

Developmental Regimes in Africa

Initiating & sustaining developmental regimes in Africa

How the international system hinders the consolidation of developmental regimes in Africa

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Working Paper

January 2014

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Published on behalf of the Developmental Regimes in Africa Project by the Overseas Development Institute, 203 Blackfriars Road, London SE1 8NJ, UK (www.odi.org.uk).

The DRA project is funded by the Netherlands Ministry of Foreign Affairs. It builds on the work of the Africa Power and Politics Programme, which was supported by DFID and Irish Aid, and Tracking Development, which was funded by the Netherlands. The project is a partnership of the Overseas Development Institute, the African Studies Centre in Leiden and the University of Leiden. The views expressed in this publication are those of the authors and not necessarily those of any of the partner organisations or funding bodies.



How the international system hinders the consolidation of developmental regimes in Africa

David Booth and Frederick Golooba-Mutebi*

The international system may not play a primary role in shaping the destinies of countries, but there are sound practical reasons for examining how global forces help to shape political and economic incentives in developing nations. While recent studies have tackled this issue for states that are already failing, there has been little discussion of how it affects countries with regimes that are struggling to sustain successful processes of national development. This paper addresses that gap with reference to two types of regime, represented respectively by Rwanda and Kenya. It begins with the question of what should count as a developmental regime in the contemporary African context. It then argues that previous discussion of international constraints has placed too much emphasis on the limited 'policy space' for developing countries afforded by international trade agreements and the conditionalities of the big concessional lenders. More important are hindrances to the kind of political settlement that favours a learning-oriented approach to policy making and delivery. A common theme across the two types of regime is the negative influence of what the paper calls naïve liberalism.

1 Introduction

The choices made by African elites are influenced primarily by political and economic factors operating within their countries. Contrary to the view that used to be widely held in Africa, domestic political factors and not external relations of dependency have primacy when it comes to explaining development outcomes. In other words, Africa has not remained underdeveloped because national economies are unfavourably located in the global trade and finance system. Rather, Africa's relatively marginal position within the global economy is the result of relative economic failure produced by policy choices. Even in an era of globalisation, states are not powerless to change their trajectories. These propositions are supported by a large literature drawing attention to the very different postcolonial achievements of countries across Africa and Asia (Kelsall, 2013; Lockwood, 2005; van Donge et al., 2012; Weiss, 1998).

While domestic factors are crucial in this sense, it is equally true that they are not formed in isolation. A central feature of the domestic context that shapes key decisions is the way leaders, past and present, have chosen to respond to incentives and ideas generated and reproduced at the global level.

These influences can be powerful. Moreover, there is a strong practical reason for paying serious attention to ways in which the global system helps, albeit indirectly, to shape political and economic incentives in poor developing countries. Northern governments and other global actors may have real opportunities to reshape aspects of the international context for

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development, whereas – campaigns to promote good governance notwithstanding – they have little real ability to influence domestic politics directly.

In this spirit, recent studies have usefully drawn attention to the many incentives generated by the international system that encourage elite behaviours that are harmful or at least inconsistent with single-minded leadership of national development processes. They include the historically unprecedented scale of global income gaps, the growing interpenetration of politics and organised crime – especially around the narcotics trade – and the ease with which funds and small arms can be transferred illegally across regions and continents (Bayart et al., 1999; Brown et al., 2010; Cramer, 2006; Ellis, 2011; Moore et al., 2009; Ndikumana and Boyce, 2011).

The emphasis of this work has been on states or regimes that are already failing, where international factors amplify incentives to govern badly, misappropriate public funds or resort to violence. Relatively little has been written about how international factors interact with domestic factors to shape the incentives of more progressive regimes, in particular those showing real potential to drive forward processes of national development.

This paper seeks to address that gap, distinguishing two categories of country. On the one hand there are countries where the regime in power has made a qualitative leap in the direction suggested by successful Asian states and is visibly driving forward a process of national development. Examples include Ethiopia and Rwanda. On the other hand are those that might have been expected to host developmental regimes but seem regularly to fall at the last hurdle. Ghana and Kenya would be prime examples. This paper is concerned with how the international system hinders the emergence and consolidation of developmental regimes in both types of country. The focus is on Rwanda and Kenya.

An obvious preliminary issue, on which much else depends, is what should count as a developmental regime. This question has received little attention since the 1990s debate about ‘developmental states’, which was largely focused on the earliest newly industrialising countries in East Asia (Evans, 1995; Leftwich, 2000; Robinson and White, 1998; Woo-Cumings, 1999). That is a rather unsatisfactory state of affairs. The conclusions of the East Asian state discussion – particularly Evans’ influential concept of embedded autonomy – proved not to be very portable, even for understanding subsequent development successes in Asia and Latin America (Booth, 2013: 509-513; Kelsall, 2013: 24-27; Portes, 2005: 48-51). Governments as different as those of South Africa and Ethiopia have nevertheless committed themselves to the goal of building of a developmental state – a democratic developmental state, to be exact. The specific implications of this commitment have been clearer for Ethiopia than for South Africa (see Zenawi, 2012) but what exactly constitutes a developmental state or regime remains to be settled.

In section 2 of the paper, we consider the pros and cons of answering this question in terms of, respectively, economic policy *content*, policy-making *approach* and the nature of the *political settlement*, concluding that all three criteria are potentially relevant but the last is decisive. Section 3 then sets out the grounds on which Rwanda may be considered to have at least an incipiently developmental regime using these criteria. The remaining sections of the paper are devoted to its central topic: how the international system hinders the emergence and consolidation of developmental regimes.

In section 4, we make the general argument, with illustrations from the experience of Rwanda. This involves a dialogue with the important literature that emphasises narrowing ‘policy space’ for developing countries due to WTO agreements and the loan conditionalities of the Bretton

Woods' institutions. We argue that the more important constraints have to do with political settlements. In the case of Rwanda, the most significant of these arise indirectly, by way of the approach of the UN and the big powers to state reconstruction in DR Congo.

Section 5 considers how well the general argument applies to Kenya, a country whose potential as a site for a developmental regime has been dissipated repeatedly. This rather different experience also points to influence on the political settlement, rather than limitations on policy choice as such, as the means by which the international system may constrain the emergence and consolidation of developmental regimes in Africa. Section 6 concludes.

2 What is a developmental regime?

2.1 Policy content

African countries are now routinely experiencing high rates of economic growth. Most of this growth, however, is occurring within an untransformed economic structure, reproducing in many respects the pattern countries inherited at independence. Improvements in smallholder agricultural productivity remain patchy and modest, a critical weakness in countries where the most people continue to seek their livelihood in rural areas. Mining, construction and the service sectors are booming in response to international demand and the needs of growing middle classes. But the acquisition of technological capabilities and economic power by expanding firms in manufacturing or agro-processing is not a major feature of the growth pattern. Consistent state policies in support of either agricultural transformation or technology-based industries are notable by their absence (Amoako, 2011; ECA and AU, 2011; Lin, 2012; Noman and Stiglitz, 2012).

These observations provide one possible starting point in thinking about what should count as a developmental regime in Africa today. As a minimum, surely, a regime should qualify as developmental on the basis of its economic and social policies. A developmental regime would be one that is actively promoting and supporting a productivity revolution in agriculture and/or pursuing a deliberate 'industrial policy' with a view to building capabilities and acquiring new comparative advantages for exploitation within regional or global markets.

There is much to be said for approaching the definitional question in the above way, through policy content pure and simple. Comparative research on successful Southeast Asian and equivalent sub-Saharan African countries over the years 1960-2006 has concluded that policy differences by themselves explain most of the divergence in economic performance (Berendsen et al., 2013; van Donge et al., 2012; Vlasblom, 2013). The case, originally set out by Johnston and Mellor (1961), for ensuring that economic growth in low-income countries is agriculture-led has been regularly reinforced by research at IFPRI and elsewhere (e.g., Breisinger and Diao, 2008) and remains relevant to much of Africa (Dorosh and Mellor, 2013; Hazell et al., 2010; Losch et al., 2012).

