectively in their mutual interactions. The constructivist approach is, therefore, appropriate for understanding how people interpret processes of post-war labour market reconstruction. The constructivist worldview I adopt falls within Peck's theory of labour market social regulation, which postulates that *a labour market is socially and locally constructed and regulated*. This also applies to the labour market framework, which has

been socially and locally constructed, damaged, and reconstructed throughout its history.

### **4.3 Research Design**

This section explains the methods design, study population, sampling technique, data collection and analysis, and research instruments used in the study, and closes by discussing the ethical considerations and limitations underlying this thesis.

#### **4.3.1 The extended case method**

There is no single prescribed research design in the social sciences (Schwandt 2007: 265). A well-chosen research design allows an appropriate approach given the nature of the research questions (Flick 2008: 14). It also contributes to the theoretical knowledge useful in achieving the research aims (Burawoy 1988). The study opted for the ethnographic research design known as the extended case method.

The extended case method, also called situational analysis (Jaap van Velsen, (as cited in Ihlebaek 2006: 8), was first used by anthropologist Max Gluckman in the late 1950s and early 1960s, and remains an ethnographic practice of remarkable relevance and promise. From its inception, the method was designed as an alternative to structural functionalist approaches. It aims to capture detailed empirical realities in social process, thus contributing to a view of the social order and accounting for the actions and choices of real individuals:

[t]he trump role of situational analysis is its underlying attraction to the question of conflict and to the logic of dialectic. The Extended Case Method bore the seeds of another way of looking at the social altogether, in which the social was pre-eminently a matter of practice (Evens and Handelman 2006: 3).

More importantly, the extended case method places emphasis on the reconstruction of existing theories (Burawoy 1988, 1991). For Burawoy (1991: 271), this method is suitable for evaluating the relationship between data and theory. To that end, he recommends that researchers use their observations from specific cases to challenge and reconstruct existing theory. The extended case method emphasises the specific political,

socio-cultural, economic, geographical, and historical contexts that allow research to generate relevant data for re-examination of the theory.

Using the extended case method enables the examination and explanation of the role of the main actors and institutions involved in post-war labour market reconstruction in the Congo. It provides the tools for collecting information on how individuals and institutions shape the reconstruction of post-war labour markets. Further, it is helpful in illuminating various individual and/or institutional contradictions and conflicts in the labour market. By using the approach, the study is able to examine the remaking of the Congolese labour market, and to review and extend Peck's theory.

#### **4.3.2 Research site**

This study was conducted in Kinshasa, Democratic Republic of Congo. Data collection took place in two phases, between November 2016 and August 2017 and between December 2018 and March 2019. Most of the research data was collected during the first phase. During the second phase I focused on collecting more in-depth information I still required for my thesis, especially on important developments that occurred in the Congolese labour market after August 2017.

Kinshasa is not only the capital city but also the most important city in the Congo in terms of politics, economy, and population. In what follows, I describe the city to demonstrate the rationale behind choosing Kinshasa as the geographical unit for this study.

Kinshasa is the seat of the government, parliament, and all important public institutions of the Congo. All decision makers who regulate the labour market are located here as are the headquarters of key public labour market institutions. To be located in the city thus means easier accesses to key informants and information relating to their actions in the labour market reconstruction process. Economically, Kinshasa is also the most important city in the DRC, so that most private institutions locate their headquarters here, often in the Commune of Gombe, Kinshasa's central business district. Demographically, Kinshasa is both the most inhabited area of the Congo and the place where the largest number of formal and informal employees work daily. The concentration in the city of key players in the labour market and in the processes of its reconstruction thus makes it the right place to gather information needed for this study.

Previously named Leopoldville, Kinshasa has played an influential role in Congolese politics since colonisation. It is located on the southern bank of the Congo River, directly facing Brazzaville, the capital of neighbouring Congo Republic (Trefon 2013: 5). These two cities are famous for being the closest capitals in the world (Freund 2012: 902). Surrounded by a ring of hills, Kinshasa is considered a natural amphitheatre (De Saint Moulin 2010: 244). It is also the third-largest city in Africa, after Cairo and Lagos (Freund 2011: 34; Trapido 2016: 67), its population estimated at exceeding 11 million (United Nations 2017: 91). All important government institutions are located in the city: parliament, the government, the supreme court, and the army headquarters.

Yet, due to weak political regimes since independence in 1960, Congo has become the epitome of a failed post-colonial nation-state (Trefon 2013: 4). And Kinshasa has become the epitome of the antithesis of a ‘Weberian political order with its functioning bureaucracy, democratically elected representatives, tax collectors, law enforcement agents and impartial judicial system’ (Trefon 2013: 4). Some analysts even argue that corruption, maladministration, poor capacity to deliver public goods, underpayment and ethnic friction have reached such a level that there is no longer a clearly identifiable boundary between formal and informal practices (Iyenda 2006: 109).

These political and administrative challenges have a negative impact on Kinshasa’s (and thus Congo’s) economy, already weakened by the absence of a well-organised formal structure after the series of post-independence wars (Trefon 2013). Although there has been some economic recovery after the 1998–2002 war, the rate of poverty keeps growing (Freund 2011). While a number of economic success stories can be cited, these are surrounded by unrelieved crisis for most citizens. Economic success is located in particular in Kinshasa’s fast-growing services sector, which accounts for about 19% of the country’s GDP. Among the key economic sectors are manufacturing, trade, transportation, telecommunications, retail, construction, and financial services (Institut National De La Statistique 2018: 4), with some showing remarkable economic performance (Kankwanda *et al.* 2014). The Congolese National Employment Office has also reported growing job creation in these private sectors (Office National de l’Emploi 2015b). However, the rate of unemployment in Kinshasa lies at 80% among economically active people (Sylla 2013: 40) and nearly 80% of employees are employed in the informal sector (Shadi and De Brouwer 2010: 648).

### 4.3.3 Purposive and snowball sampling methods

I used two sampling methods to select the informants: purposive and snowball sampling. I applied purposive sampling to identify the particular senior executives in Congolese labour market institutions, senior executives in private companies, and members of the group called *24 entreprises et subséquentes* (an unofficial pressure group composed of over 45,000 former employees from over 24 public and private companies who were victims of mass dismissals during the transition [(Kungu 2011; L'observateur 2011; Mazongelo 2013)]) that would be critical for my study.

I then used snowball sampling to build sample groups for the key study populations in this study (see Section 4.3.5). On the basis of my research questions, my respondents pointed me to additional informants. This occurred both in the public companies and in some private companies, where senior executives of human resources departments put me in touch with important informants in other companies. In some situations, individuals from the private sector would also refer me to possible contacts in the public sector, and vice versa.

### 4.3.4 Research instruments

The primary research instrument for data collection from the key study populations was in-depth semi-structured interviews. The following questionnaires were used to conduct these semi-structured interviews for each of the study populations (see Appendices for copies in English and French).

- Interview schedule for senior executives of the Department of Labour (Appendix 7)
- Interview schedule for senior executives of ONEM (Appendix 8)
- Interview schedule for senior executives of the INPP (Appendix 9)
- Interview schedule for senior executives of the CNSS (Appendix 10)
- Interview schedule for senior executives of ANAPI (Appendix 11)
- Interview schedule for senior executives of the FEC (Appendix 12)
- Interview schedule for senior executives of trade unions (the CGSA and the Order of Architects) (Appendix 13)

- Interview schedule for employers or senior executives of private companies (Appendix 14)
- Interview schedule for employees (Appendix 15)

Unstructured interviews were used especially for collecting data among non-market actors. They were also used to support semi-structured interviews. They helped me update my fieldwork data according to some new development in the Congolese labour market such as, for example, the implementation of the minimal wage policy in March 2019.

I kept diaries with detailed notes of my field observations. This process helped me to keep track of my observations. By regularly revisiting these notes and reflecting on my observations, I was able to develop additional questions. The process sensitised me to details that were significant for my research objectives and questions.

#### **4.3.5 Study population**

There are many actors involved in the reconstruction of the Congolese post-war labour market. Thus, a multi-actor approach was used, that is, the different actors in the labour market were selected as study participants. It was important to generate detailed data from different categories of informants as some features of the Congolese post-war labour market recoveries were contradictory and complex, and affected different groups of people differently. The inclusion of various categories of informants allowed this study to reach a deeper understanding of these contradictions and complexities.

This category of actors comprised people who were able, based on their experience and knowledge, to analyse and reflect on the Congolese labour market. Some of these interviewees also provided me with sensitive information on the Congolese politics and economy. The category included academics who studied the making and remaking of the Congolese labour market. It included retired trade unionists who had extensive experience of historical and current realities of that labour market. It also included former politicians for their insights into the role of the government in the remaking of the labour market and on international or local factors that influenced the state during these processes. In total, I conducted 13 interviews with 14 informants (see Table 1).

Many of the academics I interviewed were able to point me to other experts I should consult (see discussion of snowball sampling above). In many cases, it was easy for me to approach them because of a historical idiosyncrasy: the neighbourhood in which I lived, the commune of Lemba, was built during the colonial period for middle-class public servants, academics, and higher-ranked army officers. As many of those I was referred to were retired and lived in this commune, it was relatively easy for me to approach them.

**Table 1: Interviews with labour market experts**

<b>Informant</b>	<b>Number of interviewees</b>	<b>No of interviews</b>	<b>Date of interview</b>
Retired unionist A	1	1	December 2016
Retired unionist B	1	1	December 2016
Historian	1	1	February 2017
Economic historian	1	2	March 2017
Demographic historian	1	1	June 2017
Member of parliament A	1	1	March 2017
Member of parliament B	1	1	June 2017
Sociologists	2	1 (group)	March 2017
Labour sociologist	1	1	April 2017
Economist	1	1	April 2017
Lecturer in labour law	1	1	June 2017
Former minister of the transitional government and his adviser	2	1 (group)	July 2017
<b>Total</b>	<b>14</b>	<b>13</b>	

The second category of actors consisted of senior executives in public labour market institutions, namely the Department of Employment, the *Agence Nationale pour la Promotion des Investissements* (National Agency for the Promotion of Investments, ANAPI), the *Office National de l'Emploi* (National Employment Office, ONEM), the *Conseil National de l'Emploi* (National Council of Labour, CNT), the *Institut National Préparation Professionnelle* (National Institute of Vocational Training, INPP), and the *Caisse Nationale de Sécurité Sociale* (National Social Security Fund, CNSS). These senior executives spoke about how their institutions were involved in the reconstruction of the Congolese labour market. Their selection was based on their professional positions in these institutions and/or their expertise and knowledge of matters related to the research questions.

I identified these informants by purposive sampling during preparatory fieldwork in July 2017, before I started my full-scale research in November of that year. Given their specific positions in their institutions, they were reliable discussants for the research questions. I collected data from at least one key informant per labour market institution. The individuals were selected based on their hierarchical positions in their institutions and/or their expertise and knowledge on matters related to the research questions. Nine in-depth, semi-structured interviews with 7 informants and 2 group interviews with 6 informants were conducted with a total of 12 key informants from the public labour market institutions (see Table 2). The pseudonyms used when citing these informants are also indicated in the table.

**Table 2: Interviews with senior executives in public labour market institutions**

<b>Position</b>	<b>Institution</b>	<b>Pseudonym</b>	<b>No of interviewees</b>	<b>No of interviews</b>	<b>Date of interview</b>
Manager	ANAPI	Gbadolite	1	1	March 2017
Manager	ANAPI	Makanza	1	1	March 2017
Manager	CNSS	Bolomba	1	1	June 2017
Member	CNT	Lisala	1	1	December 2017
Assistant Manager	INPP	Miweya	1	1	July 2017
Manager	Labour Department	Likwalo	1	1	February 2017
Assistant Managers	Labour Department		4	1 (group)	March 2017
Assistant Managers	ONEM	Gemena, Zongo	2	1 (group)	March 2017
Manager	ONEM	Abunakombo	1	3	April, June and December 2017
<b>Total</b>			<b>12</b>	<b>11</b>	

The third category of actors comprised senior executives of Congolese employer organisations, namely the *Fédération des Entreprises du Congo* (Congolese Business Federation, FEC), and trade unions, such as the *Confédération Générale des Syndicats Autonomes du Congo* (Congolese General Confederation of Autonomous Trade Unions, CGSA), and one professional association, namely the Congolese National Order of Architects. These informants were selected because they occupied key positions in institutions that advocate for the interests of employers or for the well-being of employees.

I conducted a total of 5 in-depth semi-structured interviews with 5 key informants (see Table 3). To identify these informants, I combined snowball sampling and purposive sampling methods. Snowballing was used in particular to find members of the order of architects: one architect put me in touch with senior members of their organisation. Again, the table indicates the pseudonyms used for these individuals.

**Table 3: Interviews with senior executives of employer organisations, trade unions and professional associations**

<b>Position</b>	<b>Institution</b>	<b>Pseudonym</b>	<b>No of interviewees</b>	<b>No of interviews</b>	<b>Date of interview</b>
Senior Executive	CSGA	Alain	1	1	December 2016
Manager	FEC	Robert	1	1	December 2016
Legal Advisor	FEC	Gracious	1	1	March 2017
Senior member	Order of Architects	Simonambi	1	1	February 2017
Senior member	Order of Architects	Bulungu	1	1	February 2017
<b>Total</b>			<b>5</b>	<b>5</b>	

The fourth category was composed of non-market actors such as religious leaders, academics, politicians, human right activists, traditional leaders, journalists, and unofficial worker lobby groups. It is the influence and analysis provided by these informants into the functioning of the Congolese labour market that was an important rationale for choosing their input in this study.

I conducted 13 interviews with 21 informants in this category, namely 12 semi-structured interviews with 12 informants and one group interview with 9 informants (see Table 4). I identified non-market actors through snowball sampling, based on the suggestions of my acquaintances and informants. For instance, a member of parliament of the ruling party, a childhood friend, introduced me to a range of politicians and a traditional leader. Regarding the *24 entreprises et subséquentes*, I met nine of its members when they were protesting in front of the Labour Department just as I was conducting an interview inside. This allowed me to arrange a group interview with the core members of the organisation.

**Table 4: Interviews with non-market actors**

<b>Informant</b>	<b>Institution</b>	<b>No of interviewees</b>	<b>No of interviews</b>	<b>Date of interview</b>
Journalist	Newspaper	1	1	March 2017
Professor	University	1	1	July 2017
A Priest	Catholic church	1	1	December 2016
Pastor A	Pentecostal church	1	1	November 2016
Pastor B	Pentecostal church	1	1	March 2017
Human rights activist	NGO	1	1	February 2017
Human rights activist	NGO	1	1	March 2017
Member of Provincial Parliament	Provincial Assembly	1	1	December 2016
Member of Parliament	National Assembly	1	1	July 2017
Politician A	Ruling party	1	1	July 2017
Politician B	Ruling party	1	1	July 2017
Traditional leader	Cultural sector	1	1	April 2017
Committee members	<i>24 entreprises et subséquentes</i>	9	1 (group)	March 2017
<b>Total</b>	<b>21</b>		<b>13</b>	

The fifth and last category involved Congolese employees from companies falling within private-sector companies in sectors such as construction (see Table 5), retail (see Table 6) and telecommunication (see Table 7). These sectors were selected following statistical information that they offer more formal job opportunities in Kinshasa (see Section 4.3.2 ). Based on similar reasons, I focused on companies owned by South Africans, Indians, and Chinese, which are said to provide most job opportunities in Kinshasa.

These employees provided data on their experiences in the labour market. The selection of informants varied according to sector, time an individual had spent at a company (minimum of one year) and the professional position held. The participation of respondents was voluntary.

A total of 17 interviews with fifteen senior executives, 12 interviews with twelve junior executives, 17 interviews with seventeen routine clerical, technical, or supervisory workers, and 14 interviews with fourteen manual workers from all companies were conducted (see Tables 5, 6, and 7). I interviewed 15 informants in the construction sector, 17 in the retail sector, and had 27 interviews with 25 informants in the telecommunications sector.

**Table 5: Interviews with employees at construction companies**

Position	Company	Pseudonym	No of interviewees	No of interviews	Date of interview
<i>A. Cadres de direction (Senior executives)</i>					
Architect	Globalium Business	Kadjeke	1	1	December 2016
Architect		Kama	1	1	April 2017
Architect		Karonge	1	1	April 2017
Architect	KACA	Basanga	1	1	March 2017
Engineer		Bombi	1	1	June 2017
Financial manager		Elila	1	1	November 2016
<i>B. Agents de Maitrise (routine clerical, technical, supervisory worker class)</i>					
Foreman	Globalium Business	Lwebo	1	1	April 2017
Foreman	KACA	Lombo	1	1	June 2017
<i>C. Personnel d'exécution (manual working class)</i>					
Builder	KACA	Lutshatsha	1	1	March 2017
Builder		Lukwila	1	1	March 2017
Builder		Lubudi	1	1	May 2017
Builder assistant	Globalium Business	Lubisi	1	1	March 2017
Cleaner		Luwo	1	1	March 2017
Driver		Lukungu	1	1	March 2017

Builder	Ching Chong	Lulonga	1	1	May 2017
<b>Total</b>			<b>15</b>	<b>15</b>	

**Table 6: Interviews with employees at retail companies**

<b>Position</b>	<b>Company</b>	<b>Pseudonym</b>	<b>No of interviewees</b>	<b>No of interviews</b>	<b>Date of interview</b>
<i>A. Cadres de direction (Senior Executives)</i>					
Lawyer	New Sarah	Kwenge	1	1	July 2017
Manager		Kikimi	1	1	Jun 2017
Manager		Miao	1	1	March 2017
Manager	Shoprite	Kasumu	1	1	December 2016
Manager		Kayange	1	1	December 2016
Manager		Kibali	1	1	December 2016
<i>B. Agents de Maitrise (routine clerical, technical, supervisory worker class)</i>					
Cashier	New Sarah	Lwabwe	1	1	March 2017
Customer attendant		Lwange	1	1	April 2017
Salesperson		Idiba	1	1	April 2017
Supervisor		Lubidi	1	1	April 2017
Customer attendant	Shoprite	Lufira	1	1	December 2016
Salesperson		Lemene	1	1	January 2017
Salesperson		Lua	1	1	January 2017
Salesperson		Lubefu	1	1	January 2017
<i>C. Personnel D'exécution (manual working class)</i>					
Chef		Bakali	1	1	May 2017

Conveyer		Mpukulu	1	1	December 2016
Security Guard	New Sarah	Bembezi	1	1	April 2017
<b>Total</b>			<b>17</b>	<b>17</b>	

**Table 7: Interviews with employees at telecommunication companies**

<b>Position</b>	<b>Company (pseudonym)</b>	<b>Pseudonym</b>	<b>No of interviewees</b>	<b>No of interviews</b>	<b>Date of interview</b>
<i>A. Cadres de direction (Senior executives)</i>					
HR Senior executive	Yugphone	Maringa	1	2	April and June 2017
IT Senior executive		Lopori	1	1	March 2017
HR Senior Executive	Mzansiphone	Tuana	1	2	July 2017
<i>B. Cadres de collaboration (Junior executives)</i>					
Engineer	Wangphone	Mongala	1	1	January 2017
Engineer		Rubi	1	1	January 2017
Marketing Junior Executive		Rukozizi	1	1	December 2016
IT Junior Executive	Yugphone	Bili	1	1	January 2017
Engineer		Chris Kwa	1	1	January 2017
Marketing Junior Executive		Meheshe	1	1	April 2017
Engineer		Okapi	1	1	January 2017
Engineer	Mzansiphone	Dany	1	1	March 2017

HR Junior Executive		Luenda	1	1	January 2017
Marketing Junior Executive		Monzi	1	1	May 2017
Engineer		Tele	1	1	March 2017
Engineer		Virunga	1	1	May 2017
<i>C. Agents de Maitrise (Routine clerical, technical and supervisory worker class)</i>					
Call centre agent	Wangphone	Apate	1	1	March 2017
Marketer		Arwimi	1	1	March 2017
Clerk		Bangwelo	1	1	March 2017
IT supervisor	Yugphone	Bili Close	1	1	April 2017
Salesperson		Bima	1	1	March 2017
Marketer		Bomokandi	1	1	March 2017
Marketer	Mzansiphone	Botango	1	1	March 2017
<i>D. Personnel d'exécution (manual working class)</i>					
Freelancer	Wangphone	Bangamelo	1	1	February 2017
Freelancer	Yugphone	Bushimay	1	1	January 2017
Freelancer	Mzansiphone	Busira	1	1	March 2017
<b>Total</b>			<b>25</b>	<b>27</b>	

### **4.3.6 Data collection**

The data for this study was collected through interviews, in situ observation, and secondary data. In what follows, I discuss how I used these techniques and why I chose them.

#### ***4.3.5.1 Interviews***

In general, empirical data for this study were collected using in-depth, semi-structured interviews, unstructured interviews, unofficial conversations, and group discussions. The use of these various strategies enabled the study to address the shortcomings of each of the methods, thus enabling the collection of a large data set. Participants interviewed were employees, employers, and executives of the Congolese labour market institutions. A total of 109 participants were interviewed in Kinshasa. Of the 101 interviews, 86 were conducted in French, 11 in Lingala, and 4 in English; all of these were tape-recorded and later transcribed and coded.

#### ***4.3.5.2 In situ observations***

I used in situ observations to observe how informants (especially Congolese employees and some of their employers or [foreigner] managers) performed their duties and interacted with others on the job.

#### ***4.3.5.3 Secondary Data***

Apart from interviews and observations, I collected some useful data from official government publications, newspapers, radio and television stations, online news media sources, and archives.

I consulted several official government publications on the Congolese labour market. The official government gazette (*le Journal Officiel*) provided information on labour legislation, bulletins from the Department of Labour and reports from the Congolese Central Bank and ONEM allowed me to gather data about their work.

I also consulted various newspapers in printed and online versions, both those which support the Congolese opposition and those that endorse the ruling party. For this, I used Frère (2005) categorisation of Congolese newspapers: newspapers supporting the

opposition include *La Tempête des tropiques le Phare*, *le Potentiel*, *la Reference plus*, and *Le Phare*; while *Le Palmarès*, the *Journal Avenir*, *l'Observateur*, and *Digital Congo* support the ruling party. I also consulted more neutral newspapers such as *Les Chevaliers de la Plume*, *The Post*, and, particularly, *La Radio Okapi* of the United Nations Organisation Stabilisation Mission in the DRC.

In the newspapers, I focused in particular on content on the Congolese labour market, especially for the period 2003–2018 and compared how the different newspapers covered the same issues. The website of *La Radio Okapi* functioned as base-line because of its neutrality and accuracy, and was the only news source available for the period 2003–2006 which is hardly covered by any of the other newspapers.

I also obtained data through radio and TV. This was often crucial in alerting about new developments that were taking place in the labour market.

Finally, I used scholarly sources such as books, dissertations, and journal articles to get insights on the Congolese labour market from the onset of Belgian colonisation in 1885 to the present day. I consulted most of these documents at the Congolese National Archives and National Library, the Archives of the Labour Department, the library of the *Centre d'Etudes pour l'Action Sociale* (CEPAS), the Library of Saint Pierre Canisius, and the Library of the University of Kinshasa.

#### **4.3.7 Data Analysis**

Data analysis was conducted in three phases and combined both manual and computer-assisted methods. The first phase was undertaken in May 2017 during the fieldwork, when I analysed my partial findings and submitted a report on these to my supervisor. For the report, I compared the data I had already collected and the interview notes with my daily research notes. Various divergent themes related to this thesis emerged from these comparisons. Feedback from my supervisor was followed by further collection of information until the end of July 2017.

The second phase of the research took place after the fieldwork was completed. During this phase, I transcribed the interviews and then coded them, working with the text in the language in which the interview had been conducted. After reading through all transcripts a number of times, I began to code them. The most recurring sub-themes

included: the state's actions on labour market; political regime during and after the Congolese transition (2003–2006); labour legislation; enforcement of labour laws; successful and unsuccessful labour market reform policies; maladministration; corruption; union militancy; interference by non-market actors; politicisation of public administration; nepotistic job placement. I then began grouping these sub-themes into higher-level themes, which included: the role of the Congolese state in labour market reconstruction; contributions of labour market institutions in the recoveries of the Congolese labour market; actions of international partners; conflicts between trade unions and employer organisations/state; access to employment in private or public companies. These processes allowed me to analyse my data thematically.

This manual analysis paved the way for a computer-assisted data analysis. I uploaded the transcripts into Atlas.ti software programme and coded them. From this I developed Atlas.ti networks which facilitated the generation of the following themes:

- The influence of the past on the present
- Dynamics of the international system
- Power relations among actors involved in the labour market
- Forms of political regimes, their governance of the state, and their relationships with the labour market
- Politicisation of the labour market
- The power-sharing regime
- Functioning and roles of labour market institutions
- Roles and effects of the private sector on the labour market
- Employees' copying strategies for labour insertion in private labour market

Overall, the use of both manual and computer-assisted data analysis generated both similar and complementary data. It also facilitated the triangulations of data and enhanced trustworthiness by rigorously assessing some complexities emerging from data.

#### 4.3.8 Credibility and reliability of the data

The reliability of qualitative methods is often criticised for its lack of clear internal and external validity,<sup>1</sup> generalisability, and objectivity<sup>2</sup> (Flick 2008; Lewis and Ritchie 2013). Lincoln and Guba (2013) argue, however, that credibility, transferability, dependability, and confirmability are equally worthy criteria for assessing data of naturalistic inquiry. *Credibility* is like internal validity and refers to proving confidence in the data and describing the experiences of participants honestly. In Lincoln and Guba's understanding, *transferability* displaces the positivists' criterion of generalisability. As qualitative research does not aim at the generalisation of research data, they recommend the use of 'thick description'. This means the research must provide detailed information about the context of the inquiry (area, time, culture, politics, etc.), about the characteristics of the participants (reasons for their selections), and about the criteria for the data collection and analysis in order to facilitate transferability of the data.

Lincoln and Guba's third term, *dependability*, refers to the consistency and validity of the findings. To ensure dependability of data, the researcher needs to evaluate findings by cross-checking sources and using overlapping methods to allow readers to follow and assess the research process. Lastly, *conformability* refers to how the findings and interpretations are a result of a dependable process of inquiry as well as data collection. As strategies for assessing the conformability of data, the researcher can use audit, triangulation, and reflexivity (Lincoln and Guba 2013).

Considering these points, my task as researcher is to ensure the credibility of this research. I extended my fieldwork period in order to have enough opportunity to build trust with my respondents. My interactions with many informants led me to deeper

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<sup>1</sup> Internal validity is understood as the 'correctness' of a research reading findings or data (Lewis and Ritchie 2013).

<sup>2</sup> Objectivity means the degree to which a research situation is independent from the single researcher (Flick 2008).

insights into the context under study and generated rich data. These data were triangulated with other information from different sources.

By strongly interacting with informants during my inquiry in Kinshasa, we co-created findings which cannot be overgeneralised or provided with one-dimensional cause-effect explanations. On the contrary, I did my best to provide a thick description in order to make transferability of data possible. Dependability was achieved by providing data from various traceable sources. Conformability was reached by avoiding subjective biases. Indeed, I ensured that this thesis's data truthfully indicate information that my research informants provided during the fieldwork. I also did my best to interpret those data based on their content without inserting my personal, subjective knowledge of the Congolese labour market.

#### **4.5 Ethical Considerations**

In the research I complied with a number of strict ethical protocols. In every interview, I explained the study and its objectives to the study participant before the person was asked for grant consent. Respondents were asked to complete and sign a consent form (see Appendix 6). The participation of all respondents was voluntary and they were free to withdraw from the research process at any time. All interviews were recorded with the permission of the research participants. Where consent to voice recordings was withheld, I took notes instead. I strictly followed the stipulations listed in my application for ethical clearance submitted to the Research Ethics Committee of the Faculty of Humanities at the University of Pretoria on 13 October 2016, and the ethics clearance I received for research, reference number GW20161004HS and dated to 31 October 2016 (see Appendix 1).

I have kept the identity of all research participants and some private companies anonymous in this study. Since certain sensitive information was provided by senior executives of labour market institutions and staff of a number of companies, their professional positions or the names of their companies are not mentioned in this thesis. Whenever personal names are used in the thesis, they are pseudonyms. The information submitted during interviews was treated with confidentiality and is used in this study with the written or oral consent of the participant.

## 4.5 Challenges and Conclusion

Fieldwork was not easy because of logistical issues and the behaviour of some informants. Logistically, I encountered problems accessing official documents such as statistics on the employment of Congolese citizens in the private sector. *La Direction Générale des Impôts* (the Directorate General of Taxes) and *le Guichet Unique* (a one-stop processing centre to enable the quick establishment of new businesses) refused to provide access to this information. I was finally able to access this data from the National Institute of Statistics and ONEM.

Another limitation was the absence of documents needed for this research, especially the governmental records in Congolese government archives or libraries. I often found fragmented documents that did not help me to obtain the information I was looking for. I was often told that documents had been destroyed or had disappeared during the 1991 and 1993 lootings. To overcome this gap, academics, Catholic priests, and many other persons provided documentation, mostly in the form of historical government records or newspapers from the 1980s to 2000s, though the information remains scant.

Data collection was prolonged by difficulties in meeting participants who cancelled or rescheduled appointments, were not punctual or reluctant to engage in interviews. Also, some data had to be collected from disused and badly organised archives.

## **CHAPTER FIVE: DYNAMICS IN THE MAKING OF THE CONGOLESE LABOUR MARKET**

### **5.1 Introduction**

This chapter describes the historical development of the Congolese labour market, tracing in particular the aspects from the past that contributed to its current shape. The chapter is divided into five sections that follow Congo's history: the Congo Free State (1885–1908); the Belgian colonial period (1908–1960); post-independence (1960–1965); the Mobutu era (1965–1997); and the L. D. Kabila era following the 1996–1997 war.

### **5.2 Forced Labour Regime under Leopold II (1885–1908)**

The colonisation of the Congo Basin and the imposition of the Westphalia state system onto the wider area was driven by the Berlin conference of 1884–1885 (Hunt 2016: 2). One of the main reasons for the colonial focus on the Congo were its raw materials that were sought in metropolitan economies and the global market (Ewans 2003: 118). Colonisers grabbed Congolese land, displaced people, and instituted systematic violence to coerce workers (Reybrouck 2014) in a regime that appalled those who visited the Congo from 1885 to 1908.

Unlike many African countries that fell under the control of European colonial governments during the so-called 'Scramble for Africa', the colonisation of the Congo was initially the private business (from 1885 until 1908) of a single individual, the Belgian King Leopold II, who set up and regulated his ferocious forced labour regime through three key strategies: land dispossession, labour taxation, and the use of violence.

A set of draconian laws dispossessed the Congolese of their land (Au 2017). The Land Occupation Ordinance (État Indépendant du Congo 1885b), the Royal Decree on Land Ownership (État Indépendant du Congo 1885a), and the Land Demarcation between the state and other owners (État Indépendant du Congo 1888) facilitated the land dispossession process. According to these measures, all 'vacant land' was considered to 'belong to the state' (État Indépendant du Congo 1885b). Any land that was not

literally inhabited or used by Congolese was deemed ‘ownerless or vacant’ (Ryckmans 1955: 90). As a consequence of this ordinance, and the violent incursions that it enabled, many Congolese lost their livelihoods (Nzongola-Ntalaja 2002: 22) and were exposed to Leopold II’s forced labour regime (Ewans 2003: 169).

The Congo Free state used ruthless violence against workers, especially during processes of labour incorporation and allocation, and to ensure control at the workplace (Hunt 2016; Hochschild 1998). The regime captured Congolese from their homes or elsewhere and forced them to gather rubber and ivory (Ahmad and Awan 2017: 313). The state deployed disproportionate military force, involving burning down villages, looting, raping women, killing, and mutilation, to enforce this unfree recruitment of labour (Ahmad and Awan 2017: 314). Drawing on Peck’s notion of labour allocation based on ascribed characteristics of workers, it could be argued that Congolese were condemned to perform demanding, dangerous, and dirty jobs because of their ascribed status as ‘uncivilised negroes’ (Vanthemsche 2012: 24).

The labour rule under Leopold II epitomised what Burawoy calls a despotic labour control regime, characterised by unpaid labour on call 365 days a year (Daniels 1908: 903), corporal punishment (Ewans 2003), and the use of death by torture to instil fear in others. Thus, for example, male workers were tied to trees and their genitals, right hands and heads were cut off (Ahmad and Awan 2017) if they did not bring in the required quota of rubber (Reybrouck 2014). In all, labour control processes in the Congo Free State approximated those used in slavery, except that labour was coerced into working and not bought. The Congo Free State’s forced labour system was maintained and reproduced for 23 years with many impacts on the local population. Critically, it led to widespread depopulation because of starvation (Harlow 2003: 741). A society that had been ruled by traditional chiefs was now run by a colonial state and concessionary private rulers (Reybrouck 2014).

Leopold II’s labour regime triggered the first global human rights campaign in the twentieth century, which explicitly drew on the language of crimes against humanity (Weisbord 2003). It was led by English-speaking activists such as Joseph Conrad, George Washington Williams, Roger Casement, Edmund Morel, and the Congolese Reform Association (Harlow 2003) and put pressure on the British and American

governments to intervene (Oppong 2007). In 1908, Leopold II succumbed to the pressure and ceded ownership of the Congo Free State to the Belgian government (Lemarchand 1997). From 1908 to 1960, the Congo Free State became Belgian Congo (Harlow 2003: 713).

This brief history demonstrates that the thirst for African raw materials encouraged a capitalist labour market driven by forced labour. The multipolar international system (see Section 3.2.3) that characterised the early stage of colonialism influenced the installation of forced labour regimes in many African countries, as in the Congo. Yet after a while these regimes were countered by resistance by international activists, resistance that was based in the multi-directionality of power (Foucault 1975) emanating from below. Here Peck's theory helps us better capture how the installation and regulation of the forced labour regime occurred in the Congo in an earlier stage of the society. However, the concept of 'adverse incorporation' put forward by Phillips (2013), which suggests that unfree labour incorporation generates a forced or enslaved labour market, may better explain the Congolese case.

### **5.3 Dual Labour Market Regime in the Belgian Congo (1908–1960)**

The forced labour regime of the Congo Free State was replaced by a dual labour market regime (*régime de dualité*) as the Belgian government took up the reins. This labour market regime was characterised by unequal, racialised, and gendered labour divisions between the privileged white colonials and the underprivileged Congolese. Whereas that part of the labour market that was occupied by Belgian employees was free (even democratic), labour in the part occupied by Congolese was enforced. The dual labour market regime aimed at ensuring that the African workforce was available in the quantities required by capitalist investors. Though the Belgian state was under pressure to abolish the regime of forced labour that the Congo Free State had enacted, the practice of forced labour persisted throughout its administration (Soriano 2017). The Belgian government used a direct administrative system in the colony which facilitated its ability to regulate the labour market (Tshombe 2017: 31). To underpin this system and maintain a cheap, available Congolese labour force for the colonial administration and private companies, it developed three labour market policies: rationalisation of the workforce; compulsory cultivation; and paternalism. In what follows, I discuss these

three policies for Congolese employees, the ‘Belgianisation’ simultaneously directed at the privileged white settlers, and the colonial labour regulation.

### 5.3.1 Policies

The Belgian colonial authorities implemented rationalisation and compulsory cultivation as strategies to induce Congolese to seek jobs where white employers required them. The policy of paternalism, by which the ‘civilised’ saw themselves as assisting the ‘developed’ world with their skills, was used to control the labour force and assure its reproduction.

The rationalisation policy implemented a set of labour incorporation strategies that had two aims. The first aim was to put an end to the forced labour regime of the Congo Free State. Thus, the Belgian government decreed on 21 March 1910 the prohibition of forced labour (Congo Belge 1910). The decree also banned the militarised recruitment and treatment of workers, allowing Congolese to use state land (former ‘vacant land’) for economic activities. The second aim was to introduce a waged labour market, though one that would place sufficient pressure on Congolese so that they would still provide their labour to the market. On 1 July 1910 the Belgian government passed a Decree on the Poll Tax, which abrogated the previous system where Congolese had to pay tax in the form of labour and introduced a waged labour market in the Congo (Vaessen 2001). This in effect compelled Congolese people to work for cash incomes in European-dominated sectors of the economy in order to pay the Poll Tax (Houben and Seibert 2013).

Despite these new policies, Leopold II’s legacy was still manifest in the labour market. In 1917 the colonial authorities partially restored forced labour through the policy of compulsory cultivation and in 1933 established workloads for educational purposes through the ‘*Les travaux d’ordre educatif*’ (TOE) policy. Both these systems remained in force until 1960 (Soriano 2017). Only permanent employment enabled a person to avoid this form of coerced labour.

The paternalism policy was implemented in 1922 in order to promote the well-being of Congolese workers (Reybrouck 2014). The rationale behind the welfare-oriented policy was to encourage and develop employees’ sense of belonging in their companies

(Oppong 2007), in a context where rapid industrialisation in the country demanded permanent cheap labour (Bezy 1957). Paternalism was thus a set of political, spatial, identity-based, associational, authoritarian, and gender-based labour control strategies (see Section 3.3.3). The Belgian colonial state and private companies envisaged that this strategy would allow them to keep Congolese workers under their political labour control. Thus, the measure restricted geographical mobility of workers, except with permission from the state authorities and employers. Complicated requirements were put in place to restrict individuals being able to prove that they are *évolués*, members of the upper class of westernised Congolese (Mutamba 1998).

The paternalism policy also contributed to the reproduction of labour as employers were made responsible for the provision of accommodation, health and leisure facilities, and schools for employees and their family members. In addition, married women were banned from participating in the labour market without the written permission of their husbands (Congo Belge 1922c; Gondola 1997).

In parallel to these policies for Congolese, the colonial state implemented a Belgianisation policy to protect Belgian privilege in the labour market. The policy was a set of economic and labour allocation measures that aimed to augment the percentage of Belgians amongst the total white population of the Congo and the monopoly of Belgian investment and access to labour in the Congo (Abbeloos 2008: 117). This was to counter Belgian fears in the period leading up to WWI of being sidelined by Britain's ambitions to own the Congo and outcompeting Belgium (Vaessen 2001: 1218–1220).

The Belgianisation policy faced international and national (metropole versus colony) issues which prevented its initial implementation. On an international level the British empire placed pressure on Belgium to implement a labour contract act similar to that which existed in British African colonies (Vaessen 2001: 1216). Given the power that the British empire had during the colonialism, Belgian authorities decided to pass a labour contract act on 17 August 1910 (Ministre des Colonies 2010). Companies and governors of some Congolese regions involved in agriculture, however, judged the act to be unworkable (Vaessen 2001: 1216): they claimed they would not be able to afford to treat their workers in line with the new legislation (Vaessen 2001: 1216). The act was thus only enforced in the Congolese mining sector, but not in agriculture (Lwamba

1985: 81). This selective enforcement of the 1910 act remained unchanged until the end of WWI (Vaessen 2001: 1223).

Belgianisation as a policy became effective after WWI and especially in the 1930s with the Great Depression when Belgians broke away from the agreements with the British and reasserted direct control of the Congolese economy and workers (Manwana 1987). Thus, a set of racialised labour laws passed in the 1920s in support of the Belgianisation policy was implemented without further constraint in the 1930s. The Labour Contract Act between ‘Civilised Masters’ and ‘Indigenous Workers’ of 16 March 1922 introduced new regulations for the relationship between black employees and their white private employers (Congo Belge 1922d). And the Royal Decree of 13 March 1922 addressed the relationship between white employers and white employees in the private sector (Congo Belge 1922a).

The public sector was regulated by two decrees. While the Royal Decree of 5 February 1922 on the status of officials and agents of the colony (Congo Belge 1922b) was directed at European public servants, the Royal Decree of 27 February 1922 on the status of African personnel of the colony was aimed at Congolese public servants (Congo Belge 1922c). As their titles imply, these labour laws demonstrate evidence of the presence of a colour-bar in the labour market, with white employees being treated as more privileged than Congolese employees (Marzorati 1954: 110).

The dual labour market in Belgian Congo were shaped by a range of factors: the dynamics of the international system, unbalanced power relations, resistance to power, and the way political power operates. In terms of the international system, the British empire, as a powerful country before WWI, was able to impose on Belgium its view on colonial labour market policies. Unbalanced power relations shaped the dual labour market in Belgian Congo at various levels, within the colony between black and white, between the metropole and the colony, and on an international level among the colonial powers. When it came to labour market conflicts of interests, those at the bottom could also resist power, whether exercised by the metropole or the superpower countries. Finally, the control of political power allowed the Belgian state to control the way the labour market worked. Some continuities with the labour market practices of the Leopold II era remained, as in the reintroduction of forced labour practices, while the

lowering of the use of violence and the institutionalisation of waged labour marked differences to the earlier period.

### 5.3.2 Regulation

Labour legislation created a dual labour market that privileged white over black employees with regard to labour allocation and control processes. Labour recruitment processes favoured European public servants from Belgium and Luxemburg who were trained in Belgium (Bezy 1957). They were offered higher employment grades in the Congo. Their lowest positions were the higher grades for Congolese officials (Brausch 1961). These radical labour inequalities were strengthened by differences in pay between Congolese and European employees: ‘a white worker with the same position and productivity as a black worker earned a salary thirty or forty times higher’ (Manwana 1988: 939). Unfree colonial labour relations, characterised by the prohibition of trade unions, limited Congolese ability to claim their labour rights (De Clerck 2006: 190). These differences are a manifest of the unequal living standards between privileged whites and marginalised Congolese during this period (Manwana 1988: 939).

The dual labour market was regulated by institutions and actors like the *Office des Affaires Indigènes et Main d’œuvre* (Indigenous Affairs and Labour Office), private companies, Catholic and public schools, traditional chiefs, formal and informal labour brokers, and workers’ organisations. The Indigenous Affairs and Labour Office managed supply and demand in the labour market from 1910 to 1960 (Lwamba 1985). Private companies played a key role on the demand side by virtue of being the primary employers of Congolese workers (Bezy 1957). On the supply side, Catholic and public schools controlled the Congolese educational system and in that way supplied native workers to the state and private companies (Reybrouck 2014). Other labour suppliers were traditional leaders and labour brokers. The colonial government appointed ‘traditional chiefs’, who were seldom from noble lineages but rather individuals who were docile and loyal towards the government, to supply able-bodied men to the workforce (Young and Turner 1985). Similarly, formal or informal labour brokers, mostly private contractors and white adventurers, used violent labour recruitment methods (Reybrouck 2014).

Other players in the labour market were organisations that were later recognised as trade unions. White employees' trade unions were already recognised in 1926 (Lwamba 1985: 272). Congolese professional organisations like *l'Association du Personnel Indigene du Congo* (Association of Indigenous Workers of the Colony, APIC) and *l'Association des Postiers de la Province Orientale* (Oriental Province's Native Postmen's Association, APIPO) were officially recognised as trade unions in 1946 (Botedi 2013: 35). Congolese trade unions like the *Fédération Générale du Travail du Kongo* (General Federation of Labour of Congo, FGTK) and *Union Nationale des Travailleurs du Congo* (National Union of the Workers of the Congo, UNTC) were active in the labour market and the political struggle against colonisation in the late 1950s (Lwamba 1985). In their struggle for labour rights, many Congolese trade unions received significant support from Belgian trade unions (Mbili 1986).

