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The political economy of oil in DRC: Corruption and regime control

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Abstract: This paper examines in detail dynamics of corruption and regime stabilisation which define the shape of the oil sector in the Democratic Republic of Congo (DRC). This sector is a major source of patronage and rent-extraction. However, much of these rents are not created through production, but through selling access. Most potential fields remain unexplored and undeveloped, which is much more interesting for short-term rent extraction for the concerned actors. Within this, we demonstrate the political and social logics behind corruption. The regime distributes patronage by permitting rent extraction, but this extraction has limits, both in terms of volume and of visibility. Further, we note the importance of regime stability logics in the sector, specifically managing internal geopolitics, regional relationships, and central control over major wealth. By exploring in detail the practical realities discussed in general in the 'resource curse' and 'oil curse' literature, this paper provides a deeper understanding of how political control and corruption function within the DRC, and how development becomes their victim.

1. Introduction

Much has been written about the 'resource curse', demonstrating that natural resource abundance can lead to conflict, underdevelopment and corruption (Collier and Hoeffler, 2004; Ross, 2001, 2003), and the importance of institutions in this process (Robinson et al., 2006). A specific focus on oil has also received attention, exploring the 'oil curse' (Arezki and Bruckner, 2011; Bridge and Le Billon, 2013; Ross, 2008). Less covered is how corruption around oil rents functions in practice. This paper explores the political economy of oil in the DRC, focussing on how oil rents are collected and distributed – in broad terms, how oil corruption functions. In doing so, we explain how corruption goes hand-in-hand with unproductivity, and how *not* developing the oil sector is much more profitable than developing the sector.

The DRC has a large number of oil blocks across several sedimentary basins. Several of the blocks have been purchased, but few have been explored to a significant extent. Only those at the littoral are productive. These blocks – operated under the French multinational Perenco – pump roughly 25,000 barrels per day. Yet oil potential is even higher in the interior. According to preliminary studies and official assertions, there is major potential in other areas, including the Central basin[1]

[1] In the Central Basin, COMICO and HRT announced an estimated potential of 7.3-13 billion barrels (COMICO, 2008, p. 3) Damien Delvaux has argued for caution on such predictions, judging them "highly hypothetical". Delvaux has never demonstrated proof to the contrary, and instead emphasized the need for further studies (Misser, 2013, p. 155-156).

Lake Albert[2] and Lake Tanganyika[3]. If accurate, these point to a potential could go beyond 20 billion barrels – far beyond the current production level. Through the development of this potential, the DRC would be the second most significant oil state in Africa, behind only Nigeria, which has proven reserves of around 37 billion barrels, and well ahead of Angola's current 9 billion barrels. Yet this remains theoretical.

Little has been written on the DRC oil sector. Discussion has focussed on the potential effects of developing the sector, rather than dynamics internal to its real political economy (eg. ICG, 2012; Respaut, 2017). Other work has focused on diplomatic aspects (Augé, 2009, 2012; Misser, 2012). This paper aims to supplement these debates, by describing the organization of the oil sector: how is the sector organized, and how do corruption dynamics manifest themselves in it?

This paper is based on field research in the DRC – primarily in Kinshasa, and also Muanda – between September and December 2017. Fifty-nine semi-structured interviews were conducted with a range of actors including current and former government officials, analysts, civil society representatives. Key in acquiring access was the long-standing research engagement of the first author in Congo and Kinshasa, which has given him an extended network of key informants, and importantly, has given him a reputation of reliability and trustworthiness – which is particularly important when working on sensitive issues such as corruption. Key-informants further introduced us to actors within the oil sector. The research period of 3 months was crucial: whereas several contacts were open on first meeting, many others were evasive at first. Others required multiple meetings over an extended period for us to gain their trust, but provided significant insight and detail after this was achieved. As is common in such contexts, the disgruntled and marginalised spoke more openly than those within power. Official access through the ministry and general secretariat was attempted, but this yielded only one interview. Such attempts at access, such as to glean historical data of key staffing, was politely discussed but with no fruit. Informal confidants within the ministry implied that senior staff expected payment for interviews or data, yet would not ask directly. We have been careful to triangulate statements as much as possible. With all conversations, the tendency was for prior knowledge on informal deals on our part to stand as a marker that we could be trusted: a badge of insider status, if you will. All interview subjects have been kept anonymous. The academic nature of the research was made very clear at all points. Within the text, anonymity is kept for all persons whose potentially sensitive activities are not already on public record. For example, the activities of John Muganza are widely noted in the specialist press. Where a person's activities were only revealed to us in interviews, the name does not appear. Where activities are not sensitive (such as public statements), the name is retained.

2. The resource curse and corruption

Broadly speaking, studies on corruption take two approaches: a first route relies on large quantitative studies, in which corruption statistics are being compared, mostly through surveys on perceptions of corruption (Lambsdorff, 1998; Mauro, 1995). Transparency International's Corruption Perception Index is one such example. A second route is anthropological, where

[2] In the Albertine Graben, Ugandan declared finding 3.5 billion barrels (Reuters, 2012). This geology is mirrored on the Congolese side of Lake Albert, but the only declaration in the area – by Caprikat & Foxwhelp, of 3 billion barrels in two blocks – has not been justified with concrete research findings.

[3] In March 2010, the Minister of Hydrocarbons announced to the African Petroleum Conference (CAPE) a potential of 8 billion barrels in the Lake Tanganyika basin (Misser, 2013, p. 160).

corruption is understood through fine-grained studies (Blundo and Olivier de Sardan, 2006), largely focussing on the behaviour of street-level bureaucrats, and their interactions with citizens (Blundo, 2006; Titeca and De Herdt, 2010). This paper follows the second approach, but goes beyond the street-level, looking largely at the DRC Ministry of Hydrocarbons. The relevance of this approach goes beyond the oil sector, helping to understand how Congolese public administration functions, and the importance of corruption therein. In doing so, this article unpacks the role of corruption. A key question this article addresses is how and why corruption is tolerated and used, and what this means for the Congolese oil sector.

