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The global politics of African industrial policy: the case of the used clothing ban in Kenya, Uganda and Rwanda

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ABSTRACT

In 2016, the East African Community (EAC) pledged to phase out imports of used clothing within three years. The US Trade Representative (USTR) responded by threatening to revoke preferential market access for those involved. Within two years, all EAC states except Rwanda backed down. Using 21 original interviews, this article explores the extent to which political settlements theory can explain variation in commitment to the used clothing ban in Kenya, Uganda and Rwanda. Building on existing research into shrinking 'policy space,' I explicitly consider the role of foreign actors. The ban predominantly imposed costs on consumers, used clothing retailers, and foreign used clothing exporters whose interests were represented by the USTR. EAC apparel manufacturers stood to gain, but the most powerful firms in this sector were foreign-owned exporters who valued the US market more than domestic sales. The US intervention, therefore, changed the stakes for the policy's intended beneficiaries. While vulnerable and contested ruling coalitions in Kenya and Uganda struggled to hold out in conflict with affected groups, a strong dominant party in Rwanda could absorb resistance by marshaling legitimacy from alternative sources and increasing its efforts to sensitize the local population.

KEYWORDS

Industrial policy; political settlements; textile and apparel industry; African politics; global politics; Kenya; Uganda; Rwanda

Introduction

In the summer of 2018, international news outlets reported that the US was in a 'trade war' with Rwanda: a small, landlocked African country with an economy less than 1/20$^{\text{th}}$ its own size (Fox et al., 2018; John, 2018). The dispute traces back to a Joint Communiqué issued at the March 2016 Summit of the East African Community (EAC), an intergovernmental organization then including Rwanda, Kenya, Tanzania, Uganda, and Burundi. In the Communiqué, EAC leaders pledged

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to phase out the importation of used clothing within three years (EAC, 2016).[1] Intended to protect local textile sectors, the move is an archetypal industrial policy (Warren-Rodriguez, 2010).[2] It aligns with the 2012 EAC Industrialization Strategy and mirrors comparable historical measures taken by today's rich countries (Amsden, 1989; Wade, 2003; Chang & Grabel, 2014).

Despite post-independence success, the 1980s were difficult years for African textiles (Boone, 1992; Adedeji, 1994; Page, 1994). Since then, with support from preferential trade agreements (PTAs), several African governments have revived the sector. Chief among these is the 2000 African Growth and Opportunity Act (AGOA), offering duty-free, quota-free access to the US market for eligible beneficiaries (Phelps et al., 2009). Following the used clothing ban, the US Trade Representative (USTR) threatened to suspend AGOA privileges for EAC states. Used clothing exporters in the US had complained that the ban would deliver 'significant economic hardship', despite the EAC accounting for only 10% of their total export value (USTR., 2018; OEC, 2017). By February 2018, all EAC Partner States had reneged except Rwanda and the US moved to reimpose duties on Rwanda's clothing exports. How can we explain differences in commitment to the policy? More broadly, how can some African countries protect their industries despite pressures from richer states?

Existing theories offer no easy answer. Neo-patrimonialist accounts view African industrial policies as tools for rewarding favored firms (see Mkandawire, 2015 for a review). Yet the economic weight of industry had no bearing on a country's commitment: in 2016, the Kenyan textile industry was the EAC's biggest and the Rwandan its smallest.[3] Equally, from a rational actor lens, Uganda's withdrawal is puzzling since they had hardly utilized AGOA.[4] Here, I use the case to tease out insights into the domestic and global power relations that underpin industrial policy efforts in the Global South today. I modify and probe political settlements theory, a discrete analytical framework that links variation in economic performance to the distribution of power in society (Khan, 1995, 2010). It has been deployed to explain the successes and failures of industrial policy in different sectors within and across countries (Kjaer, 2015; Whitfield et al., 2015; Behuria & Goodfellow, 2016; see also Behuria et al., 2017; Kelsall, 2016). Until recently, however (see Hickey & Izama, 2017; Behuria, 2019; Tyce, 2019), it has treated global politics as marginal.