As more trade unions received international support from pro-communist trade unions in Europe (Mbili 1986), the colonial administration placed Congolese trade unions under the tutelage of Belgian union representatives as a measure of mitigating the spread of communism in the country through unionisation (Young and Turner 1985). Despite that, these unions and political leaders fought hand in hand against colonisation and the racialised labour market (Mutamba 1998).

In response to the wave of decolonisation in Africa in the late 1950s, the colonial state began to introduce policies on labour equality (Brausch 1961): the Royal Decree of January 13, 1959 on the Status of Civil Servants of the Administration of Africa and Ordinance No. 13/6565 of 6 December 1959 officially banned labour inequality in the public sector (Congo Belge 1959a). Similarly, the Ordinance-Law No. 22/99 of 25 February 1959 on service provision contracts introduced labour equality in the private sector (Congo Belge 1959b).

In summary, it can be argued that the aim of the colonial labour market was to exploit Congolese as a source of cheap labour. To do so, the colonial authorities resorted to a dual labour market policy based on class, race, and gender discriminations. The literature on the nature and regulation of dual labour markets (Doeringer and Piore 1971 see also Peck 1996; Fine 2003) corroborates the situation in Congo, describing the one side of such markets as primary (internal, core) and the other as secondary (external,

periphery). In the context of the Belgian Congo, Belgians occupied the privileged primary labour market, while Congolese were subjected to unfair labour treatment in the secondary labour market.

Certain features from this colonial labour market have endured: discrimination, anti-unionisation practices, and the unfair treatment of employees. For that reason, I argue that the current Congolese labour market is the fruit of its history. Still, the dynamics of the bipolar international system after WWII and local resistance to the colonial power brought this dual labour market and Congo's colonisation to an end in 1960.

#### **5.4 Fragmentation after Independence (1960–1964)**

Between 1960 and 1964, the Congo and its labour market experienced fragmentation due to three secessions between 1960 and 1963 and two rebellions in 1964. Convergence of the bipolar international system that posited communism versus capitalism, Belgian neo-colonialism, internecine conflicts among local elites, quasi-improvised independence processes, rich natural resources, and the strategic interests of foreign powers in the Congo fuelled this Congolese political crisis.

The dual labour market inherited from the colonial period was one of the main factors that ignited the post-independence crises. Five days after independence, on 5 July 1960, Congolese soldiers mutinied in Leopoldville (today Kinshasa) and other big cities (Mwabila 1979: 21). This was triggered when General Janssen, the Belgian commander-in-chief of the *Forces Publiques*,<sup>3</sup> refused to hand over leadership roles to Congolese nationals in the army: 'In the army, what was before independence equals what is after independence' (Leslie 1993: 21). Realising that their positions would not change, soldiers demonstrated violently (Brace-Fish and Durost-Fish 2001). They targeted Belgians, some of whom were forced to leave the Congo (Leslie 1993). In response, the Belgian government illegally deployed their paratroopers to the Congo in order to protect Belgian citizens (Haskin 2005: 21).

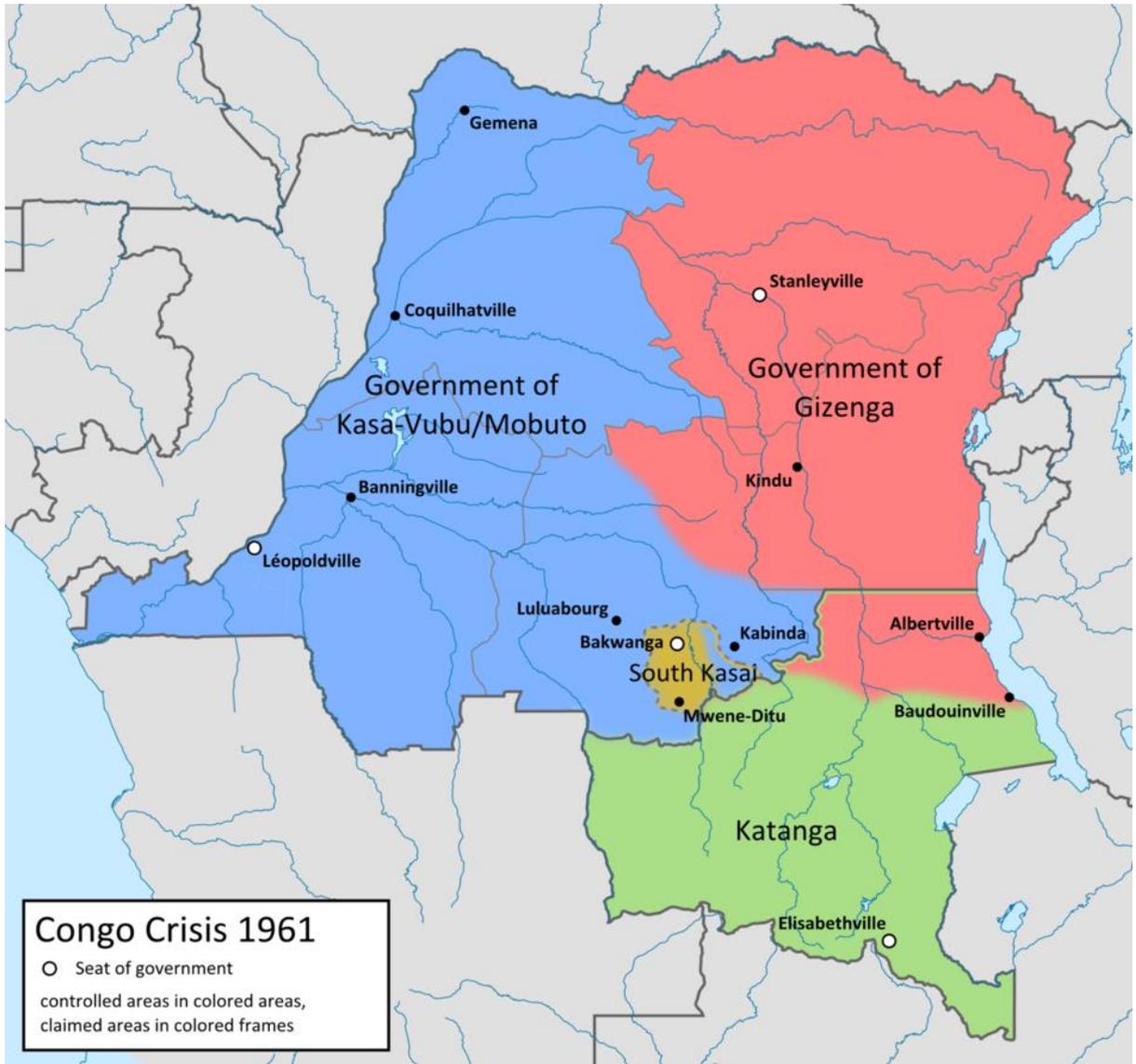
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<sup>3</sup> This was a gendarmerie and military force throughout the period of Belgian colonial rule.

On 12 July, the Congolese government requested help from the United Nations (Brace-Fish and Durost-Fish 2001: 126). The latter responded by adopting Resolution 143 on 14 July 1960, which created the *Opération des Nations Unies au Congo* (United Nations Operation in the Congo, ONUC) (Brace-Fish and Durost-Fish 2001: 126). Its mission was to restore stability in Congo and to resolve the shortage of local cadres in the public administration. For the latter, ONUC brought in foreign experts to work, briefly, for the Congolese government (Devlin 2008).

The post-independence political issues led to the Balkanisation of the Congo in the years 1960 to 1963. There were four ‘governments’ and four labour markets, and the state experienced a high level of militarisation, politicisation, and discrimination (Figure 1). The central government was officially led by President Joseph Kasa-Vubu in Leopoldville (Kinshasa), but controlled by General Joseph Mobutu.

Figure 1: Map of the Congolese factions of 1960–1963



Source: Don-Kun and Dederling (2013)

On 11 July 1960, eleven days after Independence Day, governor Moise Tshombe proclaimed Katanga Province an independent nation (Larmer and Kennes 2014: 748). Katanga, which existed for four years (1960–1963) was not internationally recognised but had an administrative system equal to that of a state in that it had a currency, flag, national anthem, and organised labour market (Larmer and Kennes 2014: 752). Its labour market was based on regionalist principles so that only Katangese people could participate (Kairouz 2016). To regulate labour incorporation, allocation, and control of people from Katanga (Kairouz 2016), the Grand Council — comprising 20 traditional chiefs (Larmer and Kennes 2014: 749), Katangese elders, and some public servants — recruited and appointed only employees from Katanga into the public sector (Trapido 2015: 17)

Similar to Katanga, South Kasai seceded from Congo in 1960, under the leadership of Albert Kalonji. He introduced a mono-ethnically based labour market regime, where only Luba people from South Kasai had the right to work (Nzongola-Ntalaja 2002: 66). Though traditional chiefs supplied only Luba people as a workforce, the militaristic and unfair labour treatment of these employees (Willame 1972: 67 ) affected the region's tribalised labour market until the downfall of Kalonji in 1962 (Parkham 1992: 80).

In 1961, finally, the former Oriental Province seceded to form the Free Republic of the Congo under Antoine Gizenga. Unlike Tshombe and Kalonji, however, Gizenga did not install a socialist-led labour market, as he did not receive aid from his Russian and Chinese socialist allies (Mazov 2007). His project to Africanise the administration also failed, even though he allowed the former provincial government to take charge of all administrative functions (Young 2015: 335 ). Gizenga's centralised authority and interference in the hiring and firing of public servants created tension between his government and senior executives of the public administration until the end of his secession in 1962 (Young 2015).

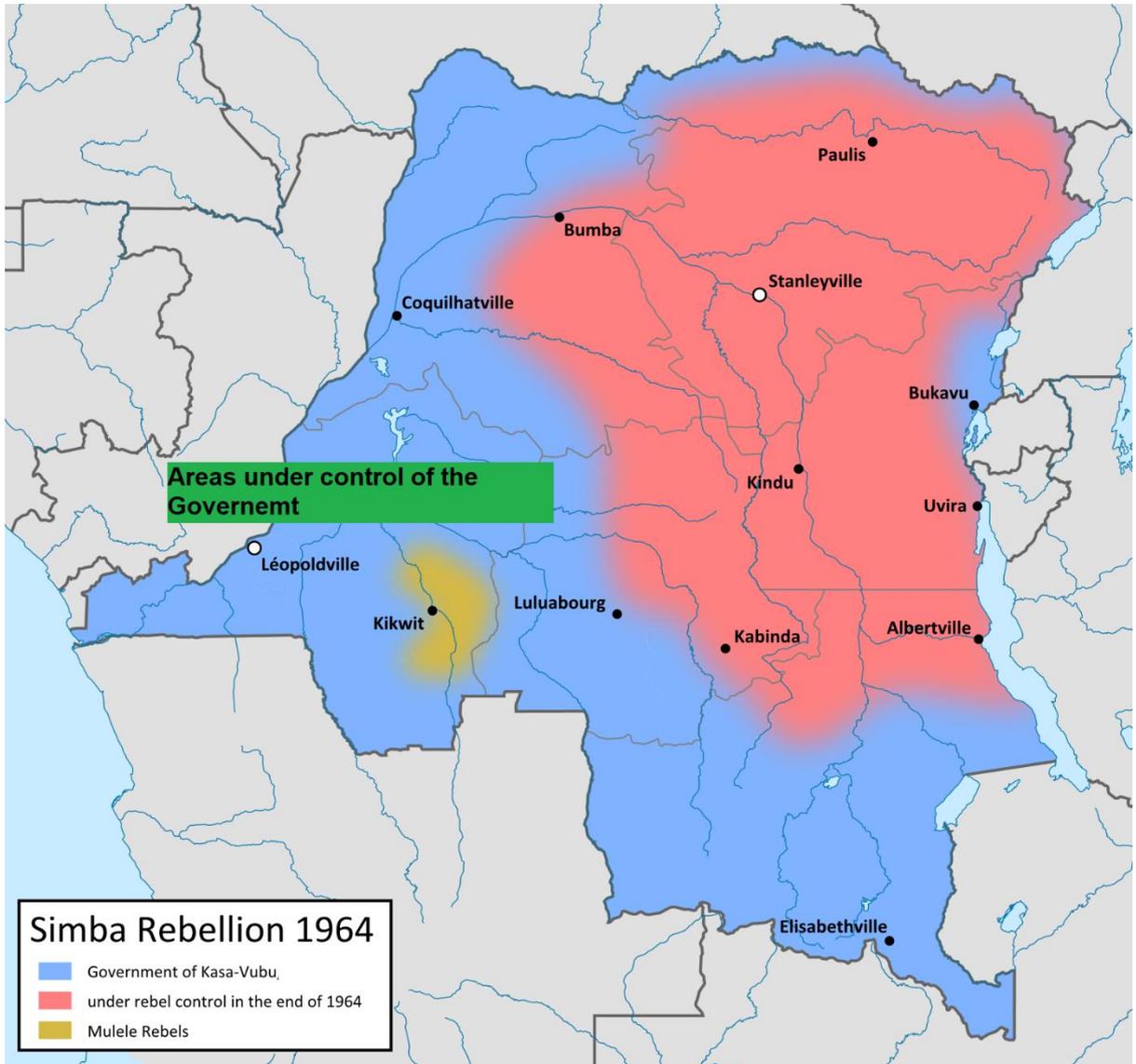
After these secessions, a quasi-communist rebellion, led by the pro-Lumumba *Front pour la Libération Nationale du Congo* (Front for the National Liberation of Congo, FLNC) invaded almost half of the Congo in 1964 and also disrupted the Congolese labour market (Figure 2). The rebels, known as the Simbas (Lions), were led by Christophe Gbenya (former minister of Patrice Lumumba), Gaston Soumialot, and

Laurent Désiré Kabila. They occupied a vast part of the Eastern Congo. In the Southern-Western parts, their ally Pierre Mulele controlled an important area in the Kwilu province. They were supported by several Eastern Bloc countries to wage war against what they labelled the neocolonialist regime of Léopoldville. Yet, despite support by the Soviet Union, China, and Cuba, the Simbas organised neither a structured administration nor a labour market; instead, their militaristic governance displayed total anarchy and ferocity against public servants and civilians. Young (1965: 34) notes:

Thousands of Congolese were executed, including government officials, political leaders of opposition parties, provincial and local police, schoolteachers, and others believed to have been Westernized. Many of the executions were carried out with extreme cruelty.

The three secessions and the rebellions disrupted the labour market, since most of the institutions could not function as they had prior to independence. Instead there were four different labour markets, characterised by militarisation, ethnicity, regionalism, and weak labour market institutions.

**Figure 2: Map of the Simba rebellion of 1964**



Source: Don-Kun and Dederling (2013)

Two important features displaying both continuities and discontinuities marked the labour market of the 1960s. First, although labour discrimination had been made illegal in 1959, racial labour discrimination shifted into the ethnic, regionalist, neopatrimonial labour discrimination that has lasted from the 1960s until today (a point discussed in more detail in subsequent chapters). Thus, discrimination based on individuals' ascribed status (ethnic, regional, or political) has been in existence from the colonial period onwards, reproduced by Congolese in different contexts since the 1960s. Where traditional leaders had been required to supply their tribesmen to the colonial labour market, the practice persisted as a strategy post-independence, ensuring labour discrimination through the post-colonial period.

Second, there were shifts of alliance involving trade unionists, Congolese politicians, and former colonial authorities. During the colonial period, unionists and Congolese politicians fought against colonial authorities (Mutamba 1998). After independence, however, Congolese politicians became the oppressors of the unionists (Young and Turner 1985). In response, Congolese unionists looked for help from Belgian unionists and even from their former enemy, the Belgian state (Mbili 1986). Significantly, until today unionists tend to look for support from abroad (see Section 8.3.2). We are thus already seeing features in the Congolese labour market that were established in the 1960s but are still visible today.

One of the important post-war labour market reforms was to improve the Congolese labour supply, for a number of reasons. As the Belgians had deliberately restricted Congolese access to higher education and training in order to retain their hegemony (Young and Turner 1985), there were only 17 Congolese university graduates at independence (Reybrouck 2014), out of a working-age population of about 14 million (Bokonga 1970: 48). A lack of cadres in the public administration was one of the major problems that confronted post-colonial Congo, until the international community, led by the UN, assisted by sending skilled technicians, professionals, and specialists from various countries, especially Haiti (Devlin 2008). In addition, the Congolese government and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) established numerous colleges and vocational schools between 1960 and 1963 (Ndaywel 1997). These efforts brought positive outcomes in terms of labour supply, an effect that became particularly visible in the Mobutu era.

## 5.5 The Mobutist Labour Market (1965–1997)

Despite the injection of expertise and hope through the intervention of the UN, Congo was subjected to an authoritarian, mismanaged, corrupt, and kleptocratic regime under Mobutu, from 1965 to 1997. After a brief amelioration from 1967 to 1973, the Congolese labour market descended into an endless spiral of degradation until 1997. To understand this evolution, I turn to the actors, processes, and factors that contributed to the regulation of the labour market during these two phases.

### 5.5.1 The golden age (1965 to 1973)

General Joseph Désiré Mobutu (1930–1997), the commandant-in-chief of the Congolese army (*Forces Publiques*), ousted President Joseph Kasa-Vubu in a military coup d'état on 24 November 1965 (Leslie 1993: 31). Backed by the US, Belgium, and France, Mobutu monopolised state power as the head of the army, the state, the central government, the judiciary, and the parliamentary system (Reton *et al.* 2007: 114). Between 1965 and 1974 he implemented a series political and economic reform measures that influenced and changed the labour market.

The first political reform was the promulgation of the Bakajika Act on 7 June 1966, a land act which stipulated that 'all wealth above and below the ground belongs to the Congolese state' (République Démocratique du Congo 1966). Hereby he 'formally extinguished all land grants and concessionary powers delegated by the colonial state' (Young and Turner 1985: 288). The second was the creation, on 20 May 1967, of the *Mouvement Populaire de la Révolution* (the Popular Movement of the Revolution, MPR), the ruling party of the Congolese one-party state (O'Ballance 2000). The MPR and 'administrative responsibilities were literally fused together, thereby extending the role of the party to all administrative organs' including the UNTC (Haskin 2005). The MPR allowed Mobutu to group all labour market institutions (colonial corporations, trade unions, schools, universities) under the control of his centralised, patrimonial, and authoritarian regime (Young and Turner 1985: 42). The MPR and the Mobutu regime were grounded in a doctrine called Mobutism, based in Mobutu's vision, thought, and policies for the nation (Kambuya 2011). It was grounded in his politics of authenticity, which in 1971 resulted in the renaming of various areas and institutions: the DRC became Zaïre; cities and provinces were given African names; Western names and

surnames were banned; and his own name changed from Joseph Désiré Mobutu to Mobutu Sese Seko (Dunn 2003: 110).

The political reforms formed the basis for a number of key economic reforms. As the Congolese economy was owned by foreign companies, the regime set out four main measures aimed at nationalising the economy and ensuring economic growth. The first economic reform was thus the nationalisation of the *Union Minière du Haut Katanga* (Mining Union of the Upper-Katanga, UMHK), the main mining company and first employer of Congolese workers, on 1 January 1967. UMHK was renamed the *Generale Congolaise des Minerais* (Gocomin), and then *Générale des Carrières et des Mines* in 1971 (Leslie 1993).

The second economic reform was the monetary reform on 24 June 1967, which freed the Congolese currency from dependence on the Belgian franc (Bossekota and Sabiti 2001). With the assistance of the IMF, the creation of a new currency, called Zaïre, resulted in monetary stability, resumption of economic growth (Ndaywel 1998), and increase in wages (Bossekota and Sabiti 2001). Thus, many Congolese employees experienced improved living standards in the subsequent years (Kabuya and Tshiunza 2002).

The third economic reform was the promulgation of the Congolese Investment Code on 10 February 1969 (République Démocratique Du Congo 1969). This attracted investors to Congo (Young and Turner 1985) leading to a rise in job opportunities in the early 1970s (Ndaywel 1998). These economic reforms, together with the previously discussed political reforms, formed the basis for a number of labour market policy reforms.

The first reform of the labour market was oriented to the control of workers and trade unions. The creation of a single trade union (for both public and private sectors), the *Union National des Travailleurs Congolais* (Congolese National Trade Union, UNTC), in June 1967 undermined the main role of unions, which consists of protecting the interests of their members. Instead, the UNTC performed ‘collective bargaining’ by becoming a part of the state apparatus (Young and Turner 1985). What was really an anti-unionisation measure shows the break with the early post-independence mood of the 1960s, a return to political control from above and an associated control over the

labour market. The second labour market policy reform was the implementation of the *Salongo* in 1968 (Ndaywel 1998: 665). In essence, *Salongo* was a compulsory ‘civil service’ consisting of a series of agricultural, public cleaning, and ‘development’ works that every Congolese citizen had to execute one afternoon per week, usually on Saturdays (Soriano 2017: 22). According to Haskin (2005: 66) ‘*Salongo* was ironically reminiscent of the earlier colonial forced labour’. The measure persisted until 1990 (Soriano 2017: 22).

The third labour market policy reform concerned the private sector. The promulgation of the Congolese Labour Code on 9 August 1967 facilitated the protection of Congolese employees in this sector (Manwana 1988). For this, the *Service National de l’Emploi* (National Employment Service, SENEM) was created on 29 October 1967 to take over the recruitment task previously performed by formal and informal labour brokers and traditional leaders. However, SENEM was a stillborn institution (Ilofo 1973). In fact, politicians, academics, army officers, religious leaders, and Mobutu’s relatives and cronies all continued to be unofficially involved in ‘private’ recruitment and hiring processes (Ndaywel 1998). The fourth labour market reform policy affected the supply of labour. In 1971, the government nationalised all universities and advanced institutions, and in 1974 all Catholic schools. Thus the Catholic missions lost their monopoly over the Congolese education system, through which their influence in the labour market was reduced (Young and Turner 1985). The changes did not lessen the quality and quantity of the workforce that the educational system contributed to the labour market (Freund 2012: 909).

The fifth reform concerned the functioning of the public administration and the recruitment and hiring procedures of public servants. The Ordinance-Law No. 72/023 of 4 July 1972 on the status of public servants subordinated the public sector to the one-party state, stipulating that candidates seeking employment in the public sector needed to pass entrance tests (République du Zaïre 1972). This ‘reform’ placed all procedures for the recruitment and hiring of public servants in the hands of a small commission. This in fact politicised the public administration, as a few influential members of the one-party state became, in effect, the main public employers (Mpinga and Gould 1975). The last reform was the creation of the *Association Nationale des Entreprises du Zaïre* (National Association of Zairian Enterprises, ANEZA) on 14 September 1972, an

employers' organisation and chamber of commerce set to protect their members' interests and promote private sector activities in the Congo (Matenda 2002). Mobutu's rationale behind the creation of ANEZA was to thwart the colonial employers' organisations that had previously controlled the Congolese economy, and to create a new one through which he could keep corporates in check (Willame 1995).

The Mobutu government thus centralised all aspects of the labour market under the management and surveillance of one political party. The centralisation of labour market institutions restored order, a welcome change after the preceding, post-independence fragmented labour market (1960–1964). Despite that, some labour market practices of the earlier periods, such as anti-trade unionisation or coterie in hiring processes, survived into the early Mobutu era. Moreover, a closer look shows that the Mobutu regime drew quite widely on the colonial period when defining its politics and labour market regime: on the one hand, the Mobutu regime's centralisation of power strongly resembled the direct, one-way system of colonial administration; on the other hand, the land reform of 1966 and the process of Zaïrianisation can be regarded as responses to both colonial labour dispossession and the Belgianisation policies of early independence. However, the improved functioning of the Congolese labour market, such as it was, was short-lived: the labour market was about to enter a seemingly endless downward path, to which I now turn.

### **5.5.2 Disintegration (1974–1997)**

From 1974 to 1997, the Congo experienced a series of events that led to the disintegration of the labour market. The Zaïrianisation policy, the wars of 1977 and 1978, and a number of political and economic issues all played their part.

The triggering factor in the disintegration was the misconceived and poorly implemented policy of 'Zaïrianisation' that Mobutu announced on 30 November 1973 (Haskin 2005: 47). It aimed at transferring the Congo's wealth from foreign ownership to the hands (and, in some cases, the bank accounts) of the Congolese people (Kambuya 2011: 92). It led to the expropriation of almost 2,000 foreign-owned companies and their transfer into the ownership of members of the Congolese elite (Haskin 2005: 47). Zaïrianisation had negative results because, essentially, a coterie of about 300 individuals around the president — locally called *acquéreurs* — seized most of these

companies (Young and Turner 1985: 344). They were mostly incompetent in business management and within six months most of these companies had gone bankrupt (Kambuya 2011: 93). Zairianisation directly affected the Congolese labour market because it led to salary arrears, deductions, or even grossly unfair summary dismissals. Hundreds of thousands of workers lost their jobs in the process (Young and Turner 1985: 348).

Responding to these effects, Mobutu introduced the radicalisation policy: on 30 December 1974, he announced that all expropriated enterprises would now be owned by the state. Yet this policy did nothing to enhance the capacity of the Congolese economy. The only result was that the new managers of these state enterprises, who for the most part were already *acquéreurs*, gained access to exorbitant salaries and deep expense accounts. The only perceptible radicalisation was the deterioration of the economic situation of the country, with increasing misery for the Congolese citizens (Nzongola-Ntalaja 2002: 149–150). Seeing the fiasco of this policy, Mobutu then announced the retrocession policy by which 40% of the nationalised assets would be returned to their former foreign owners on 25 December 1975. Nine months later the proportion was increased to 60% (Kisangani and Bobb 2010: 533). However, the damage had already been done and most former owners were reluctant to re-invest (Haskin 2005: 48). As one can see, all three policies failed to improve either the Congolese economy or the labour market.

In addition, some unexpected international and national events further destabilised the economy and labour market. This included the 1973 oil crisis and the collapse of international copper and cobalt prices (Young and Turner 1985: 327). Locally, the two wars of 1977 and 1978 affected the national economy because they occurred in Katanga Province, the country's economic centre and the main source of its wealth (Powell 2012: 71–72).

The discussion up to now shows a Congolese labour market that experienced increasing rates of unemployment from the early 1960s (Lumbu 2004: 111). This led to two new connected phenomena in the 1970s. First, job seekers and employees who sought promotion or protection against unfair dismissal began to turn to non-market actors, called '*des parrains*' (godfathers or sponsors), for assistance (Lumbu 2004: 111).

Among these were high-ranking army officers (Haskin 2005: 52), politicians (Lumbu 2004), professors (Ndaywel 1998: 148), Mobutu's siblings, and other influential persons who shared ethnic, provincial (Ndaywel 1998), or religious affiliations (Leslie 1993: 75). Second, the uncertainty led to several wildcat strikes among public servants in Kinshasa and Katanga (Mwabila 1979), despite the mechanisms set up to control labour action — to be brutally repressed by Mobutu's army (Leslie 1993: 89; Haskin 2005: 41). All these events may now be seen as early warning signs of the deterioration of the Congolese labour market continuing into the 1980s and 1990s.

Given its failure to mitigate the economic challenges brought by Zaïrianisation, the Mobutu regime was forced by the IMF in 1983 to implement a Structural Adjustment Programme (SAP) (Kawu 2013: 61). Though the SAP increased state revenues, it improved neither the population's living standards nor the Congolese labour market, as a significant percentage of revenue was now set aside for paying off external debt (Kambuya 2011: 97). Consequently, the privatisation of public companies that came in the wake of the SAP could only shrink the job pool (Kawu 2013: 61). In short, the Congolese labour market suffered from downsizing, further massive dismissals (Bossekota and Sabiti 2001: 60), unpaid salaries, and the growth of informal employment (De Boeck 2004: 169).

Also in the early 1980s was the promulgation of Law No. 81/003 of 17 July 1981 on the Status of a Civil Servant (République du Zaïre 1981) which stipulated that any jobseekers for a post in the public administration had to possess a required qualification that had to be obtained by passing a written examination (Tshombe 2017: 37). Yet, as in the 1970s, this requirement was not strictly applied, with state authorities and non-market actors continuing to hire on the basis of patronage, ethnicity, or corruption (Kawu 2013: 62). The law also led to labour discrimination against married women and to problems with retirement: while retirement was compulsory for civil servants who turned 55, the government did not have the money to pay out retirement packages. As a result, many civil servants continued working way past the age of retirement (Tshombe 2017: 37), freezing up opportunities for the employment of young Congolese (Ministère de la Fonction Publique 2014: 16).

While the public sector labour market and its institutions faced problems that prevented it from operating efficiently in the 1980s, the 1990s was marked by political and economic factors that made Congo's plight even worse. On the political front, 'the replacement of a bipolar international system by a new economic order' (Trefon *et al.* 2002: 379) and the deterioration of political relations between the US and Zaïre contributed to the international debilitation of the Mobutu regime. Locally, opposition parties coerced Mobutu into democratising his country in 1990, though he managed to sustain his autocratic regime for another seven years (Nzongola-Ntalaja 2002).

The Congo experienced a national economic collapse in the 1990s (Lemarchand 1997: 190) that had numerous overlapping effects on its labour market. Specifically, it was seriously damaged by the Congolese version of corruption, highly legitimate and unpunished in the local setting (Hyslop 2005: 778), a paradigm of kleptocracy and economic maladministration (Vanthemsche 2012: 205), an unsafe business climate leading to a decrease of production in the mining industry after decades of underinvestment (Kawu 2013: 45–47). In addition, the rate of inflation of the Zaïrian currency, from 56% in 1989 to 4,228.5% in 1991, diminished employees' purchasing power, since salaries were not adjusted (Bossekota and Sabiti 2001: 60). The looting in many Congolese cities in 1991 and 1993 destroyed the few companies that remained and led to further, unexpected job losses (Trapido 2016: 65). By the time Mobutu was replaced, the labour market had shrunk to a shadow, losing all capacity to function efficiently (Kalulu 2013: 3).

In all, the dysfunctional labour market actors and institutions in the Zaïre of the 1990s reflected the image of a country that was failing politically, socially, and economically. Whereas Mobutism appeared as a sign of Zaïrian pride in the early 1970s, it became a sarcastic term to designate malpractice in the country (Kisangani and Bobb 2010). I use the phrase 'Mobutist labour market' to capture this reality.

Though Mobutu's regime set up several labour market institutions, most were ultimately reduced to empty shells by the less positive features of the Mobutist labour market. These ruins would finally collapse under the stewardship of L. D. Kabila.

## 5.6 The Labour Market under L. D. Kabila (1997–2001)

After the collapse of the Mobutu regime, the authoritarian regime of L. D. Kabila attempted to reconstruct the Congolese labour market. Yet the labour market remained poorly regulated due to various economic issues, the persistence of Mobutist labour market features, and the Congolese war of 1998–2002.

Kabila ran an autocratic regime that failed to build a well-structured democratic state in the DRC (Reyntjens 2009: 156). Like Mobutu, he ruled the DRC by decrees, which granted him far-reaching powers to co-opt members of parliament, arrest opponents, prohibit the functioning of opposition parties (Reyntjens 2009: 237). In September 1997, Kabila introduced a three-year economic and social programme called the ‘programme of stabilization and restoration of the economy’ (Bossekota and Sabiti 2001: 61). The programme aimed to improve the justice, security, education, and health sectors (Bossekota and Sabiti 2001: 61). For this, Congo needed US\$1.6 billion and Kabila approached the IMF, the World Bank, and various donors for financial assistance (Ngolet 2011: 6). He received, however, only US\$105 million (Bossekota and Sabiti 2001: 61) because

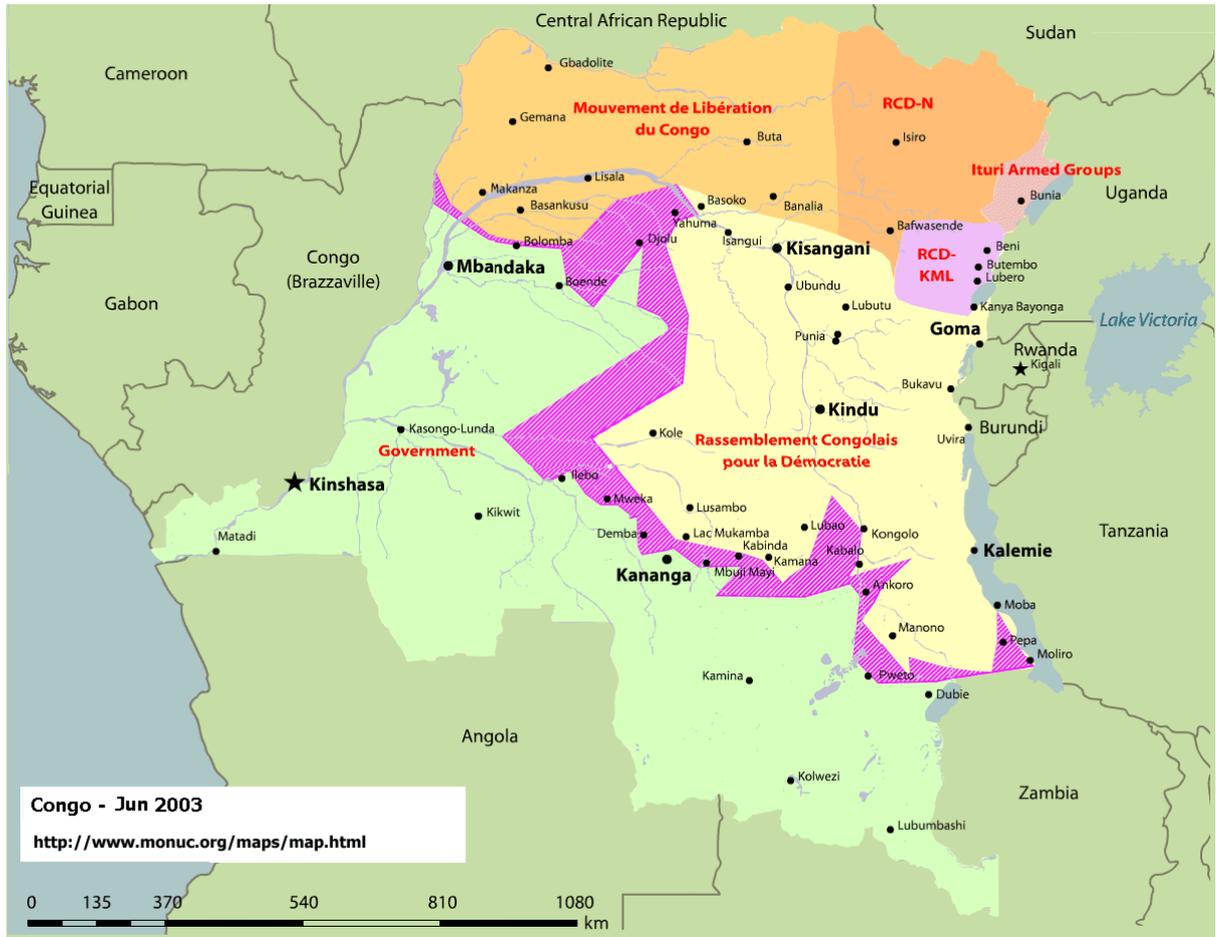
Human Rights Watch and the International Federation of Human Rights pressured donors to link financial aid to the Congo with human rights progress (Ngolet 2011: 6).

When it came to labour market regulation, Kabila appointed Congolese and Rwandan Tutsis, some Congolese businessmen, intellectuals from the diasporas, a few former politicians of the Mobutu regime, and some persons from Katanga like himself to key positions his cronies to key positions in state institutions based on ethnic criteria and his patron-client networks (Stearns 2012). The appointees, in turn, hired their kinsmen for lucrative job positions (Reyntjens 2009). At the same time, the Kabila regime manipulated, frightened, or silenced trade union leaders (Botedi 2013). The weakening of the power of the trade unions encouraged public companies to use unfree labour as public authorities could hire and fire employees at will (Oppong 2007: 67). For instance, on 6 November 1998 Kabila dismissed 315 magistrates without respecting the formal dismissal procedures (Basila 2004: 196) and appointed other judges at his will (Oppong 2007: 67). In short, though faces and names of individual players in the labour market

may have changed, the labour market remained similarly unregulated as during the Mobutu regime, suffering from what some call a ‘Mobutist labour market without Mobutu’ syndrome.

The Kabila regime was unable to reconstruct the post-war Congolese labour market not only because it had already been ruined under Mobutu, but also because of the Congolese War of 1998–2002, described as one of the deadliest wars globally since WWII (Turner 2013: 2). A number of overlapping international and underlying national factors led to the war, but most critical were the deteriorating relations between L. D. Kabila and his Ugandan and Rwandan counterparts (International Crisis Group 1999; Prunier 2008; Stearns 2012; Turner 2013). A set of Ugandan and Rwandan soldiers, who assisted Kabila during the war, were appointed in some strategic positions in the Congolese army when they ousted Mobutu in 1997. When Kabila took over the reins in Congo, Uganda and Rwanda expected that he would be easily manipulated (Trapido 2015); they were wrong. He dismissed Rwandan and Ugandan advisers and ordered their troops to return to their countries (Nzongola-Ntalaja 2004). In response, Rwanda and Uganda invaded the Congo, joined by Burundi on 2 August 1998 (Trapido 2015: 28), by founding, manning and funding the *Rassemblement Congolais pour la Démocratie* (Congolese Rally for Democracy, RCD) as an anti-Kabila force (Turner 2013). Kabila, in turn, garnered support from Angola, Zimbabwe, Namibia, Chad, Sudan, and the Congolese traditional magico-religious Mai-Mai militia, as well as from Rwandan and Burundian Hutu rebels (Turner 2013). The war fragmented the DRC into six parts. In 1998 the western part was controlled by the Kabila government and the eastern one by the RCD (Reyntjens 2009). In 1999, the RCD splintered into three factions, namely RCD-Goma (led by Azarias Ruberwa), RCD-ML (led by Mbusa Namwisa) and RCD-National (under Roger Lumbala) (Reyntjens 2009). Simultaneously, a new rebel movement called the *Mouvement pour la Libération du Congo* (Movement for the Liberation of Congo, MLC), led by Jean-Pierre Bemba and backed by Uganda (Ngolet 2011), emerged and managed to take control of ‘a vast swath of northern DRC’ (Turner 2013). Nine African countries and five rebel movements were directly involved in the war, next to the Kabila government, resulting in six different labour markets (Figure 3).

Figure 3: Map of Congo during the 1998–2002 war



Source: MONUC 2004

From the early 1990s, the Congolese labour market was influenced by the dynamics of the international system that emerged after the end of the Cold war — marked by the weight of international partners on labour market reconstruction (see Sections 2.3 and 2.4). During the Cold War, Mobutu's regime had received aid from its capitalist allies without conditionalities. With the end of the Cold War, L. D. Kabila's regime strove in vain to attract financial support from international donors because of pressure exerted by international human rights organisations. In addition, Kabila was placed under pressure by Congo's Rwandan and Ugandan allies who tried to force him to share economic, military, and political sovereignty over certain geographical regions of the country.

The patrimonial way in which political power operated under L. D. Kabila shaped processes of labour market reconstruction during his rule. Because of this, Kabila's government was only able to replicate labour market behaviour inherited from Mobutu's regime. In short, the legacy of the Mobutist labour market had profound and enduring effects on the labour market under Kabila.

## **5.7 Conclusion**

This chapter demonstrates four aspects that shaped Congo's labour market throughout its history. First, a continuing feature has been the presence of forms of coercion exercised over the labour force. Where in the Congo Free State this was forced labour approximating slavery, it became coerced labour during the Belgian Congo, and then unfree since independence because of forms of control exerted over trade unions and the flouting of labour laws protecting the rights of work takers. The second, continuing feature has been the influence of the international system on the local situation: where global colonialism and empire building created the first exploitative labour systems in Congo, the Cold War then placed Mobutu in the US-supported sphere and allowed him to rein as dictator largely for his own profit and that of a small coterie of friends and relatives. The labour market was thus marked by the needs of extraction of this elite. When the decline of the Eastern Bloc and concomitant dissipation of US support for its former allies led to the collapse of Mobutu's regime, the lacuna allowed a range of local and regional geopolitical interests to make claims against Congo. Due to the lack of a unitary (as colonial power had been until 1960) or bipolar international political force

(as under the Cold War), multiple political interests began to exert their power over the country, creating parallel labour markets in competition with each other.

## **CHAPTER SIX: THE CONGOLESE STATE AND LABOUR MARKET RECONSTRUCTION (2003– 2019)**

### **6.1 Introduction**

This chapter looks at attempts by the Congolese state to reconstruct the war labour market after the severe disturbance of the 1998–2002 war in Congo. It investigates why the Congolese state attempted to implement labour market reforms, and what actions it took to do so. The chapter examines these efforts in two time periods: first, during the period of transition (2003–2006); and second, from the end of the transition period to 2018. From that examination and by using Peck’s notion of the labour market as a political construction, the chapter argues that the Congolese state has moved too slowly to facilitate effective reconstruction of the post-war Congolese labour market.

### **6.2 The Transition Period (2003–2006)**

The political power-sharing regime that ruled Congo from 2003 to 2006 politicised the Congolese labour market: the creation of ‘multiple chains of command for the various parties involved, it adversely affected the market’s functioning. I investigate this in four steps, first by examining the agreement for power sharing, then at what this meant for the labour market, and then at what reforms were instituted in both the private and the public sectors.

#### **6.2.1 The Pretoria Agreement**

Given the involvement of the multiple actors that were involved in the 1998–2002 war in Congo and the threats it posed to international security, the ending of the war became a regional imperative (Trefon 2010: 705). The international community compelled the Congolese protagonists to sign a series of peace agreements in Pretoria and imposed peace, democratisation, and economic liberalisation in line with neoliberal norms (Marriage 2011: 1897–1901).

The process started with the signing of a ceasefire agreement in Lusaka on 10 July 1999 (Nzongola-Ntalaja 2004: 18). The Lusaka agreement initiated several peace-making moves including, inter alia, inter-Congolese dialogue, the establishment of a

disarmament mechanism, and the creation of a UN peacekeeping force, the *Mission des Nations Unies en République démocratique du Congo* (United Nations Mission in the Democratic Republic of the Congo, MONUC) (Nzongola-Ntalaja 2004: 18). The Lusaka agreement was impeded, however, by the talk-and-fight strategy taken by both the government forces under L. D. Kabila and his enemies' (Mararo 2005: 269), a state that continued until the assassination of L. D. Kabila on 16 January 2001. Kabila's son Joseph, who was appointed president in his place<sup>4</sup>, facilitated an inter-Congolese dialogue processes, which took place in Sun City, South Africa, from 25 February to 19 April 2002 (Trefon 2011). The agendas of the various rival Congolese factions participating in the Sun City talks, however, threatened to block the peace process (Katumba 2015). According to the chief representative of J. Kabila's faction, Augustin Katumba (2015: 180–182), delegates of the other armed groups kept raising the bar as they jostled for positions in the government to be formed on the basis of the inter-Congolese dialogue. The international community obliged all negotiating parties to sign the 'Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo', also called the Pretoria Agreement, in Pretoria on 17 December 2002 (Reyntjens 2009: 249). Some participants subsequently claimed to have signed the agreement under duress (Katumba 2015: 180). Mwanke, for example, representing 'the official government, posited that South African Vice-President Jacob Zuma put serious pressure on him to sign the peace agreement, to such an extent that he did not have time to update his president, J. Kabila, on the state of the negotiations.