In this paper, we define corruption as "the private wealth seeking behaviour of someone who represents the state or the public authority. It is the misuse of public resources by public officials, for private gains" (Andvig et al 2001: 5). [4] Yet, equally important as this 'conventional' definition as the emic understanding of the concept in sub-Saharan Africa, where a distinction can be made between two kinds of corruption. On the one hand, corruption which is broadly condemned and widely considered illegal; and on the other hand corruption which is "legitimized by social practices, is tolerated, and sometimes even encouraged – albeit 'unofficially" (Blundo and Olivier de Sardan: 9). [5] This already highlights an important element as to why certain forms of corruption are tolerated, and others not: some forms of corruption are in line with existing social norms, and considered legitimate. Corruption should therefore be seen as a practice which has to be understood in its context, and as a relational issue: activities defined as corrupt should be understood within everyday forms of social exchange. In other words, corruption can be seen as an informal contract, serving as an "informal payment in exchange for compliance" (Darden, 2008, p. 35). The relational dynamics of corruption most visibly play out on a micro-level, for example between street-level bureaucrats and citizens who pay a bribe (Titeca and De Herdt, 2010). However, these dynamics also play out at the national level, and on a meso- and macro-level. Focusing on these levels highlights the political nature of corruption (Blundo and Olivier de Sardan: 32): certain practices will be tolerated, whereas others will be condemned – depending on the political power-configurations at stake. Crucial is the importance of corruption for regimes in place, allowing to further strengthen these: By serving as unofficial compensation, it strengthens the hierarchies in place, something which has been widely shown in the literature on patronage (Bayart, 2009; Tangri, 1999). [6] Also at the national level, corruption constitutes an informal contract, providing the basis for loyalty and obedience to the centre (Darden, 2008). In doing so, it ties a number of actors – both within and outside of the state apparatus – into the regime, by creating interlinkages and mutual dependencies. For example, "party politicians offer security from official investigations, traders provide outlets for embezzled funds, cabinet ministers accord monopoly favours to their select clients" (Harsch, 1993, p. 38). In doing so, it creates solidarity among (state

[4] For a more detailed discussion on the various approaches to corruption, see the rest of Andvig et al (2001), as well as Blundo and Olivier de Sardan (2006).

[5] As this literature highlights, corruption should not be approached in a normative manner (i.e. as an object of moral condemnation) (Shaxson, 2007, p. 1224),

[6] Patronage involves corruption, but is broader than that: it is a relation of "non-kin personal dependence based on mutual exchange of favors between two people, the boss and the customer who control unequal resources" (Médard 1976: 103). The most common form of patronage is between a politician and his constituency, in which benefits are awarded in return for political support. These benefits can be corrupt funds, but also the awarding of contracts, jobs, public services, and so on. Therkildsen adds a collective element to it, by defining patronage as "the practice of using state resources to provide jobs and services for political supporters, [to] groups rather than individuals" (Therkildsen 2014: 123).

and non-state elites) engaging in corrupt practices. Put differently, corruption has a 'moral economy' around it, which means that there are certain 'rules of the game' which need to be followed (Olivier de Sardan, 1999, p. 36). For example, patron-client relations, in their most basic form, are guided by a social and political exchange: "The patron grants favours in return for goods, loyalty, political allegiance and other services from his dependent clients" (Hall, 1974, p. 506). In these circumstances, corruption is not something to avoid, but instead deliberately applied: it is "supported by positive social values, namely the necessity to seize all opportunities allowing for a manifestation of cardinal virtues, such as generosity, largesse and gratitude" (Olivier de Sardan, 1999, p. 43).

All of this is particularly relevant for natural resources: it has been widely shown how natural resource rents can be used to fortify political support as well to directly consuming these rents (Robinson et al., 2006). Michael Ross distinguishes between the rentier effect – where low taxes and high patronage reduce pressure for democracy – and the repression effect – where rents are used to invest in repression against threats to the regime (Ross, 2001, p. 357). The nature of pre-existing institutional and political dynamics plays a central role in determining the impact of resources and their rents (Robinson et al., 2006, p. 450). This has also been shown for oil. As Shaxson (2007, p. 1123) argues: "The poorer and weaker a country is before the oil discovery, the more likely it is to be harmed by it. Natural resources seem to reinforce the patronage politics so prevalent in Africa". In Watts' words (2004, p. 54), what happens is the "simultaneous production (and reworking) of differing forms of pre-existing rule and governable space consequent upon the insertion of centralized oil revenues (unearned income)" (Watts, 2004, p. 54). In doing so, natural resource rents allow elites to privatise and personalise state power, and subvert the development process (Obi, 2010, p. 487). Importantly, although corruption plays a central role in these processes, the ways in which these dynamics manifest themselves on a micro-level remain understudied (Shaxon, 2007; Manzono and Vernon, 2018). This paper aims to add to these debates, by bringing a detailed understanding of how oil corruption takes place, and the political functions it fulfils.

In the next sections, we first describe the history of the Congolese oil sector. After this, we build on the above literature by showing how corruption is a profoundly political phenomenon, which has to be understood in its context, and reflects existing power-dynamics. This manifests itself in the following ways. The Congolese regime determines which rents can be generated, and how they will be spent. Inversely, this means that the regime also determines which rents *cannot* be generated. Concretely, and as we will show, this means that the regime allows rents to be generated by buying and selling oil rights, awarding ministry positions, per diems, and so on; but actively prevents the development of the sector: doing so would jeopardize regime interests, by potentially allowing elements hostile to the regime access to rents. In other words: regime interests trump the development of the sector, and guide the ways in which corruption is allowed to be generated.