The heterodox literature on industrial policy sometimes presents itself as an alternative to agricultural transformation, but it is more compelling as a complement. Chang (2003), Reinert (2007), Whitfield (2012) and Noman and Stiglitz (2012) have made the argument that throughout history states have become economically successful by targeting activities in which the acquisition of technological capabilities generates 'increasing returns'. Lin's 'new structuralism' (2012) marries this with international trade theory by pointing out that success comes from emulating countries that are only slightly ahead in the race for development, so that the capabilities acquired are not too far out of line with the country's comparative advantages, given its endowments of land, labour and capital.

To the extent that we pursue a policy-based approach to the definition of developmental regimes, therefore, there are reasons to pay attention to both policy for agriculture and policies for industrial emulation. Were we to leave it at that, there would be a strong case for similarly focusing our enquiries about international constraints on policy selection. As we discuss further on, there is a significant literature that argues that developing countries are seriously affected by limits to their 'policy space' which arise in the global trade and financial systems. However, there would seem to be grounds for probing a bit more deeply the commonalities and differences in policy *approach* among countries that do and countries that do not adopt the kinds of policies that sound economic theory suggests are needed.

2.2 Policy process

For example, the Africa/Southeast Asia research cited above did not just find that giving priority to rural development is an early success factor. It also concluded that the Southeast Asian commitment to rural development was underlain by more fundamental guiding principles. Leaders and the technocrats they empowered were interested in improving the economic and social lot of the mass of the population as quickly and effectively as possible, and they were pragmatic in choosing how they did this. They were guided by principles of urgency, outreach and expediency, principles that are not widely observed in the governance of low-income countries (Henley, 2010).

This conclusion is interestingly convergent with the findings of more recent surveys of public policy making in developing countries which emphasise problem-solving and iterative learning processes as the keys to policy choice and institutional design for development progress (Andrews et al., 2012; Andrews, 2013). Arguably, states in history up to the present have arrived at the kind of policies recommended by heterodox economists not so much by pure intellectual conversion but as an outcome of processes of searching for solutions to perceived problems. Some of Fuady's (2013) and Henley's (2013) informants from the team that supervised Indonesia's agricultural breakthrough certainly presented things this way.

This suggests an alternative or at least supplementary approach to the question 'what is a developmental regime?' A developmental regime is one that in key fields practices problem-driven iterative adaptation ('PDIA' for short). When we come to consider international hindrances, this focus suggests paying attention to global factors that potentially obstruct not so much the adoption of particular policies but the consistent pursuit of an adaptive, problem-solving approach to policy-making.

We would argue that the approach in terms of the quality of policy processes makes better sense than a policy content approach. But it too has limitations. It invites the question 'why?' In their elaboration of the concept of iterative adaptation, Andrews and his colleagues have steered clear of explaining why PDIA is relatively rare as a quality of country policy-making (as opposed to donor and lender policy-making). Nonetheless, there are some fairly obvious associations between policy-making styles and underlying differences in the way politics works across countries. Policy processes are shaped by aspects of the *de facto* political constitution or 'political settlement'.

2.3 Political settlements

The concept of political settlement rests on two claims: a) that institutions matter, and b) that the way institutions work is shaped by non-institutional factors, especially the power distribution among major elements of a national elite, including its military, civil, economic and political wings (Khan, 1995). Defining a political settlement as 'a consistent combination of

institutions and a distribution of power such that the two are compatible and mutually supportive' (Khan, 2010; 2012) conveys the two parts of this claim. In complementary work, North et al. (2009; 2013) make the case that the central issue in understanding varieties of 'elite bargain' is the different ways rents can be used to control violence.

The political settlements/elite bargain approach rejects the proposition that progress is a matter of adopting the 'right' formal institutions or of complying with generally accepted liberal-democratic norms and practices. It provides an alternative to the rightly criticised mainstream understanding of 'good governance' (Booth and Cammack, 2013; Future State, 2010; Kelsall, 2013; Putzel and Di John, 2012; Sundaram and Chowdhury, 2012). It is the nature of the political settlement that shapes a country's possibilities, not the formal structures as such, and this applies to both the maintenance of peace and the quality of the feasible policy-making for development. We hypothesise, therefore, that the key thing enabling PDIA to become a predominant mode of policy-making is a certain kind of *de facto* political constitution or political settlement.

If this is true, it suggests that the defining qualities of a developmental regime might well include three layers, but that the third, the nature of the political settlement, is the most significant. It is the critical feature and the other two are derivative.

3 How Rwanda qualifies

3.1 Policy content

Is the government in Kigali led by the Rwandan Patriotic Front (RPF) a developmental regime? The starting point for this assessment is whether the country has adopted in a decisive way *either* of the types of policy for economic transformation suggested by comparative development experience during the last sixty years: the big push on rural infrastructure and agricultural productivity suggested by the Tracking Development and IFPRI research, or the active 'industrial policy' advocated by Chang, Lin and others.

A nuanced assessment is necessary on this issue because Government of Rwanda (GoR) policies have changed significantly over recent years and are still evolving. It took a surprisingly long time, and a major food crisis in the mid-2000s, for the RPF-led regime and its donors to appreciate the importance of transforming smallholder agriculture. The dominant view within the RPF was initially sceptical about the usefulness of investing in smallholder farming, while the donors remained focused on the social sectors. The resulting lack of a sensible strategy for agriculture and the prevalence of notions about moving directly to a modern service-based economy were reflected in disappointing rates of poverty reduction and growing inequality during the first half of the last decade. However, these outcomes prompted a major re-evaluation and the design of new policies, with smallholder crop intensification at their centre. There is now evidence that agricultural policy has adopted the features suggested by the most relevant Asian experience, and that this is working (Booth and Golooba-Mutebi, 2012b). Poverty and human development indicators are improving fast and inequality is declining (Rwanda, 2013).

On industrial policy, the GoR approach has several of the right features. The government has actively intervened to construct public-private consortia and to direct investments into infrastructure and energy projects with high positive externalities. Some of the activities of the RPF-owned and army-owned holding companies, Crystal Ventures and Horizon, qualify at least in part as examples of active industrial policy. The joint-venture with MTN that opened up mobile telephony in Rwanda is a good example (Booth and Golooba-Mutebi, 2012a).

However, it is true that much of this remains rather tentative. Thus far, the Rwandan approach to industrial policy could be considered correct but hesitant, and not yet backed by the necessary concentrated capacity for steering and regulation (Holden, 2012).

These limitations are not altogether surprising, given the fundamental disadvantages the country faces, but they should be recognised. On the policy criterion, therefore, Rwanda is at best an incipiently developmental regime.

3.2 Policy process

We have argued, secondly, that developmental regimes in poor developing countries are those that exhibit a systemic commitment to adaptive, problem-solving approaches to policy choice and institutional design. Heterodox policies that work are seldom taken out of a textbook. They are stumbled upon, in a process of searching for solutions to particular problems. In this sense, a problem-solving orientation is probably a precondition for getting the right policy content. The RPF-led regime is at least incipiently developmental in this sense. The turnaround in agricultural policy, discussed above, is an excellent example of timely error correction (Booth and Golooba-Mutebi, 2012b). Maternal health is another area in which policy-making has been distinguished by a consistent search for a model that works in the Rwandan context (Golooba-Mutebi, 2013a). The acute policy incoherence that arises in some other countries of the region from the combination of populist campaign promises and changing donor fashions (Booth and Cammack, 2013) is generally absent in Rwanda. For Matt Andrews (2013), the way Rwanda went about designing its decentralisation programme is a leading example of the recommended Problem-Driven Iterative Adaptation.