The Pretoria Agreement became the new hope for transition and democracy in the Congo, on which a new Congolese constitution was founded. The transition was to be based on the sharing of military, political, and socioeconomic power by the former enemies, civil society, and the unarmed opposition (Inter-Congolese Dialogue 2002; République Démocratique du Congo 2003b). The power-sharing provision lasted from

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<sup>4</sup> On the 16 January 2001, the President Laurent D. Kabila was killed by his bodyguard. Then, the Minister of information officially announced that the Congolese government found it convenient to designate Joseph Kabila as the successor of his father (see NzongolaNtalanja 2004; Ngolet 2011)

2003 to 2006. It was known as the ‘1+4’, representing J. Kabila, as head of state, being flanked by four Vice-Presidents, each responsible for one of the four main government commissions. Azarias Ruberwa (RCD-Goma) led the Defence and Political Commission; Jean-Pierre Bemba (MLC) was in charge of the Economic and Finance Commission; Abdoulaye Yerodia (Government of Kinshasa) presided over the Reconstruction and Development Commission; and Arthur Z’ahidi Ngoma (representing the non-violent, unarmed opposition to Kabila) led the Social and Cultural Commission (Turner 2013: 19). The core goals of the transitional government were to reunify and pacify the country, and restore governmental authority throughout; foster national reconciliation; improve the security forces by combining rival factions; organise elections; and create new political institutions (Trefon 2011: 706).

Although the power-sharing provisions unified the Congo, the agreements had unforeseen ramifications for post-war reconstruction. The 2002 Pretoria Agreement emerged from a political process that occurred outside the sociocultural, political, and economic realities of the Congo (Trefon 2010: 704–705). Pressure from the international community was also felt within Congolese internal affairs (Autesserre 2010: 2), including in the design and operation of political institutions (Marriage 2011: 1897), to the extent that the Congo was compared to a ‘protectorate’ (Autesserre 2010: 3) or as being under semi-trusteeship (Moshonas 2014: 256). The agreement created a political class dominated by former enemies who reproduced a patrimonial state in the sense of Mobutu or L. D. Kabila that seriously affected the processes of post-war state building and the improvement of public institutions (Austesserre 2010: 1). Because the existing institutions were so weak, transforming them became a task for a Congolese Sisyphus (Englebert and Tull 2008: 119).

The Congolese peace-making and country-rebuilding process echoes the litany of failure describing ‘broken’ countries since the end of the Cold War (see Paris 2004; Kalyvas and Balcells 2010; Kaldor 2012; see Section 2.3 above). The Congolese case also echoes studies that have reviewed the imposition of neoliberal political and economic principles in post-war countries (see Paris 1997, 2004; Izzi 2013; see Sections 2.3 and 2.4 above). Similarly, the power-sharing provisions imposed on the Congolese government fit within a new trend for power sharing in the post-Cold War era (Hartzell

and Hoddie 2003; Mehler 2009; Binningsbø and Dupuy 2009). In the next section I analyse the effect this power-sharing scheme had on the labour market specifically.

### **6.2.2 Power sharing and the labour market**

Power sharing rewarded former protagonists with access to power and jobs (Austesserre 2010). In the public administration and in public companies,

all the signatories were allocated a proportionate share of government ministries, seats in the national assembly and the Senate, top positions in the state enterprises, ambassadorial positions, and high-ranking positions in the army and police. The appointments to these positions were carried out by the signatories to the Agreement, i.e. the President and the four Vice-Presidents (Muzong 2008: 26).

The most critical consequence of this was that the people appointed in this manner were accountable only to the people who has put them in those positions, not to democratic administration of the country:

The appointees were only accountable to their leaders, who were also given the full powers to remove them ... Political patronage was more important than merit in the appointment of officials (Muzong 2008: 26).

While public servants organised strikes in October 2005 to campaign for higher wages, parliament decided instead to augment the salaries and fringe benefits of politicians (Musangu 2005). Other public servants protested in front of parliament against low wages, the mass dismissal of employees, and politicians who were combining several job positions in public institutions in one person (Mukenza 2005). These public employers displayed imperial arrogance towards their employees, who had no choice but to acquiesce (Dimitri 2005).

The Congolese power-sharing arrangement caused four major, interlinked issues for the regulation of the labour market during the transition period. First, it politicised the public labour market. Second, it produced contradictions and overlaps between the transitional constitution and existing labour laws. Third, it generated multiple chains of command in the public labour market. Finally, the politicisation of the labour market increased political patronage, nepotism, ethnic and gender discrimination, and

corruption in labour incorporation, allocation, and control processes in the public labour market, while it led to mass dismissal, outsourcing of labour needs, and downsizing in the private labour market. I discuss each in turn.

On the first point, the politicisation of the labour market, two different views emerged from my fieldwork interviews with a manager in the Labour Department, a professor, and a Member of the Provincial Parliament (MPP). While the manager and the professor recognised that the government had taken positive action by reunifying the six different labour markets that had existed during the war, they all questioned the legality of how the labour market had been politicised. The manager explained:

The first positive action was the reunification of the various provincial directorates, which were under the control of the rebels during the war. So, today ministries have almost total control of them. Although the reunification was a good thing, we deplored the fact that it was too politicised, due to the essence of the 1+4 (Manager at the Labour Department, Kinshasa, February 2017).

The professor was more guarded:

*‘Oh là là, that war had divided our labour market into several small unconnected pieces. ... We needed the reunification of our country at any price. ... Here is the thing, the politicisation of the labour market was not unconstitutional. It was not illegal. I am not saying that it was good or bad for our labour market (Professor, University of Kinshasa, Kinshasa, March 2017).*

My interview with the MPP was the most trying interview I conducted during my fieldwork: the minister did not seem to take my questions seriously, joking when answering, possibly because we had been childhood friends. Nevertheless, his explanation is revealing:

‘Did you already forget what we learnt together in Latin in the high school? We learnt: ‘*Dura lex, sed lex*’?<sup>5</sup> [Laughs] Did you think the politicians that the constitution gave rights to hire workers were just villains? Who was the hero? You, the Lumumbist?<sup>6</sup> [Laughs] The constitution allowed them to hire whoever, whatever. It was the law (MPP, Kinshasa, December 2016).

The principles of the Pretoria Agreement gave the former protagonists the legal right to wield power and authority to manage the public labour market. Some well-known cases of conflict over the hiring and firing of certain office holders at the highest levels of government substantiate how the labour market was politicised during the transition period. In July 2004, for example, Vice-President Bemba<sup>7</sup> fired Minister of Foreign Affairs Antoine Ghonda (United Nations Mission in Democratic Republic of Congo 2004b) and in December 2005 President of the National Assembly Olivier Kamitatu (United Nations Mission in Democratic Republic of Congo 2005) from government and the MLC. Both had been appointed in 2003. Then, exploiting the conflict among his enemies, President J. Kabila re-appointed Ghonda two months after his dismissal, giving him a position as roving ambassador (United Nations Mission in Democratic Republic of Congo 2004a). He also re-appointed Kamitatu half a year after his dismissal, as one of the leaders of his electoral campaign (Ngoy-Kangoy 2006). In another case Kabila dismissed Minister of Tourism, Roger Nimy, in January 2004 (Bakaly 2006: 94). In retaliation, Vice-President Bemba appointed Nimy as Minister of Youth and Sports in the same government a year later, on 15 February 2005 (Bakaly 2006: 94). These were two cases among many of the easy hiring and firing practice of people from all levels of public administration during the transition.

In short, politicians were convinced that the Pretoria Agreement and the transitional constitution gave them the right to appoint and dismiss public employees at will. Figures

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<sup>5</sup> ‘The law is harsh, but it is still the law’ (my translation).

<sup>6</sup> A Lumumbist refers to a person who subscribes to, or is claimed to subscribe to, Patrice Lumumba’s ideology.

<sup>7</sup> Bemba oversaw the economic and finance cluster of the transitional government.

1 and 2 renders the text from the Pretoria Agreement on the allocation of positions between the agreement's signatory parties, thus legally politicising the labour market.

**Figure 4: Labour division and principle of inclusiveness according to the Pretoria Agreement**

III - TRANSITION PRINCIPLES

6. The division of responsibilities within transitional institutions and at different State levels shall be done on the basis of the principle of inclusiveness and equitable sharing between the various elements and entities involved in the Inter-Congolese Dialogue, in accordance with criteria such as ability, credibility and integrity and in a spirit of national reconciliation. Provision is made in the Annex to this Agreement for the modalities of the implementation of the principle of inclusiveness.

7. The allocation among the different Parties of posts within the transitional government and, in particular, within the government committees shall be as equitable as possible in terms of the number and the importance of the ministries and government posts. A balance should be sought between the committees themselves. The allocation of posts within each committee shall be done by the signatory Parties according to an order of priority guaranteeing a general balance between the Parties.

Source: Inter-Congolese Dialogue (2002)

**Figure 5: Labour allocation to political parties by the Agreement of the Pretoria**

ANNEX I: THE DIVISION OF RESPONSIBILITIES

A. THE GOVERNMENT

4. Seven ministries and four deputy minister posts shall be allocated to each of the following parties: Government, RCD, MLC and the political opposition (see Tables).

5. Two ministries and three deputy minister posts shall be allocated to the civil society component (in addition to the Presidency and five institutions supporting democracy) (see Tables).

6. Two ministries and two deputy minister posts shall be allocated to each of the following entities: RCD-ML, RCD-N and Mai-Mai (see Tables).

Source: Inter-Congolese Dialogue (2002)

Second, contradictions and overlaps between the transitional constitution and Act No. 81/003 of 17 July 1981 on the Status of a Civil Servant (République du Zaïre 1981) created havoc in hiring and managing public workers: while the transitional constitution allocated the highest positions to the former protagonists and acknowledged their right to recruit, appoint, and manage employees (République Démocratique Du Congo 2003b), Act No. 81/003 stipulated that only candidates who had passed a written exam may be recruited to positions in the public administration and promotions had to be founded on principles of meritocracy such as seniority, performance, integrity and outstanding achievement (République du Zaïre 1981). The parallel applicability of these two legal frameworks led to tensions between the former enemies over job recruitment and appointments (Ngoy-Kangoy 2006: 62). The MLC faction of Vice-President Bemba and the RCD-Goma faction of Vice-President Ruberwa defended their views on the basis of a teleological interpretation of the Pretoria Agreement and the transitional constitution (L'Observateur 2005). Kabila's faction, in turn, applied a literal interpretation of the act (L'Observateur 2005).

In April 2004 the RCD-Goma under Vice-President Ruberwa withdrew from the government, accusing J. Kabila of trying to place his associates in positions constitutionally allocated to his opponents (Courrier International 2004). In August, South African President Mbeki stepped in to mediate between them (Fabricius 2004). In December of the same year, the MLC under Vice-President Bemba withdrew from the government (L'Observateur 2005), again with President Mbeki coming in to defuse the a month later (Fabricius 2004). This 'mediation led to all Congolese politicians agreeing to comply with the Pretoria Agreement and the transitional constitution in relation to the Congolese public labour market.

The third effect of the power-sharing agreement was the creation of multiple chains of command in the public administration. One notable negative consequence of this plethora of parallel hierarchies was the failure to implement the Mbudi Agreement on a minimal wage. The agreement was signed on 12 February 2004 in Mbudi, a western shantytown of Kinshasa, between the transitional government, represented by Vice-President 'Ngoma (Social and Cultural Commission), and the trade unions. The government pledged to pay the lowest employee in the public administration US\$208 and the highest employee US\$2,080, respecting a scalar increase of 1 to 10 (République

Démocratique du Congo 2004). Against expectations of state officials, however, Vice-President Bemba, in charge of the Economic and Finance Commission, claimed that it was impossible for his department to respect the Mbudi Agreement due to budgetary constraints. The wage policy was never implemented.

This had serious consequences, identified by Congolese sociologist in the following manner:

‘We missed an opportunity to start a progressive employment system in our country because of the political nature of the transition. ... You know, like in many countries, if you see their histories, post-war contexts allowed them to start certain developmental processes. But the Congo didn’t do it. Why? Because of the lack of nationalism,. ... Matters of labour were just ignored. For instance, remember the Mbudi Agreement with Vice-President Z’ahidi Ngoma, they deliberately refused to implement them. They found unconvincing excuses, like the country can’t afford to pay \$250 for the lowest employees. ... Look, today an MP gets \$13,000 a month, but a policeman gets \$50. So the policeman has to work for more than 20 years in order to reach what an MP receives each month’ (Sociologist, University of Kinshasa, April 2017).

The Mbudi’ Agreement reveals to what extent the transitional constitution created conflicts of jurisdiction and contradictions within the transitional government. On the one hand, ‘Ngoma relied on his constitutional prerogatives to sign the Mbudi Agreement. On the other, however, Bemba, also using his constitutional prerogatives, rejected this decision.

The fourth consequence of the power-sharing agreement was that clientelism, nepotism, tribalism, and corruption<sup>8</sup> ‘ became central management strategies in the public labour

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<sup>8</sup> Corruption in the public labour market was enacted in two ways in particular. In what was colloquially called an *opération retour* (‘return operation),’ a person would be hired if he/she agreed to pay 10% of the salary to the person who hired him/her. And in a

market. In the private labour market they led to mass dismissals, and the downsizing and outsourcing of labour.

A former minister painted a stark picture of the influence of a politicised labour market by expressing his concerns over the absence of meritocracy in the hiring and appointing of employees:

Many uneducated persons, villagers — without military training — became generals, colonels, majors in our army . . . . So, it was just *la tour de Babel* [a bewilderingly confusing situation] in the army . . . Politicians [and] military careerists obliged state officials to hire [and] promote members of their families, their clients, their comrades, and so on. Some corrupted persons paid a lot of money for getting job positions (Former minister, Kinshasa, July 2017).

A manager in the Labour Department explained:

All the former fighters who ran the country during the transition appointed their people as general secretaries, managers, directors, CEOs, and so on. And everything was done based on political affinities, tribalism, corruption, etc. (Manager, Labour Department, Kinshasa, February 2017).

A human rights activist<sup>9</sup> was particularly concerned with the sexual harassment this gave space to, especially the Congolese practice of *promotion canapée*<sup>9</sup>:

That *promotion canapée* was actually at its highest level. Politicians used our young ladies. They slept with them and gave them useless job positions. Sir, let me tell you that politicians messed up with women during the transition (Female human rights activist, Kinshasa, February 2017).

Employees experienced different realities in the private labour market. My data suggest that mass dismissals of employees were among the crucial issues that occurred in private

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*promotion canapée* (with a canapé being a decorative sofa), a woman will be hired or promoted if she agrees to grant sexual favours to the person hiring her.

<sup>9</sup> See previous footnote on corruption.

companies in the period 2003–2005. An economist explained the mass dismissal of private employees in relation to capitalist nature of wealth accumulation and the weak government institutions in the country:

Companies seek maximum profits. It wasn't their fault. ... As our institutions were weak, they took that opportunity. That's how capitalists act' (Economist, Free University of Kinshasa, April 2017).

On radical downsizing, a unionist was certain that there were reciprocal exchanges of favour between Congolese politicians and some companies implementing these labour measures:

'We tried convincing the government to take a strong decision against that downsizing. ... Nothing happened as many authorities were in cahoots with employers' (Unionist, Kinshasa, December 2016).

In considering these four consequences of the power-sharing agreement, we need to recall that the literature on post-war labour markets paid little attention to the possibility that the politicisation of the labour market could be sanctioned by law. Undeniably, some studies (Peck 1992, 1996; Saint-Paul 2000) denounce the negative repercussions of the politicisation of labour markets. Others (Date-Bah 2006; Cubitt 2011; Heleta 2014) have examined how politicians interfered in the functioning of labour market institutions, to its detriment. However, it is worth distinguishing the *de facto* from *de jure* politicisation of the labour market. *De facto* politicisation emerges when there are no legal prescriptions allowing politicians to be involved in all aspects of the labour market. This fact has been covered by several studies. *De jure* politicisation, by contrast, occurs when there are prescribed laws allowing politicians to manage labour markets. This is the particular focus of this study.

In fact, empirical data show that the legally permitted politicisation of the labour market and its regulation *facilitated* the increase in the above-discussed practices in the DRC during the transition. These took place because the constitution, the fundamental or supreme law, implicitly emptied labour market institutions of all their customary authorities in matters of recruitment, hiring, and management of personnel. The account of Bemba's and Ruberwa's conflicts with Kabila, and Mbeki's mediation, speak volumes about the loss of value of these institutions. Therefore, one might consider that

what mattered more was the context in which these practices happened in the labour sphere. The Congolese transition was indeed a *sui generis* political and temporal context. This allowed the persistence and escalation of market behaviours inherited from the Mobutu regime (1965–1997) into the post-war labour market.

The above-mentioned evidence on the labour market of the transitional period and its legally permitted politicisation can be considered the direct expression of basic assumptions of many theories about African states. Clapham (1985)'s concept of the ubiquity of the patron-client relationship is certainly visible at all levels of the labour market. Similarly, the behaviour of Congolese politicians confirms the significance of Mbembe (2000)'s notion of 'private indirect' government. Indeed, these politicians were under full sail in their quest for power and the improvement of their personal financial well-being, to the severe detriment of the people they represented.

Nevertheless, in some ways the Congolese situation during the transition period also does not fit these theories of the African state. The theories highlight the lack of respect for laws and established institutions shown by political leaders. However, in the particular case of the DRC at this juncture, political leaders brandished legal means, such as the Pretoria Agreement and the transitional constitution, to justify the legality and legitimacy of their actions in the labour market. Indeed, it was these two legal treaties, the Pretoria Agreement and the transitional constitution, that politicised the Congolese public sector labour market (with certain effects on the private labour market). This legally enshrined politicisation of the labour market prompted debates among members of government over contradictions and overlaps between the transitional constitution and existing labour laws, produced several different chains of command, and allowed politicians to exercise a high level of influence on processes of labour recruitment, appointment, management, and termination.

### **6.2.3 Labour reforms in the private sector**

Shortly before the transitional period, parliament amended two laws, the 1967 Labour Code (see Section 5.5.1) and the 1969 Investment Code. Both laws were endorsed by the power-sharing regime (Moshonas 2014: 256). For both, international actors played a crucial influence. And both had a significant impact on the implementation of reforms in the private labour market.

The Congolese government promulgated Act No. 2002/04 of 21 February 2002 on the Investment Code in order to create an attractive environment for private investments (République Démocratique du Congo 2002a). Accordingly, the Code led to the passing of Decree No. 2002/065 of 5 June 2002 which initiated the formation of ANAPI (République Démocratique du Congo 2002c). A manager at the National Agency for the Promotion of Investment explained that this law was required before the government could then focus on a law regulating the private labour market, especially in the risky political context of the transition (Interview with Mr Gbadolite, manager, ANAPI, Kinshasa, March 2017). Thus, later the same year, parliament promulgated Act No. 2002/015 of 16 October 2002 on the Labour Code, to regulate the private labour market (République Démocratique du Congo 2002b). This led to the creation of ONEM as the official intermediary between private employers and jobseekers, a bastion of legal protection for the national workforce vis-à-vis foreign competition (Van Impe 2012), and a means of expanding labour legislation to informal and formal employees of all employment sectors (including those in socio-cultural, community, and philanthropical organisations).<sup>10</sup>

Both bodies of legislation saw the significant input by international funding agencies. After being parachuted into power, J. Kabila restored Congo's relationship with the IMF and the World Bank (Trefon 2010: 710–711). These institutions coached, nudged, and helped Kabila's government conceptualise and promulgate not just the Investment Code and the Labour Code, but also the Mining Code of July 2002, the Forestry Code of August 2002, and the Code of Ethics and Good Conduct of November 2002 (Mazalto 2009: 191–192; Trefon 2010: 711).

“Interviews with a Member of Parliament, an assistant manager in the Labour Department, and a sociologist confirm the influence that the international partners had in shaping the outcomes of the legislation of the labour market and, through this, its

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<sup>10</sup> The Labour Code determines the ways in which the state is permitted to regulate industrial relations (such as issues around unwritten labour contracts, the protection of informal employees and their access to welfare schemes).

reconstruction, and seriously questioned its legitimacy. The Member of Parliament critiqued the pressure in the following way:

‘All these — France, Belgium, the United States — want to extract our diamonds, cobalt, coltan, timbers, etcetera. So, they sent that World Bank to oblige us to enact the Mining Code and the Investment Code following their injunctions (Member of Parliament, Kinshasa, June 2017).

The international influence exerted during the drafting of the Labour Code was not as uniformly applied by the different international agencies as for the Investment Code. The description by several assistant managers in the Labour Department echoes the literature on how the World Bank and the IMF, and their funding capacities, in the post-Cold War era managed to become crucial power levers in countries that were trying to implement labour market reforms after destructive wars (see Berg and Kucera 2008: 21). One of them stated:

We collaborated very well with the International Labour Office’s experts. .. But the experts of the World Bank were too intransigent (Group interview, four assistant managers, Labour Department, Kinshasa, March 2017).

Because this legislation was passed before the transitional government came into power, there are questions, however, as to its legality. As two Congolese sociologists pointed out, the Members of Parliament at the time had been co-opted into these positions or had been appointed directly by L. D. Kabila in July 2000 (see Section 5.6 above). The drafting of the legislation in 2002 was thus based on a marked imbalance of power between J. Kabila and the legislators. One of the sociologists explained it like this:

I am not against the 2002 Code of Investment... But my concern is with its legislators at that time. Who voted for these Members of Parliament? Did they stand for the interests of people? ... Kabila just co-opted them. So that parliament of the appointed MPs was just a rubber-stamping machine for the Kabila family (Group interview, two sociology lecturers, Kinshasa, March 2017).

These narratives appear to show that local actors were unable to resist the views of the international partners during the drafting of these two codes. What is also crucial is that the creation of ONEM to regulate the Congolese private labour market and protect employees clearly did not receive sustained support. Although legislated in 2002, ONEM remained largely inactive for a whole decade, and did not contribute to the remaking of the labour market. A ONEM manager explained:

Can you imagine that we were appointed since 2003? We were not really working. ... [T]hings started changing since they appointed our current Director General in 2010 (Manager, ONEM, Kinshasa, December 2016).

‘The reforms of the public sector labour market took quite a different form, linked to the fact that it was only tackled during, and not already before, the transitional period. I turn to this now.

#### **6.2.4 Labour reforms in the public sector**

In the DRC, the public administration is the backbone of the government and is thus the primary employer in the formal labour market. Therefore, with the transitional government it became imperative to reform the administration as basis to improve the public labour market (Kalulu 2013: 1).

On the prompting of its international partners, the government began to tackle this task by creating an office responsible for the formulation and implementation of these reforms. For this it passed Decree No. 2003/035 of 13 November 2003 on the *Commission interministérielle de pilotage de la réforme de l’administration publique* (‘Interdepartmental Steering Committee for the Reform of the Public Administration, CIPRAP’) (Diumasumbu 2008: 100). CIPRAP was thus tasked with conceiving strategies for resolving a long list of issues present in the public administration: the increasing level of politicisation, clientelism, and corruption; the under- and late payment of salaries; the lack of equipment; absenteeism and forms of parallel employment (ghost employees); a poor communication system; and the privatisation of state assets (Moshonas 2014; Muambi 2015). CIPRAD was placed within Vice-President Bemba’s Economic and Finance Commission, comprised representatives from nine ministries (IMF 2007), and was assisted by the United Nations Development Programme, the Belgian Technical Cooperation, the IMF, the World Bank, and French

and Canadian organisations (Diumasumbu 2008: 97–98). The reforms aimed to revise the existing legal framework, to conduct a census of the civil service, to audit payroll procedures, restructure ministries, implement a retirement programme, and improve public human resources (Moshonas 2014: 259–260). They were funded by the United Nations Development Programme, the South African government, France, the Belgian Technical Cooperation, and the World Bank (Diumasumbu 2008: 97–99).

The projects to implement the reform started in 2005, but they all failed or were aborted, for three reasons. First, as visible from the description of the founding of CIPRAD, the reforms were by and large designed abroad and did not suit the context in which they were to be implemented. The reform architecture underestimated the complexities of the Congolese political and cultural context, one characterised by a lack of good governance and accountability, and high levels of predation on state resources (Trefon 2010). As a result, the reforms failed — despite the influence and participation of many international experts (Mazalto 2009: 191–192). Second, the census of public servants was to be done through a biometrical registration of employees’ fingerprints (IMF 2007). This failed: though the census was conducted, it proved to be unreliable because of the irregular employees that ministers included on their lists, and the not-yet hired or ‘ghost’ public servants that the inspectors and agents implementing the census deceitfully included (Moshonas 2014: 270). The census validated irregularities instead of correcting them (Bomboko *et al.* 2007 as cited in Moshonas 2014: 265). Third, the failure of labour reforms can also be attributed to a lack of political will. Ministers blocked the restructuring of their ministries in protest at labour reforms that supported the Ministry of Civil Service as the sole recruiter of public servants (Moshonas 2014). Instead they sought to maintain the existing disorder in the public service — and benefit from it (Trefon 2011).

A former Minister identified how the political elites in the power-sharing regime actively obstructed the reform of the public administration for self-interest:

‘We knew that there was an outcry from the workers because of the delays in the reform and the failure to deliver the Mbudi Agreement. ... We were under fire from the media, trade unions, the Catholic Church, and the donors. ... [But] we couldn’t waste [renege on] our advantages. Our

comrades were waiting for their appointments, and the reform would have prevented them from finding jobs' (Former minister, Kinshasa, July 2017).

The proposed reforms directly challenged the prerogatives legally granted to the parties of the transitional government. Consequently, these political elites artfully acted in opposing and blocking any reduction of these prerogatives.

It is possible to agree with those who argue that these labour market reforms were conceived by international actors and imposed on political authorities in the Congo (Mazalto 2008; Tull 2010; Trefon 2011; Moshonas 2014). The case of the Mbudi Agreement adds reservations to this argument, however, by showing how local elites conceived and attempted to implement labour reforms of their own devising. It can thus equally well be argued that Congolese authorities and international actors must share responsibility for the failure of the public administration reform policies (Diumasumbu 2008; Trefon 2010, 2011; Moshonas 2014; Muambi 2015).

While earlier studies argued indeed that both international and Congolese actors were responsible for the failure of the reform of the public administration (Diumasumbu 2008; Trefon 2010, 2011; Moshonas 2014), the examination here has found that the power-sharing agreement created a significant contradiction between the principles included into the power sharing structure and existing labour legislation. This contradiction was the underlying factor that led Congolese politicians to disrupt the implementation of the public administration reform. From a legal perspective, the political context of the transition was not favourable to the implementation of these reforms. As the transitional constitution prevailed over other laws, any labour reform was supposed to be in line with the constitutional provisions of power sharing. Therefore, any labour legislation reform would, by definition, reproduce or maintain the effects of power sharing on the reconstruction of the labour market.

### **6.3 Labour Reforms after the Transition (2007–2018)**

The promulgation of the new Congolese constitution in February 2006 and the ratification of J. Kabila as the winner of the November 2006 presidential elections officially terminated the power-sharing provision. With this the DRC had a new political order that facilitated the implementations of some labour market reforms for

both public and private sectors. This section examines how it attempted to do this for each of these sectors.

### **6.3.1 Labour reforms in the public sector**

During J. Kabila's first term (2006 to 2011), the cabinet of Prime Minister Adolph Muzito (2008–2011) resumed the reform processes from the transitional government but struggled to reach the expected outcomes. By 2010 the reform was considered a failure and all donors had disengaged from it or had reduced their support (Moshonas 2018: 7). One significant reason for this was that the Muzito government was not given any real power to implement reforms, while Kabila's inner circle, also known as the parallel government, actually governed the country (Inaka and Trapido 2015: 169). This kitchen cabinet prioritised the consolidation of Kabila's power at the expense of reform (Trefon 2010: 709).

During J. Kabila's second term (2011–2019), Matata Ponyo, one of the key actors in Kabila's inner circle, was appointed as prime minister (2012–2017). Matata Ponyo resumed the previous reform agenda, but renamed it the Revised Civil Service Reform Strategy (Ministère de La Fonction Publique 2014). Matata's cabinet tried to implement five key labour policies: conduct a reliable census of all civil servants, establish a retirement programme, implement a wage payment policy called *la bancarisation*, introduce a rationalised and computerised payroll management scheme, and promulgate Act No. 16/013 of 15 July 2016 on the Status of Civil Servants from 2010 to 2018 (République Démocratique du Congo 2016b: see also see Moshonas 2018, 2019). The aim of the revised reform was to create labour legislation for the public administration in line with the 2006 constitution (Ministère de La Fonction Publique 2014). This legal framework was supposed to pave the way for a new census of all civil servants, after the retirement of all elderly personnel, in order to obtain the exact number of Congolese civil servants. With these statistics, the state wanted to establish effective recruitment systems, implement deserved appointments and judicious promotions, and thus enable a rational management of civil servants. Despite these aims and some achieved projects, the reform was delayed by the following six main issues.

First, the Congolese government did not respect the planning of the reform. According to the plan, Act No. 16/013 would have had to be passed first, as basis of implementing

the reform steps. Instead, it was implemented last. This procedural error resulted in both the Congolese constitution of 2006 and Act No. 81/003 of 17 July 1981 on the Status of a Civil Servant regulating the employment of public employees. This led to conflicts over the regulation of public servants, placing provincial governments in opposition to the national government. Indeed, many provincial authorities claimed that the 2006 Constitution gives them rights to manage public servants under the authority of provincial governments (Ministère de la Fonction Publique 2014). In opposition, however, the Minister of the Department of Civil Service, Jean-Claude Kibala, insisted that he was the sole competent authority to regulate public servants as long as Act No. 81/003 was not explicitly replaced or repealed (Ministère de la Fonction Publique 2014). Between 2012 and 2015 he therefore refused to register all provincial public servants in the national database and payroll (Moshonas 2019: 9).

Second, the retirement programme was incompletely and poorly implemented because the use of inaccurate statistics resulted in unfair retirement procedures. This led to significant dissatisfaction among public servants with both the political authorities and the programme itself. The IMF (2007: 37) had estimated in 2007 that nearly 100,000 Congolese public employees over the official retirement age of 55 years continued working due to the insufficiently low retirement benefits. In 2014, the Minister of the Department of Civil Service, Jean-Claude Kibala, stated that this number had grown to 150,000, just under a fifth of the approx. 700,000 civil servants (Ministère de la Fonction Publique 2014). His successor, Pascal Isumbisho, publicly argued in 2015 that 86% of civil servants (thus 602,000) were eligible for retirement (Radio Okapi 2015b). Despite these immense numbers and the significant lacuna it would create in the public administration, political authorities proceeded with retiring civil servants from 2010 onwards (Radio Okapi 2016a). This led to a number of demonstrations by public servants against Ministers Kibala and Ponyo between 2014 and 2016, accusing them of organising unfair mass retirements and the unlawful firing of civil servants in order to replace them with their protégés and relatives, members of their political party, and highly skilled junior professionals (Radio Okapi 2016b).

Third, the rough statistics from the 2013 biometrical census recorded the number of civil servants at 793,615. Of these, 485,196 (35%) were *Nouvelles Unités* (new

employees not yet captured in the administrative system)<sup>11</sup> and 30,260 (4%) were ghost workers, thus ‘individuals on the payroll who do not exist’ (Ministère de La Fonction Publique 2014). Although the synchronisation of data from the biometrical census has been pending since 2014, Congolese state authorities proceeded by hiring public servants (Ministère de La Fonction Publique 2018). Given the proliferation of uncontrolled recruitment, in 2012 Prime Minister Ponyo banned all recruitment and promotion processes of civil servants until 2016 (Ministère de La Fonction Publique 2017: 31–32). This was ‘circumvented, however, by the practice of hiring *Nouvelles Unités* (Moshonas 2018).

Fourth, *bancarisation*, the reform of the wage payment policy, had both positive and negative impacts on the Congolese labour market. The aim of the reform was to implement the payment of all civil servant salaries through the banking system (République Démocratique du Congo 2016a: 2–3). As a locally driven project, its successful implementation in 2013 surprised international donors to the extent that the World Bank and the IMF decided to reactivate their support for the Revised Civil Service Reform Strategy (Moshonas 2019: 8). There are still some challenges to the programme, however, relating to delayed payment in rural areas, incompatibilities between personnel lists from some public institutions (République Démocratique du Congo 2016a: 8), insufficient banking infrastructure, and the proliferation of well-organised scams (Kupesa *et al.* 2017).

Fifth, the payroll reform addressed the problems with the payment of salaries that existed in the public administration (République Démocratique du Congo 2016a: 8). From 2007 to 2010, the computerised payroll management system which replaced the traditional, rudimentary manual procedures and formed the basis for the operationalisation of *bancarisation* (Moshonas 2019). However, the new payroll management system was unable to eradicate, at a keystroke, the opacity, malpractices,

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<sup>11</sup> *Nouvelles Unités* were new recruits who did not have a civil service registration number because they were not yet integrated into the public administration system. They were recognised only by their employers (line ministries, provincial governments, and public enterprises) (Ministère de la Fonction Publique 2014).

and corruption around the process of organising the payment of civil servant salaries (Moshonas 2014, 2018, 2019).

Sixth, Act No. 16/013 of 15 July 2016 on the Status of Civil Servants was passed to bring the public administration into line with the Congolese constitution of 2006 (République Démocratique du Congo 2016b). The act introduced some important innovations, by increasing the age of retirement from 55 to 65 and the minimum age for employment from 15 to 18, introducing a distinction of status between national and provincial civil servants, and establishing gender equality among civil servants (Lecturer in labour law, University of Kinshasa, June 2017).

The international partners, the minister of the Department of Civil Service, various government representatives, and some unionists assessed the reform of the reform during a meeting on 15 July 2015 — and publicly declared that it was a failure. According to a spokesperson, ‘there is still a lot to do as the reform produced less relevant results’ (Radio Okapi 2015c). Following these actors’ views, one might expect that the Revised Civil Reform Strategy was a complete failure and that it would be abandoned. But the Congolese government has persevered to fix the issues around retirement and biometrical census policies, as shown in a renewed endeavour by the Minister of the Civil Service, Michel Bongongo since May 2018 (Ministère de La Fonction Publique 2018). In addition, in December 2018 Bongongo permanently integrated a number of *Nouvelles Unités* into the public administration (Moshonas 2019: 10).

The empirical data I collected on the ground suggests that the reform of the public administration had a less than positive impact on the Congolese labour market. More specifically, it shows that the refusal to insert provincial civil servants into the national database and payroll list meant that they could not draw on certain rights that were linked to their status as civil servants. Unofficial conversations with some provincial public servants of Kinshasa in May 2017 revealed instances of civil servants being prevented from accessing bank loans, having their labour rights respected and protected by the state, and receiving their pension.

A significant issue affecting public workers was the fact that, because of Congo’s bad labour market, they often only found employment in middle age, after a long period of

unemployment. The result of this is that their low number of working years meant that they hardly earned any pension.

Some young civil servants were hired when they were already over 40 because of unemployment. They were forced to retire as they were 55 years old. They barely worked for 20 years (Retired unionist (A), Kinshasa, December 2016).

Many considered Prime Minister Matata Ponyo's decision to freeze the recruitment of civil servants for five years as the main cause that prevented Congolese finding jobs in public administration between 2012 to 2016. A financial manager used an estimate of the number of Congolese who graduated between 2012 to 2016 as proof that Matata Ponyo's decision was an error of judgment:

Imagine that all our Universities produce more or less 100,000 graduates per year. In four years, they could be 400,000 graduates. ... These 400,000 persons couldn't find jobs in state services. For me, that decision was unworthy (Financial Manager, KACA, Kinshasa, November 2016).

For a Catholic priest, Ponyo's decision was unmatched in the history of the DRC:

'I have never seen this kind of decision, even during the wars in the Congo. ... They wanted to clean up the public administration as there were many irregular persons. Then they did four years without hiring people. Four years, that's a term for the US president!!! ... That was an unnecessary waste of time (Catholic priest, Kinshasa, December 2016).

Looking at the positive consequences of the reform, some informants perceived *bancarisation* and the integration of *Nouvelles Unités* into the public administration as having positive effects on both public and private labour markets. A manager of the Labour Department explained that *bancarisation* improved the Congolese system of paying wages and banking:

'Today, I receive my salary anywhere. With my bank card, I don't need to travel with a bag full of money even when I go abroad. (Likwalo, manager, Labour Department, Kinshasa, February 2017).

An ANAPI manager revealed how the *bancarisation* reform had a domino effects on the private labour market, such as creating job opportunities in the banking, transport, and private security sectors. Private banks opened up new branches in provinces in order to be closer to their clients employed there. Companies that transported money for banks also found opportunities to expand their business and hire new employees. New branches also meant the appointment of private security companies. In fact, the ANAPI manager argued, the government should have implemented the *bancarisation* reform much sooner after the 1998–2002 war (Gbadolite, manager, ANAPI, Kinshasa, March 2017).

Act No. 16/013 of the 15 July 2016 on the Status of Civil Servants resolved two key issues, namely the inequality in status between national and provincial public servants, and the contradictions between the 2006 constitution and existing labour legislation. In an unofficial conversation in May 2017, several provincial public servants of Kinshasa explained that the implementation of the act granted them the same rights and advantages as those enjoyed by public servants at the national level. Regarding adapting the labour legislation to the 2006 constitution, some informants thought it too soon to assess its effects on the labour market. A trade unionist complained, however, that it had taken the Congolese government so long to pass the act. For him, that delay had had serious repercussions on the workers (Alain, senior executive, CGSA, Kinshasa, April 2017).

Thus, after the lack of progress of public administration reform during J. Kabila's first term, and the consequent withdrawal of international partners, Kabila's second term saw the relaunching of the reform process. Given the poor implementation of some of these revised policies, this process was a failure in July 2015. Since then, however, the reform process has persevered. While the implementation of the biological census and the retirement programme still showed problems, and created problems for public servants, the promulgation of Act No. 16/013 of the Status of Civil Servants and the implementation of the *bancarisation* reform had positive effects on the Congolese labour market. The Congolese public labour market recoveries are, thus, ongoing, even if delayed by a range of political and institutional issues.

### 6.3.2 Labour reforms in the private sector

The Congolese state promulgated two important acts to regulate the private labour market in this period. First, Act No. 16/010 of 15 July 2016 modified and extended Act No. 2002/015 of 16 October 2002 on the Labour Code (République Démocratique du Congo 2016a). It resolved outstanding issues relating to child labour, labour discrimination against married women, and the lack of legal protection for employees with HIV/AIDS. In terms of child labour, the 2002 Labour Code had contravened against ILO' Convention No. 182 (International Labour Organization 1999) which stipulates that 'the term child shall apply to all persons under the age of 18' (Dennis 1999). In terms of discrimination against married women, the 2002 Labour Code still upheld the colonial legal disposition that obliged a married woman to show written permission from her husband before being hired (see Section 5.3.1). And regarding discrimination against people living with HIV/AIDS, many employers chose to misinterpret the 2002 Labour Code to allow them to dismiss such employees (Yav and Associates 2017).

The situation on the ground suggests, however, that an effective implementation of these new laws will be difficult. A human rights activist reflected on his experience working with street children, suggesting not only that the new legal disposition against employment of under-18s was ineffective but that it would not help these children:

'I agree that employers should stop using kids. But what does the act say about kids who are self-employees? Many kids work in the street because of poverty. They are accused of witchcraft. So, does the government have the means of taking care of these kids who have no support? ... I think the act won't bring changes' (Human rights activist, Kinshasa, March 2017).

An economist stressed the linkages between poor families and child labour, arguing that the act cannot 'be enforced at family level:

'Many kids work for their families in many rural areas. Here in Kinshasa, it often occurs in poor families ... I don't see how the act will deal with these issues' (Economist, Free University of Kinshasa, April 2017).

On the discrimination against married women, a journalist considered the scarcity of formal job opportunities as the main obstacle preventing the effective enforcement of the new disposition:

‘Being a married household woman is almost *passé*. . . . As men say it nowadays: ‘If I pay for [child]watcher, my wife pays for the electricity’ . . . . For me, the problem is job opportunities are rare for men, there is no hope for the end of that injustice against married women’ (Female journalist, Kinshasa, March 2017).

The lecturer in labour law added:

‘It’s easier for a society to change the law, but it’s difficult for the law to do so. I mean that the law has just followed the trend of our society today. I guess few men don’t want their wives to work today’ (Lecturer, labour law, University of Kinshasa, June 2017).

What can be understood from these comments is that the new legal dispositions against child labour can easily be enforced in the formal labour market. However, most kids working on the street or in rural areas are part of the informal sector. It thus becomes clear that practices of using workers who are under 18 are not fully addressed by the 2002 Labour Code. Still, it is important to recognise that current Congolese labour legislation complies with international standards in opposing child labour.

From the colonisation of the DRC until 2015, married women faced legal discrimination in the formal labour market. The prohibition of these legal dispositions can be regarded as significant progress in the Congolese labour market.

One of the unexpected topics arising in this regard is the promulgation of Labour Act No. 17/001 of 8 February 2017 on the creation and organisation of outsourcing in the private sector (République Démocratique du Congo 2017). Outsourcing is a practice in which certain sections of a production process are auctioned off to another company that undertakes to perform the work at a cheaper rate. The act was an unexpected measure by Congolese state, considering that the practice had already been widely critiqued for its abuse of workers. Despite these concerns, the government under J. Kabila issued the act in 2017. As the promulgation of the act coincided with my

fieldwork, I was able to observe at close hand that very few informants were aware of its promulgation; those that did were mainly technocrats. When informants heard about the act, they were frustrated, surprised, and even furious. A cashier expressed her feelings as follows:

‘Is it for real what you are telling me? Papa, we are going to be slaves here!’  
(Lwabwe, cashier, New Sarah, Kinshasa, March 2017).

Similarly, a chef raged:

‘What you’ve told me just ruins my day ... I can no longer trust any politician. They told us they would ban outsourcing. But, look now, they have increased their power (Chef, New Sarah, Kinshasa, May 2017).

Some observers note that the legalisation of outsourcing undermines labour legislation that is extremely protective of Congo’s national workforce (Van Impe 2012). In fact, this is a moot point: the legislation is protective only in theory because, as we have seen, Congolese workers have been subjected to labour exploitation and unfair labour practices at least since the Mobutu era. The new law has now granted companies the legal means to justify their practices, while the national workforce seems exposed even more nakedly to labour exploitation.