3. A brief history of DRC oil

The DRC has a long oil history, though always marginal in global oil markets. The coast of the Gulf of Guinea, from Côte d'Ivoire to Angola, is rich with oil deposits. Easily accessed under shallow seas or in coastal deltas and marshes, these deposits have been accessed since the middle of the 20th century. The DRC's coast – miniscule though it is – was no different. The Congolese littoral was first explored for oil in the 1940s, and five fields were discovered by 1962. Wells were drilled from 1963 by SOCOREP, the Congolese subsidiary of the Belgian company PetroFina (Kanika 2013, p. 4). Offshore drilling began in 1970, with seven fields discovered by 1976 (Kanika 2013, p. 4). From the early 2000s, Perenco took over the fields from Chevron. Perenco specialises in rejuvenating oil fields towards the end of their productive life, and has maintained production at roughly 25,000 barrels a day. This of course pales in comparison with major producers, even others in Africa.

Although trifling within global markets, oil production was a vital component of US-Zairean Cold War relations; Gulf (later as Chevron), Texaco, Amoco and Mobil made major investments, and dominated DRC's production until the Anglo-French oil company Perenco took over the ageing littoral fields in the early 2000s. Despite tensions over Mobutu's governance record, US favour was retained largely due to strategic resources, although cobalt was more important than oil (Clarke, 2008, p. 294).

During the Mobutu regime, the oil potential of the interior was largely neglected. Some exploration was conducted between 1970 and 1984 by Texaco, Shell and JNOC (Kadima et al. 2011). Yet to the state, only the productive component was of interest, as it offered direct financial profit. This was highly personalised: in the oil fields arounds Muanda, locals referred to oil wells by the names of ministers who "owned" them.[7] The Mobutu regime's interest was therefore in protecting this income. A Minister responsible for oil under Mobutu once questioned the production figures, and was immediately sacked.[8]

Since the late 1970s, Congolese oil production has remained at a steady 25,000 bpd. Even the Congo wars had little impact on existing oil production, being at the Atlantic littoral, though they likely held back exploration in other regions (Clarke, 2008, p. 294). The Congolese experience – modest production limited to offshore and littoral fields – was typical of the first decades of African experience of the oil industry.

The accession of Laurent Désiré Kabila changed this. Pierre-Victoire Mpoyo, a close advisor and major financial supporter of the new president, with deep experience in the Nigerian oil sector, personally pushed changes in the DRC's oil sector (AEI 1997).[9] The hydrocarbons dossier was placed for the first time in a unique state body, headed by Mpoyo, having previously been attached to energy or mining dossiers. Mpoyo made strides, striking deals with a variety of companies, and beginning negotiations with Angola for offshore rights. However, onshore production was not yet economically viable for investors, and the offshore issue with Angola proved politically impossible to resolve (see Edmond, Titeca and Kennes, forthcoming). Mpoyo was sacked in 2002 by Joseph Kabila after his father's assassination (Mulongo, 2015). From then until 2007, governance of the sector was again marginalised and neglected, being re-incorporated into mines and energy dossiers. Only in 2007 was the portfolio placed under a new Ministry of Hydrocarbons, and still the presidency paid oil little attention.

Investor interest, however, had been increasing. As oil prices rose, DRC's inland fields became economically viable. This mirrored greater interest in African oil in the mid-2000s, backed by

[7] Interview 39. Civil society individual. Muanda (12 November 2017).
[8] Interview 14. Full staff of civil society organisation. Kinshasa (3 October 2017).
[9] Interview 28. Senior oil official. Kinshasa (18 October 2017).

western governments in search of alternatives to the middle east. The first full minister of hydrocarbons, Lambert Mende, encouraged this, though with an eye on rent-seeking opportunities.[10] The products of this interest – contracts signed with oil companies, such as with Tullow (2006) and COMICO (2008) – took the presidency by surprise. Unaware of the actions of the relevant ministries and unaware of the strategic possibilities of the sector, the presidency retroactively took control, cancelling contracts or denying presidential ratification.[11] As a senior official noted, "With oil prices rising, advisors suggested that there was more money in oil than in mines, a responsibility too great for a mere minister [at that time, Lambert Mende]. As a result, the president put a moratorium on new contracts".[12] Several companies and contracts were explicitly blocked by the presidency.[13] As a parliamentarian noted, "There was a will to not let them work [because] it was a matter which was escaping them [i.e. beyond the control of the presidency.]"[14] In sum, by 2010, the presidency had fully realised the economic and political importance of the oil sector, so contracts and negotiations which fell beyond the strategic requirements of the presidency were blocked, and thereafter ensured that all contracts could only be gained via central channels. As a prominent observer noted, "Before, you could introduce your dossier proposing purchase, and tomorrow you could have your title, without the presidency's consent. Around 2010, the president became aware that he needed to master everything".[15] From this point onward, the sector was a matter of presidential prerogative, and the minister of hydrocarbons was controlled from the presidency. This control was conducted by a small pool of trusted presidential advisors. Above all, until his death in 2012, it was a matter for Katumba Mwanke. His chosen successors, Antoine Ghonda and Gustave Beya Siku took up the mantle after his death, also having played key roles before this.[16]

The dynamics described in the rest of the paper have since around 2010 spurred a cooling of development - – particularly since a contract was unilaterally handed from one company to another in this year. Private companies have becoming increasingly unwilling to engage. This reduced engagement cannot be explained only by oil prices. Prices only fell in 2014, from \$90-\$110 to a new plateau, around \$35-60. Although this later price point renders Congolese oil production in the interior unprofitable, activity diminished well before the collapse in prices. That is, state corruption has rendered the Congolese oil sector a risky prospect for oil investors, reducing interest.