In this article, I explicitly expand the scope of political settlements theory by casting an analytic net that includes foreign donors and foreign-owned capitalists. I assess whether the holding power of the ruling coalition vis-à-vis this expanded set of actors is relevant for the used clothing ban's fate in Kenya, Uganda and Rwanda. I find that the ruling coalition's stance can indeed be explained by its vulnerability, as manifest in its ability to hold out in conflict with affected actors like consumers, foreign-owned apparel firms, and donors. Foreign-owned firms mattered because they were largely export-oriented, meaning that the threat of losing access to the US market was greater for them. By curtailing the choice set of these actors, the USTR exercised 'go-it-alone power' (Gruber, 2000, 2001). However, the impact of the US intervention on the EAC's policy space was contingent on domestic configurations of power, in turn, influenced by the regime's sources of legitimacy. 21 semi-structured interviews with public and private sector representatives underpin my argument.

The article proceeds by contextualizing the used clothing ban. I then situate political settlements theory in conversations about effective industrial policy and pull in the existing literature on shrinking policy space. I justify methodological choices before analyzing how the ban played out in each case. The final section summarizes and opens avenues for further research.

Protecting East African textiles

A light, labor-intensive industry that often catalyzes further investment, the textile and apparel (T&A) sector is a key 'starter' sector for early industrializers (Morris, 2006; Keane & te Velde, 2008). Historically, many of today's rich countries have protected it. In the eighteenth century the United Kingdom, today's second-largest exporter of used clothing, banned the importation of finished cloth (Brooks, 2015; Eacott, 2012). More recently, from 1974 to 2004, the US and the European Union used the Multi-Fiber Arrangement (MFA) to restrict clothing and textile imports from manufacturers in the Global South (Lopez-Acevedo & Robertson, 2012, p. 10).

In Africa, textile production has a long history prior to and during colonial rule. Many newly independent African governments invested heavily in the sector as part of 'import substitution industrialization' (ISI) strategies (Mkandawire & Soludo, 1998; Gray, 2013). By the late 1960s, Uganda was the largest cotton producer in sub-Saharan Africa (Baffes, 2009). However, in the 1980s governments abandoned ISI in 'sudden, tectonic, and far-reaching ways' (Mkandawire, 2014, p. 180). A confluence of factors is responsible, from deepening cracks in the political foundations of post-colonial economies (Boone, 1992) to donor-driven liberalization pressures (Adedeji, 1994) and global price shocks (Page, 1994). However, with duty-free access to the US and eyeing the space left open in global markets by China's focus on services, some African T&A industries have staged a recovery (Berg et al., 2015). Kenya is now the fourth-largest apparel exporter in Africa (Tyce, 2019, p. 556).

Still, competition is stiff. One perceived source is used for clothing imports from the Global North. In a 'highly lucrative wholesale international trade' worth over USD 600 million a year, used clothing is collected from charity donation bins and sold on to commercial traders and importers (Brooks, 2015, p. 92). Used clothing (variably called *mitumba, mivumba* and *mutunda* across the EAC) is valued in the Global South for its uniqueness, style and affordability (Hansen, 2000; Wetengere, 2018). One survey in Kenya found it cost three to five times less than its domestically manufactured counterparts (Katende-Magezi, 2017, p. 16). According to Frazer (2008), these imports explain 40% of the decline in African apparel production. His conclusions have been contested, partly due to the inadequacy of available data (Haggblade, 1990; Brooks & Simon, 2012). The sector is widely thought to have bigger concerns than used clothing, such as insufficient access to capital and outdated technology (Hansen, 2000).