Here we need to recall that private labour market reforms experienced a hiatus during Prime Minister Muzito’s term (2008–2011). Similar to reform attempts during the transitional government of 2003–2006, the legal politicisation of the labour market by power sharing blocked the implementation of reforms. The reforms under Prime Minister Matata Ponyo were more successful due to his close affiliation with Kabila’s inner circle. In contrast to previous studies that argued point-blank that labour market reforms failed, I suggest that it is possible to argue that these processes were delayed and showed some form of success in a second attempt at reform. Here we can return to Peck’s theory of social regulation which suggests that a labour market is a political construction in which actors are connected through asymmetrical power relations. This idea is particularly evident in the political context of the Congolese transition, where asymmetrical power relations among politicians prolonged the duration of implementation of labour market reforms.

## 6.4 Conclusion

This chapter has demonstrated factors that conditioned and inhibited attempts by the Congolese state to achieve post-war labour market reconstruction between 2003 and 2019. Using Peck's notion of the labour market as a political construction, I have argued that the Congolese state undertook measures that insufficiently facilitated labour market reconstruction in Congo.

The power-sharing deal had a negative impact on the reconstruction of the post-war labour market during the transition period (2003–2006). Strategies adopted by the transitional government allowed the geographical reunification of the formerly fragmented labour market, but not its administrative reunification. The power-sharing provision legally politicised the labour market and thus hindered its reconstruction. International efforts to assist Congo in these reforms did not acknowledge the complexities of Congolese political, cultural, economic, and administrative realities.

The election of a new government and adoption of a new constitution in 2006 created the possibility for Congo to undertake labour market reforms in the public and private sectors. Yet, another period of hiatus ensued from 2007 to 2011 when reforms by the government of Prime Minister Muzito were blocked and undermined in protection of private interests by the inner cabal around President J. Kabila. The situation changed under Prime Minister Matata Ponyo who implemented a row of labour market reforms. These were only partially successful, however. Whereas the 2013 policy of *bancarisation*, the new Labour Code of 2016, and the new act on the status of civil servants somehow improved the employment conditions of public workers, the new act permitting outsourcing contradicted the 2002 Labour Code and its emphasis on the protection of the national workforce. The implementation of the reforms was marked by significant delays, however, which happened at the expense of the labour force: the 2016 Act of Civil Servants, for example, took 13 years to be passed. These delays demonstrate that the Congolese government was very slow at implementing processes to improve the labour market.

# CHAPTER SEVEN: CHALLENGES TO THE DRC POST-WAR LABOUR MARKET

## 7.1 Introduction

After the analysis of the historical background to the Congolese labour market before and during the 1998–2002 war in Chapter Five, Chapter Six argued that the Congolese state implemented reforms that insufficiently facilitated a process of post-war labour market reconstruction. In line with this, the purpose of the present chapter is to analyse the statistical data available on the post-war DRC labour market in order to provide supporting evidence for the challenges of that labour market reconstruction.

The chapter first grounds in the concepts of economically active population, employment, unemployment, underemployment, and informality as standard indicators for collecting and analysing data on labour markets. Drawing on these concepts, this chapter gives information about the features of and participation in the Congolese workforce, the structure of employment and its state in the country, the broad picture of unemployment and underemployment and their implication on the labour market, the role and impact of informal employment, and especially the evaluation of state labour market policies. This data set allows us to understand the different challenges that the DRC labour market has been facing before and during its process of reconstruction.

The chapter draws on the 2004 and 2012 *Enquête 1, 2, 3 sur l'emploi, le secteur informel et sur la consommation des ménages* (Surveys of employment, the informal sector and household consumption, hereafter 2004 Survey and 2012 Survey). These surveys, conducted by the DRC's National Statistical Institute, offer data on the DRC labour market from 2003 to 2012. In order to identify trends, changes and challenges of that labour market, the chapter uses additional data from studies conducted before and after these surveys. Finally, it also draws on empirical data from my fieldwork interviews and casual conversations.

The chapter is organised into three sections. The first defines and provides data on the economically active population and the state of employment in the DRC. It gives an historical overview of employment in the DRC and shows how the rate of employment has continued to decrease and how the poor employment situation has not yet

sufficiently improved since the end of the 1998–2002 war. The second section follows the same pattern but focuses on the definitions and trends of unemployment and underemployment. It shows that longstanding unemployment and underemployment keep on increasing and effects on both unemployed and underemployed persons. Finally, the last section defines the concept of informal employment and examines its evolution, role, and impact on the post-war Congolese labour market. The section explains that despite the importance of informal employment in the livelihoods of many Congolese, it is one of the barriers for the recovery of the DRC labour market.

## **7.2 Economically Active Population and Employment**

Labour supply policies face challenges of being better conceived and implemented in most post-war countries (see Section 2.4.2). Broadly speaking, labour supply refers to the economically active population or labour force or even workforce<sup>12</sup> and is composed of persons who are involved in employment, both in the status as employed and as unemployed individuals (Husmanns 2007: 1).

There are some criterial issues related to the definition of the workforce (Husmanns et al. 1990; Husmanns 2007). It has to be kept in mind that legislation on the minimum age for admission to employment varies in different countries due to the lack of a universally applicable minimum age limit at the international level for measuring the workforce. Though the United Nations Principles and Recommendations for Population and Housing Censuses suggests that the minimum age limit for defining the workforce should be 15 years, some developing countries use a lower minimum age and some highly industrialised countries a higher one. Another issue to consider in the measurement of the economically active population is the need to differentiate a country's economic activities from its non-economic activities. A third issue is the question whether the statistics on the economically active population represent the situation of the country's total population. This is because the total population can consist of either all residents who habitually live in the country (the *de jure* population)

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<sup>12</sup> This thesis uses the concepts of economically active population, labour force and workforce interchangeably.

or all persons physically present in the country on the particular day a census or survey is conducted (the *de facto* population). In short, the absence of a clear understanding of the concept and boundary of the workforce may result in statistical errors and controversy. Considering all these issues, the ILO proposes the following definition of the workforce, one that covers the entire population irrespective of activity status, sex, marital status, ethnic group:

The economically active population comprises all persons of either sex who furnish the supply of labour for the production of economic goods and services, as defined by the United Nations systems of national accounts and balances, during a specified time-reference period (International Labour Office 2003: 13).

This ILO definition was used in the 2004 and 2012 surveys and in several documents on the Congolese labour market (see Institut National de la Statistique 1991, 2014; Kankwanda *et al.* 2014). According to the 2012 Survey (Institut National de la Statistique 2014: 25–72), the Congolese workforce represented 56% of the Congolese population or 33.6 million individuals between 15 and 64 years old in 2012. Among them, 27.7 million individuals were employed, either in the formal or the informal sector. The Congolese workforce is skewed in favour of men, with an activity rate of 58.8% against that of 53.2% for women. In general, the activity rates for men and women in urban areas are 51% and 37.5%, respectively. Though the working-age population (15 to 64 years) grew from 27.6 million to over 40 million between 2005 and 2012, workforce participation in the labour market declined from 74% to 67%, or from 26.4 million to 25.6 million (Aterido *et al.* 2017: 18–19). Thus, the DRC is experiencing an increase in the workforce with a concurrent decrease in its market participation.

The statistics thus provide the most basic information on the size and structure of the DRC workforce. However, they do not provide a full picture of the relationship between workforce growth and challenges in the post-war labour market. They are thus less appropriate for fully assessing the impact of governmental labour market policies on the DRC employment situation. For this it is necessary to turn to the concept of employment. According to the ILO,

persons in employment are defined as all those of working age (i.e. 15 years old) who, during a short reference period, were engaged in any activity to produce goods or provide services for pay or profit. They comprise employed persons ‘at work’, i.e. who worked in a job for at least one hour; and employed persons ‘not at work’ due to temporary absence from a job, or to working-time arrangements (such as shift work, flexitime and compensatory leave for overtime) (International Labour Organization 2016).

This ILO definition illustrates that the main criterion of an employee is to ‘*have done some work over the past day or week*’ (emphasis added) or to be a person who is engaged in the production of goods and services (Luebker 2008: 8). Hussmanns (2007: 4) adds that by considering all economic activities as work, this ILO definition thus takes into consideration self-employed and all employed persons in both the formal and the informal sectors.

Interestingly, this ILO definition contrasts sharply with the Congolese definition of employment which does not take into consideration informal employment. The Congolese labour legislation differentiates state civil servants from private employees who respectively fall under the regulations of Act No. 16/013 of 15 July 2016 on the Status of Civil Servants (République Démocratique du Congo 2016b) and Act No. 16/010 of 15 July 2016 modified and extended Act No. 2002/015 of 16 October 2002 on the Labour Code (République Démocratique du Congo 2016a). Accordingly, a state civil servant is a person aged 18 years or older appointed to a permanent job in one of the Public Administration’s public departments. In contrast, a private employee refers to any person aged of 18 years old or more, despite his/her sex, marital status and nationality, who signs a written employment contract in order to put his/her professional activity under the direction and the authority of an employer for exchange with wage.

Although the history of Congolese employment has been thoroughly considered in Chapter Five, it is important to demonstrate the evolution of the correlation between the workforce and the employment rate. The Congolese workforce rate has increased since colonization because the Congolese population has grown at some 2.9% a year, one of the highest rates worldwide (Herderschee *et al.* 2011: 29). In contrast, the employment

rate has been developing in the opposite direction. In 1955, Bezy (1957: 100) indicates, there were 1,000,000 Congolese employees — which means 40% of the Congolese workforce — which increased to 41% in the 1960s and 42% in the 1970s (Manwana 1987). However, since the late 1970s the employment and workforce rates have no longer moved in tandem, with the rate of employment decreasing as the rate of the workforce has been rapidly increasing. This decrease in the employment rate is due to events such as the Zaïrianisation policy of the 1970s, the wars of 1977 and 1978, the implementation of a Structural Adjustment Programme (SAP) (Institut National de la Statistique 1991), the looting of Congolese cities in 1991 and 1993, and the Mobutu regime's poor governance, kleptocracy, neopatrimonialism, corruption, etc. This persistence of unemployment did not improve before or during the 1998–2002 war (see Section 5.6).

The 2012 Survey identified five main sectors of employment in the DRC: public administration, parastatals, the formal private sector, the informal non-agricultural sector, and the informal agricultural sector (Institut National de la Statistique 2014: 25–72). It found that the total number of employees had increased from about 19 million (21.8%) in 2005 to over 27.7 million (28.6%) in 2012. Agriculture employed the largest proportion of the country's labour force (71.2%), followed by trade or services (24.4%), and industry (4.4%). The agricultural sector thus employed more than 16 million individuals and more than 90% of the rural workforce. The informal sector engaged 88.6% of the labour force in 2012 and was thus a more important source of employment than the formal sector that employed only 11.3% of workers, of which 8.7% were in the public administration and 2.8% in the formal private sector. Many formal employees were university graduates, in average 42.9 years old in the public sector and 31.7 years old in the formal private sector. Of the employees in the public administration 86% had employment contracts and 71% received pay slips; this compared with 60% and 68% respectively in the private sector.

The 2012 Survey indicated that average incomes varied by sector and the employee's socio-professional status, urban or rural residence, and gender. Employees in services, commerce, and industry earned more than those in agriculture. In the public administration, employees of big public enterprises (2.3% of employees) were better paid than other civil servants. Yet employees in the formal private sector were even

better paid, and bosses in the formal private sector and executives in the formal public and private sectors earned the highest incomes. In general, urban-based workers earned more than rural-based ones. The proportion of employees earning less than the minimum wage was 44% in Kinshasa, 66% in other urban areas, and 88% in rural areas. Women earned less than men. Overall, over 85% of Congolese workers were so poorly paid that they were unable to make ends meet and lived in a state of poverty.

These statistics have led to significant debate and varying interpretations. One problem is the question of the reliability of any statistics issued by state institutions and leaders of the ruling party. For instance, the prime minister between 2012 and 2016, Matata Ponyo, used the media and the state's publications to claim that his leadership and improvement of state institutions led to economic growth from 2008 to 2016 (Matata Ponyo 2016; Matata Ponyo and Tsasa 2019, 2020) and to the creation of over 50,000 formal jobs per year (Radio Okapi 2015d; Matata Ponyo and Tsasa 2019). Many DRC politicians rebutted Matata Ponyo's arguments by accusing him of purposely overestimating the socio-economic impacts of the economic growth that was achieved during his period in office. Among them, the governor of the Central Bank of the Congo, Deogratias Mutombo, even asserted that there had not been any economic growth during this period because of a fall in the price of cobalt and copper, a weak business environment in the country, and an absence of strategies for generating more income (Bouvier and Omasombo 2017). The FEC president, Albert Yuma, argued that the unhealthy inflation rate at the time, a depreciation of the local currency, and the over-taxation of businesses were not indications of economic growth (Bouvier and Tshonda 2017). His organisation's records, he claimed, based on employers' own data, did not support Matata Ponyo's arguments (Fédération des entreprises congolaises 2017). Adolph Muzito, who had preceded Matata Ponyo as prime minister (2008–2012), strongly denied the latter's arguments and accused his cabinet of falsifying the statistics by classifying informal self-employees as formal ones (Muzito 2015). Two recent studies (Aterido *et al.* 2017; Sumata 2020) combined the data from the 2012 Survey and the World Bank to determine that the DRC's economic growth under Matata Ponyo did not in fact lead to an increase in the rate of employment. In fact, Sumata (2020: 2) proved how the economic growth from 6.23% in 2008 to 9.47% in 2015 was inversely mirrored by an increase in the unemployment rate from 5.55% to 7.84% respectively.

We should bear in mind that this data on the workforce and employment show few positive changes in the DRC labour market after the 1998–2002 war. As a result, the average annual growth rate of 5.3% of the country’s workforce (aged 15–64) represents a challenge as new entrants to the labour market scarcely find jobs. Although employment and workforce growth evolve concurrently, job creation has been unable to absorb many of the young people joining the workforce. The high rate of underpayment demonstrates the Congolese state has been struggling to implement new wage policies since 2003 (see the Mbudi Agreement in Section 6.2.2). The absence of employment contracts and pay slips offers robust evidence of poor employer-employee labour relations, of job insecurity, and of violations of the labour legislation which stipulates that employees must be provided with written employment contracts. As a result of this malpractice, trade unions have found it difficult to defend the rights of such employees who were not issued with employment contracts (Senior executive, CGSA, December 2016).

Overall, all features of the workforce and employment are shaped by neopatrimonialism, poor governance, clientelism, and weak institutions — which are better captured by theories on the African state. At this conjecture, it is appropriate to reiterate that actions of the post-war Congolese state have been too slow and poorly implemented to facilitate the desired reconstruction of the post-war Congolese labour market. In brief, improving employment is still a challenge as many Congolese workers experience underpayment, job insecurity, dissatisfaction, labour rights abuse, discrimination in the labour market, and, especially, unemployment and underemployment.

### **7.3 Unemployment and Underemployment**

Unemployment is a labour market indicator that is most actively discussed by scholars, journalists, and even politicians (Sengenberger 2011: 7). A narrow definition of unemployment offered by the ILO and a subsequent broader, less strict definition continue to be highly debated (Kingdon and Knight 2006; Hussmanns 2007). The ILO offers the following standard definition:

Unemployment covers persons at working age who during the reference period are ‘without work’, ‘currently available for work’ and ‘seeking

work’, i.e. taking specific steps to find employment (Sengenberger 2011: 11).

It explains each of these three states as follows:

The unemployed include all persons above a specified age who during the reference period were:- *without work*, that is, were not in paid employment or self-employment during the reference period;

- *currently available for work*, that is, were available for paid employment or self-employment during the reference period; and

- *seeking work*, that is, had taken specific steps in a specified recent period to seek paid employment or self-employment (International Labour Organization 2017).

One can notice that the three categories are three key criteria that must be met ‘simultaneously for being considered as unemployed under the standard definition’ (Hussmanns 2007: 15). However, the ILO’s definition has been critiqued for considering someone as unemployed only if the person had been actively seeing a job during the preceding four weeks; anyone not doing so would be considered rather as inactive or as in a state of being out-of-the-labour-force (Guataqui and Taborda 2006; Kingdon and Knight 2006: 292). This time period thus excludes potential workers, discouraged workers,<sup>13</sup> and not active jobseekers from the workforce even though they meet the three criteria of unemployment (Hederman Jr 2010: 24), thereby reducing the unemployment figure (Sackey and Osei 2006: 223). The ILO definition also overlooks how the economic conditions in a particular country can shape job searching or non-searching behaviours (Hoti 2015: 62). The decision to search for a job can be influenced by the associated costs, expected wages, the probability of finding a job, unemployment benefits, and the manner in which individuals consider themselves at risk of social discrimination based on age, class, sex, race, and nationality (Hederman Jr 2010: 39). Finally, the ILO definition understates unemployed who are beneficiaries of

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<sup>13</sup> People who have stopped looking for a job because they no longer believe they can find suitable work in their area or qualification.

unemployment insurance, registered at employment institutions, and people who are in inadequate employment situations and survive by receiving remittances from relatives or friends (Husmanns 2007: 14). Husmanns (2007: 16) concluded that the ILO definition is unsuitable to capture all features related to the unemployment situation in developing countries.

In response to these critiques, the ILO proposed a relaxed and broader definition of unemployment, one that includes potential work seekers, discouraged work seekers, passive jobseekers, and those only marginally attached to the labour market (Sixteenth International Conference of Labour Statisticians 1998). This new definition argues that in

[s]ituations where the conventional means of seeking work are of limited relevance, where the labour market is largely unorganised or of limited scope, where labour absorption is, at the time, inadequate, or where the labour force is largely self-employed, the standard definition of unemployment ... may be applied by relaxing the criterion of seeking work (Husmanns 2007: 16).

While most developed countries use the ILO's standard definition, many developing countries have adopted its broader definition (Husmanns 2007: 16–17). Some countries have also decided to adopt these definitions only partially. The result is that it is difficult to compare the unemployment levels in different countries (Maqbool *et al.* 2013: 192). For instance, since 1983 Britain defines as unemployed someone older than 17 years of age who claims unemployment benefits. Because of this, the inclusion of a person in a 'particular assistance programme became criterium for defining unemployment and the instrument to count jobless people' (Guataqui and Taborda 2006: 23). This change of definition of unemployment resulted in a reduction of the number of unemployed people in the country. Trinidad and Tobago, in contrast, relaxed the ILO's four-week criteria of job searching to consider as unemployed any person who is looking for a job (Byrne and Strobl 2004). This raised the country's rate of unemployment from 3% to 5% in 1998 (Byrne and Strobl 2004).

Considering the debate around the ILO's definition, it is astonishing to note that the DRC adopted the standard definition of unemployment, even though the country is

among the poorest developing countries, all others of which use the ILO's broader definition. According to the 2012 Survey, a person counted as unemployed if 15 years and older and without work during the preceding week, available to work in two weeks' time, and actively seeking work (Institut National de la Statistique 2004, 2014b).

Unemployment is a longstanding phenomenon of the DRC labour market even though it was infrequent during colonisation (Bezy 1957) when, remarkably, it occurred only during the Great Depression of the 1930s (Jewsiewicki 1977). Despite the political crisis in post-independence DRC, unemployment was not a significant matter as the country invited foreign skilled technicians, professionals, and specialists (see Section 5.4). As noted above, the unemployment situation has been worsening from the late 1970s until the collapse of the Mobutu regime in 1997 (see Sections 5.4 and 5.6).

The 2012 Survey (Institut National de la Statistique 2014: 87–94) indicated that the unemployment rate increased from 1.9% in 2005 to 2.2% in 2012. This rate was shaped by sex, age, education, urban or rural residency, length of unemployment, and types of job searching methods employed. Unemployment affected men more than women, at 3.6% and 5,2 % respectively, regardless of rural or urban setting. The period 2005–2012 was marked by a significant increase in the working-age population and in unemployment with more than 40% of the unemployed being young adults. Aterido *et al.* (2017: 21) have emphasised that the DRC have been marked by an uncommon level of highly educated people experiencing unemployment:

[E]ducation and chances of employment are negatively correlated. For those with no schooling or only primary schooling, unemployment rates have remained about 2.5 per cent. In contrast, for those with tertiary education, the unemployment rate is six times greater (13.7 per cent). ... [O]ne explanation for the seemingly inverse relationship between higher levels of education and employment could lie in the capacity of the labor market to absorb highly educated workers. Another could be the worker's ability to sustain a longer job search so as to find a more suitable match (Aterido *et al.* 2017: 4).

Further, unemployment in the DRC is a predominantly urban phenomenon as 83% of the unemployed live in towns and cities (Aterido *et al.* 2017: 24). Urban men accounted

for 50.9% of the unemployed in 2012, with rural men accounting only for 11.1% (Aterido *et al.* 2017: 24). Unemployment was also characterised by the increase in the number of long-term unemployed persons. From 2005 to 2012, the length of unemployment and job seeking increased from an average of more than five years to more than eight years (Kankwanda *et al.* 2014: 21). The average length of unemployment was also higher among *des primo-demandeurs* (first time job seekers, at 98.4 months) than among *des anciens occupés* (the formerly employed, at 97.2 months). In searching for jobs, the 2012 Survey suggested that a majority of unemployed persons (74.9%) drew on personal relationships with family and friends in their search for employment, with 15% seeking employment directly from employers and about 5.4% reacting to job advertisements.

Unlike the 2004 and 2012 surveys which were based on data from the supply side of the labour market, studies which also included data from the demand side found additional causes of unemployment in the DRC: hiring requirements, the types of employers, and the poor business climate. Especially among private employers hiring requirements such as professional experience, language skills, and outstanding labour skills often seemed difficult to meet by both newly graduated persons and long-term jobseekers (Aterido *et al.* 2017). The limitation of job creation due to the weak business climate closed the window of opportunity for many jobseekers (Sumata 2020).

Both unemployment and underemployment are major impediments to employment growth. The concept of underemployment has been broadly interpreted and used to identify ‘unsatisfactory’ employment situations in terms of insufficient working hours, low wage, or job downgrading (Husmanns 2007: 17). For statistical perspectives, the ILO suggests that it is better to deal with the more specific (more quantifiable) components of underemployment separately: the ‘visible’ underemployment or the time-related underemployment (International Labour Office 2016: 105–07). For the ILO,

[t]ime-related underemployment more broadly refers to any employed person (whether employed part or full time) wanting to increase their employment hours either in their current employment, through an additional job, or by finding a replacement job who are willing to accept

the same level of pay but report they are unable to do so (International Labour Organization 2008).

This ILO definition was used in the 2012 Survey to specify full-time employment as working between 35 and 45 hours of work per week (Institut National de la Statistique 2014: 20–21). Accordingly, a time-related (or visible) underemployed person refers to a worker who is available and willing to work but is engaged for fewer than 35 hours per week.

As indicated above, the overall underemployment rate in the DRC reached 72% of the workforce in 2012. Underemployment was more visible in rural areas and among the youth: 71% of rural workers were classified as underemployed as against 47% in urban environments. In addition, Kankwanda *et al.* (2014: 39) show that underemployment also tended to go together with low pay and labour exploitation, abuse and insecurity. In formal respects, the Survey 2012 data on working-hours in relation to underemployment are respectable since they give us an idea of the linkages between underemployment and underpayment, poverty and labour precarity. Empirical data from the fieldwork conducted for this study shows in addition that underemployment is of greater concern to workers who have experienced job downgrading and labour flexibility (see Chapter Ten).

Overall, the ILO's standard definition of underemployment, as adopted by the DRC, is exclusive. If, against it, all types of non-employed persons had been included in the 2012 Survey, the number of unemployed would certainly have increased. This would demonstrate Hussmanns' (2007: 16) argument that the ILO's standard definition is less suitable to explain all features of unemployment in developing countries. The ILO definition also struggles to capture the exceptional characteristic of the DRC labour market where high levels of education hinder, rather than further, employment. Also, the correlation between persistently high unemployment rates and job searching practices through personal relationships instead of job centres (such as ONEM) show the challenges faced by the state's employment policies.

Overall, the effects of the unemployment situation of the last three decades continue to affect the Congolese labour market. That being said, it is important to reiterate that the persistence of neopatrimonialism, with its corollaries of social injustice and inequality,

corruption, and poor governance, have not made it easier for Congolese authorities to better implement labour policies aimed at reducing unemployment. Thus, it must be argued that the efforts by the Congolese government against underemployment and unemployment have not yet achieved the expected results since the 1998–2002 war. Since the reduction and regulation of unemployment and underemployment are still major issues in the DRC, informality appears to be a way of survival for many unemployed, underemployed, and permanent (yet underpaid) workers.

## **7.4 Informal Employment**

Since Keith Hart (1995) coined the concept of the informal economy in 1973 to refer to economic activities which take place outside the framework of official institutions, there has been a tendency to use interchangeably terms of ‘informal sector’, ‘informal economy’, ‘employment in the informal sector’, and ‘informal employment’ even though they are not necessarily similar (International Labour Office 2016: 86). Given these concepts point to different aspects of the informalisation of employment, the ILO defines informal employment as a

[a] group of production units (unincorporated enterprises owned by households) including ‘informal own-account enterprises’ and ‘enterprises of informal employers’ (International Labour Office 2016: 86).

De Herdt and Marivoet (2018: 121) state that definitions of the informal sector are influenced by two contrasting schools of thought on informality. The first sees the informal sector as autonomous, with people resorting to informality in response to exclusionary state regulations. The second school conceives of the informal sector as both an integrated and subordinated part of the same economy, with informality offering alternative ways, enabling the avoidance of constraints imposed by state-backed regulations (De Herdt and Marivoet 2018: 121). Hart (1985), who has influenced both schools of thought, highlights that informality can involve both illegitimate and legitimate activities, or the poor and the powerful. Accordingly, Oliver de Sardan, in a number of his own and co-authored pieces (Olivier de Sardan 2010; Bierschenk and Olivier de Sardan 2014; De Herdt and Olivier de Sardan 2015), assumes that informality exists not only outside the state but is also produced within the state apparatus itself. He

thus advocates studying the latter and examining the gaps between public policies and their implementation or between official rules and practical actions or behaviours.

Informal employment has been shaping normal economic life of many Congolese and their basic livelihoods since colonisation, even as the state sought to eradicate, control, or formalise this informality. Although there was a relatively large formal labour market in the Belgian Congo, especially among its white residents, informal employment was numerically more important, even in the urban areas. In 1955, towards the end of the colonial period, 39% of the urban workforce was in the formal sector and 61% in the informal sector (De Herdt and Marysse 1996). Mutamba (1998) analyses how informal workers — as artisans, retailers, farmers, poachers, artists, diamond smugglers, traders — accumulated wealth even though these economic activities were discouraged or even prohibited at the time. By 1961, the number of informally employed had risen to 70.9% (De Herdt and Marysse 1996) in the context of the post-independence secessions, rebellions, and political-bureaucratic conflicts (Ishako 2018). In response, the government often brutally destroyed working sites of informal workers or relegated some of them to the rural areas (Ishako 2018).

In the aftermath of Zaïrianisation and the Mobutu regime's poor governance in the late 1970s, the growth of informal employment reached its high peak in the 1980s, with 80% of workers being employed informally (MacGaffey 1983). With worsening socio-economic conditions in the early 1990s, side effects of the looting and mismanagement that was taking place, the informal sector rose to employ 95% of all employed individuals (De Herdt and Marysse 1996).

The Mobutu regime had limited options to control or formalise the informal sector. Some informal self-employed were officially registered and required to pay site-fees in specific locations (Ishako 2018). Interestingly, over time some illegal jobs shifted into the informal and then the formal sector. De Herdt and Marysse (1999) show, for example, how women who engaged in illicit currency exchange contributed to the informalisation and, then, formalisation of their activities in the 1990s.

After the 1998–2002 war, the 2012 Survey (Institut National de la Statistique 2014b: 23-29) informs that 88.6% of all workers were employed in the informal sector. This informal employment is boosted by commercial activities and by women (55%) who

held more than half of all informal jobs. It was characterized by poor labour relations and conditions, with over 96% of employees not having written contracts, hardly any receiving salaries, and legal standards governing working hours not applying. More than half (56.4%) of all informal enterprises in the Congolese agglomerations exercised their activities at home.

As before the 1998–2002 war, the Congolese government continued to use repression, control, or formalization afterwards in an attempt to regulate informal employment. The provincial government of Kinshasa, for example, tried a succession of campaigns — *Operation coup de poing* (Operation crackdown) in October 2004, *Operation Kin propre* (Operation clean Kinshasa) in 2007, and *Operation Kin Bopeto* (Operation smart Kinshasa) in 2019 — to clean the city from informal workers who set up kiosks, street garages, restaurants, hair salons, vending tables, and pubs without respect for town planning rules, thus increasing the town’s insalubrity. Despite police brutality employed during these campaigns, informal workers subsequently re-emerged with their businesses (Nsapu 2019). In addition, as Segatti (2015) shows, the unionisation of informal retailers has led to the defence of the rights of Congolese vis-a-vis their foreign competitors; And formalisation has occurred among formerly illegal or informal artisanal miners (see, for example, Geenen 2012; Vogel *et al.* 2018).

We can thus see that informal employment in the DRC is marked by a complementarity between the ‘autonomous informal sector’ and the ‘informal sector as an integrated and subordinated part of the same economy’. The autonomous informal sector occurs when Congolese resort to informal employment to cater to their basic needs. However, even though the informally employed are not recognised by law and face labour market insecurity and precarity, they have been participating in the integrated and subordinated parts of the Congolese economy for ages.

Further, the state’s temptation to regulate informal employment shows how that sector is both a necessity for sustainable livelihoods and an obstacle for a ‘normal’ functioning labour market. There is no need to remind us that the Congolese government long ago recognised the importance of informal employment as a necessity for survival of its citizens. Thus, it has been trying to regulate it. Moreover, considering the statistics cited above on unemployment, it can be argued that informal employment has been playing

a major role in job creation, income generation, and production, before, during, and after the war of 1998–2002. It enables many Congolese to survive economic crises, supplement their livelihood, and provide means to avoid proletarianization. Besides, the impact of informality is vividly observable in the labour market because of the informal market's absorption capacity and contributions to the livelihoods of Congolese.

However, informality may lead to what Ahmed, Rosser, and Rosser (2007, cited in De Herdt and Marivoet 2018: 122) called 'the vicious circle of informalization and inequality'. They postulate that the growth of inequality undermines the trust and social cohesion necessary for an economy to function. This situation increases informal economic activity, which in turn results in a decline in tax revenue. This obliges the government to cut social spending, thereby causing a further rise in inequality. This theory is supported by the data provided above which show how the interplay of workforce, poor employment conditions, fast-growing unemployment, long-standing economic regress, and poor governance contribute to the increase and reproduction of informal employment in the DRC.

It is thus appropriate to argue that although informal employment has been allowing many Congolese to survive, it also poses a challenge to the improvement of the post-war labour market. These realities and challenges linked to informal employment in the DRC can be captured by theories of the African state, which highlight how bad public governance, with neopatrimonialism and weak institutions, continues to disrupt economies and labour markets.

## **7.5 Conclusion**

This chapter has analysed challenges that the DRC labour market faces in its process of reconstruction. Using the statistical data on the economically active population, employment, unemployment, underemployment, and informal employment, the chapter supports the argument of Chapter Six which states that the labour policies of the Congolese state have insufficiently facilitated the labour market's reconstruction in the post-war period.

The first challenge that the chapter demonstrates is that the fast increase of the workforce has inversely coincided with the extreme depletion of opportunities in the labour market. This resulted in the increase unemployed and inactive persons.

A poor employment situation is the second challenge of the DRC labour market. Here the chapter indicates that while employment does not grow, insecure employment, underpayment, and underemployment persist in the DRC, without efficient labour protection.

The persistently high unemployment rate and the rise of underemployment are also among the main challenges that impact negatively on the DRC labour market. While unemployment affects the vast majority of the Congolese workforce, forcing them to survive in pervasive poverty and anxiety, marked by social stigma, underemployment strengthens the casualisation of jobs and the precariousness of the lives of the underemployed.

Given the consequences of poor labour conditions and relations, unemployment, and underemployment, using informal employment as an avenue for alternative possibilities has allowed many Congolese informally employed to survive for over a century. Despite its important role in many Congolese workers' lives, informal employment unfortunately contributes to the vicious cycle of inequality and informality, which in turn affects the improvement of the DRC labour market.

Overall, the state's labour market policies did not prove conducive to the regulation of informal employment, the creation of *secure* jobs, the amelioration of job searching methods, and the improvement of the lives of the unemployed. These challenges of the DRC labour market are also reflected in labour market institutions, to which I now turn.

## **CHAPTER EIGHT: CONTRIBUTIONS BY LABOUR MARKET INSTITUTIONS**

### **8.1 Introduction**

This chapter analyses the roles and contributions of labour market institutions to the process of post-war labour market reform and recovery in Congo. It thus addresses to the research question: What are the roles and impacts of labour market institutions in post-war labour market recovery? The chapter approaches this question in two steps. In the first step, the chapter examines six labour market institution, to determine the challenges these institutions faced and evaluate the role they played in reforming the labour market. In the second step, the chapter analyses non-market actors' and their involvement in labour market institutions. ‘Drawing on Peck’s notion of labour market regulatory dilemmas, Foucault’s of the imbalance in power relations, and the concept of neopatrimonialism, the chapter closes with an examination of the correlation between the internal weaknesses of Congolese labour market institutions and those imposed by external factors.

### **8.2 Contributions by Labour Market Institutions in the Remaking of the Labour Market**

This section discusses six labour market institutions in the years 2003 to 2018 and how they contributed to the Congolese labour market. It begins by reviewing attempts by the Ministère de l’Emploi, du Travail et de la Prévoyance Sociale (Department of Employment, Labour, and Social Welfare) to launch some national policies and problem-solving interventions. Next, it looks at the National Council of Labour (CNT)<sup>14</sup> and at how conflicts between its key members — trade unionists versus employer organisations — affected the actions through which it sought to improve the labour market. Third, it discusses the attempts by the National Institute for Vocational Training (INPP) to supply skills to employers, highlighting how this institution requires an

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<sup>14</sup> Deviating from academic convention, I repeat the full names for these institutions here to ensure clarity.

effective collaboration between local and international partners to achieve successful service delivery. Fourth, it describes the serious problems faced by the National Employment Office (ONEM) in linking up employers and jobseekers. Fifth, it analyses the attempts by the National Social Security Fund (CNSS) to implement new welfare strategies. And finally, the section considers attempts by the National Agency for the Promotion of Investments (ANAPI) to attracting investors and improving the Congolese business climate.

### **8.2.1 Department of Employment, Labour, and Social Welfare (Labour Department)**

According to the 2002 Labour Code, the Labour Department is composed of the minister's cabinet and three secretariats: the General Secretariat of Social Welfare, the General Secretariat of Employment and Labour, and the General Inspectorate of Labour (République Démocratique Du Congo 2002b). The Labour Department also has three self-governing agencies: the National Employment Office, the National Institute of Vocational Trainings, and the National Social Security Fund. The department chairs over the National Council of Labour that develops and implements national policies of labour, employment, wages, vocational training and social welfare (République Démocratique du Congo 2007).

Created at independence in 1960, the Labour Department was not spared the consequences of the deterioration of the Congolese public administration from the Mobutu era to the end of 1998–2002 war. It was also affected by the problems that occurred in the public administration during the transition (see Section 6.3).

From 2003 onwards, the Labour Department worked on implementing four main labour market policies. These were a set of measures against unfair and mass dismissal procedures (from October 2005); the Interprofessional Guaranteed Minimal Wage policy (from April 2008); the National Programme of Labour and Vocational Training (September 2008); and measures against unlawful practices of private job placement services (September 2008).

In October 2005, Minister Balamage tackled the issue of unfair dismissal procedures by issuing two Ministerial Orders: Ministerial Order No.12/CAB.MIN/TPS/116/2005 on

the modalities of dismissal of workers (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2005b); and Ministerial Order No.12/CAB.MIN/TPS/117/2005, on the warnings and notices prior to dismissing employees (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2005a). These policies were strengthened under the 2006 government by the new minister, Marie-Ange Lukiana, who issued Ministerial Order No.12/CAB.MIN/ETPS/038/08 of 8 August 2008 on the temporary prohibition of the mass dismissal of workers by labour inspectors (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2008a).

Although these orders appear as achievements, interviewees painted a more complex situation. Against the positive evaluation given by a manager of the Labour Department, a trade union leader and members of *24 entreprises et subséquentes*, the unofficial pressure group of unfairly dismissed employees, found them ineffective. The Labour Department Manager stated:

Employers were firing their workers as they wanted. There was an amalgam of many politicians, our corrupted colleagues of the General Inspectorate who were umbrellas of many employers. ... The decisions were timely (Likwalo, Labour Department manager, Kinshasa, February 2017).

A unionist, in contrast, rated the Labour Department actions as ineffective:

For them, it was good. But they did nothing to reintegrate fired workers in their jobs. Why didn't they take actions against these employers? (Alain, senior executive, CSGA, Kinshasa, December 2016).

The view of the trade unionist corroborates arguments made by members of *24 entreprises et subséquentes* who also considered the Labour Department to be ineffective since it did not enforce the decisions it had taken in favour of the dismissed employees. Composed of over 45,000 former employees from over 24 public and private companies who were victims of mass dismissals during the transition, this pressure group had been struggling for the restoration of their labour rights since 2003. Although the Labour Department, the supreme court, parliament, the president, and the prime minister had ordered that the workers be reinstated, since 2007 the Congolese Businesses Federation vetoed implementing this decision (Committee members of *24 entreprises et subséquentes*, Kinshasa, March 2017).

The Interprofessional Guaranteed Minimal Wage Policy added a layer of complexity and paradox to the activities of the Labour Department. Mrs Lukiana who implemented this policy was twice minister of labour — from 2001 to 2003 and again between 2007 and 2008. In 2002, she issued Ministerial Order No. 12/CABMIN/TPS/AR/KF/059/02 on 27 September that pegged the value of the minimum wage at US\$30 per month (Ministère Du Travail Et De La Prévoyance Sociale 2002). The Order, however, was flouted by many employers (Office National de l'Emploi 2015). In her second term, she then persuaded the government to promulgate Ordinance No. 08/040 of 30 April 2008 to fix the minimum wage at US\$3 dollars per day (République Démocratique du Congo 2008). Again, however, the ordinance was not enforced by the government (Office National de l'Emploi 2015b).

In September 2008, the Labour Department issued Minister Order No. 12/CAB. MIN/ETPS/059/2008, creating a commission charged with preparing the National Programme of Labour and Vocational Training (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2008c). Although that this programme was submitted to the government in 2009, its resolutions were not implemented (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2012).

Two reasons led to the abandonment of these two labour market policies. First was the impact of several cabinet reshuffles (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2012). Most of the newly appointed labour ministers did not continue projects set up by their predecessors but rather initiated new ones (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2010). For instance, Labour Minister Mr Nzanga Mobutu, who replaced Mrs Lukiana in 2009, initiated a still-born labour policy called the National Youth-Employment Programme in 2010 (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2010) while Mrs Lukiana's National Programme of Labour and Vocational Training was still pending. The second reason was that the cabinet did not provide punctual feedback on projects put forward for adoption by the Labour Department (Khondem 2017).

When I raised these reasons with a manager and four deputy managers from the Labour Department, they began talking passionately about the national labour market policy. The manager groaned:

We always complain that the government neglects our propositions ... It's sad that we don't have a coherent national labour market policy (Likwalo, manager, Labour Department, Kinshasa, February 2017).

In September 2008, the Labour Department tried to tackle the problem of private job placement services violating labour laws (Office National de l'Emploi 2015b). As some of these placement services were illegally operating as outsourcers, Mrs Lukiana issued Ministerial Order No. 006/CAB. MIN/ETPS/062 of 18 September 2008, clarifying the roles of private job placement services (Ministère de l'Emploi du Travail et de la Prévoyance Sociale 2008b). Yet most of the transgressors simply continued with their outsourcing operations (Kisimba 2014). Even worse, a report from the National Employment Office indicated that some private job placement services obliged candidates to pay job application fees. There were thus three problems with these agencies: they operated illegally as outsourcers, they took a cut of salaries of the employees they placed, and they unfairly fired their employees (Office National de l'Emploi 2015b). Consequently, on 10 November 2014 Labour Minister Modeste Bahati prohibited 49 of 70 private job placement services from operating in Kinshasa (Kisimba 2014). Yet the prohibition was implemented but ephemerally as Mr Bahati was replaced in March 2015. His successor, Labour Minister Willy Makiashi, acknowledged on radio in April 2015 that most of the companies that had been prohibited were continuing to operate (Radio Okapi 2015a). Finally, parliament passed a law on outsourcing in the private sector on 8 February 2017 to put an end to these practices (République Démocratique du Congo 2017).

My interviewees identified a range of additional problems that affected the internal functioning of the Labour Department. One was politicisation and interference by military or political authorities in its internal affairs. Routinely, corruption, a lack of infrastructure, mismanagement, low wages, and staff recruitment based on tribal, ethnic, and family affinities affected its functioning. A manager complained that ministers often centralised all the institution's activities in their offices and taking decisions without consulting experts. The interference by non-labour actors, he argued, weakened the department vis-à-vis unscrupulous employers:

There are many cases where decisions of the General Labour Inspectorate in favour of the workers have been cancelled by politicians, the guys of the National Intelligence Agency (Manager, Labour Department, Kinshasa, February 2017).

Corruption he placed more at the level of the minister's cabinet, and identified it as entrenched for many years. As an example he referred to an open letter of 15 June 2015 addressed to the Minister of Labour, Mr Willy Makiasi, in which the author Albert Kabiola (2015) accused the South African private construction company Redis Construction Afrika of bribing senior executives of the Labour Department and the National Commission of Employment of Foreign Employees in order to receive the permission to hire over 1,500 South African and Zambian employees but not a single Congolese (Mambuya 2018). This corruption takes place in parallel to departmental offices equipped with old furniture, where public servants are crowded into small, poorly-maintained rooms in the Labour Department compound — the entrance to which is 'converted into the home of some *bashégués* (street gangs or children) after working hours' (Geenen 2009: 353).

The Labour Department did not accomplish most of its objectives. Discontinuity in its projects led to overlaps of unachieved policies, incapacity to enforce laws, and impunity of lawbreakers. Discontinuous and partial decision making did not allow the department to protect the work of the national labour force. Lack of support from the government resulted in unimplemented projects (such as the wage policy). And problems such as corruption, politicisation, and interference by non-market actors exacerbated the situation. It can be argued that the department's impact on the remaking of the Congolese labour market actually declined after 2003.

If the department itself has had difficulty in functioning and contributing to the reconstruction of the job market, it opens the question of where this leaves the institutions under its supervision? I turn to these in the following subsections.