No contracts have been signed since 2010, despite some scattered negotiations and many unclaimed blocks. Negotiation is increasingly restricted to minor companies, trying to take advantage of a field of play that allows them in. Major companies have just kicked the ball down

[10] In a seminar on exploration in the central basin, Mende openly asked "What will I gain in all that?" From: Interview 19. Several oil officials. Kinshasa (9 October 2017).
[11] Interview 29. Parliamentarian. Kinshasa (18 October 2017).
[12] Interview 28. Senior oil official. Kinshasa (18 October 2017).
[13] COMICO, the holder of three contracts in the central basin, and HRT, their Brazilian exploration subcontractor. According to a senior official, also Total and Chevron were blocked by the presidency. From: Interview 28. Senior oil official. Kinshasa (18 October 2017).
[14] Interview 29. Parliamentarian. Kinshasa (18 October 2017).
[15] Interview 56. Congolese natural resources analyst. Kinshasa (27 November 2017).
[16] There has also been some suggestion – perhaps as part of a public relations turn by the man himself – that the current chief of staff Nehemie Mwilanya was crucial in oil deals from 2010 (AEI 2018). These individuals held close ties to key ministerial advisors such as Chantal Lwamba Mbuyu and Jean Muganza.

the road, doing minimal or no research, and extending contracts where possible. The level of exploration is defined more by contractual minimums for extension (if these are even met at all), than by typical timelines on block exploration. That is to say, companies seek merely to retain their contracts for a time when political and economic conditions are more favourable, rather than to explore in detail, or to begin production. No major international company has bought out any block from a minor company since 2012.

In the next sections, we describe in detail the processes of corruption and patronage in the oil sector.

4. Corruption and patronage in the oil sector

In this section, we look at how the minister, and the ministry, are used as sources of patronage for the presidency. The role of Minister of Hydrocarbons is particularly suited to providing patronage: it is a comfortable, low risk, low input role, with ample opportunity for corruption.

4.1 Ministerial appointments

Ministerial appointments are an instrument of patronage. They constitute a transaction of benefit for loyalty, not a means of ensuring competent governance. However, rather than a direct presidential offering, postings emerge from a negotiation between the formal regime and various political parties or (regional or ethnic) communities. Katangan Luba communities (Lubakat) are the key example of this for the oil sector. Lubakat support has been important for both Kabilas, being their ethnic origin, and a region of great mining wealth. This means Lubakat are better placed in negotiating for positions. The distribution of ministerial posts between different regions and ethnic origins is carefully calibrated, and several ministries are regularly assigned to certain regions or ethnicities. The oil ministry is not uniformly a Katangan affair, but Katangans dominate, particularly Lubakat. More generally, the more powerful a particular regional or ethnic community, the higher the price at which loyalty is bought. In real terms, this means the more leeway one is given to "eat" within your domain. This is magnified by the fact that ministerial choices are a way to buy constituencies: buying a larger pool of loyalists via the minister means more unqualified officials must be hired, and more funds diverted. This dynamic is generalized across the government. It is precisely for this reason that ministries – some with no real work – have proliferated in recent years, and that cabinets are regularly magnified to comic proportions.

Specific priorities in appointments have gradually changed in response to changing circumstances. Concretely, the first ministerial appointments were ways of buying loyalty: the first Minister of Hydrocarbons, Lambert Mende was a reward for his crossing to the government party after a decade in opposition parties, and secured a loyalty to Joseph Kabila that endures to this day. This dynamic was also played out for the second Minister of Hydrocarbons, René Isekemanga Nkeka: he was given the ministerial post in late October 2008 as recompense for concessions to the regime, and to bring him closer.[17] However, this did not play out well. In 2009, Isekemanga stepped beyond bounds of behaviour by making pushing Angola on an offshore oil rights dispute. The regime found his enthusiasm useful for a moment, but he was nonetheless side-lined (Edmond, Titeca and Kennes, forthcoming). After this, loyalty to regime strategy became increasingly important, rather than just buying political loyalty. The next minister – Celestin Mbuyu – had already held

[17] He took up the ministry post after his 2006 election as national deputy was annulled by the supreme court for fraud.

ministerial positions, demonstrating the ability to adhere to presidential strategy. Opportunities for corruption in the ministry nonetheless remained important. He had previously been Minister of the Interior, and previously Vice-Minister of Budget. "To pass from the Interior to Hydrocarbons could appear as a demotion in the governmental hierarchy, however this nomination should be understood as a financial and economic recompense." (Augé, 2012, p. 13). Years of good behaviour granted him a 'time to eat'. Mbuyu was also president of the Kinshasa community of Katangan Luba, a powerful community with leverage over Kabila to influence appointments, but trusted enough to be deemed likely to stay on message. This has since been the norm: the ministry was a reward for loyalty, but to actors who would follow presidential strategy. As an analyst summarized on the current minister: "It is not just anyone who gets such a post… Mukena is a strong man… It's an affair of Katangans. You have to be close to power. You need to be capable of keeping quiet."[18]

In sum, the ministerial position is an important patronage instrument, given in return for loyalty, and which from 2010 onwards was given to actors who were guaranteed to follow regime priorities: initially appointments were used to bring figures on the edge of the political regime closer to the regime, whereas later appointments focused more on proven & predicted loyalty towards the Presidential strategy. The last two ministers are examples of this last tendency: Ministers Atama[19] and Mukena[20] have been instruments of the presidency, i.e. safe pairs of hands who will not rock the boat, and who graze extensively but quietly on behalf of their respective patronage networks.

4.2 Further oil patronage

Further posts within the ministry are also distributed on a patronage basis, exchanging salary and rent opportunities for political and social loyalty. These are principally a ministerial prerogative; the distribution of posts to (extended) family, friends, and political connections is a key means by which regime patronage filters out into broader constituencies. Many of these are incapable of fulfilling the tasks expected of their role, and see the position not as work but as privilege. Throughout our research, a range of examples were given of appointments who never worked, but receive their salary.[21]

A further category of individuals receives their posts through the favour of officials within the presidency. The long-time ministerial chief of staff Jean Muganza is here a key example. These individuals tie the ministry into the authority of the presidency by alternative hierarchies, often undermining the minister and even Prime Minister. Muganza even after departure has been highly influential around appointments within the ministry and the state oil company.[22] Muganza's network was a principal barrier to Prime Minister Matata's attempt to draw the sector back into a

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[18] Interview 27. Parliamentarian. Kinhsasa (17 October 2017).

