



The Merit Principle vs Patronage in African Civil Service Appointments

Human Rights and Governance Considerations

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ABSTRACT

This article examines The Merit Principle vs Patronage in African Civil Service Appointments: Human Rights and Governance Considerations with a focused emphasis on Republic of Congo within the field of Law. It is structured as a theoretical framework article that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

Keywords: *Merit Principle vs, Principle vs Patronage, African Civil Service, Civil Service Appointments, Service Appointments Human, Appointments Human Rights*

Article Highlights

- Patronage appointments undermine state capacity to fulfil human rights obligations
- A rights-based framework transforms merit principles into justiciable governance components
- Systematic preference for allegiance over competence erodes institutional integrity
- Proposes concrete normative benchmarks for legislative reforms (2021-2025)

Republic of Congo Case Study

Examines how historical legacies and economic pressures shape administrative structures, moving beyond generic governance discourse to assess tangible impacts.

This article synthesizes human rights law, constitutional principles, and public administration theory.

Introduction

The persistent tension between the merit principle and patronage in civil service appointments presents a profound governance and human rights challenge across Africa, with particular salience in the Republic of Congo (Barsky & Stein, 2023) (Barsky & Stein, 2023). This article contends that the systematic preference for patronage—appointments based on personal or political allegiance over competence—fundamentally undermines the state’s capacity to fulfil its human rights obligations and deliver effective governance (Ndikumana, 2022) (Ndikumana, 2022). In the Congolese context, where historical legacies and economic pressures shape administrative structures, this practice erodes institutional integrity and public trust (Steenmans et al., 2021).

Drawing on interdisciplinary insights, the objective is to construct a theoretical framework that reconceptualises merit-based appointment not merely as an administrative ideal but as a constitutive element of the state’s human rights duties, particularly regarding the rights to non-discrimination and effective remedy. The analysis will proceed by first surveying relevant theoretical debates, then developing a rights-based framework tailored to the Republic of Congo, before exploring its implications and practical applications for reforming civil service governance (Zhu et al., 2024).

Theoretical Background

Scholarly debates on civil service reform often bifurcate into technocratic governance perspectives and political economy analyses (Steenmans et al., 2021). The former, as reflected in discussions on corporate governance transparency by Zhu et al (Zhu et al., 2024) (2024), emphasises objective criteria, accountability, and performance—principles directly transferable to public sector merit systems.

Conversely, political economy critiques, informed by analyses like Ndikumana’s (2022) work on conflict economies, highlight how patronage functions as a tool for elite consolidation and post-conflict stability, rendering purely technical solutions naive. A significant gap exists in synthesising these views with a robust human rights jurisprudence. While Barsky & Stein (2023) demonstrate how legal capacity doctrines can reshape institutional practices, such principles are seldom applied to civil service appointments.

This article bridges that gap, arguing that human rights law provides a normative and actionable middle ground between apolitical technocracy and resigned acceptance of patronage’s inevitability.

Framework Development

For the Republic of Congo, a rights-based framework transforms the merit principle from a discretionary policy goal into a justiciable component of good governance (Barsky & Stein, 2023). This framework anchors itself in the state’s positive obligations to ensure non-discrimination and the right to work under equitable conditions (Ndikumana, 2022). Patronage appointments, which often favour specific ethnic, regional, or political affiliations, constitute a form of discrimination contrary to international human rights norms as discussed by Barsky & Stein (2023).

Furthermore, when unqualified individuals occupy positions responsible for service delivery—be it healthcare, education, or justice—the state fails in its duty to provide effective remedies and fulfil economic and social rights. The framework posits that meritocratic procedures, including transparent,

competitive examinations and objective performance reviews, are not merely administrative tools but essential mechanisms for realising the rights of both civil servants (to equal opportunity) and citizens (to competent administration). This creates a legally-grounded imperative for reform distinct from generic governance advice.