### **8.2.2 CNT**

The CNT is made up of three members: the government, employer organisations, and unions. According to Articles 224 to 229 of the 2002 Labour Code (République

Démocratique du Congo 2002b), the duty of the CNT as a consultative organisation is to analyse economic, financial, and social issues related to the Congolese labour market, to assess all matters concerning labour and welfare in the DRC, and to make its view known before the adoption or promulgation of law affecting the labour market. Theoretically, the CNT has always been consulted, as is stated in the preamble of each labour law: all new bills must pass through this institution. However, my findings suggest that this is not always the case. In fact, there are some members of that institution who are regularly left out during law-making processes. Also, contradictions among members resulted, for example, in the blockage of the implementation of the 2017 wage policy. At the law-making level, a manager at the National Employment Office and a trade unionist both stated that the promulgation of the 2017 Act No. 17/001 on Outsourcing did not follow the regular procedures. They complained that government did not consult all CNT members, in particular not the trade unions (ONEM manager, Kinshasa, June 2017; unofficial conversation with a senior CGSA executive, Kinshasa, May 2017). In contrast, a manager of the Congolese Business Federation claimed this to be incorrect and that the 2017 act followed the regulated procedures:

I'm telling you that members of the National Council of Labour met and discussed about that law. Our representatives took minutes [at the meetings] ... These unionists are worse than politicians: they were invited but chose not to come! (Unofficial conversation, FEC manager, Kinshasa, June 2017).

AN interview with an MP brought even greater clarity on these conflicting opinions of the same event. For him, though Act No. 17/001 theoretically followed the regulated procedures, some controversies of how it was developed needed explaining:

I saw the minutes of the National Council of Labour meeting without signatures from the members of the many trade unions that I know. ... There was no substantial content: no comments, no recommendations, no suggestions, in short, nothing! It was awkward ... It was just one of the *lois*

*marathons*.<sup>15</sup> Arrangements had already been made between the cabinet and MPs of the ruling party to adopt it (A member of parliament (1), Kinshasa, June 2017).

These informants provide strong indication for irregularities within the CNT's 'role in labour legislation processes. The engineered absence of the trade unions, clearly a key member of this institution, shows why from a law-making point of view some labour policies might be regarded as ill-conceived in the DRC. In addition, the practice of *loi marathon* corroborates literature (Trefon 2011; Bouvier and Omasombo 2015) that depicts the Congolese parliament as a rubber-stamping machine for the ruling party. This practice also allows us to understand why the law-making processes of some white papers last longer. For instance, while Act No. 16/013 on the Status of Civil Servants took 14 years to develop, the 2017 Act on Outsourcing was processed in — relatively at least — the blink of an eye (see Section 4.3.7).

The CNT decided to implement the minimum wage policy in November 2017. On 1 November 2017, all CNT members agreed that the minimum wage be pegged at a rate of US\$5 per day (Buhake 2017). They suggested that the government implement this resolution by 1 January 2018 (Fédération des Entreprises du Congo 2018). The government, however, only issued Ordinance No. 18/017 on the Minimum Wage on 22 May 2018 (Fédération des Entreprises du Congo 2018). This delay gave members of the Congolese Businesses Federation the opportunity to veto its implementation: they argued that, due to this government-caused delay, employers would not be able to respect the CNT decision anymore (Fédération des Entreprises du Congo 2018).

Overall, the existing internal contradictions among CNT members did not help the institution fulfil its mission. Though it is a platform for the main players in the labour market, it presents as a hotbed of conflict. This causes serious delay in the implementation of labour market policies. Thus, one might argue, this institution was designed to resist the reconstruction of the labour market.

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<sup>15</sup> Laws rapidly adopted by the parliament and promulgated by the president.

### 8.2.3 INPP

According to Articles 11 to 17 of the 2002 Labour Code (République Démocratique du Congo 2002b), the INPP's 'main responsibility is to train jobseekers or new (young or adult) employees in their workplaces. It was created through Ordinance-Act No. 206 of 29 June 1964 (République Démocratique du Congo 1964). From the late 1970s, it began to experience problems in the way it functioned because of the state of the Congolese public administration. In particular, the looting of Congolese cities in 1991 and 1993 and the wars of 1996–1997 and 1998–2002 brought the institution to the verge of collapse (Mukendi 2003: 14). 'The political context of the transition also did not help the INPP alter its course. An assistant manager at the institute explained that even in the late 2010s they were not performing well because of the lack of appropriate equipment, a plethora of ageing instructors and teaching methods, and poor management:

Demobilised child soldiers needed to be given short-term, job-specific training so that they would have practical skills to find jobs. However, our instructors were under-qualified and unable to respond to the changing needs of the labour market. Many trainees spent their time learning antiquated theories instead of practical techniques. ... Our equipment was gone. ... Our managers were incompetent. ... Employers could not trust us. They stopped sending their employees to attend our training sessions (Assistant Manager, INPP, Kinshasa, July 2017).

Since 2007 the situation changed, however. At this point, the assistant manager reported, they introduced two measures which improved the INPP's functioning and contributed to its achievements in the labour market. The first measure was to reinforce its relations with external donors and international cooperation agencies such as the Japan International Cooperation Agency, the Belgian Technical Cooperation, and the German Society for International Cooperation. The second measure was to restructure the INPP by upgrading the skills of instructors and the standard of the training programmes, renovating the buildings, and constructing new facilities (Assistant manager, INPP, Kinshasa, July 2017). As a result of the renewal and expansion of Congo's international relations, the Japan International Cooperation Agency sent INPP instructors to be retrained in Dakar in 2008. On their return, they trained their colleagues at home (Japan International Cooperation Agency 2011). These donors also funded the

renovation and construction of facilities. As a result, the INPP was able to upgrade its training programmes and has since improved the performance of its missions in the Congolese labour market (Institut National de Preparation Professionnelle 2016).

Most of my informants had positive views of the INPP's impact on the labour market. It has even led to some surprisingly positive results: many employers in the construction and telecommunication industries today prefer hiring technicians who underwent INPP training rather than engineering graduates from Congolese colleges or universities. A manager from the Congolese Business Federation, Mr Robert, stated, for example, that employers find the INPP-trained technicians more competent:

If we have to say it, there are some differences in practical skills between an engineer from ISTA (*Institut supérieur de techniques appliquées*, Higher Institutes of Applied Technologies) and someone from INPP. In the labour market, employers prefer someone from INPP. They have demonstrated their competencies (Manager, FEC, Kinshasa, December 2016).

Mr Miweya, assistant manager at the INPP, added:

As our ex-learners prove knowledge, many companies invite us to train their employees. Even the FEC recognises the skills of our learners today. I want to show you an article in which the CEO of the FEC congratulates us. Look what is written here: 'If [in the past] the INPP was unable to meet the expectations of companies', said the CEO, 'today the institute is able to do it' (Assistant manager, INPP, Kinshasa, July 2017).

However, the 'good management' of the INPP has not spared it from politicisation and from the ignorance of non-market actors. The pressures of politicians, military and/or security agents are strongly linked with corruption. Mr Miweya was very candid when he described the pressure that *Bakonzi ya Congo* [Congo's highest authorities] applied on the INPP Director General (DG):

They put pressure on our DG to give them money ... Anyway, he must face the music because he was informed that he had to fund *bakonzi ya Congo* ... It's their deal. As he was the one who negotiated that matter, he is the

one who has to deal with it. That's what happens in the Congo (Assistant manager, INPP, Kinshasa, July 2017).

By increasing its capacities to perform its functions, the INPP moved from a nearly collapsing institution during the transitional period to an institution capable of delivering — a fact acknowledged by employers, employees, international partners and the media. This process of institutional strengthening and capacity building was enabled by a harmonious collaboration between international partners and local actors. These findings support Paris' (2004) theory that institutionalisation is required for the liberalisation, privatisation, and deregulation of labour market institutions to be possible. At the same time the findings challenge the argument that donors misperceive local' needs and impose their understanding on public authorities and the shape of post-war economic and labour market policies (Mazalto 2009; Trefon 2011; Moshonas 2014). The findings also offer a counterexample to the literature that demonstrates the failure of vocational training programmes in post-war countries. In the DRC these programmes did indeed fail during the transitional period but have been successful since 2008.

#### **8.2.4 ONEM**

After its founding in 2002, ONEM was inactive for its first 10 years. As already shown in Chapter Six, this delay was due to the political context of the transitional period and the Muzito government. ONEM is made up of a governing board, a directorate general, a board of auditors, and a directorate board. Its key mission is to link up job seekers and employers (République Démocratique du Congo 2012a).

Since 2012, it can claim two achievements: the introduction in 2015 of the *Programme Emploi Diplômé* (PED) (job programme for graduates), and the recognition of its right to approve labour contracts (Office National de l'Emploi 2015a). One of the methods it uses to place people is to help unemployed graduates gain work experience through internships (Radio Okapi 2016c). Since 2015, 1,000 graduates have been placed in internships per year. Each trainee receives US\$100 per month, paid through a grant from the African Bank of Development (Office National de l'Emploi 2015a). An assistant manager at ONEM considered the PED programme its major achievement:

At least 30% of the trainees end up being hired by these companies. ... This is something we appreciate. Because, you see, honestly, before the PED, it was impossible for us to assist even 2% of job candidates per year (Group interview, two assistant managers, ONEM, Kinshasa, March 2017).

One manager criticised the PED programme, however, for its focus on statistics of the trainees rather than on the improvement of their skills as learners. For him, the trainees are placed in useless job positions. Critically, he claimed that the recruitment of these trainees was often based on tribalism and corruption (Manager, ONEM, Kinshasa, June 2017).

ONEM has also assisted employees by assessing and approving their labour contracts. One assistant manager explained it in this manner:

When we started, some employers used to send labour contracts written only in English, though they knew that our official language is French. We refused to approve them ... Now they send both an English and a French version (Group interview, assistant managers, ONEM, Kinshasa, March 2017).

Despite these achievements, a manager explained, ONEM was still only fulfilling (and this partially) two out of ten of its tasks, namely assessing and receiving labour contracts and informing and/or training jobseekers. To him, ONEM is unable to satisfy both employers and job seekers, the consequence of which is that job seekers no longer consult it. Employers, on the other hand, are unsatisfied by most of the job candidates they supply (Manager, ONEM, Kinshasa, June 2017). His words were corroborated by 'a Shoprite manager:

ONEM, I'm not sure that there are people who trust that thing ... Many people do not know that it exists. I've never seen jobseekers showing unemployment cards issued by ONEM (Manager, Shoprite, Kinshasa, December 2016).

Similarly, two employees expressed their disappointment because the institution did not help them to find jobs. Mr Lubudi explained:

I registered at ONEM in 2013. I was impressed by their advice ... They told me they will call. They have never done it. I followed up, but it was always the same song: ‘We will call you’ ... I don’t trust them (Mr Lubudi, supervisor, New Sarah, Kinshasa, April 2017).

A marketer employed at the same company as Mr Lubudi added:

They promised a job. Since then, the job was never given ... ONEM does nothing. Outsourcers are even better than that ONEM (Marketer, New Sarah, Kinshasa, April 2017).

Another problem arises from the bureaucratisation of hiring processes. Legally, employers must inform ONEM of any vacancies before advertising them. ONEM then has 30 days to find the right job candidates for the positions. Only if it fails do employers have the right to recruit candidates directly (for more details, see Figure 6 below).

**Figure 6: Hiring procedure of nationals**

Legal framework:

- Law No. 015/2002 of 16 October 2002 on the Labour Code (Articles 203–207);
- Enactment No. 74/098 of 6 June 1975 on the Protection of the National Workforce.

Procedure:

- Declaration of vacancies at ONEM;
- Hiring of a worker shall be subject to a contract in writing and concluded for a fixed or indefinite period. This contract specifies explicitly the nature and class of employment, the rate of pay, the benefits to which a worker is entitled, and other mandatory clauses imposed by the Labour Code;
- Presentation by the applicant of all documents required of him by the company, establishing a track record prior to hiring;
- After hiring a worker, the employer must declare it to the office of the Ministry of Labour.

Source: National Agency for the Promotion for Investment (2016)

The legal procedure (Figure 6) is very laborious, however, as the ONEM databases often do not list anybody with the skills that an employer will require. As a result, employers often do not follow the procedure, preferring to pay fines if caught (Manager, ONEM, Kinshasa, June 2017). ONEM is also less than effective in issuing information about employment opportunities. It does not, therefore, manage to achieve its main objective, to eradicate irregular recruitment, as one of its managers argued (Manager, ONEM, Kinshasa, April 2017). This claim is in line with the finding of the National Institute of Statistics that 79.9% of all jobs are obtained via personal networks (mainly through family and political relations), 24.4% through wider networks (through friends and acquaintances), and only 0.7% through ONEM (Institut National de la Statistique 2014).

ONEM is weakened by several factors. Among them there are politicisation, corruption, mismanagement, and interference by non-market actors in its 'internal affairs. According to an assistant manager, the interference by several political, military, and secret service agents in the affairs of ONEM is an incurable administrative pathology (Assistant manager, ONEM, Kinshasa, March 2017). Corruption is a major drain, with several assistant managers stating that the organisation was filled with thieves, from top to bottom (Assistant manager, ONEM, Kinshasa, March 2017). The media has indeed reported, for example, that ONEM's DG, Mrs Angélique Kikudi, has embezzled funds from the African Bank of Development that was intended as stipends for trainees in the Jobs for Graduates Programme (Kazadi 2016).

These results match the description of employment services in other post-conflict countries such as Bosnia, where the lack of trust in these institutions led jobseekers to recur to informal networks (see Kondylis 2010: 24; also Section 2.4.2). The results also correspond to the finding by Beasley (2006) and McLeod and Davalos (2008) that labour market institutions in post-war countries often fail to implement appropriate labour supply policies. In short, it would be difficult to suggest that ONEM has contributed positively to the reconstruction of the Congolese labour market since 2003. The constraints discussed above prevent it from implementing its mandate.

### **8.2.5 CNSS**

According to Decree No. 18/027 of 14 July 2018 on the Creation, Organisation, and Function of the National Social Security Fund, the mission of this body is to:

1. Collect social security contributions for employees from their employers;
2. Pay social benefits to retired workers and to workers disabled by work-related accidents;
3. Pay benefits to families, including family allowances and maternity allowances (République Démocratique du Congo 2018a).

The CNSS is managed by a tripartite governing board composed of representatives of the government, employers, and employees; a directorate general; a board of auditors; and a board of directors (Caisse Nationale de Sécurité Sociale 2018).

The CNSS was first set up as the National Social Security Institute through Decree-Organisational Act of 29 June 1961 (République Démocratique du Congo 2003a). At that point it operated under the management of the Labour Department, only becoming a public enterprise in 1978 (République du Zaïre 1978). Whenever the Congo was shaken by political, economic, and social events (see Chapter Five), these affected the National Social Security Institute negatively. Indeed, on 6 April 2006, its CEO, Mr Faustin Toengaho, acknowledged candidly in a public interview that since 1996 many retired persons had never received their pension payments (Radio Okapi 2006).

In July 2011, the CNSS allowed informal sector employees to become members of its welfare schemes (Radio Okapi 2011). It also extended access to its welfare schemes to Congolese employed at diplomatic missions in the Congo, NGOs, and international organisations; to those working in outsourced positions, as self-employees, or in senior executive positions of parastatal companies, or, from July 2016, as shareholders of private companies (Mbuyi 2016). In 2017, it standardised access to retirement at the age of 65 years for both men and women (Le Phare 2018). Following the promulgation of Law No. 16/009 of 15 July 2016 that set the rules for the general social security scheme, the National Social Security Institute was transformed into the CNSS (Caisse Nationale de Sécurité Sociale 2018).

My interviews suggest, however, that the CNSS struggled to convince employees and employers to subscribe to its welfare schemes. One CNSS manager explained that informal workers are exposed to various precarious situations due to the lack of social security coverage in this sector, making it necessary to give these workers access to the welfare schemes. The project miscarried, however, because informal workers refused

to subscribe to these schemes; and neither did employees of NGOs, international organisations, outsourced employees, and self-employees (Manager, CNSS, Kinshasa, June 2017). The scheme piqued my interest because I knew from other interviews that the CNSS struggled to fulfil its obligations towards its existing members; how could it then hope to attract those who were not yet members? Yet when I asked this question of a CNSS manager, he felt personally attacked:

We are not imbeciles here. We know what we are doing ... Also, your question is not mentioned in your interview guide, so I have nothing to tell you about it (Manager, CNSS, Kinshasa, June 2017).

While it is possible to interpret this reaction as a sign of unease about the organisation's achievements by being defensive about little achievements of the CNSS, the manager did explain that the CNSS had faced a number of challenges between 1996 and 2009. Two major problems had prevented them from paying pensions regularly during that period. First, the CNSS uses the contributions of current members to pay retirees; yet, since many current members did not pay their contributions because of the uncertain political situation and wars, the CNSS did not have the cash flow to pay pensions. Second, the CNSS uses the rents from a large estate that it owns to pay for pensions; but many tenants had not paid their rents. In addition, many of the properties were hijacked by political and military authorities who even sold some of the buildings illegally (Assistant manager, CNSS, Kinshasa, June 2017).

This explanation was only partially true, however, revealed when the manager spoke about how the CNSS almost failed to comply with the ILO's 'recommendation on increasing funds allocated to welfare expenditure:

Since 2011, the CNSS allocates 60% of its revenues to pay for pensions and 40% for running its administration, due to the pressure from the ILO. Before 2011, 20% was dedicated to pay for pensions. Regardless of the increase, the ILO wants us to comply with international norms. I mean, to put aside 80% to pay for pensions ... it's difficult because the state doesn't fund us (Assistant manager, CNSS, Kinshasa, June 2017).

With these words the informant unwittingly pointed to the real source of the tension between the CNSS and retirees: the institution used to take the lion's share of its

revenues (80%), while allocating crumbs to pay for the pensions for retirees (20%). There is also reason to believe that the CNSS did not appreciate the pressure exerted by the ILO because it wanted to retain the status quo. That is why they decided to allocate only 60% to pensions instead of respecting international standards pegging it at 80% of income.

The CNSS manager also pointed to corruption affecting the running of the organisation, in particular blaming the politicisation of the institution. He gave no concrete details or examples, however. There is some information in the public domain, however, that the organisation's Deputy DG and financial manager stole US\$163, 000 in May 2013 (Radio Okapi (2015)). There is also information that some individuals in the organisation in 2015 embezzled over US\$140,000 intended for pensioners in the Equateur Province. Nevertheless, the manager believed that the level of mismanagement increased in the CNSS due to the political appointment of higher-ranking officers (Assistant manager, CNSS, Kinshasa, June 2017).

The data shows, thus, that the CNSS did act to fulfil its mandate: to collect social contributions from employees or via their employers, and to provide welfare benefits to its beneficiaries. Most of its actions were oriented towards collecting funds, and rather few towards providing welfare benefits. Its tendency to increase its pool of income is demonstrated by its desire to expand the categories of employees that can become members of its social security schemes. On the other hand, it has implemented rather few concrete measures to pay out welfare benefits. It seems, in fact, that the CNSS wants one thing and its opposite: while it fights to increase the number of members, it displays an inability to deliver services to its current members. In all, pensioners continue to languish in the most absolute misery. Considering all of this, we need to argue that the impact of the CNSS on the reconstruction of the labour market has been a negative one.

### **8.2.6 ANAPI**

Like ONEM, ANAPI faced a delay of eight years before becoming fully operational in 2009. According to Decree No. 09/33 of 8 August 2009 that regulated its status, organisation and functioning (République Démocratique du Congo 2009), its specific mission includes:

1. Promotion of the positive image of the Democratic Republic of Congo;
2. Advancement of specific investment opportunities;
3. Improvement of the business climate in the country;
4. Support of investors who decide to establish or expand their economic activities in the country.

In order to accomplish these aims, ANAPI is managed by a governing board, a directorate-general, and an accreditation council (Agence Nationale Pour La Promotion Des Investissements 2016).

ANAPI's best-known achievement in the demand for labour was the creation of a 'one-stop shop' with its associated improvements in business legislation (République Démocratique du Congo 2012b). The creation of the one-stop shop in 2012 resulted in the simplification of processes required to set up a business in Congo (Agence Nationale Pour La Promotion Des Investissements 2018). It also reduced the bureaucracy required for new investments when it unified many public agencies and services (Van Impe 2012: 53). In 2013, it contributed towards legal reforms that reduced the cost of investment processes, and in 2014 introduced measures to assist investors in setting up new businesses (Agence Nationale Pour La Promotion Des Investissements 2018) .

The creation of the one-stop shop reduced delays in the processes required to start new companies in the Congo. Mr Gbadolite, an ANAPI manger, explained:

Before the creation of one-stop shop, investors had to look for documents at many institutions like the INSS, the INPP, the Department of Justice, etc. They bribed to accelerate processes or reduce the costs. But today that's no longer necessary. It is easier to get everything at the same place (Gbadolite, manager, ANAPI, Kinshasa, March 2017).

A second ANAPI manager, Mr Makanza, added:

To start a business took three months in the past. Now we have shortened that time from three months to three days (Makanza, manager, ANAPI, Kinshasa, March 2017).

Concerning the level of improvement of the business climate, Mr Gbadolite stated:

We are trying to improve the business climate, and our ranking on the Doing Business reports ... The problem is that the more we improve, the more other countries are also improving. So we are still ranked among the lowest (Gbadolite, manager, ANAPI, Kinshasa, March 2017).

Regarding 'labour incorporation processes, Mr Gbadolite argued that ANAPI paved the way for ONEM:

We attract investors who create job opportunities. Then it is the role of ONEM to supply employees to these investors (Gbadolite, manager, ANAPI, Kinshasa, March 2017).

ANAPI has also found itself struggling with delays in decision making in other branches of government, corruption, encroachment of non-market actors on its internal affairs, and, of course, politicisation. As one manager complained:

Often the government can change the law, but putting it into practice does not follow. And that affects investors, when they come: they know that the law says this or that, but on the ground, it is the opposite that happens (Makanza, manager, ANAPI, Kinshasa, March 2017).

Mr Gbadolite expanded on this:

Insecurity in some parts of the country, such as in the East, is a real problem. There are also all the ills that plague the country, such as corruption, the politicisation of all the institutions, and the lack of political good will and good governance (Gbadolite, manager, ANAPI, Kinshasa, March 2017).

The impact that ANAPI has had on the labour market is still open for debate. First, the facilitation of investment processes and the improvement of the business climate might be regarded as progress in the sphere of the demand for labour. As investment and the new businesses increase, job opportunities in the labour market might rise as well. ANAPI's statistics inform us of an increase in the number of companies in the Congo between 2013 and 2017 from 1809 to 6039 (Agence Nationale Pour la Promotion Des Investissements 2018).

Second, attracting investors does not necessarily lead to a reduction of unemployment. A recent report by the National Institute of the Statistics shows that the rate of unemployment remains over 80% and that access to formal employment is restricted in Congo (Institut National de la Statistique 2018). There is debate about these statistics because ANAPI only provides information on the number of companies created; it does not explain in which sector or industry these companies are located. It is thus unclear whether these companies are one-man shows, small-to-middle-scale employers, outsourcers, or consulting companies, making their labour absorption capacities unclear. Nor do the statistics give any information whether these companies hire Congolese or foreign employees. Against these limitations it is worth considering that ANAPI's efforts have less visible impacts on labour absorption. It can be inferred that there is a huge gap between increasing the number of investors and creating job opportunities in a post-war labour market.

In all, ANAPI has been trying to improve business and the demand for labour. Yet it faces issues in implementing adequate labour demand policies. According to the literature (see Bray 2005; Cramer 2008, Walton 2010; also Section 2.4.2), this occurs in many post-war countries that struggle to improve their labour demand.

### **8.2.7 Labour market organisations in comparison**

Overall, labour market institutions design and implement labour projects. Yet, as shown above, few of these projects have achieved the expected results. The CNT's 'national programmes of employment and wages were delayed for years. This is also true of its minimal wage policy. ONEM was slow to reach its objectives of linking labour supply and demand. And at the CNSS, several initiatives remain less than effective from the perspective of retired people. On the other hand, the INPP and ANAPI have made some progress. But they are two tiny entities in a dysfunctional institutional system. As such, it is difficult for them to celebrate the status of being an exception to the general rule.

Several reasons had been mentioned for these unflattering results. Among them, mismanagement, corruption, delays in the execution of decisions, the politicisation of institutions, lack of support from the government, and the encroachment by non-market actors' on the internal affairs of these institutions are among the main suspects.

These findings can be explained with Peck's (1996: 72) notion of the regulatory dilemma of labour market institutions. For him, the labour market is full of contradictions which cannot easily be resolved by institutions. Though there are potential institutional responses, they rarely provide absolute solutions to regulatory dilemmas. It can thus be argued that Congolese labour market institutions struggled to overcome labour market regulatory dilemmas. They were slow to address labour market problems efficiently due to several interconnected, contradictory, and conflicting political, social, and economic factors. Indeed, all these facts restricted the influence that labour market institutions could have had on the post-war reconstruction of the country's labour market.

In the description above, non-market actors have regularly been identified as disruptive for labour market institutions. We now turn to analyse and evaluate their actions in relation to labour market institutions.

### **8.3 Labour Market Institutions and Non-market Actors**

No thorough analysis of the Congolese labour market could fail to consider the non-market actors such as civil society, the inner circle of the president, NGOs, religious bodies, or influential individuals in that process. As labour markets are embedded in society (Peck 1996), non-market actors are, therefore, part of the labour market and cannot be separated from labour market studies.

From Chapter Five, we have seen indications of how non-market actors have gotten involved in the functioning of the Congolese labour market. This section turns to these actors to examine the meanings these actors attribute to their actions, to understand how these actions are sustained over time, and how they exercise their influence on the labour market and its reconstruction. The section first offers a brief historical overview of the role of these actors in the labour market since the colonial period up to the present. It shows how their practices have changed to adapt to changing situations, and analyses the arguments some have offered on the implications of their participation. The section then examines how and why their practices remain non-compliant with Congolese labour legislation.

### 8.3.1 Non-market actors in historical overview

The history of the Congolese labour market shows us that non-market actors have resorted to roles as various as violent resistance, hidden support for workers, or collaboration with the state or private employers.

During the colonial period of the Belgian Congo, traditional leaders and informal or formal labour brokers supplied workers to private employers and/or the colonial state (Lwamba 1985: 28). In order to achieve a lucrative result for themselves, these actors often used underhand methods, such as bribes and force, when recruiting Congolese workers (Lwamba 1985: 28; Reybrouck 2014: 197). Employers and the state profited from this approach because it offered them cheaper labour. However, sometimes these forceful means met with violent resistance, and opposition led by messianic movements. One example for the latter was Marie Bolumbu, a female traditional healer who waged war in 1914 against the abuses of the Belgian authorities (Hunt 2016). She was jailed from 1915 to 1956. Another example is Simon Kimbangu who preached to his followers in the late 1910s that the Congo would be independent from the Belgian yoke upon which Congolese workers deserted workplaces, went on strike, and refused to pay taxes (Mokoko 2017). As Bolumbu, Kimbangu was imprisoned from 1921 until his death in 1951 (Macgaffey 1982). In the 1930s the Belgian colonisers repressed the movements led by prophets Andre Matshou, Simon-Pierre Mpadi, and Mavonga N'tangu who preached about the end of colonisation (Monaville 2013: 167). An example of non-religious opposition is the Bapende revolt in Kwilu province in 1931, who protested against the mistreatment of labourers by palm oil companies (Marchal 2017). Yet, as with the various prophets, the colonial state mounted a disproportionately punitive expedition against them (Vanderstraeten 2001). The only involvement by religious leaders that had a positive outcome was the support by black Catholic priests for underground workers' organisations (Vellut 2005: 35–36). This led to the official recognition of black workers' organisations in 1941 (Higginson 1988).

During the Mobutu era, non-market actors were in particular military officers, professors, politicians, Mobutu's siblings, and some religious leaders. Chapter Five showed that political and socio-professional status allowed leading figures of the regime to put pressure on employers to employ 'their people' in high-status roles and job

positions. It also described that the situation had not changed much under L.D. Kabila and that it became even worse during the transitional period. The examination in this chapter of the labour market regulatory organisations then demonstrated that interference by non-market actors has, to a large extent, continued to affect the functioning of these institutions since 2006. I now turn to examine how these non-market actors think of their role in the labour market.

### **8.3.2 Accounting for non-market actors'**

Non-market actors legitimise their actions in the labour market with a wide range of reasons that range from *jus soli* (native rights to land), to professional duty, labour discrimination, social justice, and the high rate of unemployment in the Congo.

A traditional leader used the *jus soli* argument in his engagement. He argued that natives of Kinshasa must be prioritised on the Kinshasa labour market because of their right to the land:

My son, do you know that all Kinshasa, in the centre where you stay, was our land? The state or other foreigners have taken it. We lost our villages ... It is a matter of the owners of the land. It's not normal to see people from other places working here while Batéké children are jobless. They must be the first to work here (Traditional leader, Kinshasa, April 2017).

An MP, in turn, saw it as part of his professional duty as member of parliament to help people find jobs:

I am a member of parliament, my voters, comrades, neighbours, even my family rely on me. Why not to find something for them? It is my duty to find jobs for them (Member of parliament (A), Kinshasa, July 2017).

A human rights activist, in turn, spoke from a gender equality perspective to argue that labour market discrimination against women justified her actions:

Women are victims of sexual harassment. ... Look at all the governments that have been around since 2006: there were never 30% of women. This is the case everywhere. ... We fight against sexism (Human right activist, Kinshasa, February 2017).

A journalist was driven by altruism to try to bring in her influence on the labour market:

As I told you, finding a job is a nightmare in the Congo. Everyone knows that. You see ... we are all supposed to help people who are unemployed when we have the means to do so (Journalist, Kinshasa, March 2017).

Similarly, a professor remarked:

It's difficult to become even a simple cleaner in the Congo. People are suffering to find work. Exactly, I feel pity for the unemployed. I have to help them as much as I can (Professor, Kinshasa, April 2017).

Religious motivation can also push pastors to assist their members. One pastor reacted against the conception that the Congolese labour market was being flooded by cultist employers who hire only their own members:

In our country, especially in Kinshasa, there are many obstacles to access jobs. The Satanists [argue that] ... to find a job, one must be or become a member of a sect like the Freemasons, the Rose Cross, the Maikari, the Lyons Club, etc. ... All that pushes me to help my beloved ones (Pentecostal pastor, Kinshasa, March 2017).

My informants seemed to have one thing in common: the sense of assisting others. Whether they were fighting for the traditional rights of people, for gender equality in the labour market, or for voters, they all wanted to help a certain group of Congolese to find jobs or be promoted. In some way their actions could be regarded as honourable because they are addressing the exclusionary nature of the Congolese labour market. Assisting people who are socially disadvantaged by unemployment can be wise and through their actions these actors might contribute to reconstructing the labour market.

Yet there is a substantial difference between helping one's peers and observing the principles prescribed by labour legislation for recruitment procedures in the DRC which aim to establish the same conditions for all, by demanding an entrance examination (see Section 5.5.2). Throughout the thesis we have seen respondents denounce the intervention by non-market actors during the recruitment, appointment, and promotion of Congolese employees. According to them, non-market actors encroach on the performance of their administrative duties as set by the decrees governing the labour

market institution for which they work. These intrusions suffocate the normal functioning of these institutions in all their aspects.

In terms of labour supply, statistics have shown that ONEM and the public service contribute little to recruitment procedures although they are legally mandated to exert these functions (Institut National De La Statistique 2014). This is because some non-market actors have usurped their rights. The very Congolese state authorities who set up these institutions to resolve hiring process irregularities bypass them. This sees the perpetuation of Mobutist labour market practices into the post-war DRC.

Private investors and employers tend to consider actions by non-market actors as harassment. Some feel their concerns to be at risk, while others are reluctant even to enter the DRC because of it. Critical is that it is the very public authorities who created, for example, ANAPI to attract and protect international interest are among the first to place undue pressure and harassment on investors and employers.

The actions of non-market actors have repercussions in the management of human resources and industrial relations. Some employees refuse to integrate into the authority structures of companies and organisations because they have strong support from non-market actors (Muzong 2008). Foucault's (1975) notion of power as a constant process — an interaction, a struggle that is never resolved or 'balanced' — is relevant here. We have seen that non-market actors use their portion of power to influence the Congolese labour market and overstep its institutions. In the DRC, marked by neopatrimonialism, it is difficult to withstand the pressures of these continuing Mobutist labour market practices.

## **8.4 Conclusion**

This chapter examined the role of labour market institutions in the remaking of the Congolese labour market in order to achieve a wider understanding of 'the roles that labour market institutions play in post-war labour market recoveries'.

The chapter has shown that the Labour Department, ONEM, the CNSS, and the CNT have been weak institutions. The reason is that their labour market policies were poorly implemented or not implemented at all, or were ineffective. They faced challenges linked to political, socioeconomic, and cultural factors. Political factors negatively

affected these institutions in particular during the 2003–2006 transition. In addition, they faced corruption, public maladministration, and mismanagement that have weakening effects on these institutions. In line with Peck (1996)’s notion of labour market regulatory dilemmas, Congolese labour market institutions struggled to overcome regulatory dilemmas they were faced with. As a result, these institutions did not contribute satisfactorily to the remaking of the Congolese labour market: as a whole, they were too weak and ineffective.

The chapter also identified the manner in which external actors functioned as constraints in the efforts to reconstruct the labour market. They made inroads into the labour market on the grounds that they would benevolently assist people ‘‘who were at risk there; the people they assisted, however, were always narrowly defined in terms of their protégés. However compassionate or well-intentioned their case may be, these non-market actors often operated without due respect for or tactical awareness of labour market legislation. Their acts, therefore, affected the functioning and performance of labour market institutions and inhibited their reform and renewal.

The contribution of this chapter to the existing literature is threefold. First, political governance in Congo has proved an enormous obstacle to the functioning of labour market institutions and their potential contribution to the progress of the labour market. Second, certain individuals were able to make a difference by contributing to the advancement of the labour market through their leadership, despite the adverse political and administrative structures within which they worked. Third, non-market actors, though sometimes offering workers friendship and solidarity, were frequently destroyers of labour market institutions. They prevented these institutions from contributing to the reconstruction of the labour market by usurping their rights, encroaching on their internal affairs, and diminishing their legal authority.

## **CHAPTER NINE: THE PRIVATE SECTOR AND LABOUR MARKET RECONSTRUCTION**

### **9.1 Introduction**

This chapter examines how the private sector contributed to the reconstruction of the labour market since independence. It discusses contributions of employer organisations and of trade unions, thus dividing the chapter into two sections. The first section begins with a historical overview of employer organisations during the colonial period before analysing their contributions to labour reconstruction since 2003. The second section follows the same pattern: it first looks at the historical evolution of unionism in the Congo, always a hostile terrain for trade unions before analysing their proliferation and the negative effects this had on labour market reconstruction. It then discusses recent union efforts to integrate informal sector workers into their organisations and the way they cooperate to address the needs of their members.

Drawing on Peck (1996)'s notion of the labour market as an arena of contestation, conflict, contradiction, and complexity, the chapter argues that the private sector contributes rather feebly to remaking the labour market because of conflicts between the interest of actors, and the quasi-domination of employer organisations.

### **9.2 Employer Organisations**

This section begins with an examination of the contributions of employer organisations in the labour market during the colonial period, the Mobutu era and the era under L.D. Kabila. It then focuses on the contributions of the Congolese Business Federation in the post-war period since (2003–2019).

#### **9.2.1 Employer organisations in historical perspective**

During the colonial period up to independence, two interconnected employer organisations exercised noteworthy influence on the Congolese labour market. The first

were holding companies, also called trusts, such as the *Société Générale*,<sup>16</sup> the *Compagnie pour le Commerce et l'Industrie du Congo*,<sup>17</sup> the *Groupe Empain*,<sup>18</sup> and Lever Brothers<sup>19</sup> (Buelens and Marysse 2009). The second were chambers of commerce, the most important of which were the Chamber of Leopoldville, the Chamber of Katanga, and the Chamber of Stanleyville (Piret 2011). Each chambers operated under the supervision of the National Federation of Chambers of Commerce, Industry, and Agriculture (Matenda 2002).

The National Federation of Chambers of Commerce was one of the entities of the 'colonial trinity', the 'bloc colonial' or the 'tripartite alliance' linking together the state, the Catholic missions, and big business in the Belgian Congo (Nzongola-Ntalaja 2002: 12; Au 2017: 67). This tripartite alliance meant that these institutions structured the Congolese labour market in an interdependent and mutually supportive manner (Reybrouck 2014: 181). The Catholic missions supplied the Congolese workforce to the

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<sup>16</sup> The *Société Générale* was the largest Belgian holding company and main shareholder of *l'Union Minière du Haut Katanga* (copper and other metals), *la Société Internationale Forestière et Minière du Congo* (diamonds and timber), *la Compagnie du Chemin de fer du Bas-Congo au Katanga* (railways and construction) (Abbeloos 2008), and *la Banque d'Outremer* (banking) (Beulens and Marysse 2009).

<sup>17</sup> The *Compagnie pour le Commerce et l'Industrie du Congo* was a holding company with several daughter companies, such as the *Compagnie du Chemin de Fer du Congo* (railways), the *Compagnie des Magasins Généraux* (retail), the *Société Anonyme Belge pour le Commerce du Haut Congo* (import-export), the *Compagnie des Produits du Congo* (import-export), and the *Companie du Katanga* (mining) (Beulens and Marysse 2009).

<sup>18</sup> The *Groupe Empain* owned the *Compagnie des Chemins de Fer du Congo Supérieur aux Grands Lacs Africains* (railways) and was the main shareholder of the *Banque du Congo Belge* (banking) (Beulens and Marysse 2009).

<sup>19</sup> Lever Brothers owned the *Huileries du Congo Belge* (palm oil) (Trapdio 2015). Today Unilever is a British multinational.

state and private companies (Yates 1978: 37). In return, the state and private companies subsidised the Catholic church. The state ensured that the labour force was available for private companies, whereas the latter paid taxes and contributed to construction projects that the government was engaged in (Young and Turner 1985: 37–40). In a nutshell, employer organisations were more than assured of the protection of their interests by the colonial administration.

Given this close relationship, employer organisations were successful at lobbying the state to enforce labour market policies aimed at keeping labour cheap (Yelengi 2000: 464). This dominant position was only challenged in the late 1950s with the political struggle against colonialism, both locally and internationally, against the background of the developing bipolar international system (see Section 5.3.2). After WWII and the signing of the Charter of the United Nations in 1945, the UN's support for the right to self-government or self-determination had considerable impact on Belgian colonial politics (Young and Turner 1985: 38). Although Belgium at first insisted on keeping up its control over the Congo (Young and Turner 1985: 39), it finally yielded to pressure by the superpowers, especially the United States, which demanded the colony's independence (Nzongola-Ntalaja 2002: 269).

At the same time, the formidable rise of African liberation movements against colonialism also influenced the DRC (Ndaywel 2006: 129). Emerging Congolese political elites and trade unionists organised protests, strikes, and boycotts against the Belgian administration and against private employers (Nzongola-Ntalaja 2002: 52). In Belgium, the entry of the Belgian Socialist Party and the Liberal Party into government in 1945 had curtailed the supremacy of the colonial bloc and, especially, its employer organisations (Ndaywel 2006: 129). Up to then, the Belgian colonial ministers who had managed the Belgian Congo and had supported the trinity of state, church, and private companies, were nearly all Catholics (Vanthemsche 2012: 347–348). The rise into power of socialists and liberals, who were, respectively, anti-industrial and anticlerical, diminished the privileges of the Catholic Church and private companies in the Congo (Ndaywel 2006: 129).

Fearful of the coming political order, employer organisations set in place schemes that would allow them to retain control over the Congolese economy after independence

(Depelchin 1992). They created joint stock companies, transformed their productive businesses to financial investment, and shifted their companies out of the Congolese and into the Belgian jurisdiction. In this manner, all mining, agricultural, transport, manufacturing, construction, and trade industries remained under their control (Depelchin 1992).

During the early phase of Congo's independence in the 1960s, local and foreign employer organisations competed with each other and against the state. Emerging Congolese employers urged the new political authorities to bestow privileges upon their businesses (Depelchin 1992). Yet these political authorities were unable to act against the former employer organisations as these were now under Belgian jurisdiction (Depelchin 1992). Consequently, the economic power relationships that had existed labour market during the colonial period was extended.

The situation began to change in 1972 when Mobutu's military dictatorship imposed control over all employer organisations through the creation of the *Association Nationale des Entreprises du Zaïre* (National Association of Zairian Enterprises, ANEZA) and developed its Zairianisation policy in 1973 (Ndaywel 1997: 720). ANEZA was founded by the Ordinance-Law No. 72/028 of 14 September 1972 on the Creation of the National Association of Zairian Enterprises (Matenda 2002). Its main mission was to protect employers' interests (as an organisation of employers), and to promote private sector activities in the Congo (as a chamber of commerce) (Ndaywel 1997: 720). The rationale behind ANEZA was that the Mobutu regime wanted to gain total control over the national economy and thwart the emergence of a national bourgeoisie (Willame 1995). The reality, however, turned out to be very different as the new Congolese owners of companies expropriated from foreign owners bankrupted these in due course (Turner 2013).

After the collapse of Mobutu's regime in 1997, ANEZA changed its name to the *Fédération des Entreprises du Congo* (Congolese Business Federation, FEC) (Matenda 2002). The wars of 1996–1997 and 1998–2002, however, prevented the FEC from attracting investors or creating job opportunities (Bossekota and Sabiti 2001). It is in the post-war situation from 2003 onwards that it was able to begin to implement measures towards the reconstruction of the labour market.

In all, employer organisations have always tried to use the government to ensure the protection of their business interests and their exploitation of workers, from the colonial period to the present. Though the identities of employer organisations have changed since the Mobutu era, their strategies survived into the post-war period.

### **9.2.2 The FEC in the post-war period (2003–2018)**

The FEC is both a chamber of commerce and a union for its members. Its main mission is to promote and defend the interests of its member companies (Fédération des Entreprises du Congo 2011). It is composed of a general assembly, a governing board, a management committee, an auditors' committee and 15 specific chambers (Fédération des Entreprises du Congo 2015).

From the early 2000s onwards, the FEC took a number of important actions in the Congolese labour market.<sup>20</sup> First, it participated in writing a new labour law and implementing regulation. Second, it participated in the resolution of issues around the employment of foreign workers in the mining industry. Third, it created a centre for training its members in Congolese business law, fiscal law, labour market legislation, and economic matters. Fourth, it protected employers against over-taxation and fiscal harassment relative to the Pollution Law. In all of this, the FEC faced significant political, administrative, and economic challenges that impeded its functioning.

As the main employer organisation in the Congo and one of the key members of the Congolese National Council of Labour, the FEC participated in drawing up and issuing the 2002 Investment Code and urged the Congolese government to bring ANAPI into existence. Mr Robert, an FEC manager, explained how his institution influenced that process:

We urged the state to review and accelerate investment reforms so that companies abroad can be attracted, as they are to other countries ... All

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<sup>20</sup> For insight into the FEC's tasks and projects not related to the labour market, see its webpage (<http://www.fec-rdc.com/index.php/notre-federation/nos-realizations>).

these actions led to the enactment of the 2002 new Investment Code, and the creation of the ANAPI (Manager, FEC, Kinshasa, December 2016).

Noting Mr Robert's pride in this role of the FEC, we need to remember that these changes only became operational towards the end of the 2000s due to the rules governing power sharing during the transitional government (see Section 6.3.1). In addition, the fact that ANAPI became operational during the Muzito period (2008–2011), very much under control of President Kabila (Trefon 2010: 709; Burgis 2015: 38 see also Section 7.2.3), is an indication of the FEC's capacities to exert pressure on the government to act in its favour.