These claims may seem surprising to some readers. The main academic literature on Rwanda hardly recognises the qualities of the national policy process that we have emphasised. It tends to adopt a snapshot approach that is bad at capturing change, especially if it is iterative and involves the strong element of ‘muddling through’ that Andrews and associates treat as a positive. Social scientists writing about Rwanda commonly often have very firm ideas about where policies are coming from and what their effects are likely to be, and one-off research trips do little to disabuse them. The collected data are used to support claims about the nature of the regime, not to influence policy. This intensifies what Robert Chambers long ago (1983: Ch 2) identified as a persistent feature of social science research on development generally – a tendency to adopt prematurely negative judgements about current processes and policies.

3.3 The political settlement

As we have argued at more length elsewhere (Golooba-Mutebi and Booth, 2013), the political settlement that has emerged in Rwanda since the early 2000s has three elements:

- 1) a commitment to power-sharing among (but only among) parties that are firmly aligned against a revival of ethnic sectarianism;
- 2) the pursuit of development, not negotiation, as the principal path to national reconciliation; and
- 3) the search for an alternative to the usual African pattern of clientelistic political competition.

The power-sharing commitment is articulated in, among other things, the provision of the 2003 constitution that the party with the largest electoral support shall take only 50% of cabinet posts, the others being reserved for members of other parties or no party. It involves a decisive rejection of the ‘winner takes all’ principle that is so destructive in several other

countries of the region. The limits to this commitment are set by a strict legal ban on the registration of parties with ethnically divisive programmes. For those, like Human Rights Watch, that follow a radical doctrine of free speech inspired by the US constitution, this means that Rwanda is a country in which 'political space' is limited (Johnson, 2013). However, the Rwandan laws are broadly consistent with those applied in many African and European countries, including some with no history of genocidal violence.

The approach to national reconciliation through development, rather than through negotiation, is a gamble, of course. It may not work. However, it is considered less risky than allowing a foot in the door to a revival of Hutu supremacist ideology. It has been pursued through a policy of robust inclusiveness, including deliberate efforts to incorporate into the nation-building effort anyone who is prepared to join it in a spirit of sincerity, including some leaders and many followers of the pre-genocide Habyarimana regime. The construction of the Rwanda Defence Force (RDF) as a national army incorporating significant elements of the former Forces Armées Rwandaises (FAR) is an important manifestation of this commitment. Another is the very deliberately non-discriminatory approach taken – at least at the level of formal policy – to business promotion, civil-service appointments and the allocation of state scholarships, important signals to the Hutu middle classes that, anti-RPF propaganda notwithstanding, they have a real stake in the system.

The third element of the settlement is not widely appreciated but is essential to understanding the way support for the RPF-led regime has been configured and reconfigured over the years since 2000, when President Kagame took over from President Bizimungu. According to a common telling of the story of Rwanda over this period, there has been a progressive narrowing of the political base of the regime as different groups from the original ruling coalition or from the RPF itself have 'fallen out with Kagame' and gone into exile. In this version, the story is about the erosion of liberal freedoms and the consolidation of a personal dictatorship, but this is certainly too simple and misses a very important dimension of political system variation across countries of sub-Saharan Africa. The typical form of multi-party politics in poor developing countries is a competitive clientelism in which politicians use access to public office to enrich themselves, to repay the business and other interests that have funded their campaigns and to buy the acquiescence of key constituencies. The Rwandan political settlement is seeking to build a model of multi-party rule that is not clientelistic and in which corruption in public office has no place. If there has been in any real sense a narrowing of the political base of the regime, part of the explanation may lie in the different attitudes that various individuals and tendencies have taken on this issue.

The political settlement defined by these three elements is not adhered to by all Rwandan political forces inside the country (and, of course, none of the exiled political groups are party to it). Nor is it approved and recognised by the generality of academic specialists on the post-genocide political dispensation, many of whom are either unaware of its existence or prefer to ignore it. On the other hand, we believe that large sections of the Hutu business and professional elites are at least passive parties to the settlement in so far as they recognise that the strict anti-sectarianism that has become a feature of the regime under Kagame is not a bad deal in the circumstances. Meanwhile, the element of power-sharing is widely popular. During the country-wide consultations that led to the 2003 constitution, large numbers of Rwandans expressed themselves in favour of politicians' working together rather than fighting each other.¹

The power-sharing element in the constitution permits and encourages quite wide-ranging policy debates within both the executive and parliament. That there are such debates tends

¹ Interviews with participants in, and coordinators of, the consultations over many years.

not to be recognised by visiting journalists and short-term researchers from outside. But this is partly because observers from the North come ill-prepared to recognise debates that are conducted behind closed doors in a spirit of consensus-building. They look for, and fail to find, adversarial public discussion. This confirms their expectation that Rwanda is a place where political debate is absent.

In our view, the three prongs of the political settlement in Rwanda combine in a way that has several benefits. They include allowing policy to be made as it should be, in a long-term strategic perspective and in an iterative, adaptive, problem-solving way.

4 Which international constraints matter most?

We have maintained that Rwanda qualifies as an incipiently developmental regime on grounds of policies pursued and the typical quality of policy-making, with the political settlement as the essential underpinning. We now consider three ways in which the international system may render the consolidation of a developmental regime more difficult than it might have been, asking to what extent the experience of Rwanda supports our case. We argue that Rwanda's *economic policy* has been steered by international influences in both positive and negative ways, and that its *policy processes* have been seriously misunderstood and misrepresented in academic research, which has limited the ability of policy learning to draw on research. However, the biggest threat to the final emergence of a developmental regime occurs at the third level: *the political settlement*. This is partly because of the way Rwanda's political settlement is bound up with regional issues, especially over the border in DR Congo.

4.1 The question of 'policy space'

To the extent that developmental regimes are distinguished by the policies they pursue (including the vigour and consistency with which they pursue them) there is an obvious set of channels by which the international system can be a hindrance. These have been captured in the proposition that developing countries face a narrowing 'policy space'.

The literature on this subject focuses particularly on the hegemony of free-trade thinking in the global economics profession and the translation of this thinking into binding directives by the WTO and the Bretton Woods' Institutions (Gallagher, 2005; Harrison, 2010; Mayer, 2009; Muchhala, 2007; Reinert, 2007). The general thesis is that WTO agreements and BWI conditionalities limit the scope for the interventionist trade measures and heterodox macro-economic policy instruments that are essential to effective industrial policy. Chang famously argued (2002) that the combined effect of these conventional ideas and constraints is to 'kick away the ladder' by which the now developed countries acquired their current wealth.

The general thesis is sound enough. But the policy-space approach is unsatisfactory on its own, for three different reasons. First, there is room for debate about whether either the WTO agreements and or BWI conditionalities are as constraining as some have made out (Page, 2007). Second and more important, contributors to the policy debate – trade economists and international lawyers in the main – tend to assume that governments pursue national interests up to the point where they are prevented from doing so by the hegemonic policy ideas and/or binding international commitments. Yet, it is not clear that African leaders who have failed to adopt transformative policies have done so *because of* the elements of the international consensus emphasised by heterodox economists. In many instances, it may be argued that the room to pursue heterodox policies has barely been tested. Few regimes in sub-Saharan Africa have wanted to take that option. In other words, limitations on policy space may be

potentially a problem, but they are not the relevant problem for most African countries most of the time.

