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Particularistic exchanges and pacts of domination in Africa: Examining how patronage appointments may have increased resistance to public sector reforms in Kenya

Abstract

Most African rulers deliberately set up complex public service institutional mechanisms that make it difficult to implement reform policies. Such networks, supported by webs of patronage appointees have over time resisted establishment of new and more efficient systems envisaged under public sector reform. Such intricate networks serve the rulers' interest of prolonging their stay in power. As a result, developing new form of institutional arrangements, which are able to produce more efficient patterns of relationship between state, markets and civil society in the management of public policies, depend on dismantling the old order. This essay looks at how politics of patronage appointments in Africa and specifically in Kenya created an 'unholy alliance' of elite class who were bent on staying in power by controlling key state organs and creating personal wealth, leading to the resistance of public sector reforms. Under such circumstances, as Willy McCourt noted, prospects for reform depended either on fundamental political change or on engaging with that class' fear that reform represented a threat to their interests (McCourt 2007).

Background

The distribution of public offices through patronage relationships and other forms of particularistic exchanges in Africa pre-dates the post independence era. However, these practices took new forms in the newly independent countries as a result of the changed political and socio-economic conditions. Whereas the nature of the appointments varied slightly between the countries, consolidation of power seemed to have been the overriding motive for the appointment of cronies to strategic state organs and for the rulers' engagement in other related particularistic exchanges. The granting of independence ignited a continual latent struggle within the political class with the oligarchies very suspicious of any outsider who aspired to enter their ranks. Those aspiring for political offices in the early post-independence period were hence not regarded simply as eventual heirs, but as spoilers who were ready to supplant the ruling class without waiting for their natural death (Kemahlioglu 2005). The incumbent rulers perceived their tenure as life-long probably in similar manner as traditional kings.

Consequently, besides coercive means, a vital form of consolidating power by most post-independence rulers was their reliance on a system of state patronage (Mwenda and Tangiri 2005). Patronage, clientelism and corruption, are often indistinctly employed as generic labels referring to all kinds of particularistic political exchanges (Kopecky and Scherlis 2008)-an exchange where allocation of state resources is aimed at and is important for maximizing the actors probability for re-election (Indridason 2007). A high degree of conceptual vagueness and ambiguity however surrounds their usage in academic literature. It is common for policy makers and even scholars to readily employ the three concepts synonymously, as though they referred to one and the same phenomenon in explaining a number of political outcomes in Africa and in many developing countries (Arriola 2009).

Since this essay focuses primarily on patronage, it is critical to disentangle it from the other two concepts for a clearer understanding. Both classical and contemporary literature allows for a clear

distinction between patronage and a variety of other practices. Political patronage as a concept is theoretically and empirically distinct not only from clientelism but also from corruption. Political patronage is often used in reference to the granting of favours, contracts and rewards beyond public positions by politicians in exchange for electoral support (Campbell 1988; Smith and Mesquita 2010). Scott (James 2005) defines political patronage as a mechanism for public employment in exchange for victorious partisan labour, while Hollyer describes it as the bidding for public offices by both skilled and unskilled candidates by offering political services in exchange for public posts (Hollyer 2010).

The above definitions provide useful insight into how patronage has been applied and understood, taken most of the times to denote undesirable practice. However, it is important to point out that, the civil service reform movements has significantly altered the legitimacy of patronage as an acceptable form of personnel management, often pitting it against merit based selection. In effect politicians, reformers and scholars have demonised the concept, instilling it with a negative valence that remains the dominant perspective used in contemporary public administration (Bearfield 2009). The meaning and usage of political patronage has in essence undergone a change that is not evolutionary but accretionary, with each new idea adding to a growing pool of existing meaning.

Political clientelism refers to the exchange of favours between a political party and individuals in which the former releases a benefit that the latter desires in order to secure their political support (Kopecky and Scherlis 2008). Although the concept is common in social sciences, clientelism in its political dimension is fundamentally associated with the distribution of public resources and the partisan-electoral arena, be it by way of votes or other forms of political support in exchange for public resources by power holders as a favour (Gordin 2001). Clientelism implies an asymmetrical nature of the linkage which takes place between actors of different status and power (Clapham 1982).