The FEC also participated in the *Éducation au Katanga* (Education in Katanga, EDUKAT) programme in order to resolve conflicts over the employment of foreign workers in Katanga. EDUKAT is a set of projects aimed at matching up the vocational training curricula for young Congolese and the needs of the labour market, initiated by the Belgian Technical Cooperation (CTB) in Katanga province in 2013. A manager at the FEC explained the reasons underlying this decision:

It is the FEC that hires people from universities or colleges. ... It was in that context that the FEC was invited by the CTB to participate in EDUKAT. ... It was necessary to analyse the links between recruitment and the training programmes. The fact is that today the sectors of industrial technology and mining lack the required engineers ... Modern technologies [are] used today but the DRC's educational programme does not allow us to train these engineers (Manager, FEC, Kinshasa, December 2016).

A Legal Advisor at the FEC added that the EDUKAT programme resolved labour law conflicts and xenophobic tensions over labour:

At that time, companies resorted to international expertise even for jobs that our laws say that foreigners should not perform. But companies were forced to look for foreign expertise. For example, you see the new big machines, you need specialists to drive them. There were no Congolese able to use them. Those hi-tech machines used nowadays in mining could not be used by Congolese. ... Those politicians, trade unionists, journalists manipulated the locals, traditional chiefs of Katanga. ... The Malaysian, Indonesian

engineers were afraid to go to work. ... Xenophobic tension was rising. ... Thus, the CBT solicited the FEC to assist in the programme (Legal Advisor, FEC, Kinshasa, March 2017).

On this evidence it would seem that employer organisations are potentially able to contribute to the resolution of what Segatti (2015) sees as mobilisations founded on identity or autochthony<sup>21</sup> in the labour field. Katanga Province seems to have been a stronghold of such mobilisations since the early 1960s (see Section 5.4.1) and the Mobutu era (Culivier, as cited in Inaka 2014). In 2014, Mr Kahozi, a former provincial minister of education, confirmed that the EDUKAT programme solved several employment issues that had led to ethnic or xenophobic tensions in Katanga (Kahozi 2014).

The FEC also founded a training centre for employers and their staff in 2014 (Fédération des Entreprises du Congo 2019). Its manager explained how the centre improves employer familiarity with Congolese legal, fiscal, labour, and economic matters:

The Congolese Business Federation trains its members — meaning employers and their staff — in the fields of taxation, economy, and business management of the Congo. We have a training programme on calculations of redundancy payments, accounting, etc. So, these are key areas that interest companies (Manager, FEC, Kinshasa, December 2016).

The FEC manager points to the fact that FEC training provides employers with insights that enable them to deal with issues like tax and a poorly functioning bureaucracy (Fédération des Entreprises du Congo 2019). However, a report from the African Bank for Development (Banque Africaine de Développement 2012: 22) argues that even though the FEC claims to have instituted some forty projects a year in this area, its training activity is still insufficiently developed. On this basis of these somewhat controversial training sessions it is difficult to assert with any confidence that the FEC contributes to the improvement of the Congolese labour demand.

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<sup>21</sup> Autochthony is the right to make a claim of land ownership and access to state services and benefits (Segatti 2015: 15).

Still, these may be significant initiatives for a post-war country that wants to keep and attract investors. As several employers unlawfully downsized and massively purged their Congolese employees during the transition (see Section 6.2.2), improving their knowledge of these procedures might reduce the climbing rate of job insecurity that exists in the DRC.

The issues raised by the Tax on Pollution (République Démocratique du Congo 2013)<sup>22</sup> was another illustration of the overlapping laws that places provincial and national state authorities into conflict with each other (see Section 6.3.2). The Tax on Pollution involved FEC members, the national-level *Direction Générale des Impôts* (Directorate-General for Taxation, DGI), and the provincial-level *Direction Générale des Recettes de Kinshasa* (General Direction of Revenues of Kinshasa, DGRK). It affected employers who felt themselves to be victims of over-taxation and fiscal harassment. Mr Grace explained how the problem was resolved in 2016:

The Congolese Business Federation, as the employers' trade union, continues to defend its members. ... [E]very year, the government publishes the state budget. And, the budget is a Finance Act. ... I take the case of the 2016 budget, in which there was a tax called the Tax on Pollution. ... It was said to be paid at the DGI [Directorate-General for Taxation]. The constitution stipulates that the provinces have rights to collect that tax. ... So both of these institutions harassed employers, each of them wanting to collect that tax. ... Talks were held with the government, we asked the government to make a decision. ... Then the government took a decision in favour of the province. You see how the Congolese Business Federation helped the government! (Mr Grace, lawyer, FEC, Kinshasa, December 2016).

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<sup>22</sup> The Tax on Pollution was instituted by the Ordinance-Law No. 13/001 of 23 February 2013 to Fix the Nomenclature of Taxes, Duties, and Fees of the Provinces and Decentralised Territorial Entities and their Distribution Modalities.

Like most Congolese labour market institutions, the FEC encountered three main challenges relating to political and cultural factors. For example, the two informants criticised non-market actors for harassing and/or blackmailing employers. The lawyer Mr Grace called these ‘the Congolese predation’, explaining this as follows:

We have had several cases of the Congolese predation. So, there are certain persons in this country, just because they are ministers, or senior executives of the National Intelligence Agency or the army, they want to become shareholders in private companies without bringing their contributions to the capital of these companies. Shamelessly they threaten investors that they will ruin their business, expel them from the Congo, kill them, etc. (Mr Grace, lawyer, FEC, Kinshasa, December 2016).

Another difficulty is linked to economic factors like over-taxation, poor infrastructure, inadequate foreign currency in Congolese banks, the dollarisation of the Congolese economy, and the negative impact of the global economy on local business. The FEC manager quoted earlier, Mr Robert, raised the issue of the informal importing of goods from Lufu, on the border with Angola,<sup>23</sup> that negatively affects local industry and the labour market:

There is the problem of importing from Lufu, which perhaps makes consumers happy because they buy at low prices. ... [Yet] these imports have a negative impact on the local industry and the labour market. ... Some companies will close their doors; others will not see the light of day (Manager, FEC, Kinshasa, December 2016).

Instead he praised the FEC’s contributions to the Congolese labour market:

Without the effort made by Congolese Business Federation, who will talk about the Investment Code today? Without the effort made by Congolese

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<sup>23</sup> Lufu is an area located in Kongo Centrale province (on the south-west border between the DRC and Angola) where Congolese and Angolans trade informally. Congolese buy up cheap but genuine goods imported from Brazil, Namibia, and South Africa, and sell these at lower prices than they carry at formal shops in Kinshasa.

Business Federation, who will speak about the National Agency for the Promotion of Investments, the one-stop shop? Without the effort made by the Congolese Business Federation, who will attract private investors, who create more jobs in the Congo? Without the efforts made by the Congolese Business Federation, who will protect employers better from the predators we have in the Congo? (Manager, FEC, Kinshasa, December 2016).

However, the FEC has been criticised for protecting exactly such unscrupulous employers, leading the market to extreme precarity, and misusing Congolese government support. A trade unionist, for example, accused the FEC for conniving with employers who exploit their workers:

I would like to say that in the trade and supermarket sector, the Indians, the Lebanese, and the Chinese are bad employers. These people do not even like [there to be] unions. ... But unfortunately some politicians, senior military, agents of national intelligence, and especially the Congolese Business Federation are in collusion with these people (Senior executive, CGSA, Kinshasa, December 2016).

Likewise, a retired unionist was of the view that FEC actions against employees leads the Congolese labour market to the threshold of precarity:

The Congolese Business Federation does not help our labour market, not at all. I cannot understand why it is opposed to any policy aimed at improving the wellbeing of the workers. Workers are big consumers and customers of the large corporations or big traders that the Congolese Business Federation protects blindly. ... If the government does not control the Congolese Business Federation, our labour market will reach an extreme level of precarity (Retired trade unionist, Kinshasa, December 2016).

In addition, members of the *24 entreprises et subséquentes* used the media to denounce the FEC. Their spokesperson cited the incapacity of the highest institutions in the country to discipline the FEC by reporting its outrageous infringements to the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO), the new name of the MONUC programme:

We do not understand how the Congolese Business Federation of Mr Yuma, its CEO, can prevent the execution of the decisions of the President of the Republic, the Prime Minister, the Minister of Portfolio, the Supreme Court, the Ministry of Justice, Ministry of Labour? How can Mr Yuma take all the institutions of our country as his hostages? This Yuma is the CEO of Gecamines today. Before that, he illegally dismissed more than 2,000 employees at the Utexafrica. But, why has the State done nothing against him?<sup>24</sup>

The FEC is seen as protector of detested employers and as exerting undue influence on the Congolese government. Some unions which operate in the informal sector denounce it for representing ‘the interests of large companies, and thus mostly foreign interests’ (Segatti 2015: 23). The FEC’s capacity to influence the government had also been noted in the literature. Thus Nkongolo-Bakenda *et al.* note the

dispositional power of corporations operating in DRC [who] are members of [the] professional organisation called FEC (Federation of Enterprises of the Congo). Through this organisation, Congolese companies influence government decisions (Nkongolo-Bakenda *et al.* 2016: 479).

Similarly, Botedi (2013: 61) notes that the FEC defends the interests of crooked employers who in many cases refuse to implement agreements on labour policies concluded between the government and unions. A report by the African Bank for Development (Banque Africaine De Développement 2012: 22) also confirms the FEC’s power to mobilise its various allies to lobby the Congolese government.

The FEC’s contribution to the labour market, especially in terms of the making and implementation of labour law, reveals how employer organisations continue to influence labour legislation in the interests of employers. Similarly, the protection of employers against over-taxation and fiscal harassment, and in the organisation of labour training, shows with what tenacity it has pursued its struggle for the interests and rights of employers. However, as a union of employers, the FEC acts against the interests of

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<sup>24</sup> This speech is also available on YouTube (see Mazongelo 2013).

employees. It impeded the implementation of various labour laws such as the minimal wage policy and the Supreme Court's decision in favour of the members of *24 entreprises et subséquentes*. The FEC's extensive influence on the Congolese government can be understood through the notion of African neo-patrimonial states (Bratton and Van De Walle 1994; Matti 2010) in which patron-client networks strengthen political, economic, and military supremacies. Thus Moshonas (2018: 27) observes that most Congolese heavyweight politicians strongly protect the interests of capitalists or are influential business people in their own right.

The close relations of the FEC to the government is reflected in the fact that since 1981 the organisation (and its precursor ANEZA) has been chaired by only two men, both right-hand men of Congolese presidents. Jeannot Bemba, businessman, politician, billionaire and close confidante of Mobutu, governed this institution from 1981 to 1997. He was succeeded by politician and businessman Albert Yuma (Lutete 2009), chairman of Gecamines and a trusted and close confidante of J. Kabila (Reuters 2019). There are also reports that Yuma is deeply involved in corruption (Lezhnev 2016) and the misappropriation of state revenues (Carter Center 2017).

In short, employer organisations have shaped the Congolese labour market from the earliest colonial period until today. They have used governments and other political authorities as reliable allies in the project of increasing their economic power by exploiting Congolese workers. Throughout the country's history they have enjoyed privileges and accumulated wealth. It would therefore be adventurous to imagine the FEC as a positive contributor to the recovery of the labour market. Some may rattle the old drum that it attracts investors and creates jobs and thereby contributing to the labour market. However, the evidence discussed above shows that this institution's actions are overwhelmingly focused on helping those who exploit the local workforce. In this perspective, its contribution leaves a lot to be desired. We now turn to the analysis of trade unionism.

### **9.3 The impact of trade unions**

I now turn to consider the capacities of trade unions to operate in an environment that is dominated by employer organisations. Since unions are supposed to defend workers'

rights, it is important to ask how they exist in and contribute to the Congolese labour market, possibly even resisting pressures placed against them.

### 9.3.1 Unionism in historical perspective

Congolese trade unionism went through major stages of development during the time of the Belgian Congo (see also Section 5.3.2). From 1908 to 1922 trade unionism was prohibited completely (Laurijssen 2010: 21), though efforts by white employees to establish unions from 1914 onwards led the Belgian colonial authorities to recognise the first white trade union in 1921 (Lwamba 1985). The period between 1940 and 1960 was a second period of unionism as Congolese workers engaged in a struggle to push for legalisation. The activism pushed the Belgian colonial state to allow unions for Congolese in 1946 and non-racial unions in 1957 (Laurijssen 2010: 22). The Belgian authorities nevertheless ensured that Congolese trade unions were under the control of the Belgian ones. A third phase of development was the period 1960–1965 which was marked by a conflictual relationship between unions and the Congolese political elites. While trade unions had strongly support the anti-colonial struggle (Lwamba 1985), now the political elite began to repress its former ally. In response, unionists began to seek aid from their former enemies: they turned to foreign unions and Belgian state authorities in a quest to overthrow the Congolese political authorities (Mbili 1986).

The fourth phase, from 1967 to 1990, was defined by the nationalised *Union Nationale des Travailleurs du Zaïre* (Zairian National Union of Workers, UNTZA). The union was forced to incorporate itself into the ruling party and thus owed its loyalty to the party (Laurijssen 2010: 22). Consequently, it was in a weak bargaining position vis-à-vis public and private employers (Botedi 2013: 38). Though Mobutu's regime assiduously controlled this union, the workers found measures to bypass its force: in the late 1970s and early 1980s they began organising wildcat, sit-down, and intermittent strikes (Mangwaya and Claver 2004; Lumingo 2007). In response, the state established *syndicats maisons* or 'company unions'<sup>25</sup> to ensure as close a control of the workers as

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<sup>25</sup> The Congolese French *syndicats maisons* means 'union of the house', thus trade unions where all members work for the same company (Botedi 2013).

possible at their workplaces (Retired trade unionist (1), Kinshasa, December 2016). During the last stage, from 1990 to 2002, the reinstatement of a multi-party system led to the permission of trade unionism (Botedi 2013: 38). But ironically, although a number of large trade unions emerged, they were less able to protect worker rights than in the 1990s (Rubbers and Roy 2015) as L. D. Kabila was a ferocious oppressor of trade unionists (Botedi 2013).

Up to the end of the Congo war of 1998–2002, Congo was thus not a friendly terrain for unionisation. Nevertheless, Congolese unionism has continued to evolve. I now turn to these latest developments.

### 9.3.2 Unionism since 2003

I begin with laying out the landscape of Congolese trade unions since 2003. There are five main types of trade unions according to Botedi (2013: 75–86). First, *syndicats du secteur privé* are unions that operate in the private sector. Second, *syndicats interprofessionnels* are private trade unions whose members are from interdependent professions. Third, *syndicats maisons* (company unions) or *syndicats jaunes* (yellow unions) are unions in which all members work for the same company (whether public or private) regardless of position. Fourth, *syndicats des employeurs* are employer unions or employer organisations. Finally, ‘puppet unions’ or ‘empty-shell unions’ are unrepresentative trade unions that are funded and used by government or employers in order to sabotage or suffocate labour activism by genuine trade unions.

The Congolese state has two main categories of unions: one for the public sector and one for the private sector. These two main categories are regulated by separate legislation. Between 1981 and 2016 public sector unions fell under the Civil Service Department and were regulated by Act No. 81/003 of 17 July 1981 on the Status of a Civil Servant (République Du Zaïre 1981). Since 2016 these unions are regulated by Act No. 16/013 of 15 July 2016 on the Status of Civil Servants. Private sector unions, in turn, fall under the Labour Department and are regulated by Act No. 2002/015 of 16 October 2002 on the Labour Code (République Démocratique du Congo 2002b).

Following from this, there are two *nationales intersyndicales congolaises*, national platforms or inter-union organisations, in the DRC: one in the private sector and one in

the public sector. Both of these umbrella bodies consist each of 12 unions (Laurijssen 2010: 24). The 12 unions in the private sector, which concerns this chapter, are:

1. *Confédération Syndicale du Congo* (Congolese Trade Unions Confederation, CSC)
2. *Union Nationale des Travailleurs du Congo* (National Union of Congolese Workers, UNTC)
3. *Organisation des Travailleurs Unis du Congo* (Congolese Organisation of United Workers, OTUC)
4. *Solidarité* (Solidarity)
5. *Action* (Actions)
6. *Confédération Démocratique du Travail* (Democratic Confederation of Labour, CDT)
7. *Force Syndicale du Congo* (Congolese Union Force, FOSYCO)
8. *Solidarité Ouvrière et Paysanne* (Worker and Peasant Solidarity, SOPA)
9. *Alliance des Travailleurs du Congo* (Alliance of the Congolese Workers, ATC)
10. *Confédération Générale des Syndicats Autonome* (General Confederation of Autonomous Unions, CGSA)
11. *Confiance des Travailleurs et Paysans du Congo* (Congolese Workers' and Peasants' Trust)
12. *Fédération Générale du Travail du Kongo* (General Labour Federation of the Congo, FGTK) (Mpembele 2016: 3–4).

The research for this study has found that three facts shape the contributions of unions in the post-war Congolese labour market. First, the proliferation of unions has had a negative impact on unionisation in the post-war Congolese labour market, employees' professional lives, and households. Second, the 2002 Labour Code facilitated the involvement of unions in the informal sector. Third, unions are able to resist the hostile labour environments and help workers.

The proliferation of unions has a range of political and organisational explanations. A retired trade unionist argued that this was a concerted effort by the ruling party and private employers who considered that a strategy of divide and rule would weaken the

overall power of trade unionists. This strategy has been applied since Mobutu when the secret service funded puppet unions to oppose the trade unions that were considered to be in cahoots with the political opposition. For them, it was essential to destroy unionists because they became invested with political power. Today the situation might even be worse than in the past with numerous private employers supporting or even creating ‘yellow unions’ (Retired trade unionist (2), Kinshasa, December 2016).

A basic unionist view was that many considered creating a union as a business opportunity:

Unions are created every day. We see these people as disguised unemployed ... it’s actually a business proposition, that habit of creating yellow unions or puppet unions. Someone can just get up in the morning and create his union. I know someone who borrowed money somewhere, went to a company, ran his campaign, and told the workers: ‘I am going to defend your rights’. And when he wins votes, he wants to recover what he spent on his campaign. Once in the company, the gentleman in question starts cronyism with the employer. You see! He deceived the workers for his own business (Senior executive, CGSA, December 2016).

The proliferation of unions weakens their functioning as the union leaders tend to focus only on their own economic and professional interests. A customer attendant at Shoprite explained:

We don’t trust these guys. ... They did not help us avoid becoming victims of outsourcing. ... They did everything to convince us to accept outsourcing. They were just spokespersons of Shoprite and outsourcers against our interests. ... They need only our money. We are waiting for the end of their mandate. It’s better to be without a union instead of losing our money every month (Customer attendant, Shoprite, Kinshasa, December 2016).

The proliferation of unions then leads to rivalries among unionists, the consequence of which is often an incapacity to defend the rights of their members:

There are two unions. They do not care about us. We don't like them. They ruthlessly fight for their selfish interests. ... They are only interested in becoming members of the board of directors. It's the money they want (Junior marketing executive, Yugphone, Kinshasa, December 2016).

This collusion between employers and yellow unionists and how it affects the lives of employees was emphasised in many interviews. A manager at New Sarah argued that unions fails to defend workers against low pay, excessively long working hours, labour exploitation by outsourcers, and poor working conditions. They even remained silent in cases of workers suffering from occupational injuries: instead of receiving compensation they are fired:

This porter was carrying a huge wooden box. ... The guy slips, falls down, and that box injures him. ... It was horrible to see it. He was seriously crying, but Mr Yoga Gupta shouted: 'Give him US \$50'. And he shouted: 'Go, I don't want to you see here again! I don't like lazy guys!' You understand? That's what I saw (Manager, New Sarah, Kinshasa, June 2017).

Despite the worker losing four fingers through the accident, the union did not help him receive an incapacity benefit:

As a Congolese mama, I visited that young man. ... He lost four fingers. Imagine that, he is a right-handed person! Because of that accident, he can no longer work. You see! Despite an accident at work, he was fired, he didn't receive any compensation, and he lost his ability to earn. ... I realised that our unionists didn't care about him. One day, as the explanations of our heartless unionists about that man were getting on my nerves, I told them that they were evil, had sold out. I didn't insult them. I just reminded them what they are, for real! (Manager, New Sarah, Kinshasa, June 2017).

The proliferation in particular of yellow and puppet unions in the private sector opened up opportunities for employers to dominate unions and exploit their workers. A senior human resources manager at Yugphone told me how he personally experienced intimidation in his capacity as a leading unionist:

I was the first president of the trade union in this company between 2000 and 2010. ... The Irish [former employers] understood us [unionists]. ... That position put me into trouble when the Indians came here in 2009. I was threatened, blackmailed, because I had defended some employees that the Indians wanted to downsize. ... These Indians were angry at me. I almost lost my job. ... To bypass me, they promoted me as a provincial manager and sent me to Lubumbashi, to be far away from Kinshasa, in 2012. After that, Indians completely crushed our trade union. ... Workers are just voiceless (Maringa, senior HR executive, Yophone, Kinshasa, June 2017).

Some previous commentators (Laurijssen 2010; Botedi 2013; Mpembele 2016) have noted that the proliferation of unions causes rivalries between trade unions as union leaders operate to further their business aims instead of prioritising workers' rights and interests. One consequence of this is that these leaders tend to accept bribes from employers that they support and might even bribe their comrades during union elections (Industrial Global Union 2016). Laurijssen (2010: 22) argues that while the Congolese state undermines unionists by the 'divide and rule' strategy, private employers use dual unionisation by pushing some leaders of trade unions to infiltrate their rivals and create problems there. As a result, workers tend to lose their trust in union leaders who are too weak to defend their rights. Botedi (2013: 61) summarised this in a pithy statement: '*Trop de syndicats, pas de syndicats*' (Too many unions, no unions): a proliferation of unions has the same consequences as if there were no unions at all. These publications focused strongly on the effects of the proliferation of trade unions in the workplace but did not engage with how it affected employees' professional lives and personal lives, thus the aspect of labour reproduction (Peck 1996) — a central aspect of the present study.

The trend towards recruiting new members amongst informal workers can be seen as an adaption to the current dynamics of the Congolese labour market, which has been experiencing the ongoing growth of the informal sector. On that point, a lawyer at New Sarah noted:

Given the yearly expansion of our labour market in the informal sector, so that it has, in my view, become the most important labour market,

integrating these people into unions is an adaption to current realities. ... What unionists do is important because they set up platforms which give voice to voiceless informal employees (Lawyer, New Sarah, Kinshasa, July 2017).

A retired unionist gave credit to that new trend towards formalisation of the unorganised labour market:

It is important what they (the unions) do today. In our time, we didn't think about something like it. We looked for members in a few companies in the 1990s. Unionists can better stand for informal sector workers than NGOs. ... They understand that they are able to bring these workers' grievances to the attention of the government or employers (Retired trade unionist (2), Kinshasa, December 2016).

Similarly, the Vice-President of the Trade Union Confederation of Congo, Mrs. Joséphine Shimbi, acknowledged that the unions register members amongst informal employees due to the high rate of unemployment in the Congo. Speaking to Equal Times (2018 ), she stated:

In 2012, only 2.5% of Congolese workers had what you can call 'formal' jobs — everybody else works in the informal sector. If we unionists say we are here to protect the workers, which workers are we talking about if only 2.5% have formal jobs? From there we started trying to see how we could really assist the country's informal workers.

One can agree with Mrs Shimbi and other informants that unions need to adapt to the new trends of the labour market. However, using the high rate of unemployment as the sole rationale for union involvement in the informal labour market is also problematic. If unions already struggle to respond to the needs of the few existing formal employees, then they may face an overwhelming number of issues in the unorganised informal sector labour market.

Despite this misgiving, I think that the application to extend the 2002 Labour Code to the informal sector labour market has greatly contributed to the new trend of integrating informal sector workers into unions. In this regard, Mrs Shimbi did not mention what

guidelines the new labour legislation gives for how unions may recruit members among informal sector workers. Segatti (2015), too, overlooked the impact of the 2002 Labour Code on that development. She found some positive effects when reviewing union roles in the informal sector in Kinshasa, such as Congolese unions fighting for the rights of workers in the informal retail industry. These unionists use mobilisations founded on identity or autochthony over labour and Act No.73/009 of 5 January 1973, which reserved access to retail for Congolese, as their leitmotiv.

The proliferation of trade unions together with employers' opposition to unionism has led to resistance among the members of the national inter-union movement in the private sector. Here I analyse two cases of resistance that have impacted upon the labour market. In the first case the CGSA denounced the fraudulent creation of 'alter ego employers' by some Lebanese, Indian, Chinese, and Pakistani employers. These employers used a subterfuge to illegally change the names and external characteristics of their companies, declaring their businesses as bankrupt but cunningly retaining ownership. A senior CGSA executive clarified this:

I would like to say that Indian, Pakistanis, Lebanese, and Chinese in the retail sector are criminals. They do not like unions. ... I personally fight against them. ... But, unfortunately, some politicians, senior officers of the army, intelligence agents, and especially the Congolese Business Federation protect them. ... When I investigated how they claimed the collapse of their businesses to the state, I realised that something was wrong. So, we investigated and found out that they were avoiding paying their employees money for termination of service. (Senior executive, CGSA, Kinshasa, December 2016).

In the second case, the national inter-union of the private sector organised actions against Chinese, Indian, Lebanese, and Pakistani employers in the retail sector. According to Rachidi (2019), the inter-union sent a memorandum to President Felix Tshisekedi on 25 February 2019 to accuse Indian and Pakistani employers in the retail sector of conniving with state services to reduce the number of their employees in order to escape certain taxes and fees. In a company of one hundred workers, for example, only fifteen were declared and were required to pay tax duties. The accomplices shared the money that was saved on the eighty-five undeclared workers. As these employers

also prevent trade union action, the inter-union also informed the president that most of the Chinese, Indian, Lebanese, and Pakistani employers in the retail sector violated the labour rights of their Congolese employees. It followed that some Congolese working for Chinese, Indian, Lebanese, and Pakistani retail shops demonstrated on 11–13 March 2019 (Mabandu 2019). They complained about the non-implementation of the minimal wage ordinance and the abuse of outsourcers in the retail sector. In response, the cabinet set up an *ad hoc* commission, composed of key members of the National Council of Labour and advisers of the president, instructing them to resolve the issue of the minimal wage. As a result, members of the FEC persuaded the employers to implement Ordinance No.18/017 on minimal wages (Mabandu 2019).

It is important to highlight that this action allowed the Congolese government to implement exactly that minimal wage policy that the FEC had vetoed in May 2018, not even a year earlier (see Section 7.2.2). Two facts facilitated the implementation of that policy in March 2019. First, the change of political authorities with the election of President Felix Tshisekedi in January 2019 had somewhat softened the supremacy that the FEC had enjoyed under J. Kabila. Second, trade unionists had seized that window of opportunity to act collectively against these employers by convincing the new political regime to take decisions in favour of workers. This solidarity made it possible to succeed in an environment of wider anti-union sentiments, especially amongst employers. It granted the unions a tactical advantage in an inimical setting, even if it was possibly only of temporary nature.

Unions have learned to respond to structural issues and adjust themselves to the dynamics of the labour market by recruiting members from the informal sector. This adaptation has resulted in the formalisation of the informal sector labour market. As the vast majority of (informal) employees were less protected by law before the issue of the 2002 Labour Code, it could be argued that trade unions contributed to the post-war reconstruction of the Congolese labour market, especially in its informal sector.

In sum, the proliferation of unions has had a negative impact on the post-war labour market as it prevented a more effective participation by unions. New labour legislation, on the other hand, has allowed unions to become involved in the labour market of the informal sector. This can be regarded as an adaptation by the unions to the dynamics of

the labour market. Though the Congolese labour market in general remains generally opposed to trade unions, unions are more able to help the workers when they unite to develop team strategies. On balance, however, the participation of unions in the labour market cannot yet claim a significant overall improvement.

## **9.4 Conclusion**

Using Peck (1996)'s idea that the labour market is an arena of contestation, conflict, contradiction, complexity, and paradox, this chapter has examined how the private sector contributed to the reconstruction of the labour market. From a historical review of the behaviour of employer organisations, the chapter has argued that from the colonial period until today they encouraged the state to legislate and regulate the labour market in favour of their capitalist interests. When in conflict with the state, employer organisations manoeuvred to maintain their economic privileges — as in the 1960s and early 1970s. In the post-war reconstruction of the Congolese labour market, the chapter has showed that the FEC's actions always sought to satisfy its members. This institution had more privileges in the labour market because most political elites engaging in business were its allies or members. Therefore, the chapter has argued, its contribution to the reconstruction of the Congolese post-war labour market was limited by its undeviating capitalist pursuit of wealth, regardless of workers' rights.

The chapter has further shown that unionisation has been marginalised throughout the history of the Congolese labour market. Unionism in the Congo emerged from workers' struggles against the colonial regime and employers. We have seen that trade unions struggled against different political regimes that existed in the Congo. Just after independence, trade unionists became enemies of Congolese politicians although they had given their support to these politicians during the struggle against colonisation. Since then, the animosity of politicians towards trade unionists has never wavered. In the context of the post-war labour market, unions face several challenges such as maltreatment orchestrated by politicians and employers, the negative effects of the proliferation of yellow unions, and the lack of trust of their members. Despite this hostile environment, trade unions have managed to resist employers and the state, and have managed to contribute to the democratisation of the labour market. Yet the hostile

anti-unionist environment has prevented unions from making a sustained contribution to the remaking of labour market.

## **CHAPTER TEN: THE BURDEN OF FINDING JOBS**

### **10.1 Introduction**

Since the late 1970s, access to formal employment declined continuously in the Congo. The rhythm of the decline accelerated during the Congolese war of 1998–2002 war and onwards. Statistics indicate that over 80% of Congolese are currently unemployed. Less than 3% have jobs in the formal sector. In the private sector, labour market institutions that are located on the labour supply side do not collaborate with those on the labour demand side. Hence, formal employment in the private sector of this restrictive Congolese labour market appears to be granted only as a miraculous exception.

This chapter examines how Congolese employees experience integration into the private sector. Focusing on communication between employers and employees, it dissects strategies that employers adopt in order to inform job seekers and the general public about vacancies in their companies. Analogously, it then examines the pathways that job seekers use to access information about opportunities. In a next step, it explains how employees are hired and placed in different positions in their companies. The analysis focuses on the construction, retail, and telecommunications sectors.

The chapter is divided into two sections. The first section uses Peck's notion of labour incorporation and Granovetter's theory of weak and strong ties to examine how Congolese find information on job vacancies. The second section shifts to Peck's notion of labour allocation and Granovetter and Tilly's concepts of employers' recruitment networks and workers' supply networks to look at Congolese hiring processes.

### **10.2 Labour Incorporation**

Labour incorporation involves processes by which individuals enter into the labour market, and their potential to do certain jobs (Peck 1996; see Section 3.3.6). Granovetter (1973) suggests the concept of weak and strong ties to explain these processes and posits that job seekers tend to use weak rather than strong ties in job-searching processes.

This research investigated whether individuals in the Congo utilise weak or strong ties when searching for jobs and information about vacancies. It found that the use of these ties varies according to the type of job being sought and the industry under

consideration. Simply put, junior and senior executives in the construction and telecommunications sectors generally used employers' recruitment networks and employees' supply networks for gathering information about job opportunities, but junior and senior executives in the retail sector drew on friends and relatives. Manual workers and clerical and technical workers in all sectors also generally relied on information from relatives and friends. Thus, as a whole, informants found information about job vacancies through strong ties, and a few through both forms of ties. The investigation also noted institutional, organisational, and cultural factors that provide reasons why many companies did not follow Congolese labour legislation recommendations on hiring processes. I now turn to consider the job seeking strategies in each of the three identified sectors.

### **10.2.1 Job vacancies in the construction sector**

This subsection identifies four ways in which job vacancies are communicated in the construction sector: employers' recruitment networks; alumni network of architects and engineers; on the street; and unofficial channels. To start with, Table 8 summarises the channels used to find information on job vacancies in the construction sector.

**Table 8: Processes of finding information on job opportunities in the construction sector**

1. Pseudonym	2. Position	3. Source of information	4. Types of ties	5. Company
<i>A) Cadres de direction ou de commande (Senior executives)</i>				
Elila	Financial manager	Family member	Strong ties	KACA
Basanga	Architect	Alumni network	Strong ties	KACA
Bombi	Engineer	Alumni network	Strong ties	KACA
Kadjeke	Architect	Alumni network	Strong ties	Globalium Business
Kama	Architect	ERN	Weak ties	Globalium Business
Karonge	Architect	ERN	Weak ties	Globalium Business
<i>B) Agents de maitrise (Supervisors)</i>				
Lombo	Foreman	Family member	Strong ties	KACA
Lwebo	Foreman	Family member	Strong ties	Globalium Business
<i>C) Personnel d'exécution (Manual workers)</i>				
Lubudi	Builder	Friend	Strong ties	KACA
Lulonga	Builder	Family member	Strong ties	Henan Guoji
Lubisi	Assistant builder	Family member	Strong ties	Globalium Business
Lukwila	Builder	ERN	Weak ties	KACA
Lutshatsha	Builder	ERN	Weak ties	KACA
Luwo	Cleaner	Street labour recruitment	Weak ties	Globalium Business

Lukunga	Driver	Street labour recruitment	Weak ties	Ching Chong
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ERN: Employers' recruitment networks

Table 8 shows that 15 informants found information about job opportunities, in the order of importance, through family members (5 persons); employers' recruitment networks (ERN) (4 persons); alumni network (3 persons); on the street (2 persons); and friends (1 person). As we can see, strong ties (9 persons) were more reliable at providing information on job openings than weak ties (6 persons). In the following, I discuss the employers' recruitment networks, alumni networks, and the street as information-finding channels in more detail.

This study has found that the provision of information by employers takes place mainly when employers approach individual talented Congolese to offer them a specific job. Sometimes this contact happens through other employers who convince these talented engineers or architects. This process is thus an employer-initiated one; this gives the potential candidate the power to negotiate wages and labour conditions. Kama shared his experience of being solicited by his employers:

For me, it was not complicated because they found me on a building site where I was working. ... They explained to me their project. ... They asked me for a plan and quotation. I rapidly drafted it. ... They told me: 'We want to work with you' (Kama, architect, Globalium Business, Kinshasa, April 2017).

Manual workers similarly seemed to benefit from the networks between employers to access new jobs. Lutshatsha, a builder at KACA, narrated his experience:

The boss observed us working at the house of another Indian. Then, he asked his brother to send us to him. ... We started working from then until today (Lutshatsha, builder, KACA, Kinshasa, March 2017).

There was also a workers' supply network through which individuals found access to jobs. This happens when employers require their employees (often architects and engineers) to source employees for their companies. Two architects, Mr Basanga and Mr Kadjeke, and an engineer, Mr Bombi, explained that Congolese architects and engineers generally drew on their alumni networks, composed of former students of the *Institut des Bâtiments et des Travaux Publics* (Building and Public Works Institute, IBTP), to find information on job openings (Basanga, architect, KACA, Kinshasa, March 2017; Kadjeke, architect, Globalium Business, Kinshasa, December 2016;

Bombi, engineer, KACA, Kinshasa, April 2017). According to Mr Kadjeke, the market for architects is saturated by cheaper bogus architects who do not have the required qualifications and foreign architects who are often invited by their employers. The alumni network allows its members to counter these pressures (Mr Kadjeke, architect, Globalium Business, Kinshasa, December 2016). Mr Basanga described the use of his alumni network to find information about job openings in this way:

When my colleague told me to replace him here (at KACA) because he had got public tenders to build stadiums, I couldn't hesitate to work with Indians as I was broke (Mr Basanga, architect, KACA, Kinshasa, March 2017).

The alumni network plays two key roles in the labour market for architects and engineers. First, it helps employers find employees who possess the required qualifications and skills. In so doing, it implicitly protects employers from ending up with employees with bogus qualifications. Second, it helps its members find interesting jobs by blocking out non-members from the circulation of information. The alumni network thus fulfils its role as an exclusionary professional enclave composed only of former students who have graduated from the same institution.

Finding information about job vacancies through what colloquially is called *recruitments dans la rue* (recruitment in the street) occurs when job seekers, who gather in certain public places in Kinshasa to offer their services, receive information about job opportunities that is passed on between the job seekers. Mr Lukunga, a driver, described his experience as follows:

As many people do it, I went to 13th Street in Limite where many people look for daily jobs. ... Someone who was passing told us that the Chinese needed five drivers. We were 11 persons to go to see these Chinese (Mr Lukunga, driver, Ching Chong, Kinshasa, March 2017).

Finally, this study found that not a single informant in the construction sector went through ONEM. Equally, not one employer sought ONEM's services. A manager at KACA explained that they had once tried to solicit four persons from ONEM in 2013. They were disappointed because the institution sent them over 1,000 quite unsuitable candidates. They thus decided not to deal with ONEM any longer (Mr. Elila, manager, KACA, Kinshasa, November 2016).

All informants in the construction sector thus used unofficial methods in searching for job vacancies or advertising that vacancies existed. Though it is ONEM's job description to post job advertisements, private companies find it more effective to use their own unofficial practices to recruit employees. Two architects, Simonambi and Bulungu, thought that the trend of using unofficial procedures to find job candidates was explained by the absence of a national construction authority or a national order of architects. For that reason, they campaigned for the creation of the latter (Simonambi and Bulungu, architects, Kinshasa, February 2017). They did so for two main reasons: first, they wanted to end the unfair advantage that foreign-owned companies held over Congolese companies because they bribed Congolese state authorities to accept their tenders. Foreign-owned companies also followed the local practice of using informal procedures to inform about job vacancies. Second, Simonangi and Bulungu sought to curb the generalised disorder in the construction sector marked by violations of building norms, the hiring of bogus architects, and unfair human resources management. Again they blamed absence of a recognised professional body for this state (Simonambi and Bulungu, members of the Order of Architects, Kinshasa, February 2017). An Order of Architects as regulatory body was indeed founded on 13 December 2018 through Law No.18/034 on the Creation, Organisation and Functioning of the National Order of Architects in the Republic Democratic of the Congo (République Démocratique du Congo 2018b), but it is still too early to draw conclusions on its efficacy. It is already possible to state, however, that the construction sector is showing signs of becoming more regularised than before the creation of this institution. Employer networks and strong ties among work seekers seem to have had a bigger impetus for its development than state-based labour market institutions. Similar patterns are observable in the retail sector.

### **10.2.2 Job vacancies in the retail sector**

Findings from interviews with employees suggest that while some jobseekers used official channels to find information about jobs in the retail sector, many others used unofficial ones (see Table 9).

**Table 9: Processes of finding information on job opportunities in the retail sector**

1. Pseudonym	2. Position	3. Source of information	4. Types of ties	5. Company
<i>A) Cadres de direction ou de commande (Senior executives)</i>				
Kwenge	Lawyer	Friend/employers recruitment network	Mixed strong and weak ties	New Sarah
Kasumu	Manager	Friend	Strong ties	Shoprite
Kibali	Manager	Friend	Strong ties	Shoprite
Kikimi	Manager	Friend	Strong ties	New Sarah
Miao	Manager	Family member	Strong ties	New Sarah
Kayange	Manager	Job search website	Official channel	Shoprite
<i>B) Agents de maitrise (Routine supervisory, clerical and technical workers)</i>				
Lwabwe	Cashier	Family member	Strong ties	New Sarah
Lufira	Customer attendant	Manager	Weak ties	Shoprite
Lwange	Customer attendant	Outsourcer	Weak ties	New Sarah
Idiba	Salesperson	Outsourcer	Weak ties	New Sarah
Lubudi	Supervisor	Family member	Strong ties	New Sarah
Lubefu	Salesperson	In situ	Weak ties	Shoprite
Lumene	Salesperson	In situ	Weak ties	Shoprite
Lua	Salesperson	In situ	Weak ties	Shoprite

<i>C) Personnel d'exécution (Manual workers)</i>				
Bakali	chef	Friend	Strong ties	New Sarah
Mpukulu	Conveyer	Family member	Strong ties	New Sarah
Bembezi	Security guard	Family member	Strong ties	New Sarah

Table 9 illustrates that the 17 informants discovered job opportunities from their family members (5 persons), friends (4 persons), managers (4 persons), outsourcers (2 persons), a job search website (1 person), or both a friend and an employers' recruitment network (1 person). Consequently, more informants used strong ties (9 informants) than weak ties (6 informants) during their job-search processes. Exceptional in the data is the mix of both formal and informal channels, both weak and strong ties, for finding information on job vacancies.

In 2009, Shoprite manager Mr Kayange used formal methods of job searching and found job advertisements posted online by a job search website. He is of the view that he was positively influenced by the job-searching behaviour of South African students:

When we were completing our B Comm at Vaal,<sup>26</sup> I saw many South Africans drafting their CVs, uploading them to websites, and calling in to follow up. I was, like, 'Why not do it like them?' ... I tried it several times. ... I received calls from three different recruiters (Kayange, manager, Shoprite, Kinshasa, December 2017).

Mr Kwenge, the lawyer at New Sarah, simultaneously heard about a job vacancy from a close friend (strong tie) and the friend's employer (weak tie). In his own words,

That day, God blessed me. ... My friend told me there was a (job) opportunity at New Sarah. He tried convincing me to go to see the boss. But I was reluctant ... It was (the boss's private assistant) who called to inform me that the boss needed me (Kwenge, lawyer, New Sarah, Kinshasa, July 2017).

This narrative reveals how information about job opportunities can be channelled through both weak and strong ties. It also shows how the complexities of a network-based job search can move beyond Granovetter's dualism of weak versus strong ties. It is also revealing to note how employers take the initiative to inform talented people

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<sup>26</sup> "Vaal" is a colloquial abbreviation for the Vaal University of Technology in South Africa.

about job vacancies without following job advertising procedures. In other words, information on job vacancies can start from the demand side and flow directly to the supply side. Both Peck and Granovetter seem to overlook this pattern of information on job openings that is directly initiated by the demand side; they pay more attention to employees' initiatives in searching for a job (supply side).

Also noted in Table 9 is the use of outsourcers for gathering information about job vacancies. Lwange, a salesperson at New Sarah, explained:

It is difficult to find a job here without having contacts. ... One day I went downtown, I saw a guy from an [outsourcing] agency. I approached him. ... I asked him to help me: 'My brother, I need a job whether it is here or elsewhere'. Well, he answered me: 'Prepare your file' (Lwange, salesperson, New Sarah, Kinshasa, April 2017).

Talking about *in situ* process, all four informants from Shoprite found out about job opportunities from their previous employers. As Lufira said:

We were working as assistant builders. ... Shoprite people came from South Africa to find us here. They asked us to introduce our files and they hired us (Lufira, customer attendant, Shoprite, Kinshasa, December 2016).