Finally, the policy space literature is mostly addressed to middle-income countries where the presence or absence of an effective industrial policy is the key issue. It is less persuasive about limits to agricultural policy in countries that have not yet tackled the challenge of low productivity in staple food production. Agricultural subsidies in Europe and North America are deservedly notorious, especially in connection with cotton, but this is not the policy space issue that most concerns the heterodox economists. It is also notorious that the international aid community has followed a zig-zag path on support to agriculture. However, the World Bank and bilateral donors lost interest in agriculture after the 1970s primarily because of lack of success on the ground. Particularly since the African Union's 2003 Maputo Declaration created the Comprehensive Africa Agriculture Development Programme (CAADP) and the World Bank published its World Development Report *Agriculture for Development* (2007), the balance of international influence and support has been relatively favourable to low-income countries doing the right thing on agriculture. The obstacles are primarily domestic.

The international dominance of neoliberal ideas about trade and markets is not completely absent as a constraint on policy choice in Rwanda. Economists and consultants working for donor agencies do complain about the lack of a 'level playing field' for investors in the country, pointing to instances of interventionism that heterodox economists might consider intelligent industrial policy. The interpenetration of economic and political power in the large-scale sector of the economy (e.g. in the form of party-owned companies) is usually treated as a negative, despite international experience – not least in Vietnam and China – suggesting that growth-enabling governance is rarely based on an arm's-length relationship between political and economic organisation. Carping around these issues no doubt has a dampening effect on Rwandan policy, but it is not decisive, mainly because the Government of Rwanda has a robust attitude to donor policy advice. In agricultural policy, the net effect of international influence is probably positive, particularly since CAADP, although it was not the decisive factor in the major change of direction that policy took in the mid-2000s (Golooba-Mutebi, 2013c).

4.2 International influence on policy process

Another obvious candidate for international hindrance to developmental regimes is the one operating by way of policy processes. The work of Andrews et al. shows clearly enough how development assistance generates incentives for policy-makers to adopt policies that signal good faith to donors, even when they do not address any real problem. As argued by Pritchett et al. (2010), signalling is a powerful inducement to 'isomorphic mimicry', the copying of policies and institutional arrangements that are globally considered best practices, as opposed to the discovery of solutions to problems posed in specific country contexts.

We accept that the mindset of isomorphic mimicry has much to answer for in many African countries, even in periods in which aid conditionalities as such have had little influence. This explains better why governments have failed to make the right choices at critical moments than influence of particular policy ideas as such. However, it is clear that the factors at work are not limited to donor promotion of 'best practices' and the incentive to comply. It is not automatic that being dependent on aid produces mimicry, and the Rwanda case illustrates this.

We have suggested that willingness to learn from experience and to correct errors is a distinguishing feature of the policy process in Rwanda. However, the reasons do not lie not in any special restraint on the part of Rwanda's donors. They lie in the character of the

Rwandan political settlement. The more important hindrances work through the political settlement. They are of two types.

4.3 Direct effects on the political settlement

Our general proposition is that international constraints on the consolidation of developmental regimes are most significant when they hinder the consolidation of a developmental political settlement. Indirectly, these challenges make it more difficult than it should be for a regime to sustain good policy processes and adopt sound policies for economic transformation.

The most likely reason for a developmental settlement or elite bargain to be threatened is the hegemony in the global system of what may be called naïve liberalism. We use the expression naïve liberalism to refer to the view that, largely independent of context, progress is a matter of adopting the 'right' formal institutions or of complying with generally accepted liberal-democratic norms and practices.

Naïve liberalism is content to categorise regimes by placing them on a continuum between 'dictatorship' and 'democracy'. It believes that implanting democratic politics and functioning state institutions in a country can be achieved without regard to its socio-economic makeup and the composition of its elites, even in communally or ethnically fractured societies. This contrasts with the view, that we share, that the way formal institutions function is fundamentally shaped by power structures, and especially the way these deal with the main fractures that divide the society and its leaderships (Englebert and Tull, 2008; Kaplan, 2008; Putzel and Di John, 2012). Naïve liberalism has already done huge harm in the world – for example in Iraq and Egypt – and at the time of writing it threatens to do worse in Syria. We incline towards the view that the most serious threats to emerging developmental regimes work at this level, through both direct and indirect forms of hindrance.

Naïve liberalism infuses both the academic literature and the global journalistic discourse about Rwanda. More importantly, it also steers the decisions of powerful international players, including Northern governments that support Rwandan development efforts. This occurs by two equally important routes: via pressure on Rwanda to change its domestic institutions and laws to comply with the expectations of naïve liberalism; and via the effects on Rwanda of the international powers' naïve liberalism in DR Congo.

A major accelerator of both types of effect is the role and influence of a number of international human rights NGOs, especially Human Rights Watch. Thanks to Human Rights Watch, the international discourse is dominated by a rights agenda that is narrow in two senses. First, it is almost exclusively concerned with political and civil rights, and recognises no potential tradeoffs with social and economic rights (Leech, 2013). Second, it is heavily influenced by a perspective on civil liberties in post-genocide contexts that lies at the extreme end of the recognised spectrum of approaches. It has been argued that application of this perspective to the Rwanda situation is a travesty (Johnson, 2013; Kinzer, 2010).

The dominance of naïve liberalism in the approach of the international powers has several damaging effects in Rwanda. It creates a receptive ideological climate for disingenuous claims about 'lack of political space' in the country, with the effect that these claims are widely disseminated and rarely challenged. It makes it less easy for those who wish to engage constructively on the basis of the policies and institutions currently in place. It increases the government's 'bunker mentality', its sense that it is under constant attack and needs to defend itself proactively. This has been bad for Rwanda's relationship with its development donors, and makes it harder than it should be to work with partners in a problem-solving way.

Finally, the hegemony of naïve liberalism prevents the outside world, especially other African countries and the Rwandan diaspora in Europe and elsewhere, from learning about how Rwandan institutional arrangements underpin the country's superior policy approach and development results. Not only is Rwandan policy damaged but the ability of the international community to learn from Rwandan experience is also harmed.

4.4 Indirect challenges: Rwanda and DRC

Naïve liberalism can affect a developmental political settlement indirectly too. In the case of Rwanda, indirect effects are potentially even more unsettling than the direct impacts. This is illustrated by the controversy surrounding the Rwandan government's relationship with the mutinous Rwandophone Congolese officers who formed the M23 movement in North Kivu province of the DRC in early 2012.

As is generally known, the GoR was accused by the UN of providing political encouragement and military assistance to the mutineers, enabling them to defeat the DRC army units sent against them and occupy the provincial capital, Goma, for a period in late 2012. Several of Rwanda's development donors found this claim sufficiently convincing – or disturbing to opinion back home – to lead them to suspend aid to the GoR, leaving a significant hole in the national budget. As is also well known, GoR denied from the outset that it provided either material assistance or encouragement to M23. It denied it consistently through several official channels,² insisting that what happened in 2012 followed several years of constructive efforts on DRC pacification by GoR, including joint operations with Congolese special forces and sustained efforts to dissuade the discontented officers from taking up arms against the central government.

We have views of our own as to the likely truth of some of the specific claims about GoR intervention in the UN story that the donors appeared to accept. Our interest here, however, is in how it came about that so many otherwise disinterested people found it so easy to believe that Rwandan policy was a major factor stimulating conflict in N. Kivu and why, despite the time elapsed, so few external observers have been prepared to accept the GoR denials. We suggest that this is to a significant extent the by-product of the influence of naïve liberalism on the challenges of state-building in DRC.

Naïve-liberal state-building

Since the end of the Congo wars the approach of the big powers and the United Nations has been to rebuild the state in DRC, from the top down, starting with the installation of a tenuously elected political leadership in Kinshasa. On the assumption that introducing majority rule by way of competitive elections is the key to successful state reconstruction, heavy support has been given to the reform efforts presided over by Joseph Kabila, including security-sector reform and the construction of a national army capable of extending the president's writ throughout the vast, poorly integrated territory of DRC.