Corruption is the third element in the group closely associated with particularistic political exchanges in the developing countries. Corruption can be broadly defined as the illegal use of public resources for private gains, often involving exchange of money for favourable public decisions (Kopecky and Scherlis 2008). Corruption in the public sector has in addition been seen as the abuse of powerful positions in the political system among others to extort bribes, to supply party members and followers with lucrative positions in the public sector and related corporations, to shape political and economic institutions to the benefit of affiliated interest groups, or to channel public resources into the hands of party leaders, members or private individual associates. It is the ability to control state positions that opened avenues for rulers in developing countries to manipulate state resources in clientelistic or corrupt ways. Politically-mediated access to public resources, hence became a key mechanism for purchasing allegiance and maintaining support for many African rulers (Mwenda and Tangiri 2005). Studies in several developing countries show that using the state and its resources constitutes a vital form of consolidating power (Kemahlioglu 2005). Patronage can therefore be described as the glue that holds modern clientelism together (Gordin 2001). In such a network of relationships, political patronage is the necessary condition and often plays a critical role in the emergence of corruption and clientelism in many developing countries.

The roots of particularistic exchanges and pacts of domination in Africa

The challenges that faced many of the African countries immediately after independence leading to the adoption of developmental oriented policies also inadvertently opened up avenues for political patronage. The pre-colonial traditions of statecraft were fractured and the foundations drastically altered during the colonial take over, consequently the imported institutions lacked basic legitimacy, while the indigenous forms that were permitted to continue were stripped of their mechanisms of accountability (Nugent 2010). The structures inherited at independence could not for that reason be relied upon in laying the foundation of the new states. Consequently, the new leadership faced triple challenges of state building, nation building and economic development (Baraka ; Aye 2008). With no reliable institutions, personalities took centre stage in Africa's development in the immediate post-independence period.

The challenge of state building dictated that constructing effective public authority, establishing viable state institutions and creating responsive and legitimate agents of governance was to be an obligatory undertaking. During the colonial period, the frustrations and the anger of local populations coalesced into independence movements leading to the transfer of power. The transfer of power in turn, rapidly transformed into enormously high expectations of the potential of the new governments (Stein 2000).

After gaining political independence, many countries naturally wanted to take immediate management control of the economy and the state organs. As such, it was not surprising that the newly independent countries succumbed to the pressures to rapidly Africanize the public sector. The elected leaders used the expanding opportunities in the civil and the wider public sector for political purposes especially in an environment where primary focus on professionalism was overlooked for the sake of rapid Africanization (Stein 2000). To understand the full extent of how the big state and powerful government, which characterizes the developmental state, played into the hands of the immediate post independent rulers in Africa, it is worth analysing slightly into detail the nature of political authority exercised in these countries at that period.

While an authoritarian rule at the onset of independence could have been reasonably justified on the basis of the challenges the countries faced, it also provided an unlimited and unrestricted access to public resources for those in power. Given that many African countries are heterogeneous in nature, made up of different distinct ethnic communities with competing socio-economic interests, the mere attainment of power did not guarantee stability or certainty for the rulers. Those who ascended to power could only consolidate their position by appeasing the various interest groups and winning the loyalty of the competing tribal and ethnic interest (Kebonang 2004). Consequently, the political authority in many African countries in the post independence period took the form of neo-patrimonial rule.

The neo-patrimonial authority occurred within a context of modern state, blending elements of patrimonial (traditional) rule and features of rational-bureaucratic (modern) rule (Kebonang 2004). Transcending such formal political and administrative chain, in the neo-patrimonial systems of the immediate post independent era was a dense network of dependent relationships. At the centre of the system was the ruler, who not only dominated the state apparatus, but was also considered to be above its laws (Bratton and Van De Walle 1997). The rulers appointed officials to bureaucratic positions with less emphasis on performance, but rather primarily on the basis of their closeness to acquire personal wealth and status. The crucial consideration for such appointments were,

therefore, the twin objectives of staying in power and building an economic base (Baraka) and not fostering the development goals many citizens had hoped for during the fight for independence.

The leaders extended the scope of the direct government involvement in the economy by over expanding the public sector and thereby multiplied opportunities for patronage which allowed the regimes to channel economic resources to the targeted social groups (Booth 2003). Resources needed for effective, large-scale economic and social development as had been envisaged were consequently drained away to support efforts of such regimes to consolidate power. In their quest for self-preservation, the ruling elite dispensed government resources, such as jobs, licenses, contracts and credit facilities only to political allies as well as mediating economic opportunities in favour of close associates so as to enhance their hold over state power (Baraka ; Tangri 1999), thereby creating 'pacts of domination' and in the process resisting any reform measure that would shift the balance of power away from them.

In both pre-and immediate post-independence periods, appointments to key positions as well as coercive power were monopolised by state (Mueller 1984) and no regime was ready to surrender such powers. This legacy of a statist economy hence helps explain why the inherited authoritarian apparatus was kept and subsequently used to blunt political opposition. That situation was exacerbated by widespread perception of most of the triumphant nationalist leaders, who saw themselves as unique liberators of their people deserving unlimited tenure to rule their newly independent countries (Baraka ; Tangri 1999), epitomised by life presidency syndrome. Throughout successive regimes, incumbent politicians therefore used patronage appointments to manipulate state systems and buy loyalty in order to minimize their likelihood of losing power.