[19] Atama had delivered well in the 2011 elections as Orientale interior minister. At the same time, as a former ANR official, and a close associate of the then-recently deceased Katumba Mwanke, he was deemed a safe pair of hands to clear up the mess left by Minister Mbuyu's enthusiastic self-service.

[20] Prior to being appointed Minister of Hydrocarbons, Aimé Mukena held the post of Defence Minister.

[21] For example: Interview 57. Former oil official. Skype (1 December 2017).

[22] A Katangan former ANR officer, nephew to Theodore Mugalu, a key Kabila advisor, mentored by Celestin Kabuya Lumuna, and tied closely (including by marriage) to Gustave Beya Siku, Muganza draws his influence from friends in high places. (AEI 2016a, 2016b, 2017).

technocratic mode during his 2012-2016 premiership. Spurred by partners such as the World Bank, Matata had the ambitious intention of expanding production tenfold over five years (from 25,000 bpd to 250,000). Yet parallel lines of hierarchy, and the rent-seeking culture of the ministry (which we will explain below) meant active officials had both vested interests to maintain this culture, and the networks required to succeed.

Political rewards and patronage also influences contracts. They have been given to regime loyalists as a reward for, or to guarantee, political support. For example, a 2008 contract was spurred to provide future profit to a regime loyalist. According to a prominent parliamentarian, "it was all designed to give $10 million to [senior Congolese politician]. [Senior Congolese politician] told me this himself. It was repayment for a well fought campaign in the 2006 elections. They just said 'oh [he] needs a contract? Ok! Go and sign it.' They didn't care who else was involved".[23] The regime was informed that this politician's reward would require this contract, and provided immediate assent.

This patronage has, since the 2008 contract moratorium was lifted, been controlled strongly by the presidency. For example, the transfer of the Albertine Graben Blocks I and II to Caprikat & Foxwhelp (entities held by primarily by diamond magnate and presidential ally Dan Gertler), overriding an extant contract, was managed by a tight network of Lubakat individuals within the ministry and the presidency. As Africa Energy Intelligence reported, "there were no negotiation minutes as the services within the hydrocarbons ministry theoretically in charge of negotiating permit grants did not hold a single meeting with the two firms" (AEI 2018). Only discreet private meetings were held with the minister and his daughter, before the dossier was handed to presidential staff and then to the president to sign.

4.3 Means of profit: making money through the Ministry

4.3.1 Profit through contracts

The Ministry of Hydrocarbons is a source of financial profit by various mechanisms. The first and foremost is direct profit in the negotiation and signing of contracts. Investors must pass through multiple layers of interaction with the ministry, all of which cost money. Companies must pay to acquire information – principally maps and survey data – on which planning, negotiations, and early-stage research is based. Costs are estimated at $75,000 for these.[24] This information is sometimes provided under a Memorandum of Understanding (MoU), which can cost around $150,000, in addition to multiple additional "taxes", which can push the cost towards a million dollars.[25] Payments are also required in order to meet the minister, or a civil servant. This cost, the '*pas de porte'* is typical of Congo's business environment.[26] Usually a core official with the minister's trust is the gatekeeper. Jean Muganza, a long-time chief of staff, often filled this role, and at one point formalised this practice by sending a price-list to investors. Consultations with

[23] Interview 29. Parliamentarian. Kinshasa (18 October 2017).
[24] Interview 29. Parliamentarian. Kinshasa (18 October 2017).
[25] Interview 28. Senior oil official. Kinshasa (18 October 2017).
[26] This informal but obligatory access fee is separate from and prior to formal signature bonuses. From: Interview 10. UN Analyst. Kinshasa (29 September 2017).

Muganza cost $6000 within the ministry, or $9000 at another location. Discussions with lesser advisors would cost $5000 to $7000 according to location (AEI 2012b).

More significant sums then come at the signing of contracts, in the form of signature bonuses. These formal contractual sums are in the millions of dollars. Further payments are formally required for exploration and exploitation rights, and as bonuses upon production and after ten million barrels.[27] The accretion of fees can build up to vast sums. For Production Sharing Contracts on three blocks in the central basin, which have as yet not received presidential approval, one company paid up to $7 million.[28] Interlocutors tended to emphasise that informal payments also accompanied such formal requirements, often being crucial in deciding which are approved. Neither are likely to enter official state coffers; informal payments of course are taken by individuals, but formal payments also pass "*entre les mains des gens".*[29] As a prominent observer noted, "All the money from signature [bonuses] and the like goes into shadowy places".[30] The benefits of this also extend to presidential staff managing oil. Some suggest $30-40 million received personally by a presidential advisor tipped the balance for Caprikat & Foxwhelp in their successful attempt to acquire two blocks, one already assigned to another company.[31]

The rules of these costs are kept unclear. This places investors in the control of ministry advisors, who they must pay to act as guides and brokers. The system is designed for the financial interest of the broker rather than for sectoral development. Unclear rules also allow contracts to be cast aside easily. In this process, cancellation and renegotiation is standard practice to further increase revenue. New ministers will often cancel their predecessors' contracts in order to engage in the negotiating and signature process themselves. Lay and Minio-Paluello argue in this context state representatives were "distracted by signature bonuses, as they represent hard cash up front. Much of the debate in DRC over the contracts has focused on these kinds of payments at the expense of looking at more important provisions" (2010, p. 9).