The genuineness of the political drive behind these reforms is doubted by almost all DRC experts. Nonetheless, the approach to implementation has to be determined, impartial and technocratic (UN agencies and donors do not have other strings to their bow). The official goal therefore is to give DRC the qualities of a real state, including a monopoly of legitimate violence, and an ability to collect taxes and provide services, throughout its territory. Large amounts of money and effort have been devoted to meeting that objective. Although everyone

² Including President Kagame to CNN, the Foreign Minister to the UN and the Minister of Defence in a very detailed interview with the Belgian journalist Colette Braeckman (2012) among others.

is aware of them, the actual complexities and challenges involved in such a project in the context of DRC are given the 'blind eye' treatment (Auteserre, 2010; Englebert and Tull, 2008; Trefon, 2011). Maintaining the fiction of top-down state-building also overrides any concern to address the specific conflicts and grievances that persist in certain provinces, notably North and South Kivu, and are the main source of continuing violence.

Given this context, a mutiny by officers previously incorporated into the DRC army is treated as just that – a challenge to the legitimate authority of the state. The specific grievances of the mutineers and their relationship to the wider ethnic and political issues in the region are treated as largely irrelevant, a mere pretext. The need to build peace by discussing these grievances around a table with Kabila's government has been recognised repeatedly by the East African regional powers, including Kenya, Uganda and Rwanda. But the global players and the UN treat regional perceptions with suspicion and scepticism. Regional peace-building initiatives, including the so-called Kampala process, are passed over if not actively undermined. Instead, Kabila is advised, encouraged and assisted simply to 'reimpose discipline' and 'restore order'.

Rwanda is not alone among African states in doubting the realism of a peace based on the imposition of the will of Kinshasa in the East. However, its refusal to take an active part in implementing the project of the big powers is seen as specially irksome and threatening to that project. This makes Rwanda liable to be singled out as the fall guy if and when things go wrong. To make matters worse, it is relatively easy for those pursuing the UN state-building project in DRC to make accusations of bad faith against the Government of Rwanda that will seem credible to many.

To begin with, several of the M23 leaders are Tutsis.³ Among these, several were comrades-in-arms with Rwandan military officers during the Congo wars or the Rwandan civil war itself. The M23 grievances are partly about creating conditions for the safe return to DRC of Congolese Tutsis who over the years have fled to refugee camps in Rwanda. And the Tutsi elements in M23 share with the GoR at least one common enemy, the remnants of the Hutu supremacist FDLR operating in parts of eastern Congo.

Secondly, the international community has largely accepted a series of claims emanating from UN bodies over the years about the nature of Rwanda's interests in DRC. Among the hoary claims that have helped to make claims about GoR support to M23 more credible than they would otherwise have been, we would include: 1) that the Rwandan development model depends on 'exploitation of Congo's mineral riches';⁴ that the Rwandan army financed its campaigns in DRC during 1996-2002 with mining operations;⁵ that economic relations with DRC benefit Rwanda more when DRC is in chaos than when it is well-governed;⁶ and that

³ There are other elements among both the fighters and the politicians. These include members of other Congolese ethnic groups, such as the movement's political leader in 2012, Bertrand Bisimwa, and significant numbers of Rwandophones of Hutu origin.

⁴ This proposition feeds on the global public's lack of knowledge of the nature of mining and trade in the sub-region. The impression has been given that external powers can easily 'exploit Congo's mineral wealth' on a significant scale in the Kivus. In fact, mining in these provinces is exclusively of the micro-scale artisanal sort, and smuggling of the quantities of high-value minerals that specialist traders are able to accumulate is a thoroughly international business in which Rwandan citizens have no significant advantage.

⁵ Mwenda (2013) has shown that the numbers on this claim do not begin to add up.

⁶ This is patently unrealistic. See Golooba-Mutebi (2013b).

secession by the Kivus from DRC has been or is now on the agenda of Congolese Tutsis or GoR, or both, and that this is what M23 is really about.⁷

Effects on Rwanda

The frequent repetition of propositions such as these can easily have the effect of placing GoR in the dock more or less regardless of what it actually does. When scapegoats are needed, Rwanda is the obvious fall guy, and this – we argue – is one of the things that happened in 2012. We do not suggest that Rwanda is a neutral player in the Kivus or that all of its actions are wise and honourable. However, reading off its intentions from the DRC state-building script is highly misleading. Presenting GoR as the principal culprit for continued instability in Congo is highly unfair, given what we know about the forces and issues in play (Kä Mana, 2012; Mwenda, 2012).

This is a significant way in which, via DRC, the international system makes life difficult for Rwanda's domestic political settlement, further enhancing the bunker mentality and further weakening constructive cooperation with the outside world. The donor response has also inflicted direct costs on the Rwandan economy. Economic growth has been maintained despite the aid cuts but at the expense of a large, once-only, use of reserves (World Bank, 2013). The reliability of donor budget support commitments has been placed in question for the indefinite future.

The experience of Rwanda supports our contention that a significant route by which the international system may hinder the consolidation of a developmental regime in Africa today is through impacts on the sustainability of the underlying political settlement. Naïve liberalism, we have suggested, can influence the way powerful international actors relate to incipiently developmental regimes with potentially harmful effects. For the case of Rwanda, the M23 episode provides more evidence that this danger is real.

5 Kenya: a different story ... or not?

The argument so far has sought to substantiate a thesis about African developmental regimes and the international system by considering the experience of a country whose policies, policy processes and political settlement appear to qualify as at least incipiently developmental. In this section, we explore whether it is plausible to extend the argument to a country that currently belongs in a different category but is of particular interest in the context of debates about developmental states. Kenya is one of the African countries that have most commonly fallen short of reasonable expectations about their performance in economic transformation. It is also the country whose economic underperformance is most usually attributed by economists to the functioning of the national political system or what we are calling the political settlement. If, as may be argued, Kenya has repeatedly failed to acquire the characteristics of a developmental regime despite appearing well positioned to do so, the question arises: has the international system had a part in this and, if so, through which mechanisms?

⁷ This has been discussed at length by Englebort (2009) whose thesis that secessionist movements are very rare in Africa is confirmed in a particularly striking way by the experience in the Kivus. Congolese warlords want a fair slice of the action provided by the internationally recognised state of DRC; they may want greater autonomy but they do not want to join another state.

5.1 A developmental regime *manqué*

It is not unreasonable to speculate that Kenya could have had, and could yet have, a developmental regime in the terms we have been using in this paper. At the end of the colonial period and in the first decade after independence, the country hosted one of Africa's most notable experiences in smallholder-based agricultural development (Heyer, 1981; Kitching, 1980: Ch 11; Lofchie, 1989: Ch 6; Tomich et al., 1995: Ch 11). Unfortunately, the policies and institutions that supported this early success did not endure very far into the 1970s, and in particular the pattern of pro-rural public investment was never as pro-poor as in comparable Southeast Asian countries such as Malaysia (Henley, 2012). However, it is interesting to speculate what could have happened if Kenya had continued to be an exception to the African norm of rural neglect.

As it was, capital accumulation straddling the agricultural and urban industrial and services sectors created the beginnings of an indigenous capitalist class – a relative rarity in sub-Saharan Africa (Leys, 1975: Ch 5; Swainson, 1980: Ch 4). Together with locational and other advantages, this gave Kenya a head start in attracting foreign investment into manufacturing. By the 1970s, Kenya was relatively well placed to begin the transition from 'easy' import-substitution to internationally competitive export manufacturing, as was observed at the time (Hazlewood, 1979: Ch 5; Langdon, 1987; Leys, 1975: Ch 4). The collapse of the East African Community at the end of the decade was a blow to production for the regional market. But the EAC debacle did not prevent and indeed could have stimulated a turn outwards to meet the then global market demand for labour-intensive manufactures, emulating Southeast Asia and stealing a march on pre-reform China.