Nevertheless, the EAC, which imported roughly USD 151 millions of used clothing in 2015, justified its ban on the grounds that these imports stifle local industry, joining the ranks of Nigeria, Haiti, India, and others who have opted for similar restrictions (Katende-Magezi, 2017, p. 6; Haggblade, 1990). At their 2015 Ordinary Summit, EAC Heads of State directed the Council of Ministers to explore ways of promoting T&A industries, mentioning a potential ban (Article 18 of EAC, 2015).[5] This alarmed the Secondary Materials and Recycled Textiles Association (SMART), an association of US-based used clothing exporters, who alerted the USTR. US officials 'attempted multiple interventions on [their] industry's behalf' (Secondary Materials and Recycled Textiles Association (SMART), 2017). However, EAC ministerial deliberations only garnered further support for the ban (EAC Official, personal communication, 24 June 2018). In the Joint Communiqué issued at the following Ordinary Summit in 2016, EAC Heads of State:

> 'Being desirous of promoting vertically integrated industries in the textile and leather sector, directed the Partner States to procure their textile and footwear requirements from within the region… with a view to phasing out importation of used textile and footwear within three years' (Article 16, EAC, 2016).

The EAC's Common External Tariff (CET) rate for used clothing increased from USD 0.2/kg or 35%, whichever is higher, to USD 0.4/kg or 35%, whichever is higher (EAC Gazette, 2016).[6] In March 2017, SMART formally petitioned the USTR for an out-of-cycle review[7] of AGOA privileges, reminding the Office that these are conditional on the beneficiary's 'elimination of barriers to US trade and investment' (SMART, 2017). Three months later, Kenya broke with EAC policy, reversing its tariffs on used clothing back to pre-2016 levels, and Rwanda applied an even higher duty rate than agreed (EAC Gazette, 2017).

In July, the USTR granted SMART's request, calling an out-of-cycle review and requesting EAC officials fly to Washington for a public hearing (USTR., 2018). An official from the EAC intimated that the World Bank 'emerge[d] from the woodwork' at this time (EAC Official, personal communication, 24 June 2018). Tanzania and Uganda initially declared they would stay the course (Olingo, 2017). However, by the Ordinary Summit of February 2018, the ban conspicuously disappeared from the Summit's Joint Communiqué, which now vaguely referenced 'prioritizing the development' of the competitive textile industry (Article 15, EAC, 2018). The same month Burundi, Tanzania and Uganda reversed their tariff increases (EAC Gazette, 2018). In March 2018, the US handed Rwanda, now the only country still committed to the policy, 60 days' notice of intent to suspend duty-free market access for clothing exports (USTR., 2018). The government of Rwanda held fast, acknowledging that 'the withdrawal of AGOA benefits is at the discretion of the United States' (GoR, 2018).

The impact of the distribution of power on industrial policy

What does existing literature say about the conditions for successful African industrial policy? Public choice theorists worry about the risk of political capture by self-interested elites (Bates, 1981), while new institutional economists (NIE) focuses on how property rights and transaction costs structure their choice sets (Williamson, 1975; North & Weingast, 1989). Some have searched for evidence of a developmental state, i.e. one whose internal politics concentrate enough power and autonomy at the center to pursue and support developmental objectives (Leftwich, 1995, p. 284; see also Amsden, 1989; Wade, 1990). Disappointing conclusions from neo-patrimonialist scholars followed, who saw in African states only hollow vessels for clientelism (Bayart, 1993; see Mkandawire, 2015). Yet the assumption that economic transformation requires a perfectly autonomous state apparatus has been criticized for leaving 'no analytical or empirical space for real politics' (Moon &

Prasad, 1994, p. 376; see Evans, 1995; Grindle, 2004; Booth & Golooba-Mutebi, 2012; Kelsall, 2013).