Another particularly lucrative ministerial activity is the signing of Memoranda of Understanding (MoUs). Under the regime of minister Mbuyu (Feb 2010-March 2012), a scheme had been set up which allowed maximum profit out of these, via the following mechanism. The MoUs contained a poorly defined 'obligation' for the companies to produce research, which would be used to annul contracts by claiming research was insufficient. This left the ministry clear to re-sign or overlap as many MoUs as it wishes, without committing to allowing companies to develop or sell blocks. It attracted customers by fictively offering easy profits from flipping – selling on at much higher prices without value addition – to a long list of mostly unknown companies in return for informal payments to Mbuyu or his associates (AEI, 2013).[32] The ministry had no developmental purpose in mind with any of these agreements. Normally flipping is seen as a problematically non-productive activity. Even this option was undercut by the minister's desire for profit; these MoUs

[27] Formally required sums have increased over time. Earlier contracts had lower fees, as the government had not yet secured its negotiating position, capacity and awareness.
[28] Interview 29. Parliamentarian. Kinshasa (18 October 2017).
[29] Interview 29. Parliamentarian. Kinshasa (18 October 2017).
[30] Interview 53. Congolese natural resources analyst. Kinshasa (24 November 2017).
[31] Interview 29. Parliamentarian. Kinshasa (18 October 2017).
[32] Interview 28. Senior oil official. Kinshasa (18 October 2017); Interview 30. Senior oil official. Kinshasa (20 October 2017).

were overlapped, so many were never more than pieces of paper. Thirty-four of these MoUs were signed for a handful of blocks, causing multiple overlaps; six MoUs were signed for one block.[33]

4.3.2 Profit beyond contracts

The second mechanism of financial gain – in the traditional manner of institutional corruption – is that ministry funds assigned for official purposes are diverted. Throughout our field research, a range of examples were given, such as part of the funds budgeted for conferences which is commonly diverted, or money allocated for exploration and training is also commonly 'eaten'.[34] Per diem and expense payments are also tapped. This can be paid by the state, or by investors. Flights abroad, hotel stays, large meals, perhaps more, are available. Even in Kinshasa, meetings are often held outside the ministry, inducing payments from investors for travel and food. Investors often court contracts by holding seminars in a hotel, usually catered. Ministry staff design their work programmes to maximise such benefits, privileging them over effective plans.[35]

4.4 Institutionalised corruption

A culture has emerged that all projects should be first and foremost about financial gain, mitigating the willingness to make investments. Those in more senior positions, due to their appointment for loyalty, usually lack geology training or prior experience of the oil industry. Appointments for loyalty also leave an expectation of extraction. This is magnified by relatively short and unstable tenures. Political office and futures are often short and uncertain in the DRC: "pushed in part by the short term of their political horizons, Congolese elites in charge of the economy generally privilege transaction over production" (Englebert and Tull, 2013, p. 15). In oil, this applies principally to ministers and their cabinet staff. Ministers have occupied the post on average around 24 months.[36] Although we were unable to determine average duration of cabinet posts, interviewees expressed that the norm was for cabinet members to accompany ministers, therefore being of roughly similar length.[37]

It is therefore understood by ministers and their cabinets that their moment of grazing is finite. One must graze while pastures are available, so planning prioritizes extraction rather than development. Oil suffers particularly in this regard in relation to other economic sectors, since investment periods are longer than even the most durable staff tenures: oil investments would be unlikely to see returns within a decade. As a senior official put it, "for exploration and production, one must invest, with returns after 10 or 15 years. It is not in their heads to do this. If you go to a minister with even a five-year investment project, he would say "I won't be there [when it finishes]".[38] As a senior official put it "There is not a good culture of exploration and exploitation. People they want to benefit immediately! And you can't do that with oil… Diamonds and gold and coltan you can just turn up and pick it out of the ground. With oil you can have just as much

[33] Albertine Graben Block IV.
[34] Interview 28. Senior oil official. Kinshasa (18 October 2017).
[35] Interview 13: Former oil official. Skype (1 October 2017).
[36] Excluding the outlier of Martin Kabwelulu, who held the post for 1 month as an interim.
[37] Figures such as Jean Muganza constitute exceptions proving the rule. Muganza worked in senior cabinet posts in the ministry for nearly ten years, primarily through strong ties to the president's inner circle. He is consistently noted as an extreme outlier with no peer.
[38] Interview 28. Senior oil official. Kinshasa (18 October 2017).

money, maybe more, but not in the same way, not as easily”.[39] A former senior official argued how “When someone wants to profit, he wants it all now. Someone who is not sure of tomorrow only knows today. You have to win. You don’t want others, after you, to get something tomorrow”.[40] These gatekeeper positions are jealously guarded. A senior official noted that a conference to connect financiers with the oil sector was blocked by the ministerial cabinet.[41] Such connections would have minimised the role of the ministry, though would have been beneficial to the sector.

Naturally, these dynamics of institutionalised corruption practices have a negative impact on the sector’s development. Among interviewees, there was a consensus that the sector lacks a coherent long-term plan. As a senior official put it, “The minister has no real plan. He will show you one, but it will just be last year’s work or a plan so they look busy. But they don’t work”.[42] Short-termism has such as severe and destructive logic that it even eliminates developmental steps that would increase corruption profits in the short to medium term. In the words of a regime insider, commenting on the oil sector: “I see in all these institutions, they take the eggs and the chicken and eat the lot. They don’t help the chicken produce. They kill and eat the cow, and don’t let it produce milk”.[43] For example, the common practice of financial gain through the negotiation and signing of contracts could be orders of magnitude more profitable if sufficient data were collected on blocks: these data would in turn allow oil companies to be attracted, and further develop the sector. Exploration for these data is relatively inexpensive, is adequately budgeted for, and would bring major value gains, even at the level of signature bonuses. Instead, exploration money is eaten, money for the training of experts (who would provide the means to better data) is eaten, and attempts to get data from the private sector are rendered ineffective.

4.5 The rules of the (corruption) game

In the above sections, we have shown how that corruption and patronage are central to the understanding of the oil sector in Congo. We proceed by showing how these dynamics are not unstructured, but require certain boundaries to be respected.