It did not happen, of course. Instead, the Kenyan economy experienced two decades of declining bureaucratic quality, economic uncertainty and fitful growth under President Daniel arap Moi. The 'developmental patrimonialism' that had afforded political protection to effective public organisations under Jomo Kenyatta evaporated (Kelsall, 2013: 35-42; Leonard, 1991: Ch 8, 12-13). In the mid-2000s, however, a renewal of some of the incentives and linkages responsible for earlier success led to a period of faster growth and fiscal consolidation under the first term of President Mwai Kibaki (2003-7). A further period of uncertainty was brought on by the global economic downturn and the enforced power-sharing that ended post-election violence of 2008. However, according to some observers Kenya in 2013 appears set to resume fast growth, with a new generation of African-owned businesses responding to a much improved investment climate and a new opening towards Asia under President Uhuru Kenyatta (Karuti Kanyinga, pers. comm.).

It is unclear how much economic transformation will accompany the expected revival of growth. Indeed, there is little certainty about the real economic programme of the Jubilee coalition government led by Kenyatta and William Ruto. Could policy reforms and closer relations with China make Kenya a favoured location for Chinese firms outsourcing some of their production as domestic real wages rise, the prospect suggested by Lin (2013)? For the moment, this is mere speculation. It is certainly premature to announce the emergence of a developmental regime in Kenya. Nevertheless, there is enough to the recurrent story about pent-up potential to justify the question: could Kenya have turned a different corner at any point in its independent history? If so, how if at all have international factors contributed to the directions that were actually taken?

5.2 Policy choices and the international context

We take it as self-evident that the factors underlying Kenya's failure to realise its development potential are primarily political and domestic. Analysts of the economy of Kenya speak with

one voice about the fundamental role of policy and politics in restraining growth and transformation. In explaining slow growth in the 1980s and 1990s, Mwegu and Ndung'u (2008) for example give some role to external and internal shocks but they give decisive significance to Moi's destruction of the incentive structure that produced the economic successes of the previous decades. Under this heading they include political capture of both institutions and bureaucrats; increased risk and uncertainty, with policies becoming extremely short term; and larger policy-induced risks arising from the frequency of policy reversals. The policy context included a lack of political commitment to manufactured exports promotion. The result was that Kenya 'did not exploit globalization to increase manufactured exports, given its coastal location, relatively cheap labor, and basically market-friendly orientation' (365, 326).

As noted above, the economy performed better in the mid 2000s. However, a recent growth-diagnostic analysis concludes: 'the biggest challenges facing a substantial investment take-off in Kenya are ... a combination of weaknesses in ... infrastructure and human capital, and the "appropriability risks" associated with political instability and pervasive corruption in public life' (Adam et al., 2010: 6). In the opinion of these authors, Kenya is one of the few African countries with the chance of soon becoming a genuine emerging market economy. However, achieving this potential will call for coordination and maintenance of a range of tough economic policy measures, the political feasibility of which involves answering the following question: 'Can institutions be designed that can accommodate or overcome the deep ethnic divisions that exist within Kenyan society, but do so in a manner that is conducive to what the Growth Commission referred to as "capable, credible and committed government"?' (ibid: 11).

We will come back the final question posed by Adam et al., which we agree is fundamental, but first we must ask whether the international system constrained the policy choices made by Kenyan leaders (or the policy processes that governed those choices) at any of the critical moments for agriculture or industrial policy. Our suggestion is that it did not, except in the limited sense that Kenyans opted to follow slavishly some of the less appropriate ideas and models available on the global scene. At the time that Kenyan rural development policy retreated from the goals and methods established at the end of the colonial period, the influence and the conditionalities of the World Bank and donors were decidedly pro-rural and pro-poor. There is very little basis for blaming this policy option on the international system. As Henley (2013) and Fuady (2013) have shown, there is a strong case for seeing it as a result of the ideas about farming and rural life that Kenyan leaders acquired during their colonial upbringing, but that is a rather different matter.

Similarly, at the moment when Kenyan policy-makers failed to promote export manufacturing in a sufficiently decisive way, there was still plenty of policy space globally for heterodox as well as neoliberal approaches to industrial policy. Neoliberal adjustment prescriptions backed by the conditionalities of the International Financial Institutions came later and cannot therefore have played a causal role. Even then, IFI conditionalities only exercised a slight influence on actual policy in Kenya according to the best studies of the period (Killick, 1998; Mosley et al., 1991). If Kenyan policy under Jomo Kenyatta and Moi included an element of 'isomorphic mimicry' (Pritchett et al., 2010) this was not primarily the result of a compulsion to signal good intentions to donors, as in other African countries much of the time.

It is often argued with some reason that the West helped to keep Moi in power during the final years of the Cold War. Kenya's strategic position and Moi's solidly anti-communist politics no doubt muted any criticism of Moi's repressive domestic regime. To that extent, the international system might be considered complicit in the maintenance of anti-developmental policies and institutions during the 1980s and after. However, Moi was very far from being a puppet of the West. He maintained himself in power primarily by means of an effective system

of patronage and control. It was this system that did so much harm to the investment climate and the balance of the economy. The extent to which Moi's patronage system was holding back economic performance became apparent when, for the first time in a generation, in 2003 the leadership of the government changed.

In other words, Kenya missed major opportunities not for lack of policy space but by not exploiting the available policy space to its advantage. This happened for reasons linked to the country's particular political history. Attention therefore needs to shift to the structural conditions underlying that history. This takes us to another level at which it is fruitful to consider the influence of international constraints.

5.3 Kenya's political settlement

Why has Kenya had the post-independence history it has had? Most observers, including many Kenyans, give essentially voluntaristic answers to this question. Moi and his supporters, or alternatively the political elite as a whole, has been insufficiently far sighted, or insufficiently committed to high standards of governance. For years, Kenyans were content with the model of single-party rule established by Kenyatta, which was fine so long as Kenyatta was in charge but had serious disadvantages when a different leader took control. With the advent of multi-partyism in the 1990s, the political elite embarked on a vicious and unprincipled struggle for access to the rents reserved for those in power. Bad governance by those holding executive power was made worse by a political constitution that provided few checks and balances. The struggle to change the constitution has been fiercely resisted by leaders whose commitment to liberal-democratic values has remained questionable.

This type of assessment not only reproduces a general faith in the importance of liberal-democratic good governance to economic results in Africa, which has been questioned on general grounds (Booth and Cammack, 2013; Kelsall, 2013; Khan, 2012; North et al., 2009; Sundaram and Chowdhury, 2012). It also fails to get beneath the surface of political behaviour in Kenya. The post-Moi emphasis on the constitution and the value of constitutional change – as opposed to elite ill will or inadequacy – begins to dig a little deeper. Yet the focus in this debate on inadequate checks and balances and excessive centralism fails to address what is surely the most important underlying issue.

The fundamentals

The central feature of Kenyan politics since independence (and in a different way before) is the prominent role played by ethnicity. It is possible to debate whether the ethnic orientation of the country's political divides is cause or consequence of the way the political system works, as we do further on. But it is a mistake to treat politics in Kenya as if it were not about ethnicity at all, as in the remarkably common discourse that treats the country's political challenges as if they were essentially the same as those of complex industrial societies like the UK or France

This orientation, which treats Kenya's problems as no more or less than those of an immature democracy is well embedded in the thinking of much of the Kenyan intelligentsia.⁸ It cannot be blamed on the international system. On the other hand, mimicry of what are taken to be the

⁸ It also has echoes in some of the best international scholarship on Kenyan politics. For example, Branch and Cheesman (2009) give due importance to ethno-regional 'elite fragmentation' in explaining the trajectory of politics from the early 1980s to 2008. But they view this through the lens the literature on the sequencing of democratic reform: to an avoidable extent political liberalisation occurred ahead of the construction of the institutional safeguards necessary to prevent the degeneration of politics into ethnic warfare. This captures something important but seems to imply that if the sequencing had been better 'elite fragmentation' would not be a problem.

virtues of more advanced political systems (Pritchett et al., 2010) is a feature sustaining this version of the national reality. To the extent that the presence of international donors with funds to disburse helps to sustain this attitude, the aid business must bear some responsibility. It is also the case that when an opportunity arises, as it did around the indictments of Kenyatta and Ruto by the International Criminal Court, the big guns of the international community do wade in with messages and threats that reinforce the notion that progress in politics is all about enforcing respect for internationally recognised rules of proper political behaviour. We come back to this.