Patronage practices in Kenya

After independence, Kenya adopted a strong centralised state and developmental ideology that required the state to play a crucial role in the economic development of the country. The state intervened directly in the economy through a variety of means to promote growth of new industries and reduce the dislocations which had been occasioned by the shifts arising out of the independence transition. From the stand point of economic policymaking, the most significant political factor in the years after independence was the concentration of decision making in the central government and in particular in the Office of the President. A series of laws and constitutional amendments in the 60s increased the powers of the president in relation to the cabinet, judiciary, civil service, local government and civil society organizations. The president further expanded his political powers through the control of institutions inherited from the colonial regime that could be used for political patronage and provided a source of economic rents for ministers and other political supporters (Devarajan, Dollar et al. 2001)

Backed by a strong nationalist coalition emerging from victory; first over colonial forces and subsequently from elections, the post colonial regime enjoyed legitimacy and popular support (Branch and Cheeseman 2006). Whereas the mantle of national heroes bestowed on the ruling class impelled them to maintain avenues of political participation in order to maintain legitimacy, such a status also made it easier for them to do so in a manner that suited their own interests. What emerged therefore was a strong patrimonial system, where loyalty was rewarded more than merit and allegiance more than performance.

One of the most critical aspects of the colonial legacy in Kenya may not therefore be simply the transfer of institutions as is often argued, but their nature. The colonial leadership bequeathed a system designed to provide government with monopoly of coercive sanctions and resources that could be used not only to maintain law and order, but also to repress opponents (perceived and real) and ultimately to discourage any type of dissent (Mueller 1984). It was the authoritarian nature of the institutions and laws, and the ends to which they were used, rather than the mere fact of their transfer which helps explain how subsequent regimes used such state organs to sustain themselves in power. One such institution inherited from colonial system was the provincial administration.

From colonial period, when the system of provincial administration was crafted, the overriding interests were those of the ruling elites, with the interests of the people sacrificed in lieu of elites' control of state power through a tightly controlled administrative structure. After independence, the provincial administration became a symbol of power and authority of the Presidency (Wallis 1976; Branch and Cheeseman 2006). The existing capacity of the provincial administration enabled the executive to act without consulting the legislature, thereby replicating the direct control of the colonial Governor. With such arrangements in place, it was the administrative officer, rather than the party official who became the major link between the government and the people in the country at large (Allen 1995).

It was such unchecked institutional capability, backed by the class alliance cemented by patronage appointments that bound together the 'pact of domination' (Branch and Cheeseman 2006). This in turn created a powerful system that was able to maintain its dominance and legitimacy in successive regimes after independence.

Introduction of public sector reforms in Kenya

In 1980 Kenya became one of the first two countries, along with Turkey, to receive support from the World Bank for broad macroeconomic Structural Adjustment Programs (SAPs) to address structural weaknesses in its economy (Ness 2009). From the government's perspective, it was tantamount to being asked to carry out an aggressive anti-state strategy by: (1) restructuring state capital ownership in to the hands of the private sector; (2) reducing public spending for social purposes; and (3) imposing wage austerity as a key priority in fighting inflation. The neo-liberal philosophy of economic development embedded in the SAPs revived the old precepts of economic liberalism, which hold that an unregulated free market and private sector are the engines for unrestricted growth, the benefits of which will trickle down from the owners of capital to the entire population (Oringer and Welch 1998)

In reducing economic role of the state, SAPs also reduced resources for patronage networks. The proposed reforms were not only going to drastically interfere with the core base for patronage opportunity; they would also fuel growing resentments for the government. Reforms therefore, threatened to scuttle avenues for patronage and the alliance between the bureaucracy and the political executive which had dominated government from the pre-independence with colonialist as the ruling class. Faced with prospects of losing political control, the oligarchy resisted or sabotaged (Polidano 2001) the reforms.

Given the reasons mentioned above, it was almost impossible for public sector reforms to find support within the very class of people they could have stripped of privileges and a means to

remain in power. Subsequently, whenever implemented, public sector reforms were carried out in piece meal and very slow manner with focus on reproducing systems that would ensure retention of control of the state apparatus and to the benefit of supporters of the regime (Tangri 1999).