Accordingly, approaches foregrounding the political logics and coalitions behind successful industrial policy have gained traction (see Boone, 1992; Poteete, 2009). Building on these insights, Khan's (1995, 2010, 2017) political settlements theory seeks to explain why policies achieve different results in different contexts. It posits that outcomes vary according to the distribution of power in society because policy enforcement is more likely when it aligns with the interests of powerful groups (Khan, 2010, p. 19). The notion of power here deserves further scrutiny. The concern is with organizational power: the power of a group to achieve its preferred outcome by contesting, obstructing, and opposing rules that go against their interests (Khan, 2010, p. 18). Khan is particularly interested in 'holding power': a group's ability to engage, survive and hold out in conflicts, which often translates into acquiring material benefits (Goodfellow, 2018, p. 204). A group's holding power results from its ability to *impose* costs on others and *absorb* costs inflicted on it (Khan, 2010, p. 6). If it can impose costs effectively, its opponents may abandon efforts to secure their preferred outcome. Similarly, the better it can absorb costs, the longer it can hold out in conflict. A variety of factors influence a group's holding power, many shaped by context and 'historical patterns of conflict and organization' (Goodfellow, 2018, p. 205). Economic strength matters, since wealthier groups can employ more expensive strategies. However, a group's political capabilities, like the 'capacity of their leadership to mobilize and enthuse and their skill in identifying and rewarding the right people through formal or informal networks' (Khan, 2017, p. 640) play a separate role, as do identity politics and ideology. Taken together, groups with limited economic strength may still win broad-based support (p. 645).

Political settlements analysis typically proceeds with a historical observation of the distribution of power in particular countries (Khan, 2010, p. 6). Emphasis is on the 'ruling coalition': ruling elites plus those whose informal support props ups their political survival (Whitfield et al., 2015). The power of a ruling coalition is specified along two axes. A ruling coalition is *vulnerable* if horizontally excluded groups (opposition parties) are strong. Low vulnerability is expected to facilitate economic policy with long time horizons and short-term costs. A ruling coalition is *contested* if vertically excluded groups (lower-level officials) are strong. Low contestation is expected to facilitate policy implementation and enforcement. This creates four political settlement ideal-types. Low vulnerability creates 'strong dominant' (if contestation is low) or 'weak dominant' (if contestation is high) settlements. High vulnerability engenders 'vulnerable authoritarian' (if contestation is low) or 'competitive clientelist' (if contestation is high) settlements (Whitfield et al., 2015). The theory also considers the holding power of domestic capitalists, which depends on their relative importance to the economy, government revenue, foreign exchange, and/or political financing (Whitfield et al., 2015, p. 24). If powerful firms are technologically capable and competitive, they are expected to lobby for effective, productivity-enhancing interventions (Tyce, 2019, p. 555).

Although the theory is usually applied to assess the successes and failures of African industrial policies rather than the maintenance or withdrawal of political commitment, its application is apt here for two reasons. First, it was developed to explain why identical policies play out differently across national contexts. Second, the used clothing ban distributes benefits and costs across relatively discrete groups with discernable interests. Consumers bear the brunt of import restrictions, since they will foot a higher bill for clothing until, in theory, local production has caught up. Used clothing importers and retailers also stand to lose, while local T&A actors should gain. However, this line of reasoning leaves questions unanswered here. For instance, why did commitment from Uganda's ruling coalition, which faces no viable opposition, waver? Furthermore, Kenyan T&A firms are by far the most powerful in their national context. Why was their protection so short-lived?

Shrinking policy space

Any assessment of the potential for African industrial policy is incomplete without accounting for a global context. Decades of International Political Economy (IPE) research has documented how using sector-specific industrial policy tools has become progressively more difficult. Throughout the 1980s, international financial institutions conditioned loans on the recipient implementing 'Washington Consensus' free-market reforms like eliminating tariffs and reducing subsidies (Williamson, 2002). The 1986 Uruguay Round of the World Trade Organization made 'comprehensively illegal' many industrial policies used by East Asian developing countries (Wade, 2003, p. 621). The effect is diminished 'policy space', and has clear distributional consequences, granting firms from the Global North easier access to markets of the Global South while obstructing the ability of poorer countries to enter higher-value segments of the global market (Wade, 2003; Warren-Rodriguez, 2010; Altenburg, 2011).