What kind of political arrangements does Kenya really need? That is, what sort of political settlement (consistent combination of institutions and distribution of power) might set Kenya on a course of sustained economic transformation? This is a question that, with a few notable exceptions, is seldom asked. It is rarely asked because – to repeat our central proposition – the bulk of the national intelligentsia including its political class have internalised an international ideology which says it is not necessary to think outside the box of UK or US based versions of liberal democratic politics. This failure to question in a radical way the appropriateness of the current settlement seems to us the critical failure of post-independence thinking. The absence in the international community of any robust alternative to this way of thinking is in turn the main way in which the international system contributes to the chronic non-emergence of a developmental regime in Kenya.

We develop this interpretation by considering two exceptions to the general superficiality, only one of which has had any significant influence in Kenya. Both involve efforts to apply theoretical insights from political economy to Kenya or Kenya-type situations. However, somewhat different insights are drawn upon, leading to different proposals for positive change. While we have views on which version is most coherent, our main point is that this level of reflection has not been part of the internationally validated ideological discourse on Kenya's trajectory.

Two political economies

The first view starts with the ethnic structure of the country and argues that the problem is that the country has never had an appropriate (i.e. federal) constitution capable of accommodating such diversity and harnessing it to collective objectives. One major international tradition of political economy (the interest-group theory associated particularly with the work of Gordon Tullock) provides a powerful academic version of this approach, supported by major Kenyan contributions (Kimenyi, 1997; Kimenyi and Shughart, 2008; Kimenyi and Mbatia, 1999). This says that in defining the jurisdictions that are responsible for the provision of certain public goods, serious attention needs to be given to the fact that ethnic groups may be the optimal units of collective choice.⁹ Therefore, rather than treating ethnicity as irrelevant to the building of a modern state, due attention should be given to creating structures, such as service-delivery jurisdictions, that release its potential contribution to efficient public goods' provision.¹⁰

This approach, which is similar to some of the thinking underlying the devolution element in the 2010 constitution (Nianjom, 2011), faces two major difficulties. The first is that no imaginable constitutional reform would do enough to address the implications of a diagnosis that says *only* ethnically-based jurisdictions can be efficient in delivering public goods. Even if the current measures to devolve powers to a new 'county' level of government were to be fully

⁹ Co-ethnics may find collective action and the control of free-riding easier than ethnically mixed groups but this may not be because they have strong loyalties to the group (Habyarimana et al., 2009).

¹⁰ Tim Kelsall's early think piece for the Africa Power and Politics Programme (2008) essayed a version of this argument.

implemented, they would be unlikely to capture the gains for efficient collective choice that the theory promises. Few of the jurisdictions created by the reform have the combination of ethnic homogeneity and ability to compete with other jurisdictions on a level playing field that are the basis of the theoretical models.

The second type of political economy analysis draws on research suggesting that the persistence of ethnic voting in Africa is not reflective of any fundamental tendency for Africans to self-identify by 'tribe' rather than nation. Rather the way identities are defined is, and has been since the colonial era, a response to the particular incentives offered by the prevailing political system. A central question concerns the relative credibility of the different sorts of appeals and promises that politicians can make to voters and supporters around elections (Posner, 2005). This is easily applied to the case of Kenya.

Thus in Kenya, as in other parts of the continent, the way voters choose may have less to do with fundamental sentiments than with the relative credibility of the commitments that politicians make a) to voters in general, and b) to particular ethno-regional constituencies. In brief, the former commitments tend to be regarded as non-credible, because there is little precedent for actual delivery on formal policy commitments (Collier, 2007; Keefer, 2007). The latter may be relatively more credible, although perhaps only because they are often accompanied by concrete tokens – gift giving and material vote-buying (Keefer, 2010). Simply giving populations the vote does not overcome this problem. In fact, Keefer (2009; 2011) finds that differences in public-policy performance across countries are better explained by the presence or absence of durable political parties with recognised programmes than by the presence or absence of competitive elections.

The particularly low credibility in Kenya of politicians' commitments to the nation as a whole is deepened by the political arithmetic that prevails under the country's Anglo-American winner-takes-all electoral system. Kenya's ethno-regional geography occupies the middle range between the extremes of ethnic fractionalisation in sub-Saharan Africa as represented for example by Tanzania (high) and Rwanda (low) (Barkan, 2012). Five to six moderately large blocs make up a large share of the total. To construct a winning coalition, it is only necessary to attract the leaders of two or three of these blocs. This creates the virtual certainty that the outcome of an election will exclude at least one or two substantial ethno-regional groups from participation in government. This raises the stakes to a very high level. Where the contending coalitions are evenly balanced and voting is both close and contested, as in the elections of 2007 and 2013, the likelihood of violence before or after the contest is high. Importantly and in addition, the ability of politicians to appeal to and be believed by anything other than their 'natural' ethno-regional constituency approximates to zero. Their performance in government is affected in a similar way. Presidents and ministers cannot afford to govern purely in the national interest, lest they undermine the sectional support upon which their re-election depends.

Power sharing was used in Kenya during 2008 to 2013 as a device to stop the violence that followed the 2007 election. It has been argued persuasively that power sharing arising from flawed elections is liable to be bad for governance and should be avoided except as a temporary expedient (ECA, 2013: 229; LeVan, 2011). However, the suggestion we would make is a different one: that the political leadership required for successful economic transformation will not emerge in Kenya unless and until there is a political settlement that gives all or most of the country's ethno-regional blocs some stake in government on an ongoing basis. Kenya is not Rwanda, but the way Rwanda's constitution enables developmental governance by giving all legally recognised parties a stake in government is suggestive of options that ought to be considered in the Kenyan context.

5.4 International influences on Kenya's political settlement

The most remarkable feature of the current political economy of Kenya is how little attention is apparently being given to *this* constitutional issue, as opposed to the devolution process on the one hand and limiting the power of the executive on the other. A modest reform that might blunt the winner-takes-all syndrome as it applies to parliament would be to adopt a greater element of proportional representation (ECA, 2013: 104-106). But this would not address the problem of the exclusion of certain groups from executive power and its privileges.¹¹ Ideally, based on Keefer's research, this should involve the construction of institutionalised political organisations that gather support from different communities on the basis of commitments to a programme. However, Kenya is very far from having institutionalised parties (Anderson and Githongo, 2009; Mueller, 2011). Therefore, some other device is required to make politics more inclusive of major ethno-regional groups on an ongoing basis, so that governments can begin to pursue national interests – in other words, a fundamentally different political settlement.

At first sight, the blame for the current situation lies squarely with Kenya's political class and the limited range of ideas that it entertains when thinking about these issues. At independence, Kenyatta and his supporters voluntarily adopted highly unsuitable elements of the Westminster model of electoral democracy. Later debates pitted single-party rule against the restoration of multi-party politics, with equally little consideration of the form of multi-partyism that could work well under Kenyan conditions. Over the last decade, constitutional reforms have been effectively limited to recombining elements of the UK and US constitutional approaches, with a heavy emphasis on the notion of separation of powers, and on decentralisation.¹² In all of this, Kenyans have made their own choices.¹³ At the same time, the poverty of international thinking on these issues has done them no favours. The naïve liberalism that we have seen challenging Rwanda's political settlement creates an ideological climate in which non-standard approaches to constitution-making are seldom countenanced.