Patronage politics impeded the reform and divestiture of public enterprises, because top state officials did not want to lose their opportunities to mobilize and distribute public resources (Tangri 1999). Whenever such policies to reform went through, the actual implementation of such privatizations were affected by diverse political and personal considerations. In addition, because private capital represented a threat to the ruling elite who had entered into a 'pact of domination' little was done to promote indigenous private capital. A few large indigenous entrepreneurs who emerged as the economy gradually opened up, did so usually on patronage basis being linked and dependent upon those in state power (Tangri 1999). Such vested interests and intricate web of relationships intent on maintaining the status-quo probably explains the reason why civil service reforms have been discussed for long but rarely implemented as intended.

Similarly, ambitious programs aimed at professionalizing the civil service, to make it more independent and effective have not progressed much (Gyiamah-Boadi 2004). Such initiatives are either sabotaged or not implemented at all (Polidano 2001). Most of the time, they lack political commitment to see them through (McCourt 2003; Bank 2004). Politicians in collaboration with patronage appointees are not prepared to lose their grip on appointments to public positions.

Political class continue to make appointments even where the law does not allow. In 2009, the President appointed a new Commissioner of Police and ordered the redeployment of the outgoing Commissioner to Postal Corporation of Kenya as the chief executive. The State Corporation Act (Cap 446) which gives guidelines for appointments in state corporations stipulate that such appointment should be carried out by the minister in consultation with board of directors. Despite questions being raised by Members of Parliament, the appointments stood. Within the same week the President made the appointment to postal corporation, the Head of Public Service issued a letter dismissing the Chief Executive Officer of the Kenya Bureau of Standards(Editorial 2009) in yet another blatant contravention of the State Corporations Act (GOK 2009).

Such cases underline the vested interests of an executive still interested in controlling the state corporations. Appointments are therefore arbitrary, mainly influenced by politics and patronage considerations. Successive regimes have relied on a powerful Presidency and a group of elites around him who make all important decisions (Leys 1975). To sustain such an arrangement, state corporations, civil service and the military are key players and their willingness to play their role depended on two factors: one the presence of a large number of loyalists in key positions; and two paying special attention to the public sector as a whole.

The Kenyan civil service was originally designed along the Westminster model. It was intended to be a permanent civil service that is non-partisan and could serve any political party that formed a government at any time. The highest ranking officer in each ministry was supposed to be a Permanent Secretary. Meaning that once an officer reached that rank they could not be easily shoved off at will. That changed with time and the post of permanent secretaries has in recent years registered high turnovers.

Section 107 of the old constitution and section 234 of the new Constitution of Kenya, vest in the Public Service Commission the powers to appoint persons to hold or act in the Public Service, including the local and regional authorities, and powers to exercise disciplinary control over public officers. In practice however, the appointments have for a long time depended on political patronage, nepotism and tribalism, with the key consideration being the retention of political power.

Since independence, patronage relationships have been the principal mechanism that regulates the political and economic life in Kenya and in many African countries (Arriola 2009). Power is arrayed through a system of relationships linking the political elite not with the public or even the ruled but with patrons, associates and supporters to constitute a 'pact of domination'. In Kenya, this has been achieved through the blending of a popular executive with an authoritarian structure of government giving a semblance of both 'rational-legal and 'charismatic' authority (Weber 1968).

Conclusion

Resistance to reform by elites in African is an attempt at ensuring continued domination of power. The ruling class, who in collaboration with their appointees in the public service are responsible for exercise of social, economic and political powers, (Albert 2005) are keen to continue in their roles. They therefore insulate themselves from the rest of the society and try as much as possible to reproduce themselves from within. Their staying power consists largely in their ability to cajole and coerce, to mobilise, to embody and evoke state symbols which the masses identify with and respond to. Consequently, reforms evoke hostility from the beneficiaries of patronage who are likely to frustrate any efforts aimed at opening up their ranks to masses (Albert 2005). The suppression and hostility towards public sector reform initiatives in the last decades, therefore, had a lot to do with a desire to retain control of the critical organs of state necessary for retention of political power.

However, the enactment of the new Constitution in 2010 in Kenya is offering great hopes for changing the tide in favour of reforms aimed at making the government efficient and effective. Although there was a time not so long ago, when merit stood no chance of winning a match against friendship, political correctness, and when patronage was all you needed to climb career-boosting walls, no matter how high or steep, things are changing. The elite class is today exposed, and vulnerable to the black swans of the Constitution (Kendo 2011).

The new constitution has introduced stringent scrutiny to selection process to public offices. It stipulates that appointment by the executive be made against core principles of merit after competitive selection process, probity and transparency. Even though dismantling patronage networks may take long as those who prospered under the old order fight back, overall, the prospects for reforms in Kenya is not as bleak as it seemed in the past, particularly in comparison with other African countries.

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