Although the practice of loan conditionality has been criticized, the Washington Consensus paradigm remains largely intact (Babb, 2013, p. 286). Regional and bilateral agreements like the North American Free Trade Agreement (NAFTA) require developing countries to 'relinquish virtually all instruments of industrial policy' (Shadlen, 2005, p. 768). Accordingly, Babb (2013, p. 274) expands the definition of coercion to encompass the 'range of mechanisms that may be set in motion wherever one organization possesses more power than another.' Selectively channeling resources to states that follow rules is one example (*ibid*; see also Lie, 2015). Using examples of free trade regimes, Gruber (2000, 2001) coins 'go-it-alone power' to describe how the 'winners' of an institutional set-up remove the original status quo from the choice set of the 'losers.' These mechanisms allow power to be exercised, and policy space-restricted, without overt conflict or persuasion.

The debate on the extent to which policy space has shrunk is a vibrant part of the IPE landscape (see e.g. Patel-Campillo, 2010; Natsuda & Thoburn, 2014), but largely absent from the politics of African industrial policy literature. In the case of the used clothing ban, the active mobilization of a powerful foreign player (the US) renders this oversight significant. I opt to consider this player part of the political settlements landscape. Additionally, I follow Tyce (2019) in explicitly pulling the holding power of 'diasporic' or foreign capitalists into focus. Previous political settlements analyses have limited their scope to domestic capitalists because multinationals are footloose and less likely to have productivity-enhancing relationships with elites (see Whitfield et al., 2015, p. 19). Again, in the case of the used clothing ban, this oversight is impactful, neglecting both a long-standing debate on the contribution of foreign and/or Asian capitalists to East African industrialization (see

Leys, 1975; Himbara, 1994)[8] and the substantial contribution of transnational producers to African apparel production (Morris et al., 2016, p. 1256).

Methods and cases

Since my aim is to discern whether national context can explain different patterns of commitment to a regional policy, a comparative design is appropriate. Rwanda and Kenya were selected since they assume opposite values of the explanatory variable, with the Rwanda political settlement classified as strong dominant (Behuria & Goodfellow, 2016) and Kenya's as competitive clientelist (Tyce, 2019). However, the size of their T&A industry and the degree to which they benefit from AGOA varied substantially. A third case reduces the risk of equifinality. Both Uganda and Tanzania are 'deviant' cases (Gerring, 2007, p. 105): with comparatively weak ruling coalitions, their withdrawal from unpopular policy contradicts expectations. Between the two, I selected Uganda, who benefited the least from AGOA, and for whom the US threat should have been least effective.[9] Moreover, Kenya, Uganda and Rwanda are known as the 'coalition of the willing' within the EAC (Kenya Ministry Official 1, personal communication, 16 July 2018), making policy divergence more puzzling.

I conducted 21 semi-structured interviews in the summer of 2018. I interviewed officials from the Ministry of Trade and Industry in each country, with positions ranging from policy officer and trade expert to senior engineer and director. I spoke to officials at the Uganda Investment Authority (UIA) and the Rwanda Development Board (RDB), and officers or managers at the Kenya Association of Manufacturers, the Rwanda Manufacturers' Association, the Private Sector Federation (Rwanda) and the Private Sector Foundation (Uganda). I interviewed managers or directors at Fine Spinners Ltd. (Uganda), Utexrwa (Rwanda), and a garment manufacturer/brand in Kenya. I discussed with a senior official from the EAC, the African Trade Policy Centre of the UN Economic Commission for Africa, one consultant on the T&A sector and an academic at the University of Nairobi. Respondents have been given aliases to preserve anonymity. Secondary literature and official budgets, strategies and press releases were also consulted (see Appendix for details).