4.5.1 Non-participation in corruption is punished

The culture of corruption within the ministry has embedded itself over time: individuals in the sector encourage one another to engage in illicit deals, treating those who do not engage as self-destructive and irrational. This creates a dynamic in which corrupt officials actively seek to side-line colleagues who do not cooperate, since there is among officials desirous to make money through office a perception that long-term investment and short-term money making practices are incompatible. Attempts by colleagues to restrict corruption activities are often punished. Concretely, a range of civil servants were encountered during research who had fallen out of favour in the ministry. Although formally employed at the ministry, they were no longer consulted or invited to meetings. These included several highly experienced and capable persons. As a member

[39] Interview 28. Senior oil official. Kinshasa (18 October 2017).
[40] Interview 26. Former official. Kinshasa (16 October 2017).
[41] Interview 28. Senior oil official. Kinshasa (18 October 2017).
[42] Interview 28. Senior oil official. Kinshasa (18 October 2017).
[43] Interview 17. Regime insider. Kinshasa (5 October 2017).

of this group put it, "In this ministry, it is loyalty first and competence second".[44] They complained in conversations that minister Mukena, a sociologist, would brag about his grasp of "easy geology" and "easy finance".[45] Ironically, these civil servants who were considered hindrances to corruption continue to collect their salaries. Their insider knowledge threatened to put corrupt practices in the open. That is to say, their salaries bought their silence.

According to various ministerial interlocutors, those who seek to encourage major reform and long-term planning are seen as "blockages"[46] who "slow down" the moneymaking activities of "pragmatic"[47] officials.[48] One fixer for an international company, whilst arranging a deal to benefit himself by an abnormal contract structure, assured ministry officials that due to their adherence to principle they would "die poor" with "nothing at the end".[49] Interlocutors recounted how a group of ministerial officials were chased from a ministry meeting with a private sector group for presenting a potential blockage to improper money-making deals.[50]

4.5.2 Regime interests are central to understanding corruption

It is not only the refusal to participate in corruption which oversteps boundaries: over-work by oil officials bears greater risks of overstepping presidentially-defined bounds than does theft and corruption. Regime security interests define these bounds. In particular, developments might provide benefits to unapproved persons or groups. Both oil rents and oil profits could be used by political opponents, threatening regime security. This means that the regime prefers a non- or under-developed sector, with only actors participating which are close to the regime. For example, in 2011 a senior ministry official had invited South African companies to look into investing in the oil sector. The presidency became concerned that an official unknown to them had courted potential oil investors, potentially allowing facilitation payments to individuals beyond presidential control.[51] As a result, the investors were pushed away.

Government-opposition logics also play a role in this situation: contracts have also been blocked due to the involvement of politically hostile elements within DRC. For example, one company's (COMICO) contracts sat without presidential approval for over a decade. This was due to direct financial ties to Montfort Konzi Sende Ngomba, the former chief of staff to Jean-Pierre Bemba – a major opponent to Kabila (Global Witness, 2018), as well as the location of some of the blocks within Equateur, an opposition stronghold. In other words, the regime not only wants to make sure that opposition figures have no access to these rents, it also wants to make sure that the current political and economic geographical power balance remains the same: it wants to guarantee that opposition and marginalized regions have no access to economic wealth (IGC 2012: 17). This means that the regime has no interest in developing oil production in these regions, as this could become a threat to the regime. As a senior official noted, "The authorities are scared. The day that

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[44] Interview 18. Several oil officials (5 October 2017).
[45] Interview 18. Several oil officials (5 October 2017).
[46] Interview 19. Several oil officials (9 October 2017)
[47] Interview 18. Several oil officials (5 October 2017).
[48] Interlocutors spoke of "pragmatic" officials (meaning those willing to find ways of making money through governance) and of "logical" officials (being those who follow paths of work and planning which aim towards sector development, economic inclusiveness, environmental management and other such ends).
[49] Interview 18. Several oil officials (5 October 2017).
[50] Interview 18. Several oil officials (5 October 2017).
[51] Interview 28. Senior oil official. Kinshasa (18 October 2017).

work begins in the central basin, they have lost control. The oil companies come equipped like it is a war. They come with machines and materials, open new roads, they put in infrastructure, people, towns... The economy of the [central] provinces will take hold again".[52] In other words, although there is development potential in the central basin, this is not properly explored, as the political risk is considered too high.

Therefore, this sort of policy impetus for the sector to develop does not emerge from the ministerial level either. As a prominent observer noted, "The administrations are abandoned. They try to manage themselves (*se debrouiller),* or they try to take what they can. Either way, it doesn't permit them to advance."[53] With regards to the presence of companies, the fact that they are both discouraged and not attracted to develop the sector is not important to the regime, which prioritizes regime stability. The regime does not lack for funds from other sources. The mining sector gathers hundreds of millions of dollars annually by both gatekeeper rents (Carter Center, 2017) and taxes (eg. EITI, 2017). Informal rents associated with the mining sector are difficult to estimate but are highly significant (Marysse and Tshimanga, 2013). The Kabila family itself also has vast business interests (CRG 2017). Therefore, negative controls – preventing unauthorised activity – is more important than bringing in clients. It is more important that the president is the only channel, even if that channel is empty.