It is important to note that this method of receiving information about job opportunities directly from employers occurs in unintended ways. Instead of passing on job descriptions and clear specifications about what type of a person was required, and using conventional channels for advertising this, the Shoprite management randomly informed manual workers about available entry-level jobs. This method is different from using the employers' recruitment networks. In the construction sector employers' recruitment networks are grounded in employers' capacities to take the initiative to look for talented people and detect them. In the retail sector, however, the Shoprite managers focused more on a prospective employee's observed working capacity than on screening his talents or training. A manager at Shoprite, Mr Kasumu, noted:

We recruit everybody with ability of working. I mean a person who is physically, mentally, and intellectually valid. That's all. We don't care about degrees or qualifications here. A worker learns everything that s/he

does here in Shoprite (Mr Kasumu, manager, Shoprite, Kinshasa, December 2016).

In terms of labour legislation, these employers clearly did not follow Articles 203–207 of the Labour Code that stipulate that employers must declare job vacancies at ONEM (République Démocratique du Congo 2002b). In my interviews employers tended to react defensively when talking about these legal requirements. There can be no doubt that they were well aware that they were not respecting them. The following response from Mr Kibali at Shoprite puts it clearly:

The Congolese employment policy exists on paper. These labour laws may seem interesting when you read them. In reality, the Congolese public authorities are the first ones who fail to strictly respect or implement the labour laws. ... The government or these authorities just want employers to pay their taxes for a National Employment Office (Mr Kibali, manager, Shoprite, Kinshasa, December 2016).

In all, job seekers in the retail sector tend to find information about job opportunities more through informal methods than formal ones, drawing on strong ties rather than weak ones. There were some employees, though, who combined both strong and weak ties. Sometimes it is indeed difficult to draw boundaries between weak and strong ties in this context because they intermesh in job-finding processes. It is thus possible to consider that in some contexts these ties are not mutually exclusive. There is also good reason to believe that the weak labour market institutions make the use of strong ties more effective than the legally prescribed procedures. This thus brings nuance to Granovetter's dualism between strong or weak ties.

### **10.2.3 Job vacancies in the telecommunications sector**

While similar patterns of information flow about job openings exists in the telecommunications sector as in the construction and retail sectors, the former shows an additional attribute, namely 'transnational' networks that coexist parallel to local networks (see Table 10). Importantly, the results suggest that for historical reasons the companies involved could not have used the services offered by ONEM since they were already operating before the establishment of that office. In addition, the data collected

also points to ONEM's inability to satisfy these companies, preventing their collaboration.

**Table 10: Processes of finding information on job opportunities in the telecommunications sector**

1. Pseudonym	2. Position	3. Source of information	4. Types of ties	5. Company
<i>A) Cadres de direction ou de commande (Senior executives)</i>				
Tuana	Senior HR executive	Former company	=====	Mzansiphone
Maringa	Senior HR executive	Former company	=====	Yugphone
Lopori	Senior IT executive	Family member	Strong ties	Yugphone
<i>B) Cadres de collaboration (Junior executives)</i>				
Rukozizi	Junior marketing executive	Internal advertisement	CJSC	Wangphone
Virunga	Engineer	TV advertisement	CJSC	Mzansiphone
Maheshe	Junior marketing executive	MSN	Strong ties	Yugphone
Monzi	Junior marketing executive	MSN	Strong ties	Mzansiphone
Dany	Engineer	Friend	Strong ties	Yugphone
Burnett	Engineer	Family member	Strong ties	Mzansiphone
Bili	IT executive	Family member	Strong ties	Yugphone

Tele	Engineer	Friend	Strong ties	Mzansiphone
Rubi	Engineer	Friend	Strong ties	Wangphone
Luenda	Junior HR executive	Friend	Strong ties	Mzansiphone
Okapi	Engineer	RMSN	Weak ties	Yugphone
Chris Kwa	Engineer	RMSN	Weak ties	Yugphone
Mongala	Engineer	RMSN	Weak ties	Wangphone
<i>C) Agents de maitrise (Routine clerical, supervisory, and technical workers)</i>				
Arwimi	Marketer	MSN	Strong ties	Wangphone
Botango	Marketer	MSN	Strong ties	Mzansiphone
Bangwelo	Clerk	Family member	Strong ties	Yugphone
Bomokandi	Marketer	Family member	Strong ties	Mzansiphone
Bima	Salesperson	Family member	Strong ties	Yugphone
Apate	Call centre agent	Friend	Strong ties	Wangphone
Bili Close	IT supervisor	Acquaintance	Weak ties	Yugphone
<i>D) Personnel d'exécution (Operational delivery workers)</i>				
Bushimayi	Freelancer	Family member	Strong ties	Yugphone
Bangamelo	Freelancer	Family member	Strong ties	Mzansiphone
Ngoyi	Freelancer	Acquaintance	Weak ties	Wangphone

CJSC: Conventional job search channels

MSN: Marketers' supply networks

RMSN: Returned migrants' supply networks

As shown in Table 10, many informants found information about job openings from their family members (9 persons), friends (5 persons), returned migrants' supply networks (4 persons) and marketers' supply networks (4 persons). Hence, the use of strong ties (18 out of 27 persons) prevails over the weak ties (5 out of 27 persons).

The table also shows that the returned migrants' supply networks and marketers' supply networks are two specific ways of findings information on job openings in the telecommunications sector. The returned migrants' supply networks can be described as unstructured networks of engineers in the telecommunications sector who graduated in South Africa, supplying information about job openings to their Congolese counterparts in the late 1990s and earlier 2000s.

Two engineers, Chris Kwa and Dany, explained that at the time of our interviews most senior managers of telecommunications companies were South Africans. These managers preferred hiring Congolese engineers who were graduates of South African universities over those from local Congolese universities (Chris Kwa and Dany, engineers, Yugphone, Kinshasa, January 2017). The networks played a key role in the appointment processes as the companies allowed engineers to find other Congolese with similar training when jobs opened up. Thus, engineer Dany was introduced to Yugphone by a former colleague from the Durban University of Technology. When he in turn was asked to find an engineer with similar qualifications, he suggested a colleague who had trained at Tshwane University of Technology (Dany, engineer, Yugphone, Kinshasa, January 2017).

The rationale behind the preference of South African employers for Congolese engineers trained in South African can be understood, to some extent, by a skills shortage among engineers and technicians trained in the Congo and communication issues between Anglophone employers/managers and Francophone employees in the late 1990s and the early 2000s. For example, Gomes *et al.* (2013: 190) indicate that, as the skills of Congolese engineers and technicians trained did not match with the competencies by Vodacom, these Congolese engineers and technicians 'were sent to South Africa to attend training and courses provided by the Vodacom Group to learn about Vodacom processes and the use of new technology' in the late 1990s and earlier

2000s. In short, the returned migrants' supply networks informed employers about available candidates who had the ready-made skills needed by their companies.

Another workers' supply network in telecommunications involved marketers. Information about job openings at telecommunications companies was circulated through this network. Mr Maheshe, a marketer himself, argued that it was the need for marketers in the early 2000s that led the companies to use these networks to circulate information about the available openings:

I know how to convince customers, to persuade someone to consume products. ... I know well how to resist to that. But they (other marketers in his network) showed me evidence that pushed me to leave British American Tobacco (Mr Maheshe, junior marketing executive, Yugphone, Kinshasa, January 2017).

As indicated in Table 10, two senior human resources executives found information on job openings from their former companies. Thus they were transferred to their current companies due to a change of ownership in the late 1990s. This case of transferring employees to new companies is telling because it shows how employees might become members of new companies without needing to seek information on available positions.

The processes in which job vacancies were advertised in this sector varied across companies and job positions. Yugphone, for example, first informed on vacancies internal to the company and only placed a job advertisement on its webpage if there was no internal candidate available (Mr Okapi, engineer, Yugphone, Kinshasa, January 2017). At Wangphone, the Chinese executives used verbal communication as strategy for secretly selecting job candidates, even before advertising job opportunities internal to the company. In the opinion of one of its engineers, Mr Rubi, these executives did not value ONEM's services. They rather paid the penalties for failing to declare their job vacancies at that office (Mr Rubi, engineer, Wangphone, Kinshasa, January 2017). In contrast, Mzansiphone informs everyone about job vacancies at the same time, though it prioritises internal placements. Mzansiphone also informs ONEM about its vacancies but the latter often does not play its procedural role in identifying possible candidates (Mr Tuana, senior HR executive, Mzansiphone, Kinshasa, July 2017).

It is worth noting that these three companies, Yugphone, Wangphone and Mzansiphone, were already operating before ONEM was founded. They might, therefore, have respected the regulations that were existing at that time and it would be wrong to condemn them for using illegal channels when communicating on job vacancies. ONEM, after all, only became an effective office in 2012, even though it has not really measured up to its task even then. What these facts allow us to understand is that delays in performing its institutional functions, and its poor performance, has negative effects on both employers and jobseekers.

#### **10.2.4 Labour incorporation in review**

A critical issue in the Congolese labour market is the manner in which job vacancies in the private sector are communicated. The weakness of labour regulation, the weakness of the official organisations mandated to be the key interface in this communication, and the scarcity of needed skills or job opportunities have reinforced the use of unofficial methods of job searching.

The prolonged lack of institutions regulating the relationship between employers and employees during hiring processes is critical here. As seen in Chapter Five, the Mobutu regime created SENEM in 1967 exactly to address these kinds of problems. SENEM never managed to become operational, however, and private companies devised their own means to find and hire people. After the 1998–2002 war, ONEM was created to fulfil the same objectives as its predecessor. Yet it too is facing problems due to the political, administrative, and socio-cultural environment of the Congolese labour market and is struggling to meet the expectations of both jobseekers and employers.

In this situation, Congolese job seekers use both weak and strong ties in the labour incorporation process, which proves different from Granovetter's argument for a dualism between weak and strong ties. Significantly, in some circumstances both weak and strong ties are used simultaneously. While employers tend not to follow labour legislation, they drew rather on employers' recruitment networks and workers' supply networks to create bridges between employers and employees. Thus, finding information on job vacancies through legally regulated channels in this labour market is challenging. I now turn to consider labour allocation processes.

### **10.3 Labour Allocation**

As noted in the discussion on labour incorporation, informal practices exist in all sectors covered by this study. Still, there are differences from one industry to another. While employees in retail and construction were often hired by ‘illegal’ outsourcers or through employers’ or workers’ supply networks, those in telecommunications tended to use more formal hiring processes directly organised by the companies. The construction sector is also marked by a significant level of informal hiring processes such as verbal agreement between employees and employers. It is on this basis that I turn to discuss labour allocation in these three sectors.

#### **10.3.1 Hiring in the construction sector**

Findings from interviews with 15 informants suggest that there are two procedures for hiring employees in the construction sector that vary according to professional positions in different companies. The first procedure consists of negotiating a fixed-term employment contract between employee and employer, a process that is used when hiring senior executives. The second is the informal hiring both of supervisory workers and manual workers. Table 11 gives us further details about these hiring processes in the construction sector.

**Table 11: Hiring processes in the construction sector**

1. Pseudonym	2. Position	3. Hiring process	4. Type of employment	5. Company
<i>A) Cadres de direction ou de commande (Senior executives)</i>				
Elila	Financial manager	THP	Permanent	KACA
Basanga	Architect	NECE	Temporary	KACA
Bombi	Engineer	NECE	Temporary	KACA
Kadjeke	Architect	NECE	Temporary	Globalium Business
Kama	Architect	NECE	Temporary	Globalium Business
Karonge	Architect	NECE	Temporary	Globalium Business
<i>B) Agents de maitrise (Supervisory workers)</i>				
Lombo	Foreman	FTPEC	Permanent	KACA
Lwebo	Foreman	PTEC	Temporary	Globalium Business
<i>C) Personnel d'exécution (Manual workers)</i>				
Luwo	Cleaner	Verbal agreement	Casual	Globalium Business
Lukungu	Driver	Verbal agreement	Temporary	Ching Chong
Lubudi	Builder	PTEC	Temporary	KACA
Lukwila	Builder	PTEC	Temporary	KACA
Lutshatsha	Builder	PTEC	Temporary	KACA
Lubisi	Assistant builder	Verbal agreement	Temporary	Globalium Business

Lulonga	Builder	Verbal agreement	Temporary	Henan Guoji
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THP: Traditional hiring process. According to Mills and Friesen (1992) and Fernández-Aráoz (2001), traditional hiring processes consist of recruiting job candidates, short-listing the best and interviewing them, choosing the best candidate to hire, orienting or training this person, and co-signing an employment contract.

NECE: Negotiation of fixed-term employment contracts.

FTPEC: Full-time permanent employment contracts.

PTEC: Part-time employment contracts.

As can be seen from the table, 5 persons out of 15, namely an engineer and four architects, signed fixed-term employment contracts with their employers. However, Mrs Elila, a financial manager at KACA, was the only one to be hired following traditional hiring processes. Her contract was a pre-formulated standard contract whose contents and clauses were unilaterally drafted by the employers (Mrs Elila, financial manager, KACA, Kinshasa, March 2017).

The engineers and architects all confirmed that their jobs corresponded to their professional and academic profiles. Despite that, they had an uncertain prospect of being hired as full-time permanent employees. As Basanga reported:

We agreed on my remuneration and labour conditions. But the employer refused to offer a full-time permanent employment contract. ... I had no choice but to accept the status of a part-time employee (Basanga, architect, KACA, Kinshasa, March 2017).

The architect Kama, however, was familiar with this trend towards part-time employment in construction. He was thus very careful when negotiating his wage and working hours:

As they (employer and his staff) said they wanted to work with me, I had an opportunity to raise the bar higher. ... I was very strict with respect to my working hours (Kama, architect, Globalium Business, Kinshasa, April 2017).

The tendency towards hiring architects and engineers as temporary employees was also explained by two architects, Mr Simonambi and Mr Bulungu. According to Simonambi, the current labour market in Kinshasa gives engineers and architects fewer chances of permanent employment. For him, this is because most of the European-owned companies, which used to offer these positions to Congolese employees, have closed their doors since the looting in the 1990s (Simonambi, Order of Architects, Kinshasa, February 2017). Bulungu added that many companies often hire architects temporarily because this allows them to avoid paying architects when no work is coming in. Generally, therefore, employment contracts between architects and their employers only run to the end of a building project (Bulungu, Order of Architects, Kinshasa, February 2017).

It is important to highlight that some employers hire informal employees by using conventional hiring procedures — selecting, screening, testing job candidates, and hiring the best one (Yakubovich and Lup 2006; Stewart 2016). In most cases, however, people hired in this way had no choice but to accept underemployment and downgraded job positions; the other option was to remain unemployed and poor. Lukunga, a trained computer scientist, was hired as a driver and described the pressures he experienced during the hiring process:

I was the only one who had a driving license. ... They tested and accepted me. ... They told me I would get U\$5 per day. ... No, there was no (written) contract. ... Between us, let's be clear, there is no match between a well-trained computer scientist and a driver for Chinese builders (Lukunga, driver, Ching Chong, Kinshasa, March 2017).

It should be observed here that although such employers followed conventional procedures of hiring employees, they failed to respect the legally encoded hiring procedures: 'hiring of a worker shall be subjected to a contract in writing and concluded for a fixed or indefinite period' (National Agency for the Promotion for Investment 2016). Here it seems inappropriate to argue that these employers preferred hiring Congolese through informal processes. As argued earlier, the National Order of Architects that was only created in December 2018 (Ordre National Des Architectes 2019) and the weakness of ONEM have thus far prevented the construction sector from being effectively regulated.

In such a context of institutional weakness, one might expect employers to use hiring procedures they consider best suited for their companies. Since each company seems free to follow any hiring procedure, it is not inconsistent to consider that labour market institutions have a large share of responsibility for these disorders. Theoretically, we have seen that the role of labour market institutions is to ensure harmonious regulation of the labour market (Peck 1996; Berg 2015). It should be noted that this principle does not apply here. It must also be added that the hiring procedures described above are so deeply anchored in the practices of the construction industry that it would be no small matter for labour legislation to change them.

### **10.3.2 Hiring in retail**

Findings from interviews with employees of Shoprite and New Sarah suggest that informants were often hired following formal procedures (see Table 12). However, outsourcers have a strong influence on hiring processes in this sector.

**Table 12: Hiring processes in the retail sector**

1. Pseudonym	2. Position	3. Hiring process	4. Type of employment	5. Company
<i>A) Cadres de direction ou de commande (Senior executives)</i>				
Kasumu	Manager	Transnational recruitment	Permanent	Shoprite
Kibali	Manager	Transnational recruitment	Permanent	Shoprite
Kayange	Manager	Transnational recruitment	Permanent	Shoprite
Kwenge	Lawyer	Employers' recruitment networks	Permanent	New Sarah
Kikimi	Manager	Employers' recruitment networks	Permanent	New Sarah
Miao	Manager	Employers' recruitment networks	Permanent	New Sarah
<i>B) Agents de maitrise (Routine supervisory, clerical and technical workers)</i>				
Lwabwe	Cashier	Contract with outsourcer	Temporary	New Sarah
Lwange	Customer attendants	Contract with outsourcer	Temporary	New Sarah
Idiba	Salesperson	Contract with outsourcer	Temporary	New Sarah
Lubudi	Supervisor	Contract with outsourcer	Temporary	New Sarah
Lufira	Customer attendant	Transferred to outsourcer	Temporary	Shoprite
Lubefu	Salesperson	Transferred to outsourcer	Temporary	Shoprite
Lumene	Salesperson	Transferred to outsourcer	Temporary	Shoprite

Lua	Salesperson	Transferred to outsourcer	Temporary	Shoprite
<i>C) Personnel d'exécution (Manual workers)</i>				
Bakali	Chef	Contract with outsourcer	Temporary	New Sarah
Mpukulu	Conveyer	Contract with outsourcer	Temporary	New Sarah
Bembezi	Security guard	Contract with outsourcer	Temporary	New Sarah

Table 12 show that 17 informants experienced four different processes of hiring in the retail sector. The first process was the transnational recruitment of managers: this meant that multinational companies or transnational entrepreneurs in Congo hire locals who are working or studying overseas and relocate them to back to Congo (see Pruthi and Wright 2017). All managers of Shoprite in Kinshasa experienced processes of transnational recruitment. All of them were, in fact, graduates of South African universities. Shoprite hired and sent them to open and manage its branch in Kinshasa (Kayange, Kibali, and Kayange, managers, Shoprite, Kinshasa, December 2016). Mr Kayange described the process as follows:

We studied in South Africa. All of us. Like, Ligbafu was at the University of Johannesburg, I was at the University of Cape Town. ... After three months of training (at Shoprite) in Cape Town ... we came to open here in 2012. ... They just wanted Congolese to work for them in Congo. Ultimately, it was a well-conceived strategy to send us here. (Kayange, a manager at Shoprite, Kinshasa, December 2016).

Unlike all other foreign-owned companies in this study, Shoprite (a South African company registered on the Johannesburg Stock Exchange with a presence in a growing number of African countries) has developed an exceptional labour allocation marked by the transnational transfer of managers, whereby all its managers in the DRC are Congolese. That transnational transfer allowed these managers to hire 156 Congolese as full-time permanent employees from 2012 to 2014. I argue that this is exceptional because the existing literature (Muller-Camen *et al.* 2001; Pruthi and Wright 2017) does not indicate another case of a multinational company that has transferred only natives (Congolese in this case) to manage its branch in their own country.

The second hiring process of interest here was that drawing on employers' recruitment networks. Here the intermeshing of strong social ties and Congolese elite employers' recruitment networks allowed some informants to be permanently hired as senior executives. This hiring process involved a degree of quid quo pro between some members of the Congolese elite and foreign employers. For instance, Kikimi indicated how mutual trust between some members of the Congolese elite and Indian employers' recruitment networks helped her to find a position at New Sarah. Kikimi's story shows

how using strong and weak ties can simultaneously influence both labour recruitment and hiring processes:

I studied in India. Okay! When I was in New Delhi, we had our small community. ... Well, after my studies, I returned to Congo. ... As it happened, while I was in my former job, a friend — the ex-adviser of that New Delhi community — came to visit me. ... It was he who introduced me to my new boss, as his father, Mr Mangbanga, is associated with the Indian business community (Kikimi, manager, New Sarah, Kinshasa, June 2017).

Another manager at New Sarah, Mr Miao, son of a powerful Congolese politician, told me how his father's influence played a key role in his hiring.

When I came back from India . . . my father placed me at BIAC.<sup>27</sup> Unfortunately, BIAC had problems. So I was again unemployed for three months. ... One day, my father told me that there was just the right position for me at New Sarah. ... The following day, the boss sent his driver to fetch me to start working (Miao, manager, New Sarah, Kinshasa, March 2017).

These descriptions show how strong and weak ties can work simultaneously during hiring processes. They also evidence of the continuing encroachment of non-market actors (like politicians), with its corollaries in the remaking of the Congolese labour market. They validate how unlawful hiring practices in the public sector are reflected at the company level where patron-client networks facilitate these processes.

In a third processes of hiring, informants signed employment contracts with outsourcers. Some outsourcers obliged job candidates to pay fees for job applications. This echoes an ONEM report (Office National de l'Emploi 2015b) which denounced private job placement services for taking fees from job candidates. On top of that, most of these informants felt forced to agree to being underemployed against their will. Idiba, a graduate in international relations whom an outsourcer assigned to the post of salesman

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<sup>27</sup> *La Banque Internationale de l'Afrique Centrale* (International Bank of Central Africa).

at New Sarah, argued that the practice of requiring job candidates to pay a fee is an organised swindle:

He (the outsourcer) asked me to pay US\$10 for application fees. It's the requirement of the agency. I took a week's training, but I didn't start working at that time. They told me I failed in the training. I had to redo the same process (meaning to pay another application fee and get trained again). ... That's how they perfectly scam poor jobless people (Idiba, salesperson, New Sarah, Kinshasa, April 2017).

The fourth process was the forced transfer of permanent employees into temporary outsourced employees. Four informants working at Shoprite experienced this themselves. In 2012 they signed up as full-time, permanent employees, only to find in 2014 that their employer had transferred them to an outsourcer. This outsourcer obliges them to renew their employment contracts every three months, deducts 10% from their monthly salaries, and is quick to fire employees (Lufira, customer attendant, Shoprite, Kinshasa, December 2016; Lubefu, Lumene, and Lua, salespersons, Shoprite, Kinshasa, January 2017). Lua recounted what happened:

When we started in 2012 there was no outsourcing. ... They [Shoprite managers] introduced an outsourcer in a malicious way. ... In reality, outsourcers come with their employees. But here, he (the outsourcer) came alone (Lua, salesperson, Shoprite, Kinshasa, January 2017).

According to the Shoprite managers Kasumu and Kayange, Congolese state authorities forced them to transfer full-time permanent employees to outsourcers. In fact, Kasumu argued,

we wanted to treat employees as they do it in South Africa. Unfortunately, we faced pressure from everywhere (Kasumu, manager, Shoprite, Kinshasa, December 2016).

Kayange added:

We hired them on a permanent basis when we started in 2012, but we were forced by authorities of the National Intelligence Agency, Generals of the

Army, Ministers' advisers to outsource them (Kayange, manager, Shoprite, Kinshasa, December 2016).

Although this pressure by Congolese authorities on outsourcing might be the truth, Kasumu's argument that Shoprite's Congolese hiring processes followed the South African Shoprite standards — which are based on full-time permanent employment contracts — is questionable. In fact, there is evidence that Shoprite makes a wide use of outsourced workers in a wide range of its locations: in South Africa (Webster 2005), Namibia (Mathekga and Maciko 2018), and Nigeria (Akanji 2016). Some journalists (Goko 2016; Maromo 2016) also cite Shoprite among key targets of the 2016 South African 'OutsourcingMustFall' movement, which provoked several strikes against the outsourcing practices in South Africa.

A close look at labour-hiring processes through outsourcers in the retail sector confirms that they were operating in this manner before Labour Act No. 17/001 of 8 February 2017 on Outsourcing in the Congo (République Démocratique du Congo 2017) was passed. Instead of acting as private intermediaries between employers and employees, private job placement services worked as outsourcers. As seen in Chapter Seven, Labour Minister Bahati chastised many private job placement services in 2015. There is no doubt, thus, that hiring processes that occurred through outsourcers before the promulgation of the 2017 Labour Act had no legal grounding.

Overall, transitional labour allocation, mixing strong and weak ties, illegal outsourcing, and the transferral of permanent employees to outsourcers are the main current hiring processes in the retail sector. While transitional labour allocation and the use of a mixture of strong and weak ties facilitated the hiring of informants as managers, outsourcing led employees into unfair hiring processes. As we see in the next section, these practices also existed in the telecommunications sector.

### **10.3.3 Hiring in the telecommunications sector**

Interviews with 23 persons (see Table 13) indicate that the telecommunications sector shows correlations between finding information about job opportunities and patterns of labour allocation. The more job seekers found information about job opportunities through conventional channels, the higher was the likelihood that they were hired

permanently by signing a labour contract directly with an employer. Conversely, the more the information on jobs was found through unofficial pathways, the higher the likelihood that job seekers were outsourced or hired as temporary employees. This study also finds that several international and national socioeconomic, organisational, and technological factors have reduced the influence of returned migrants' supply networks in the domain of telecommunications since the 2000s.

**Table 13: Hiring processes in the telecommunications sector**

1. Pseudonym	2. Position	3. Hiring process	4. Type of employment	5. Company
<i>A) Cadres de direction ou de commande (Senior executives)</i>				
Lopori	Senior IT executive	Conventional hiring process	Permanent	Yugphone
Tuana	Senior HR executive	Transfer through alliance	Permanent	Mzansiphone
Maringa	Senior HR executive	Transfer through alliance	Permanent	Yugphone
<i>B) Cadres de collaboration (Junior executives)</i>				
Rukozizi	Junior marketing executive	Conventional hiring processes	Permanent	Wangphone
Maheshe	Junior marketing executive	Conventional hiring processes	Permanent	Yugphone
Lopori	IT executive	Conventional hiring process	Permanent	Yugphone
Monzi	Junior marketing executive	Conventional hiring process	Permanent	Mzansiphone
Luenda	Junior HR executive	Campus recruitment	Permanent	Mzansiphone
Virunga	Engineer	Student scholarship	Permanent	Mzansiphone
Burnett	Engineer	Student scholarship	Permanent	Mzansiphone
Tele	Engineer	Student scholarship	Permanent	Mzansiphone
Dany	Engineer	Transfer to outsourcer	Temporary	Yugphone
Rubi	Engineer	Transfer to outsourcer	Temporary	Wangphone

Okapi	Engineer	Transfer to outsourcer	Temporary	Yugphone
Chris Kwa	Engineer	Transfer to outsourcer	Temporary	Yugphone
Mongala	Engineer	Transfer to outsourcer	Temporary	Wangphone
<i>C) Agents de maitrise (Routine clerical, supervisory, and technical workers)</i>				
Bangwelo	Clerk	Conventional hiring process	Temporary	Yugphone
Bomokandi	Marketer	Conventional hiring process	Temporary	Mzansiphone
Bili	IT supervisor	Conventional hiring process	Temporary	Yugphone
Arwimi	Marketer	Contract with outsourcer	Temporary	Wangphone
Debeila	Marketer	Contract with outsourcer	Temporary	Mzansiphone
Andries	Salesperson	Contract with outsourcer	Temporary	Yugphone
Andries	Salesperson	Contract with outsourcer	Temporary	Yugphone
Apate	Call centre agent	Contract with outsourcer	Temporary	Wangphone
<i>D) Personnel d'exécution (Operational delivery workers)</i>				
Bangamelo	Freelancer	'Deceived by outsourcer'	Temporary	Wangphone
Busira	Freelancer	'Deceived by outsourcer'	Temporary	Mzansiphone
Bushimayi	Freelancer	'Deceived by outsourcer'	Temporary	Yugphone

Table 13 indicates that 27 informants were hired through six main processes. The first process consists of being directly hired by outsourcers. In the second, job candidates and employers follow conventional hiring procedures. In the third, permanent employees are transferred to outsourcers. In the fourth, a company hires students and grants them scholarships to study at a South African university. In the fifth, managers are transferred to a new company due to joint venture alliances with the former company. In the sixth, the company uses campus recruitments to select and hire graduated Congolese students. In what follows, I focus on factors leading to the transfer of engineers to outsourcers. I also highlight situations where outsourcers deceived employees to believe they were hired on the basis of long-term labour contracts by certain telecommunications companies.

As seen in the previous section, senior South African telecommunications managers preferred hiring Congolese engineers who had been trained in South Africa in the late 1990s and early 2000s. At that time, these engineers were hired as full-time permanent employees. However, they ended up being transferred to outsourcers for two interconnected reasons. Two engineers indicated that fast technological change and especially the introduction of automation led to this step in the early 2010s. The engineers had no choice in the matter: they had to accept becoming casual employees of outsourcers (Dany and Okapi, engineers, Yugphone, Kinshasa, January 2017). Dany had managed to negotiate himself a well-paid job in the early 2000s due to a scarcity of engineers in telecommunications at the time. The arrival of the Chinese Huawei company, which brought much cheaper sophisticated technologies into the Congo after 2010, that a number of other telecommunications companies — like Erickson, Siemens, and Alcatel — to leave the country. At the same time the telecommunications labour market became saturated with technicians and engineers, trained elsewhere in the world. This led to engineers with full-time permanent positions either to be transferred to outsourcers or to lose their jobs completely. Consequently, Dany noted regretfully, many engineers were now facing underpayment, underemployment, and the new vulnerability of the outsourcing sector (Dany, engineer, Yugphone, Kinshasa, January 2017).

Mr Maringa, a senior human relations executive at Yugphone, informed me that his company has often outsourced and downsized because of organisational issues (falling

profits), international financial issues (like the global economic crisis of 2008) or changes in company ownership (Maringa, senior HR executive, Yugphone, Kinshasa, June 2017). Mongala, an engineer at Wangphone, pointed out that several changes of ownership in his company led to the departure of the South African managers. As these were the managers who preferred Congolese engineers trained in South Africa, this change contributed to the collapse of the returned migrants' supply networks amongst Congolese engineers since the early 2010s (Mongala, engineer, Wangphone, Kinshasa, January 2017).

What is interesting to note is that changes in ownership and a deteriorating financial situation did not affect other telecommunications companies, such as Mzansiphone. This was because of some critical reasons. Mr Tuana, senior HR executive at Mzansiphone, explained how at his company engineers work in the Technical Department. The latter is one of the most important departments in the sector of telecommunication because it allows any telecommunications service provider to operate. As this is the heart of any functioning telecommunication company, employers generally only want to hire trusted high-tech employees here. For that reason, when there is an ownership change, new employers tend to bring with them their own engineers, replacing those of the former owners (Mr Tuana, senior HR executive, Mzansiphone, Kinshasa, July 2017). Mr Tuana's view corroborates what Gomes *et al.* (2013: 190) wrote about Vodacom, which sent its Congolese technicians and engineers to be retrained in South Africa when it opened its doors in the Congo in 1999. On the other hand, employers who maintain ownership of their companies tend to retain their trusted engineers and invest in upgrading their skills. Mzansiphone is a case in point, because its ownership has not been changed since the late 1990s (Tuana, senior HR executive, Mzansiphone, Kinshasa, July 2017). One of its engineers, Tele, indicated that he and his colleagues would not be panicked by outsourcing as long as their employers were still the same South Africans (Tele, engineer, Mzansiphone, Kinshasa, March 2017).

The trend to outsourcing has also, however, begun to show features of scamming and exploiting telecommunications workers. There is evidence that outsourcers deceive their employees to hold erroneous conceptions of their professional status. Thus three young women — Busira, Bushimay, and Bangamelo — worked as freelancers but told

me that they were permanent employees of their companies and had signed official contracts (Busira, freelancer, Mzansiphone, Kinshasa, February 2017; Bushimay, freelancer, Yugphone, Kinshasa, January 2017; Bangamelo, freelancer, Wangphone, Kinshasa, February 2017). An explanation by Maringa, a senior human resources manager at the company, confirmed my suspicion that there was something wrong going on here:

We've never hired a single *ambulant* (Maringa, senior HR executive, Yugphone, Kinshasa, June 2017).

Luenda, a junior HR executive at Mzansiphone, confirmed that this was a quite common practice used by outsourcers:

Outsourcers often deceive their employees. It happens like that in many companies (Luenda, junior HR junior executive, Mzansiphone, Kinshasa, July 2017).

### **10.3.4 Labour allocation in review**

Overall it is interesting to discern from the above that being hired and appointed through worker networks allows employees to position themselves better in the workplace. This does not mean job security because there are certain economic, professional, and organisational dynamics that can weaken these networks. What is more important is that the hierarchical ranks of these employees remained intact, but their working conditions deteriorated when they became outsourced employees.

In sum, this section has attempted to explain how Congolese employees are hired in the construction, retail, and telecommunications sectors. It has demonstrated that workers' supply networks allow engineers and architects to be hired through fixed-term contracts, to be paid well, and to enjoy favourable working conditions in the construction sector. These engineers and architects created a professional enclave which helped them during hiring processes. People who did not belong to that professional enclave, such as working-class employees, were more exposed to unlawful hiring processes.

The retail sector presents different patterns. Some managers were appointed through transnational labour allocation processes; others used a mixture of strong and weak ties during their hiring processes. In the telecommunications sector changes of ownership

seriously affected the hiring of professionals. A particularity of this sector is that employees at the bottom of the wage scale bear the burden of outsourcing.

This examination also shows the usefulness of Peck's notion of labour incorporation and allocation, which postulates that, in addition to human capital, employers'/workers' networks, labour market institutions, and state actions play an important role in employee recruitment and hiring processes. As the data above shows, these factors played a significant role in hiring procedures of Congolese employees. In the specific context of the post-war Congolese labour market, the recourse to the different networks varies according to an employee's social class or socio-professional category. The data shows that the more an employee belongs to a powerful professional, political, or family network, the more he or she is likely to be hired in an interesting position in his/her company. Finally, the findings also nuance Granovetter's dualism by demonstrating how strong ties and weak ties can be simultaneously effective during hiring processes.

#### **10.4 Conclusion**

This chapter analysed the insertion of Congolese employees into the Congolese private sector, particularly in companies owned by South African, Indian, and Chinese interests in the construction, retail, and telecommunication sectors. The chapter has argued that most Congolese employees faced difficulties during their integration into the labour market due to high levels of irregularity in the recruitment and hiring processes. To flesh out this argument, the chapter developed three key sub-arguments.

First, it used Peck's notion of labour incorporation to argue that most Congolese employees found information about job opportunities through informal rather than formal processes. Equally important, it showed that many employers did not follow the Congolese legal procedures in advertising job vacancies. Drawing on Granovetter's concept of weak and strong ties, the chapter has shown that informants generally used strong ties rather than weak ties in finding jobs. Yet in some job search processes these ties were not mutually exclusive. The chapter highlighted the use of employers' recruitment networks and workers' supply networks as important strategies for finding interesting job positions. It also demonstrated that transnational labour allocation of managers might be one exceptional feature of hiring processes in the Congolese labour market.

Importantly, the chapter shed some light on the paradox around the continued use of informal means during recruitment and appointment processes despite the founding of ONEM. In theory, ONEM was supposed to regulate or even solve problems related to the professional integration of Congolese in the private sector labour market. In practice, it has failed to check the perpetuation or escalation of informality in labour market processes of incorporation and allocation. Nevertheless, the chapter has acknowledged that ONEM is a new institution that faces serious challenges due to the political, economic, administrative, and sociocultural environment of the DRC. All these problems, which prevent it from working better, have unfortunate repercussions on jobseekers. Many of the latter are either victims of precarious jobs, or at the mercy of ruthless outsourcers.

Second, the chapter has argued that few informants were able to find full-time permanent jobs. It demonstrates that outsourcers have shaped the hiring processes of many part-time employees. Full-time permanent employment usually resulted from employer/worker supply networks. Worker supply networks emerged as the best way of being formally hired for two reasons. On the one hand, they helped employers find suitable job candidates quickly and appointed them in labour positions matching their ability. In such circumstances, employees were able to negotiate better employment contracts. On the other hand, worker supply networks protected their members against labour market competition by creating professional enclaves.

Third, the chapter made it clear that the match between employees' profiles and their jobs varies according to the skills required in a given sector and/or the fact of belonging to employers/employees' networks. It has been shown that the more employees possess desirable skills in companies, the more they hold jobs corresponding to their human capital. Engineers, architects, and technicians are placed in job positions corresponding to their profiles in the construction and telecommunications sectors. We saw how belonging to networks very close to employers allowed certain employees to be positioned as executives in retail companies. Nevertheless, the vast majority of Congolese employees found themselves in the situation of underemployment, for fear of the alternative of unemployment.

Beyond this, the chapter contributed to the existing literature on employees' integration into the labour market. It highlighted some special ways in which some people in the Congo were integrated into the post-war labour market. It also challenged Granovetter's theory that there are clear boundaries between weak ties and strong ties in job search processes to show that these ties can mutually interact with one another. In addition, it showed that employers can initiate and lead processes of advertising job vacancies by directly contracting needed employees in their companies. Finally, the chapter demonstrated that the establishment of national employment services of placement to improve access to jobs is not necessarily synonymous with contributing to the reconstruction of the labour market in a post-war context. As long as these services remain weak, they appear as white elephants — useless in a post-war labour market. The case of the Congo sufficiently shows how ONEM exposes its weaknesses in relation to its objectives, and is unable to help either employers or jobseekers.

## **CHAPTER ELEVEN: GENERAL CONCLUSION**

This chapter summarises the conclusions of the empirical chapters and reviews the specific arguments of this thesis. In doing so, it puts key arguments into conversation and attempts to demonstrate some empirical contributions to sociology offered by this thesis. Finally, it advances a broad perspective for further study of post-war labour market reconstruction.

### **11.1 Reviewing Thesis Arguments**

This thesis offered an account of the processes involved in the reconstruction of the post-war Congolese labour market and the main actors involved in these processes following the 1998–2002 Congolese war. The main argument of the thesis is supported by five sub-arguments.

The main argument is that the Congolese labour market experienced a long period of post-war reconstruction, marked by delays and/or poor implementation of labour market policies. Drawing on Peck's theory of labour market social regulation, the thesis asserts that this process was shaped by a comprehensive range of dynamics relating to the international system, local politics, state governance, and conflicting interests of the actors involved. This main argument is supported by five specific arguments.

The first specific argument is that the current situation of the Congolese labour market needs to be understood in relation to its history and that there are both continuities with and ruptures from past realities. Chapter Five gives an historical account of the way in which the dynamics of the international system, different political regimes of the Congo and power relations inside these regimes have shaped the Congolese labour market through history. The chapter shows that Leopold II instituted and regulated a cruel labour force regime in the Congo from 1885 to 1908 that was put to an end by the international community. This led to the implementation and regulation of a dual labour market regime in the Belgian Congo from 1908 to Congo's independence in 1960. The international context of the Cold War, marked by ideological conflict between capitalism and communism, influenced three secessions and rebellions in the 1960s which divided the country into four and created separate labour markets. The Congolese government led by the President Joseph Kasa-Vubu (1960–1965) and then under

General Mobutu (1965–1997), backed by its capitalist allies, won these armed conflicts, reunified the Congo and reconstructed it as well as its labour market. President Mobutu’s early political, economic, and labour market reforms ameliorated the labour market until 1974, though they did not manage to remove the persistence of colonial anti-trade unionist sentiments. In addition, labour discrimination practices evolved from a colour-bar labour market during colonialism to a labour market marked by politicisation, ethnicity, and the unlawful involvement of non-market actors. The Congo experienced an escalating deterioration from 1973 until the collapse of the Mobutu regime in 1997. President L. D. Kabila was unable to reconstruct the labour market after the 1996–1997 war but rather maintained and aggravated a ‘Mobutist labour market’ due to his autocratic regime and 1998–2002 war. The historical legacies that persist into the period after the 1998–2002 war are spelled out in Chapters Six, Seven, Eight, Nine and Ten, which bring to the fore the persistence of many unfair labour market practices inherited from the colonial period and/or the post-independence regime of Mobutu.

The second specific argument is that actions of the post-war Congolese state have been too slow-paced and poorly implemented to facilitate the desired post-war Congolese labour market reconstruction. Chapter Six argues that the neoliberal policies of post-war rebuilding imposed on the DRC by the international community, and the power-sharing transitional regime from 2003 to 2006, made it difficult for the labour market to function properly. It led to the legally sanctioned politicisation of the labour market that prevented the implementation of any labour market reforms during this period. The situation did not improve in the period 2007 to 2011 of imbalanced power relations within the Congolese political class. From 2011 the Congolese government proceeded, slowly and uncertainly, with implementing some labour reform, such as introducing the *bancarisation* policy in 2013. However, procedural flaws, poor bureaucracy, and administrative crawl made the implementation of these reforms difficult. In 2015 representatives of the Congolese government and its international partners publicly admitted that much more needed to be done. Overall, thus, the reconstruction of Congo’s labour market has lagged since the end of the 1998–2002 war. This argument is supported by the statistical data on the Congolese labour market which show that there are some challenges which affect the reconstruction of labour market in post-war period.

Chapter Six draws on Peck's argument that the labour market is above all a political construction. This explains the Congolese state's cumbersome progress in reconstructing the post-war labour market. This argument comes up again in Chapters Eight and Nine when considering the lengthy process around the implementation of a minimal wage policy.

The third specific argument is made in Chapter Eight that examines the role of labour market institutions in assisting with the reconstruction of the post-war Congolese labour market. The chapter points to a set of political factors that prevented these institutions from contributing to the reconstruction of the labour market in a strong and sustained manner, especially during the period of the transitional government from 2003–2006. It shows that Congolese corruption, weak public administration, and a neopatrimonialist state prevented labour market institutions from leading an effective recovery. Chapter Eight also points to non-market actors as among the main constraints on labour market institutions.

Chapter Nine puts forward the fourth specific argument of this thesis, related to the contribution of the private sector in the rebuilding of the labour market. It provides an account of the struggle between employer organisations and unionists in the country since the colonial period. It demonstrates that employer organisations have always adopted strategies to retain the state as their ally in order to ensure the labour market would work in a manner that facilitated their interests. Although they created jobs, they also aimed to exploit the workforce for their business purposes (for which Chapters Five and Six also give evidence). The exploitation of workers has always persisted in the Congo, even though changing labour market regimes (as also shown in Chapters Five, Six, and Ten). The organisation that should have and claimed to have helped workers in this situation, the FEC, simultaneously prevented the execution of measures taken in favour of workers (evidence also in Chapter Eight). It was able to do so because of support granted by heavyweight Congolese politicians. The FEC was, thus, quite futile to assist dealing with the misfortune of workers. The Congolese labour market has also always been less than favourable for unionism. Unions fight against a two-headed enemy, an alliance of state and employers. In the post-war period, a set of basic themes continues from the past: abuse by politicians and employers, the proliferation of bogus unions, high levels of unemployment, and, above all, a lack of trust in unions by its own

members. Nevertheless, Chapter Nine shows that unions tried to contribute to the democratisation of the labour market in the post-war period, though they remained limited by the conditions in the country. Drawing on Peck's notion of the labour market as a fighting arena, the chapter argues that unionists in the private sector were struggling to make a difference in the process of rebuilding the post-war labour market.