Occasionally, too, actors in the global system get involved in a more palpable way in setting parameters for public debate in Kenya. We think the examples include some of the big-power diplomacy around the International Criminal Court indictments of the two men who are now president and vice-president of Kenya.

The conventional way of seeing the ICC Kenya indictments is as a blow for justice and a rare weapon against impunity at the highest levels of politics in Africa. The opposition of other African heads of state and the African Union to aspects of the process in The Hague is seen as inconsistent and self-serving (Financial Times, 2013; Lamony, 2013; Obote-Odora, 2013). The warning to the Kenyan electorate delivered by US Assistant Secretary of State Johnny Carson ahead of the 4 March polls may be justified in this spirit. As Carson explained, presumably with President Obama's authorisation, the election was a matter for Kenyans alone, but 'choices have consequences' (Indakwa, 2013; Kelley, 2013). Nairobi-based US and UK diplomats were cautious but indicated similarly that relations with their governments would be seriously affected by any disrespect for the ICC process (Kwayera, 2013).

¹¹ According to a standing joke, the only place a Luo is going to be president is in the United States. The Luo are the community of two-time presidential loser Raila Odinga. President Obama's father was a Luo.

¹² Illustrated from different angles by the chronicles by Branch (2011), Khamisi (2011), Mutua (2009) and Wrong (2009).

¹³ Which is not to deny that they would face huge problems of collective action in moving to a more cooperative solution, as implied by APPP research (Booth and Cammack, 2013).

There is, however another view, one that is supported by some of East Africa's leading anti-establishment intellectuals (e.g., Mamdani, 2013). This says, first of all, that the Western pressures in combination with the shrill campaigning in favour of a judicial remedy by a part of Raila Odinga's Coalition for Reforms and Democracy (CORD) helped to deliver victory to the Kenyatta-Ruto Jubilee campaign. It allowed Ruto to convince his fellow-Kalenjins that they were collectively under attack by something called ICC, weaning them away from their previous attachment to Odinga. And it allowed Kenyatta to portray Jubilee as the peace-maker, promising a great national reconciliation reminiscent of the days of his father.

On this view, pursuing judicial remedies in situations of political conflict bordering on civil war is not just liable to be counter-productive. It can be harmful to the maintenance of peace. When a judicial process criminalises one side, threatening to disenfranchise it politically, it backs it into a corner, encouraging measures of desperation. As Mamdani puts it, 'those committed to political reform need to ensure that all adversaries are represented in the political process, and none ruled out as enemies. Targeting leaders of political parties in a civil-war type situation in courts of law ... is a recipe for rekindling the civil war' (ibid.). The ICC is a Band-Aid solution that makes it harder to address the land-related causes of the mass violence in which thousands died in 2008 (Mamdani quoted by De Waal, 2013).

Whether Kenyatta and Ruto have blood on their hands, or are currently ruling Kenya well, is not the issue here. The crucial question is whether addressing the structural conditions and incentives underlying Kenya's violent politics is assisted by taking individual leaders, who are figureheads for ethno-regional communities, to court. We think it is not, and agree with Mamdani that the effort to impose standards of leadership on Kenya is a massive distraction for all concerned. The issues that get neglected include the matter of ethnicity and land, and also, at an even more basic level, the flaws in the underlying political settlement as discussed above. At least some of the opposition in the African Union to the way the ICC-Kenya process has been advocated in the West may reflect acceptance of this type of critique.

In summary, the international system makes little positive contribution to resolving the fundamental problems of Kenya's political economy, and occasionally the big powers intervene in ways that are well-intentioned but distinctly unhelpful. This is because they assume that liberal-democratic institutions are a good remedy for every problem, which is naïve and historically ill-informed. Andrew Mwenda put it well, commenting on President Obama's 2009 speech in Ghana:

'He assumes that African countries have been mismanaged because leaders on the continent are bad men who make cold hearted choices. His solution is thus to extend moral pleas for them to rule better. Yet it is not the individual behavior of Africa's rulers that deserves our closest attention, destructive as that behavior may be. It is the structure of incentives those leaders confront – incentives that help determine the choices they make. Using this logic, we can start to ask more-useful questions ... Governing is not about making simplistic choices on who is right and who is wrong. It requires making complicated trade-offs, some of which might be costly in the short term ... [For this reason] Africa needs space to make mistakes and learn from them. The solutions for Africa have to be shaped and articulated by Africans, not outsiders' (Mwenda, 2009).

5.5 Implications of the Kenyan case

We began this section asking whether our propositions about international constraints on developmental regimes are supported by the experience of a developmental regime *manqué* in Kenya as well as by that of an incipiently developmental regime in Rwanda. The answer

seems to be a qualified yes. As with Rwanda, the constraints emphasised in the policy space literature do not appear to have been limiting in practice. The donor presence in the country may have enhanced tendencies to ‘isomorphic mimicry’ in Kenyan thinking about institutional design, but not primarily because of any overwhelming need to signal good behaviour to donors. As in the case of Rwanda, the conditions for wise policy-making in the national interest are shaped by the underlying political settlement – understood as a consistent combination of institutions and power relations. To the extent the international context has reduced the chances of Kenya transiting towards a more developmental political settlement, the lack of any robust and influential global alternative to naïve liberal concepts of good governance emerges as the most likely culprit.

6 Conclusion

This review of the different ways the international system can hinder the consolidation of developmental regimes in Africa has proceeded in three steps. We began by dealing with the question of what should count as a developmental regime in the current African context, updating and modifying an old debate about developmental states in Asia. Our argument was that the definition should encompass three levels, but that there is a causal hierarchy among the relevant features. We suggested that the current regime in Kigali qualifies in terms of this definition as at least incipiently developmental. Using the Rwandan experience for illustration, we argued that concern about international constraints should be less focused than it has been on limitations on ‘policy space’. There should be greater attention to influences on policy processes in the first instance and on political settlements in the second.

As a general proposition, this obviously needs a good deal of further probing and discussion. However, for Rwanda the evidence seems clear enough. The most important effects are constraints on a political settlement that is working well for development in that country. These effects arise from the global hegemony of what we have called naïve liberalism and operate both directly and indirectly through side-effects of a failing state-building project in DRC.

We then considered whether the hypothesis supported by the Rwandan case could also withstand a reflection on Kenya, the obvious differences in national contexts and trajectories notwithstanding. Kenya’s repeated failure to develop according to its potential seemed explicable in terms of a similar hierarchy of factors: policy choices, underpinned by policy-process features and shaped fundamentally by the nature of the prevailing political settlement. While it is not easy to pin any of the blame for this on current international-system features (as distinct from legacies of the colonial era), the strongest case for the prosecution is about the naïve liberal state-reform agenda that the big powers bring to the region.

To repeat what we said at the outset, nothing in this paper challenges the view that domestic politics, not external relations, is the primary shaper of the destiny of developing countries in Africa. However, those who have some influence on the international factors that help to shape the incentives of national elites have a particular duty to exercise that influence with care. Doing so may be a more valuable contribution than any amount of direct development assistance.

In that context, we would make a particular plea for action by development agencies to offset the harmful influence on the political settlements of emerging developmental regimes of NGO advocacy and big-power diplomacy designed to impose naïve liberal solutions without due regard to context. Protecting the political settlements of emerging developmental regimes

should be a prime candidate for joined-up action by Northern governments committed to 'doing no harm' in partner countries (Putzel, 2010).

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