Theoretical Implications

The primary theoretical implication of this framework is the recalibration of meritocracy as a substantive human rights obligation rather than a procedural administrative choice ([Steenmans et al., 2021](#)). This moves the debate beyond the efficiency arguments highlighted in corporate governance literature ([Zhu et al., 2024](#)) and the stability trade-offs noted in political economy ([Ndikumana, 2022](#)), situating it within the state's non-derogable legal duties. For scholarship, it necessitates a closer reading of human rights treaty bodies' observations on governance and a re-evaluation of state reports from countries like the Republic of Congo through the lens of appointment practices.

Theoretically, it suggests that patronage is not merely corrupt or inefficient but constitutes a structural barrier to rights realisation. This has profound implications for how international human rights monitoring mechanisms might engage with civil service reform, potentially viewing opaque appointment practices as indicative of broader systemic rights violations, thereby opening new avenues for accountability and advocacy.

Practical Applications

In practical terms, applying this framework to the Republic of Congo requires concrete, incremental reforms aligned with its human rights commitments. First, legislative amendments should explicitly codify merit-based appointment and promotion as a right of citizens and a duty of the state, drawing inspiration from the normative clarity found in instruments like the UN Convention on the Rights of Persons with Disabilities ([Barsky & Stein, 2023](#)). Second, independent oversight bodies, perhaps modelled on anti-corruption commissions but with a specific mandate to adjudicate appointment-related discrimination complaints, are essential.

Third, leveraging technology for transparency, akin to proposals for blockchain in waste governance ([Steenmans et al., 2021](#)), could be adapted to create immutable, publicly auditable records of job advertisements, applicant qualifications, and selection criteria. This technological layer reduces discretion and builds citizen trust. Such applications demonstrate that a rights-based approach is not merely declaratory but offers a concrete roadmap for institutional redesign that strengthens both governance and legal accountability.

Discussion

This discussion synthesises the argument that embedding the merit principle within a human rights framework offers a potent, legally-grounded counter-narrative to the normalisation of patronage in Congo ([Ndikumana, 2022](#)). It moves the imperative for reform from the peripheral realm of public administration best practice to the core of the state's constitutional and international obligations. While [Ndikumana's \(2022\)](#) insights remind us of the deeply entrenched political economies that resist such

change, the framework provides advocates and reformers with a powerful language of legal entitlement and state duty, rather than one of mere efficiency.

This aligns with broader shifts towards viewing governance gaps as rights gaps, as seen in environmental and corporate contexts (Zhu et al., 2024). The discussion therefore acknowledges the political challenges but asserts that a rights-based approach reconfigures the stakes, making the continuation of patronage systems a demonstrable breach of legal commitments, thereby empowering domestic courts, civil society, and international bodies to demand tangible progress.

Conclusion

In conclusion, this article has argued that the conflict between merit and patronage in the Republic of Congo's civil service is fundamentally a human rights issue. The developed framework demonstrates that meritocratic appointments are a prerequisite for the state to discharge its duties of non-discrimination and effective service delivery. The primary contribution is thus theoretical and normative: reconceptualising civil service reform as an imperative of human rights law rather than discretionary governance policy.

The most practical implication for Congo is the need to legislate merit as a right and establish independent, technologically-augmented mechanisms for enforcement, moving beyond aspirational codes of conduct. As a next step, empirical research should investigate how litigation based on the right to non-discrimination could be strategically used to challenge specific patronage appointments, testing the justiciability of this framework and its potential to catalyse tangible institutional change in Congo and similar jurisdictions.

Contributions

This article makes a significant scholarly contribution by synthesising human rights law, constitutional principles, and public administration theory to construct a novel legal framework for analysing civil service appointments. It provides a critical, context-specific examination of the Republic of Congo, moving beyond generic governance discourse to assess the tangible impacts of patronage on fundamental rights and institutional integrity.

Practically, the analysis offers a structured legal argument for reformers and jurists, proposing concrete normative benchmarks for legislative and policy reforms between 2021 and 2025 to align appointment practices with both domestic constitutional mandates and international human rights obligations.

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