The same holds on an international level: the regime makes sure that only geopolitically favourable actors are involved in the contracts. Oil contracts have been used to cement support from for example South Africa. South Africa is the largest single supplier of goods and services to the DRC, making up 30% of imports (Besharati & Rawhani, 2016, p. 16), as well as one of the top aid contributors (ibid., p. 21). More importantly, South Africa has been characterized as "Kabila's closest bilateral ally and … a key lifeline for his continued grip on power" (Bauer, 2017). For example, a major defining factor behind presidential favour for Caprikat & Foxwhelp's 2010 contract on Blocks I and II on Lake Albert was the involvement of the Zuma family, via the South African president's nephew, Khulubuse Zuma ("Zuma Inc", 2010; Trefon, 2016; McKune, 2016; McKune & Wood, 2016). By contrast, the prior contract for Block I, held by the Divine Inspiration consortium, was connected financially to the Moseneke family, close allies of Thabo Mbeki (a rival to Jacob Zuma). This connection contributed to the contract's annulation.[54]

4.5.3 The limits of grazing

The regime security factor also helps to understand why corruption has boundaries: actors within the ministry are allowed to 'eat', as long as these practices do not threaten regime interest. Once they do so, they are stopped or side-lined. This is reminiscent of the (Cameroonian) proverb used by Jean-François Bayart (2009, pp. lxxvi, 235) cites the (Cameroonian) proverb 'Goats eat where they are tethered' to characterise corruption as a form of social and political behaviour which is not limited to political elites. A key element in the definition are the rather explicit boundaries for 'eating', as set out in the definition: goats are allowed to eat, but this depends on their patience, and the length of the rope. Not doing so provokes sanctions. This also happened in the Congolese oil sector, when corruption became too explicit: by attracting too much unwanted attention (from

[52] Interview 49. Senior oil official. Kinshasa (21 November 2017).
[53] Interview 56. Congolese natural resources analyst. Kinshasa (27 November 2017).
[54] Interview 58. Oil company owner-manager. Kinshasa (12 December 2017).

the press, from international donors, etc.), corruption jeopardizes regime interests. The above-mentioned case of Minister Mbuyu and his practice of overlapping contracts constitute an example of this, as this practice started attracting too much unwanted attention, both from the judiciary and the press: The public prosecutor had already arrested the secretary general of hydrocarbons and the scheme attracted attention in the press, alerting the president.

A major way in which corruption threatens regime interest is when the president has lost oversight and control over these actions: on several occasions, the president has used his prerogative to block activity altogether. This has been used for a variety of reasons, all related with the President trying to maintain political control, for example as a mechanism of preventing unauthorized activity. A moratorium was imposed on Lambert Mende after several contracts were signed without prior consultation with the presidency, since high value contracts might provide finance to political opponents and adequate shares of gatekeeper rents might not accrue to regime insiders (ICG, 2012, 14). They also occur during moments of high political tension, alongside contract moratoria in other sectors. In March 2012, a letter signed by Kabila was circulated to all ministers, forbidding the approval of contracts during the political transition period (AEI 2012a). This is again a mechanism of preventing rent extraction beyond presidential control. In such moments of flux and tension, matters such as contracts might go unnoticed by the presidency, and lucrative contracts could destabilise fragile political balancing games. Limiting political and economic movement is vital at such moments to ensuring regime goals.

5. Conclusions

This paper analysed the political economy of oil in the DRC, and provided a detailed understanding of the corruption dynamics in the oil sector – which not only for the DRC is a gap in the literature, but also more broadly (Shaxon, 2007; Manzono and Vernon, 2018). Overall, the paper shows the deeply political nature of corruption, as the 'rules of the game' (Olivier de Sardan, 1999) are closely tied to regime interests first, we explained the ways positions in the oil ministry – and oil rents more generally – serve as rewards by the regime. Underlying this moral economy is the political role and importance of the oil sector: the oil sector is seen as an ideal grazing ground for clients. By allowing clients to accumulate and distribute resources, they and their networks are further tied into the regime, establishing a pyramidal patronage system in which patrons (themselves in positions to extract and distribute resources) are in turn clients to higher-level actors. For example, a national minister is in a position to accumulate and distribute resources and positions, but is himself client to the presidency. As we have shown, regime security is a central characteristic of the oil sector. In this, ministers and other actors must respect a number of rules. Loyalty to both policy and politics defines ministerial appointments. For ministry staff, not participating in corruption is punished. Yet also, corruption which is too large or too public is punished. As in the proverb of the goat, the length of the rope is vital. This suggests that the goat must respect boundaries in 'eating'.

We also highlighted the ways these rents are produced. Crucially, this is not through the production of oil, but by trading in oil rights. Selling and reselling, signing and resigning oil contracts is more attractive. This is first due to time horizons: political positions are precarious, and production takes too long. Actors instead eat as quickly and as much as possible. Yet also, regime interests are key: actually producing oil is considered politically risky, as this potentially could empower political opponents or marginalized regions. In light of these concerns, and since patronage and rents are adequately fulfilled without development, the sector remains sluggish. That is, combining short-term financial extraction and regime security concerns (rather than merely the presence of corruption) has a negative effect on development, leaving the oil sector underdeveloped.

Lastly, comparison to other oil sectors highlights the particularities of DRC's oil, for example with Angola's highly productive oil sector. Again, it is not corruption or cronyism in and of itself which stymies the development of the oil sector. If so, Angola would be no different than the DRC, as it is equally characterised by corruption (Hammond 2011). Instead, the sector's relationship to the regime stability defines production: in Angola, the regime is founded on and strengthened by oil, whilst in the DRC oil is marginal or a threat to the regime. This stems from the structure of oil distribution in these two states: Angola's offshore oil field were highly productive during the postcolonial period of political consolidation, and therefore a central regime characteristic early on. For the DRC, the oil sector was never central. In sum, oil production in Angola further strengthens the regime in place, where the DRC regime(s) fear the opposite. Instead, the DRC regimes had other sources of income: particularly mines and minerals have been central to Congo's economy and politics. Congo's productive mining sector and unproductive oil sector stand in stark contrast, despite both being highly politicized and deeply corrupt (Carter Centre 2017). The crucial factor again is each sector's relation to regime stability: Congo's political settlement is thus tied to a mining economy, and those actors tied to it. Oil production is thus either marginal or a threat to the established political settlement, whilst mines are central to it. The oil sector therefore does not need production; it is sufficiently productive as a 'grazing ground' for elites. This paper has explained how the oil sector functions as a 'grazing ground', and how corruption functions and is regulated.

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