The fifth specific argument is made in Chapter Ten. It deals with the insertion of Congolese employees into the private sector labour market and focuses on private sector companies under South African, Indian, and Chinese ownership operating in the construction, retail, and telecommunications sectors. Using Peck's notion of labour incorporation and allocation, the chapter shows that most Congolese employees collected information about job opportunities through informal processes. The chapter also employed Granovetter's concept of weak and strong ties to show that Congolese employees had more recourse to strong ties than weak ties. The chapter reveals that many employers did not comply with the law when failing to advertise job vacancies through ONEM. It thus uncovered an inconsistency between the existence of ONEM and the persistence of informal hiring processes. The chapter demonstrated that ONEM's weaknesses and failure to play its role provided room for the continuation and intensification of these informal processes. Finally, the chapter found that the companies under consideration rarely matched jobs to employees. Employees therefore had to accept underemployment as strategy to escape unemployment. Since 2011, full-time permanent jobs became scarce in the retail and telecommunications sectors because of the effects of outsourcing and changes of ownership in some companies. Most Congolese employees therefore face enormous problems in integrating into the post-war Congolese labour market.

## **11.2 Empirical and Theoretical Contributions**

The thesis contributes to studies of labour markets and sociology in six ways.

First, it contributes to studies on post-war labour market reconstruction by focusing on the Congolese labour market in the period since independence, and intensively since the 1998–2002 war. It provides evidence that labour issues were detonating devices of two intense periods of warfare, 1960–1964 and 1998–2002 respectively. It paid particular attention to the similarities of these two wars: both led to a fragmentation of the labour

market and in both international dynamics (the Cold War in the 1960s and neoliberalism and globalisation in the new millennium) played a strong role on its post-war recovery.

This thesis thus supplies additional empirical evidence to the extant literature that points to the influence of capitalist-versus-socialist ideologies on the labour market reconstructions during the Cold War (Solimano 2000; Yokoi 2004; Del Castillo 2008; Sorel *et al.* 2008; Girod 2015: to name a few ). This applies equally to the literature focusing on the post-Cold War period (Beasley 2006; Date-Bah 2006; Cramer 2008; Kisekka-Ntale 2012; Izzi 2013).

Second, the thesis also establishes that the history of the Congolese market shows the continuity and discontinuity of the legacy of the past in post-war labour market reconstruction. Thus some features of the current Congolese labour market reproduce the forced labour regime under Leopold II (1885–1908), the dual labour market of the Belgian Congo (1908–1960), the fragmented labour market during the Cold War (1960–1965), the turbulent labour market during the Mobutist (1965–1997) and Kabila, and the second fragmented labour market during the war of 1998–2002.

It should be recalled that I was unable to find any studies that examined the remaking of post-war labour markets showing connections between the past and the present labour market behaviours and examining both the public and private sectors of the Congolese labour market. The extant research looked at the public administration (Moshonas 2014, 2018, 2019; Muzong 2008; Trefon 2010, 2011) and the informal sector (Segatti 2015).

The third contribution of this thesis is on the impacts of power sharing and labour market. The thesis demonstrates how the legalised politicisation of the labour market, through the Pretoria Agreement and the new constitution of 2003, had adverse repercussions. The thesis highlighted in particular the multiplication of chains of command, the blockages of reforms for the public and private sectors, and the conflicts between existing labour laws and the constitution of the transition (2003–2006).

The thesis also focused on other repercussions such as the perpetuation and aggravation of unfair practices inherited from the past. Here, the thesis goes beyond the extant literature by highlighting the legal aspect of this politicisation of the labour market. It sheds light on the way in which legal politicisation allowed politicians to act unfairly

and, moreover, to justify the legality of their unfair actions in the labour market. Although politicisation of the labour market is often decried as illegitimate or even illegal, this thesis has brought into the literature a discussion of what would constitute the legitimate and legal aspect of politicisation.

Fourth, the thesis has provided evidence for how the activities by non-market actors harmed the rebuilding of the labour market. It has been shown that from Mobutu's Zaire to the present, these actors exerted destabilising influences on the daily activities of the labour market. This thesis has broken new ground in exposing how their entry into labour market institutions disrupted the functioning of the market, and consequently its post-war reconstruction.

Fifth, one of the most important contributions of this thesis is its analysis of the contribution of the private sector to the post-war reconstruction of the labour market, in particular the identification of the struggle between employer organisations and unions. The analysis of this struggle offers the current literature a clear and precise picture of the almost unlimited capacity of unions and employer organisations to disrupt the Congolese labour market. Their unfair conflict and frantic pursuit of self-interest exposed workers to all sorts of misdeeds in the labour market.

Last, another contribution of this thesis is the fact that workers' networks have implicitly substituted for the employment structures. This substitution is due to the weakness of the mandated institutions to play this role in the Congo. The thesis thus adds to the literature on the roles of worker networks in hiring processes the important aspect of how the activities of these worker networks confirm the weakness or lack of institutional structures. The informal replacement of labour market institutions by workers' networks has not been seen yet in the literature of the post-war labour market.

From a theoretical perspective, it is important to underline that the links that are visible in the Congolese labour market between the past and the present were in line with Peck's argument that labour markets are historically constructed and embedded. This thesis then goes beyond Peck's position by showing that the Congolese labour market has been historically constructed before wars, wrecked during wars, and reconstructed after wars. Here, let me expand Peck's precepts by postulating as follows. In abstract terms, it could be stated that labour markets are not only socially, politically, and

historically constructed, but also destructed and reconstructed in specific ways. In other words, labour markets are in perpetual movements of structuration and deterioration, or explosion and restructuration. Simply put, labour markets can be made before wars, unmade during wars, and remade after wars, and this for a succession of wars.

It is important to highlight that this thesis has shown the need for studies of post-war labour market reconstruction. Its modest contributions to Congolese labour market studies and to sociology cannot be complete: indeed, it has been difficult to capture and do justice to all details related to the post-war Congolese labour market. Nevertheless, a window remains open for further studies to deepen what this thesis may only have begun to sketch. The following section offers some lines of research to consider in the future.

### **11.3 Future Direction**

Further studies of the Congolese labour market could take up the following three questions. First, as a geographical unit, the Congo is but one specific context in which to study post-war labour market reconstruction. It is worth considering conducting studies in other post-war countries, that would then allow comparative analyses.

Second, the choice of Kinshasa as the terrain of investigation greatly helped to obtain a greater understanding of the actions of the Congolese government and key labour market institutions. Further research that includes other regions and sectors of employment could widen and deepen the understanding of the Congolese situation and add some important developments in this area of sociology.

Third, the weakness of the Congolese state vis-à-vis private companies and the FEC body, which causes regulatory dilemmas in the Congolese labour market, necessitates investigative research to unearth hidden and illegal practices. This runs hand in hand with the need to examine the controversies that have marked the legalisation of outsourcing.

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# APPENDICES

## APPENDIX 1: ETHICS CLEARANCE



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

Faculty of Humanities  
Research Ethics Committee

31 October 2016

Dear Prof Bonnin

**Project:** Post-war labour market reconstructions: The case of the Democratic Republic of the Congo  
**Researcher:** SJCKM Inaka  
**Supervisor:** Prof DR Bonnin  
**Department:** Sociology  
**Reference number:** GW20161004HS

Thank you for the application that was submitted for ethical consideration.

I am pleased to inform you that the above application was **approved** by the **Research Ethics Committee** on 27 October 2016. Data collection may therefore commence.

Please note that this approval is based on the assumption that the research will be carried out along the lines laid out in the proposal. Should the actual research depart significantly from the proposed research, it will be necessary to apply for a new research approval and ethical clearance.

The Committee requests you to convey this approval to the researcher.

We wish you success with the project.

Sincerely

PS

**Prof Maxi Schoeman**  
**Deputy Dean: Postgraduate Studies and Ethics**  
**Faculty of Humanities**  
**UNIVERSITY OF PRETORIA**  
**e-mail:tracey.andrew@up.ac.za**

Kindly note that your original signed approval certificate will be sent to your supervisor via the Head of Department. Please liaise with your supervisor.

**Research Ethics Committee Members:** Prof MME Schoeman (Deputy Dean); Prof KL Harris; Dr L Blokland; Dr R Fasselt; Ms KT Govinder; Dr E Johnson; Dr C Panebianco; Dr C Puttergill; Dr D Reyburn; Prof GM Spies; Prof E Taljard; Ms B Tsebe; Dr E van der Klanshorst; Mr V Sithole

## APPENDIX 2: RESEARCH AUTHORISATION FROM THE DEPARTMENT OF LABOUR

REPUBLIQUE DEMOCRATIQUE DU CONGO



VICE-PRIMATURE  
MINISTÈRE DE L'EMPLOI, TRAVAIL  
ET PRÉVOYANCE SOCIALE

SECRETARIAT GÉNÉRAL DE L'EMPLOI  
ET DU TRAVAIL

*La Secrétaire Générale*

AUTORISATION DE RECHERCHE N° 22/VPM/METPS/SGET/01/2016

Je soussignée, **Angélique INZUN OKOMBA**,  
Secrétaire Générale à l'Emploi et au Travail, autorise par la  
présente Monsieur **Saint José INAKA**, étudiant doctorant  
en Sociologie de l'Université de Pretoria, à effectuer sa  
recherche auprès de nos services et recueillir toutes les  
données disponibles en rapport avec l'objet de son étude.

Fait à Kinshasa, le 15 JUIL 2016



Immeuble Ministère de l'Emploi, du Travail et de la Prévoyance Sociale, 1<sup>er</sup> Niveau, - Aile droite - Local n° 5  
Boulevard du 30 juin B.P. 5049 Kinshasa/Gombe

**(ENGLISH VERSION)**

DEMOCRATIC REPUBLIC OF THE CONGO

Office of Deputy Prime Minister

Department of Employment, Labour And Social Security

General Secretariat of Employment and Labour

The General Secretary

**Research Authorisation No. 22/VPM/METPS/SGET/ 01/2016**

I, Angélique OKOMBA INZUN, the General Secretary of Labour, hereby allow Mr Saint José INAKA, doctorate student in Sociology at the University of Pretoria to conduct his research in our services and to receive all available data linked to the research objectives.

Done at Kinshasa, 15 July 2016

Angélique OKOMBA INZUN

### APPENDIX 3: RESEARCH AUTHORISATION FROM THE CONGOLESE BUSINESS FEDERATION

**FEC**



**Fédération des  
Entreprises du Congo**

Kinshasa, le 03 JUIL 2016

A Monsieur le Chef de Département  
de Sociologie de l'Université de  
Pretoria  
Email debby.bonnin@up.ac.za

*L'Administrateur-Délégué*

N/REF.: DJSF/CKN/F. 0920/2016  
V/REF.:

Concerne : Autorisation accordée à Monsieur Saint José INAKA en vue de recevoir des informations/FEC

Monsieur le Chef de Département,

Nous accusons bonne réception de votre lettre de demande d'autorisation de recherches du 22 juin 2016 et vous en remercions.

A ce jour, la Fédération des Entreprises du Congo, « FEC » en sigle, autorise Monsieur Saint José INAKA, doctorant en sociologie (numéro d'étudiant : 12284808) à l'Université de Pretoria, à faire ses recherches auprès de notre Institution et à recevoir toutes les informations relatives à l'intitulé de sa thèse de doctorat à devenir, « Post-war labour market reconstructions : The Case of Democratic Republic Of the Congo ».

Veuillez agréer, Monsieur le Chef de Département, l'expression de notre considération distinguée.

*KIMONA BONONGE*

*« Bâtir ensemble »*

Kinshasa : 10, Avenue des Aviateurs - Commune de la Gombe / Kinshasa - République Démocratique du Congo  
B.P. 7247 Kin 1 - Téléphone : (+243) 81 248 89 09 - E-mail : feccongo2@yahoo.fr - fec@fec-rdc.com  
Lubumbashi - Kisangani - Bukavu - Mbandaka - Matadi - Kananga - Mbuji-Mayi - Kikwit - Gorra - Kindu

IDENT. NAT. A 16217 C

**(ENGLISH VERSION)**

Congolese Business Federation

Kinshasa, the 13th July 2016

To Mr (sic) the Head of Department of  
Sociology of the University of Pretoria  
Email: debby.bonnin@up.ac.za

The Chief Executive Officer

Reference Number: DJSF/CKN/F. 0920/2016

Subject: Granted authorisation to Mr Saint José INAKA in order to get information/FEC

Dear Mr the Head of Department,

We acknowledge receipt your letter about the demand research authorisation of the 22nd June 2016 and we thank you indeed. To date, '*Fédération des Entreprises du Congo* (Congolese Federation of Companies) 'FEC' in abbreviation, allows Mr Saint Jose INAKA, DPhil student in sociology (student number 12284808) at the University of Pretoria, to conduct his research within our institution and to receive all information related to his thesis 'Post-war labour market reconstructions: The case of Democratic Republic of the Congo'.

Please accept, Dear Mr the Head of Department, the expression of our consideration.

Kimona Bononge

The Chief Executive Officer

'Building together'

Kinshasa: 10, Avenue des Aviateurs – Commune de la Gombe/Kinshasa – République  
Démocratique du Congo Post

Box: 7247 Kin 1 – Telephone: +243812488909 – Email: fecongo2@yahoo.fr -  
fec@fec-rdc.com

## APPENDIX 4: RESEARCH AUTHORISATION FROM SHOPRITE



14th July 2016

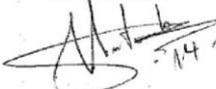
To the head of department: sociology  
From university of Pretoria

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This is to acknowledge to head of the department that the student **SAINT JOSE INAKA (STUDENT NUM: 12284808)** From the University of Pretoria has received an authorisation to do research in our business (super market); there for all information that will be submitted to you regarding Shoprite DRC is here declared right.

**FROM THE HEAD OF SHOPRITE**

Lionnel MUTOMBO  
lionnelmutombo@gmail  
Sales manager

  
14 July 2016

## APPENDIX 5: RESEARCH AUTHORISATION FROM SOCIETE NEW SARAH

# SOCIETE NEW SARAH/Sa

N0 RCCM : CD/KIN/RCCM/14-B-3078 ID.NAT. 01.910-N40090 P

Kinshasa, le 20/07/2016

A Monsieur Saint José INAKA  
à  
Kinshasa/Gombe

Objet : Autorisation accordée en vue de recevoir  
des informations au sein de notre Société

Monsieur,

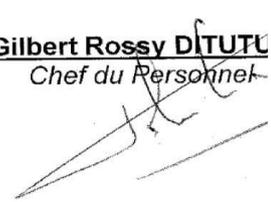
Nous accusons bonne réception de votre lettre venant de la FEC pour recevoir des informations liées à votre recherche de travail et vous en remercions.

Nous marquons notre accord de principe vous permettant de passer chaque fois y a une préoccupation rapport avec votre recherche.

Veillez agréer, Monsieur, l'expression de sentiments distingués.

Pour la Société

**Gilbert Rossy DITUTU**  
Chef du Personnel



**(ENGLISH VERSION)**

**SOCIETE NEW SARAH/SARL**

NO RCCM: CD/KIN/RCCM/14-B-3078 ID. NAT. 01.910-N40090P

Kinshasa, the 20th July 2016

To Mr Saint José INAKA At

Kinshasa/Gombe

Subject: Approved authorisation in order to receive information within our company

Dear Sir,

We acknowledge the good receipt of your letter coming from the FEC in order to receive information related to your research and we thank you indeed.

We agree in principle by allowing you to come every time there is a concern related to your research.

Your sincerely

For the company

Gilbert Rossy DITUTU

-- \_ --

## **APPENDIX 6: LETTER OF INFORMED CONSENT TO RESEARCH PARTICIPATION**

Dear Sir/Madam

I am Saint José INAKA, a doctorate student in Industrial Sociology and Labour Studies at the University of Pretoria. For the fulfilment of doctorate degree, I am conducting a research titled:

*'Post-war labour market reconstructions: The case of the Democratic Republic of the Congo'.*

### **Aims of this research**

This research aims to shed light on the role that Congolese state, private companies, trade unions, NGOs, labour organisations, etc. play in the restructuring of post-war Congolese labour market. My second aim is to understand how private sector employees in the DRC experience labour incorporation and allocation.

Therefore, I would like you to participate in this research because you are one of the persons who can inform me more on my research and contribute to increased knowledge on labour market realities in Sociology.

### **Informant's participation in this research**

First and foremost, I would like to guarantee you that your confidentiality and anonymity in this research and in any presentations or publications will be protected and respected. Your identity (name, job positions, or institutions) will remain anonymous. Your personal information and participation will be secured and kept especially for the use of this research only and will not be accessible to anyone. This also means that the University of Pretoria will safely keep all raw data of this research for 15 years.

In addition, you are free to participate or not and to withdraw your participation at any stage. Finally, I would like to ask your permission to tape record our interview. Therefore, if you wish to participate, please sign the attached informed consent form.

For more information, you are welcome to contact my supervisor and/or me.

**Researcher Contact:**

Name: Saint José INAKA

Contact: 0835116387 (Pretoria);  
09998838018 (RDC)

Email: [stjoeinaka@gmail.com](mailto:stjoeinaka@gmail.com)

**Supervisor Contact:**

Research Supervisor: Professor Debby Bonnin

**(FRENCH VERSION)**

*Cher Monsieur / Chere Madame*

*Je suis Saint José INAKA, doctorant en sociologie industrielle et sciences du travail à l'Université de Pretoria. Pour l'obtention du doctorat, je mène une recherche intitulée:*

*Reconstitutions du marché du travail après la guerre: le cas de la République Démocratique du Congo.*

***Le But de Recherche***

*Cette recherche veut d'apporter la lumière sur le rôle que l'État congolais, des entreprises privées, des syndicats, des ONG, des organisations des employeurs, etc. jouent dans la restructuration du marché du travail congolais d'après-guerre. Mon deuxième objectif est de comprendre comment les employés du secteur privé en RDC vivent l'insertion et l'embauche. Par conséquent, j'aimerais que vous participiez à cette recherche car vous faites partie des personnes qui peuvent me renseigner sur ma recherche et contribuer à accroître les connaissances sur les réalités du marché du travail en sociologie.*

***Participation de l'informateur à cette recherche***

*Tout d'abord, je voudrais vous garantir que votre vie privée et votre anonymat dans cette recherche et dans toutes les présentations ou publications seront protégés et respectés. Votre identité (nom, postes ou institutions) restera anonyme. Vos informations personnelles et votre participation seront sécurisées et gardées et ne seront accessibles à personne. Cela signifie également que l'Université de Pretoria conservera cette recherche pendant 15 ans. De plus, vous êtes libre de participer ou de retirer votre participation à n'importe quel stade. Enfin, j'aimerais vous demander la permission d'enregistrer notre entrevue. Par conséquent, si vous souhaitez participer, veuillez signer le formulaire de consentement éclairé ci-joint.*

*Pour plus d'informations, s'il vous plaît contactez mon superviseur et / ou moi.*

*Contact chercheur:*

*Nom: Saint José INAKA*

*Contact: 0835116387 (Pretoria); 09998838018 (RDC)*

*Email: stjoeinaka@gmail.com*

*Contact superviseur:*

*Directeur de recherche: Professeur Debby Bonnin*

## **APPENDIX 7: INTERVIEW SCHEDULE FOR EXECUTIVES OF THE DEPARTMENT OF LABOUR**

Hello sir/madam!

I would like you to answer to questions on the Congolese labour market institutions' roles in the Congolese post-war labour market reconstructions. You are entirely free to answer or not to any question.

### **Introduction**

1. Can you succinctly describe your institution and tell me its main roles?

### **Congolese state and Labour Department**

2. How does your institution appreciate actions that the Congolese state has taken to reconstruct labour market since the end of the Congolese war of 1998–2002?
3. What specific actions has the Department of Labour taken to reconstruct labour market in the private sector?
4. How does the Department of Labour evaluate its actions?
5. What kind of difficulties do you often meet while implementing these policies?

### **Labour Department and labour insertion of Congolese employees into private companies**

6. What is the Labour Department's view about recruiting and hiring processes in private companies?
7. What does the labour Department think about the ways these companies informing on job vacancies?
8. How does the Labour Department assist the Congolese job seekers in their hiring processes?
9. What kind of problems do Congolese meet in these processes in these companies?
10. What kind of issues do employers in these companies meet while hiring Congolese employees?
11. For which reason these employers follow (or not) labour legislation on hiring processes for the Congolese?

**End of interview**

12. Do you have something to say which may be very helpful for my research?

Thank you very much!

**(FRENCH VERSION)**

Salut madame/monsieur !

Je voudrais que vous répondiez aux questions sur les rôles des institutions congolaises du marché du travail par rapport aux reconstructions ce marché en période d'après-guerre. En effet, si vous sentez que vous ne pouvez pas répondre à une quelconque question, dites-moi de la passer.

**Introduction**

1. Pouvez-vous décrire succinctement votre institution et me dire quels sont ses principaux rôles?

**Etat congolais et le Ministère du travail**

2. Comment votre institution apprécie-t-elle les mesures prises par l'État congolais pour reconstruire le marché du travail depuis la fin de la guerre du Congo, 1998–2002?

3. Quelles actions spécifiques le ministère du Travail a-t-il entreprises pour reconstruire le marché du travail dans le secteur privé ?

4. Comment le ministère du Travail évalue-t-il ses actions ?

5. Quel genre de difficultés rencontrez-vous souvent lors de la mise en œuvre de ces politiques ?

**Département du travail et insertion professionnelle des employés congolais dans des entreprises privées**

6. Quel est l'avis du Département du travail sur les processus de recrutement et d'embauche dans les entreprises privées ?

7. Que pense le Département du travail de la manière dont ces entreprises informent sur les offres d'emploi ?

8. Comment le Département du travail assiste-t-il les demandeurs d'emploi congolais dans leurs processus de recrutement ?
9. Quel genre de problèmes les Congolais rencontrent-ils dans ces processus dans ces entreprises ?
10. Quels types de problèmes les employeurs de ces entreprises rencontrent-ils lorsqu'ils embauchent des employés congolais ?
11. Pour quelle raison ces employeurs respectent (ou non) la législation du travail sur les processus d'embauche des Congolais ?

**Fin de l'entretien**

12. Avez-vous quelque chose à dire qui pourrait être très utile pour mes recherches ?

Merci beaucoup

## **APPENDIX 8: INTERVIEW SCHEDULE FOR SENIOR EXECUTIVES OF ONEM**

Hello sir/madam!

I would like you to answer to questions on the ONEM's roles in the Congolese post-war labour market reconstructions. You are entirely free to answer or not to any question.

### **Introduction**

1. Can you succinctly describe the ONEM and its main roles?

### **The ONEM and the Congolese State**

2. What actions has the Congolese state taken for the ONEM in the process of labour market reconstruction?
3. What specific policies has the ONEM established (or not) in that process?
4. How does the ONEM evaluate its actions?
5. What kind of difficulties does the ONEM encounter while implementing its policies?

### **The ONEM and Private Companies**

6. What kind of workers does the ONEM supply to private companies (telecommunication, retail, construction)?
7. What kind of workers (skills, experiences, qualifications, etc.) do these companies require the ONEM to supply?
8. How does the ONEM assist these private companies to recruit Congolese?
9. How does the ONEM appreciate the ways in which these companies reinforce the Congolese recruiting and hiring procedures?
10. How does the ONEM assist Congolese jobseekers to find jobs in these companies?
11. What kind of difficulties does the ONEM encounter in relation to labour incorporation of Congolese in these companies?

**End of interview**

12. Do you have something to say which may be very helpful for my research?

Thank you very much!

**(FRENCH VERSION)**

*Salut madame/monsieur !*

*Je voudrais que vous répondiez aux questions sur les rôles de l'ONEM par rapport aux reconstructions de marché du travail en période d'après-guerre. En effet, si vous sentez que vous ne pouvez pas répondre à une quelconque question, dites-moi de la passer.*

***Introduction***

1. *Pouvez-vous décrire succinctement l'ONEM et ses principaux rôles ?*

***L'ONEM et l'Etat Congolais***

2. *Quelles actions l'Etat congolais a-t-il entreprises pour l'ONEM dans le processus de reconstruction du marché du travail ?*
3. *Quelles politiques spécifiques l'ONEM a-t-il établies (ou non) au cours de ce processus ?*
4. *Comment l'ONEM évalue-t-il ses actions ?*
5. *Quelles difficultés l'ONEM rencontre-t-il lors de la mise en œuvre de ses politiques?*

***L'ONEM et les sociétés privées***

6. *Quels types de travailleurs l'ONEM fournit-il aux entreprises privées (télécommunication, distribution, construction) ?*
7. *Quels types de travailleurs (compétences, expériences, qualifications, etc.) ces entreprises doivent-elles être fournies par l'ONEM ?*
8. *Comment l'ONEM aide-t-il ces entreprises privées à recruter des Congolais ?*
9. *Comment l'ONEM comprend-il la manière dont ces sociétés renforcent les procédures de recrutement et d'embauche congolaises ?*
10. *Comment l'ONEM aide-t-il les demandeurs d'emploi congolais à trouver un emploi dans ces entreprises ?*
11. *Quelles difficultés l'ONEM rencontre-t-il en ce qui concerne l'incorporation de travailleurs congolais dans ces entreprises ?*

***Fin de l'entretien***

*12. Avez-vous quelque chose à dire qui pourrait être très utile pour mes recherches?*

*Merci beaucoup !*

## **APPENDIX 9: INTERVIEW SCHEDULE FOR SENIOR EXECUTIVES OF THE INPP**

Hello sir/madam!

I would like you to answer to questions on the INPP roles in the Congolese post-war labour market reconstructions. You are entirely free to answer or not to any question.

### **Introduction**

1. Can you succinctly describe the INPP?

### **INPP and the Congolese labour market**

2. What actions has the Congolese state taken for the INPP in labour market reconstruction?
3. How did the INPP contribute to the remaking of the Congolese labour market?
4. How were services delivery of the INPP before the transition of 2003–2006 and what has been done for their improvement?
5. What kind of difficulties does the INPP encounter in its functioning?

### **End of interview**

6. How does the INPP evaluate its actions?
7. Do you have something to say which may be very helpful for my research?

Thank you very much!

**(FRENCH VERSION)**

*Bonjour monsieur / madame!*

*J'aimerais que vous répondiez aux questions sur les rôles de l'INPP dans la reconstruction du marché du travail congolais d'après-guerre. Vous êtes entièrement libre de répondre ou pas à une ou des question(s).*

***Introduction***

*1. Pouvez-vous décrire succinctement l'INPP?*

***INPP et le marché du travail congolais***

*2. Quelles actions l'Etat congolais a-t-il entreprises pour l'INPP dans la reconstruction du marché du travail?*

*3. Comment l'INPP a-t-il contribué à la refonte du marché du travail congolais?*

*4. Comment étaient les services fournis par l'INPP avant la transition de 2003–2006 et qu'est-ce qui a été fait pour les améliorer?*

*5. Quelles difficultés l'INPP rencontre-t-il dans son fonctionnement?*

***Fin de l'entretien***

*6. Comment l'INPP évalue-t-il ses actions?*

*7. Avez-vous quelque chose à dire qui pourrait être très utile pour mes recherches?*

*Merci beaucoup!*

## **APPENDIX 10: INTERVIEW SCHEDULE FOR SENIOR EXECUTIVES OF THE CNSS**

Hello sir/madam!

I would like you to answer to questions on the CNSS roles in the Congolese post-war labour market reconstructions. You are entirely free to answer or not to any question.

### **Introduction**

1. Can you succinctly describe the CNSS?

### **CNSS and the Improvement of Congolese Business Climate**

2. What actions has the Congolese state taken for the CNSS in labour market reconstruction?
3. How did CNSS contribute to the remaking of the Congolese labour market?
4. How does the CNSS assist its members?
5. Several journalists criticise the CNSS to be unable to satisfy its members, could you explain me what has be done to improve the CNSS services?
6. What kind of difficulties does the CNSS encounter in its functioning?

### **End of interview**

7. How does the CNSS evaluate its actions?
8. Do you have something to say which may be very helpful for my research?

Thank you very much!

**(FRENCH VERSION)**

*Bonjour monsieur / madame !*

*J'aimerais que vous répondiez aux questions sur le rôle de la CNSS dans la reconstruction du marché du travail congolais d'après-guerre. Vous êtes entièrement libre de répondre ou de ne répondre à une question.*

***Introduction***

*1. Pouvez-vous décrire succinctement la CNSS ?*

***La CNSS et l'amélioration du climat des affaires congolais***

*2. Quelles actions l'Etat congolais a-t-il entreprises pour la CNSS dans la reconstruction du marché du travail ?*

*3. Comment la CNSS a-t-elle contribué à la refonte du marché du travail congolais?*

*4. Comment la CNSS assiste-t-elle ses membres ?*

*5. Plusieurs journalistes reprochent à la CNSS de ne pas pouvoir satisfaire ses membres. Pouvez-vous m'expliquer ce qui a été fait pour améliorer les services de la CNSS ?*

*6. Quelles difficultés la CNSS rencontre-t-elle dans son fonctionnement ?*

***Fin de l'entretien***

*7. Comment la CNSS évalue-t-elle ses actions ?*

*8. Avez-vous quelque chose à dire qui pourrait être très utile pour mes recherches ?*

*Merci beaucoup !*

## **APPENDIX 11: INTERVIEW SCHEDULE FOR SENIOR EXECUTIVES OF ANAPI**

Hello sir/madam!

I would like you to answer to questions on the ANAPI roles in the Congolese post-war labour market reconstructions. You are entirely free to answer or not to any question.

### **Introduction**

1. Can you succinctly describe the ANAPI?
2. What are the main roles of the ANAPI in the Congolese labour market?

### **ANAPI and the Improvement of Congolese Business Climate**

3. What actions has the Congolese state taken for the ANAPI in labour market reconstruction?
4. How did ANAPI contribute to the remaking of the Congolese labour market?
5. How was the Business climate in the Congo before the creation of the ANAPI and what has been done for its improvement?
6. How does the ANAPI assist investors in business creation processes?
7. What does the ANAPI adopt as strategies to overcome issues of corruption in the Congolese labour market?
8. Why several documents from the ANAPI that inform us about the improvement of business climate are in sharp contradiction with data from the World Bank on business climate (see Doing business 2014, 2015, 2016) which place the DRC among countries which have bad business climates?
9. What kind of difficulties does the ANAPI encounter in its functioning?

### **End of interview**

10. How does the Department of Labour evaluate its actions?
11. Do you have something to say which may be very helpful for my research?

Thank you very much!

**(FRENCH VERSION)**

*Salut madame/monsieur !*

*Je voudrais que vous répondiez aux questions sur les rôles de l'ANAPI par rapport aux reconstructions de marché du travail en période d'après-guerre. En effet, si vous sentez que vous ne pouvez pas répondre à une quelconque question, dites-moi de la passer.*

***Introduction***

- 1. Pouvez-vous succinctement décrire l'ANAPI ?*
- 2. Quels sont les principaux rôles de l'ANAPI dans le marché privé du travail congolais ?*

***ANAPI and the Improvement of Congolese Business Climate***

- 3. Quelles sont des actions que l'Etat Congolais a menées pour l'ANAPI dans le marché du travail ?*
- 4. Comment l'ANAPI a-t-elle contribué à la reconstruction du marché du travail au Congo ?*
- 5. Comment fut le climat des affaires au Congo avant la création de l'ANAPI et qu'avait-il fait pour son amélioration ?*
- 6. Comment l'ANAPI assiste des investisseurs dans les processus de création des entreprises ?*
- 7. Quelle stratégies l'ANAPI adopte-t-il pour surmonter la corruption dans le marché du travail Congolais ?*
- 8. Pourquoi beaucoup de documents de l'ANAPI qui nous informent sur l'amélioration de climat des affaires sont en contradiction avec des données de la Banque Mondiale sur le climat des affaires (voir Doing business 2013 ; 2014, 2015) qui placent la RDC parmi des pays ayant le mauvais climat des affaires ?*
- 9. Quelles sont des difficultés que rencontre l'ANAPI dans son fonctionnement ?*

***Fin de l'interview***

- 10. Comment ANAPI apprécie-t-elle ses actions ?*

*11. Avez-vous quelque chose d'autre à dire qui pourrait être vraiment utile pour ma recherche?*

*Merci beaucoup!*

## **APPENDIX 12: INTERVIEW SCHEDULE FOR SENIOR EXECUTIVES OF THE FEC**

Hello sir/madam!

I would like you to answer to questions on *la FEC*'s roles in the Congolese post-war labour market reconstructions. You are entirely free to answer or not to any question.

### **Introduction**

1. Can you succinctly describe *the FEC* and its main roles?

### **FEC's actions in the Congolese labour market reconstruction**

2. What has *the FEC* taken as actions in reconstructing of the Congolese labour market since the end of the Congolese war of 1998–2002?
3. What are impacts of actions of the FEC in that process?

### **The FEC C and the Congolese Government**

4. How does the FEC collaborate with the Congolese Government?
5. How does *the FEC* think about actions that Congolese government has taken in the reconstruction of the labour market?

### **The FEC and Privates companies**

6. What special policies *the FEC* set up as for the improvement of private companies since 2003?
7. How do you defend interests of companies which are members of the *FEC*?
8. How does *the FEC* spark collaboration between the Congolese state and these enterprises?
9. What does *the FEC* spark collaboration between these companies, their employees and their trade unions?
10. What difficulties the FEC encounter in its functioning?

### **The end of interview**

11. Do you have something to say which may be very helpful for my research?

Thank you very much!

**(FRENCH VERSION)**

*Salut madame/monsieur!*

*Je voudrais que vous répondiez aux questions sur les rôles de l'ONEM par rapport aux reconstructions de marché du travail en période d'après-guerre. En effet, si vous sentez que vous ne pouvez pas répondre à une quelconque question, dites-moi de la passer.*

**Introduction**

1. *Pouvez-vous décrire succinctement le FEC et ses principaux rôles ?*

**Les actions de la FEC dans la reconstruction du marché du travail congolais**

2. *Quelles actions la FEC a-t-elle entreprises dans la reconstruction du marché du travail congolais depuis la fin de la guerre du Congo, 1998–2002 ?*
3. *Quels sont les impacts des actions de la FEC dans ce processus ?*

**La FEC C et le gouvernement congolais**

4. *Comment la FEC collabore-t-elle avec le gouvernement congolais ?*
5. *Comment la FEC envisage-t-elle les actions entreprises par le gouvernement congolais pour la reconstruction du marché du travail ?*

**Les sociétés FEC et des Sociétés Privées**

6. *Quelles politiques spéciales le FEC a-t-il mises en place pour l'amélioration des entreprises privées depuis 2003 ?*
7. *Comment défendez-vous les intérêts des entreprises membres de la FEC ?*
8. *Comment la FEC améliore-t-elle une collaboration entre l'État congolais et ces entreprises ?*
9. *Qu'est-ce que la FEC suscite la collaboration entre ces entreprises, leurs employés et leurs syndicats ?*
10. *Quelles difficultés la FEC rencontre-t-elle dans son fonctionnement ?*

*La fin de l'entretien*

*11. Avez-vous quelque chose à dire qui pourrait être très utile pour ma recherche ?*

*Merci beaucoup!*

## **APPENDIX 13: INTERVIEW SCHEDULE FOR SENIOR EXECUTIVES OF TRADE UNIONS**

Hello madam/ Sir!

I would like you to answer to questions on the Congolese labour market institutions' roles in the Congolese post-war labour market reconstructions. You are entirely free to answer or not to any question.

### **Introduction**

1. Can you succinctly describe your trade union and its main roles?
2. What are special actions that your trade union has taken for the reconstruction of the labour market since the end of war of 1998–2002?

### **Trade Unions and the Congolese State**

3. How do you appreciate actions that the Congolese state has taken in the process of labour market reconstruction?
4. What do you think about your negotiations with the Congolese State on wage, employment, and industrial relation policies?
5. What do you think about the impact of collaboration between the Congolese government and private employers on the labour market?

### **Trade Union and Private Companies**

6. What does your trade union think about the implementation of the 2002 labour code by private employers?
7. What roles do you play in collective bargaining in private companies?
8. How does your trade union defend workers in private companies?
9. Why does your trade union can think that workers are satisfied or not with your service?
10. What are main problems Congolese employees face in these companies and how do you assist them?

**End of interview**

11. How does your trade union evaluate its actions?
12. Do you have something to say which may be very helpful for my research?

Thank you very much!

**(FRENCH VERSION)**

*Salut madame/monsieur !*

*Je voudrais que vous répondiez aux questions sur les rôles de votre syndicat par rapport aux reconstructions du marché du travail Congolais en période d'après-guerre. En effet, si vous sentez que vous ne pouvez pas répondre à une quelconque question, dites-moi de la passer.*

***Introduction***

- 1. Pouvez-vous décrire succinctement votre syndicat et ses principaux rôles?*
- 2. Quelles sont les actions spéciales que votre syndicat a entreprises pour la reconstruction du marché du travail depuis la fin de la guerre de 1998–2002 ?*

***Les syndicats et l'Etat congolais***

- 3. Comment appréciez-vous les actions entreprises par l'État congolais dans le processus de reconstruction du marché du travail ?*
- 4. Que pensez-vous de vos négociations avec l'État congolais sur les politiques de salaires, d'emploi et de relations professionnelles ?*
- 5. Que pensez-vous de l'impact de la collaboration entre le gouvernement congolais et les employeurs privés sur le marché du travail ?*

***Syndicat et entreprises privées***

- 6. Que pense votre syndicat de l'application du code du travail de 2002 par les employeurs privés ?*
- 7. Quels rôles jouez-vous dans les négociations collectives dans les entreprises privées ?*
- 8. Comment votre syndicat défend-il les travailleurs dans les entreprises privées ?*
- 9. Pourquoi votre syndicat peut-il penser que les travailleurs sont satisfaits ou non de vos services ?*

*10. Quels sont les principaux problèmes rencontrés par les employés congolais dans ces entreprises et comment les assistez-vous ?*

***Fin de l'entretien***

*11. Comment votre syndicat évalue-t-il ses actions ?*

*12. Avez-vous quelque chose à dire qui pourrait être très utile pour mes recherches ?*

*Merci beaucoup!*

## **APPENDIX 14: INTERVIEW SCHEDULE FOR EMPLOYERS OR SENIOR EXECUTIVES OF PRIVATE COMPANIES**

Hello madam/ Sir!

I would like you to answer to questions on your companies' roles in the Congolese post-war labour market reconstructions. You are entirely free to answer any question or not.

### **Introduction**

1. Can you succinctly describe your company?

### **Private companies and the Congolese State**

2. How does your company appreciate and apply the Congolese labour laws and policies on recruitment, hiring of employees?

### **Labour Incorporation and Allocation of Congolese employees**

3. What strategies do you adopt for informing about job vacancies and hiring employees?
4. Can you explain tell me why you resort or not to the ONEM for recruiting and hiring Congolese employees?
5. Why do you recur or not to private labour broker?
6. What types of employment contracts do your employees often sign?
7. Can you explain why you think that your employees are satisfied or not with these employment contracts?
8. What do you think about your recruitment and hiring processes?
9. What are your main concerns during recruitment and hiring processes of Congolese employees and how do you resolve them?

### **End of interview**

10. Do you have something to say which may be very helpful for my research?

Thank you very much !

**(FRENCH VERSION)**

*Bonjour madame / monsieur!*

*J'aimerais que vous répondiez aux questions sur le rôle de vos entreprises dans la reconstruction du marché du travail congolais d'après-guerre. Vous êtes entièrement libre de répondre à toute question ou pas.*

***Introduction***

*1. Pouvez-vous décrire succinctement votre entreprise?*

***Sociétés privées et Etat congolais***

*2. Comment votre entreprise apprécie-t-elle et applique-t-elle les lois du travail et les politiques congolaises en matière de recrutement et d'embauche de personnel?*

***Incorporation du travail et affectation des employés congolais***

*3. Quelles stratégies adoptez-vous pour informer sur les postes vKACAnts et embaucher des employés?*

*4. Pouvez-vous m'expliquer pourquoi vous recourez ou non à l'ONEM pour recruter et embaucher des employés congolais?*

*5. Pourquoi recourez-vous ou non à un courtier privé?*

*6. Quels types de contrats de travail vos employés signent-ils souvent?*

*7. Pouvez-vous expliquer pourquoi vous pensez que vos employés sont satisfaits ou non de ces contrats de travail?*

*8. Que pensez-vous de vos processus de recrutement et d'embauche?*

*9. Quelles sont vos principales préoccupations lors des processus de recrutement et d'embauche d'employés congolais et comment les résolvez-vous?*

***Fin de l'entretien***

*10. Avez-vous quelque chose à dire qui pourrait être très utile pour mes recherches?*

*Merci beaucoup*

## **APPENDIX 15: INTERVIEW SCHEDULE FOR EMPLOYEES**

### **INTRODUCTION**

Hello!

I would like you to answer our questions which will be more or less take an hour. In fact, you're sure you cannot answer a question, tell me about the setter.

### **INVESTIGATION IDENTIFICATION**

1. Would you like to tell me about:

- Age .....
- Marital status .....
- Level of education .....
- Region of origin .....

### **RECRUITMENT PROCESS**

2. In a few words, would you like to tell me about your career or work experience before you got your current job?

3. How did you find information about your job offer in this company?

4. Did you encounter any problems when looking for a job in this company? Explain your answer, please.

### **HIRING PROCESS**

5. Tell me a little about your hiring history.

#### ***Probes***

- Facts that convinced the employer to hire
- Correspondence between employee profiles and their positions
- Supports from leaders, politicians, traditional, religious, families, friends

- Type of employment contract

6. How do you view hiring practices in your company?

**END OF THE INTERVIEW**

7. Is there anything else to add that can help my research?

Thank you

**(FRENCH VERSION)**

Bonjour!

Je voudrais que vous répondiez à nos questions qui prendront plus ou moins une heure.  
En fait, vous êtes sûr de ne pas pouvoir répondre à une question, parlez-moi du passeur.

**IDENTIFICATION D'ENQUÊTE**

1. Voulez-vous me parler de:

- Âge .....
- État civil .....
- Niveau d'éducation .....
- Région d'origine .....

**PROCESSUS DE RECRUTEMENT**

2. En quelques mots, voudriez-vous me parler de votre carrière ou de votre expérience de travail avant votre emploi actuel?
3. Comment avez-vous trouvé des informations sur votre offre d'emploi dans cette entreprise?
4. Avez-vous rencontré des problèmes lorsque vous avez cherché un emploi dans cette entreprise? Explique ta réponse, s'il te plaît.

**PROCESSUS D'EMBAUCHE**

5. Parlez-moi un peu de votre historique d'embauche.

***Items***

- Des faits qui ont convaincu l'employeur d'embaucher
- Correspondance entre les profils des employés et leurs postes
- Soutien des dirigeants, des politiciens, des traditionnels, des religieux, des familles et des amis

- Type de contrat de travail

6. Comment voyez-vous les pratiques d'embauche dans votre entreprise?

**FIN DE L'ENTRETIEN**

7. Y a-t-il autre chose à ajouter qui puisse aider ma recherche?

Merci