I employed process tracing, which is the 'analysis of the evidence on processes, sequences, and conjunctures of events within a case for the purposes of either developing or testing hypotheses' (Bennett & Checkel, 2015, p. 7). Process tracing relies on interpreting 'observed turning-points, crises and objections in the course of [a] project' as 'meaningful and significant data' (Flick et al., 2007). The evolution of the used clothing ban from February 2015 to summer 2018 provided ample instances of such turning-points. The analysis proceeds with a presentation of the three cases. Each section begins with a broad mapping of the power of relevant groups: the ruling coalition, domestic firms, donors and foreign-owned firms. It then situates the used clothing ban within the landscape of existing industrialization efforts and offers insight into the trajectory of, and contestation over, the policy.

Kenya: Competitive clientelism, election promises and foreign firms

Political settlement

Inheriting a legacy of authoritarianism from the colonial state (Atieno-Odhiambo, 1987, p. 180), a heavily guarded, ethnicized center in Kenya has historically struggled to contain threats from horizontally and vertically excluded factions (Tyce, 2019; Khadiagala, 2010). The pendulum swing between weak dominant and vulnerable authoritarian conditions slowed in 1991 when multiparty elections were restored, paving the way for competitive clientelism (Grosh & Orvis, 1996). In this atmosphere of heightened contestation, the ruling coalition has resorted to patronage and been pushed to defend its monopoly over violence. In 2007, the opposition, led by Raila Odinga, contested election results, leading to International Criminal Court convictions and UN-led mediation. The 2010 overhaul of the colonial-era constitution dealt a further blow to ruling coalition stability by redrawing the boundaries of subnational units – parties are required to register voters from over half of these – to correspond with ethnic communities (Nyabira & Ayele, 2016; Hassan, 2015). In 2016 the incumbent Jubilee Party under President Uhuru Kenyatta, a coalition of at least ten other parties which included former ethnic and political rivals, was preparing to face off against Odinga again in August 2017 general elections.

Domestic capitalists in the Kenyan T&A sector are split into two sub-categories by the Kenyan Association of Manufacturers (KAM): export processing zone (EPZ) firms and local companies. The EPZ firms are apparel manufacturers and are by far the most competitive in the region. In 2016 apparels accounted for around USD 430 million, or 9.3% of national export earnings (OEC, 2017). This subsector is dominated by transnational investors (mostly from Asia) and Indian-East African 'diasporic investors' producing for the US market (Morris et al., 2016, p. 1251). The only indigenous Kenyan exporter is a 'subcontractor picking up ad hoc export orders' (*ibid*). EPZ apparel firms employ around 40,000 people (GoK and World Bank, 2015, p. ii). The T&A sector's ability to help tackle unemployment is the main source of its holding power (KAM Officer, personal communication, 25 June 2018). More broadly, manufacturing is framed as 'the primary vehicle for the creation of decent jobs' in Kenyatta's plan for his second term (Munda, 2017; GoK, 2018).[10] This is in line with theoretical expectations that under competitive clientelism, concerns for short-term pay-offs like job creation can trump ambitions for economic transformation.

Foreign capitalists and donors have both played prominent roles in the Kenyan political settlement since independence. Multinational corporations dominated goods production from the 1950s onward, and state bureaucrats shared in these fortunes in return for concessions like senior management positions (Pinkney, 2001; p. 39). By some accounts, global capital continues to contribute illicit financing to ruling elites, with USD 39 million from the new high-speed Chinese-built railway allegedly disappearing into public coffers (Wafula, 2018). Although Kenya has historically resisted international demands for economic liberalization, donor holding power has grown with the ruling coalition's vulnerability. Multiparty politics were restored in 1991 following a two-year moratorium on balance-of-payment support in 'perhaps the clearest example of donors forcing democratization *via* political conditionality' (Grosh & Orvis, 1996, p. 46). Similarly, aid cuts in 1997 forced a reluctant President Moi into cross-party dialog (Pinkney, 2001, p. 73).

Explaining the ban

The used clothing ban can be situated within a cautious, half-hearted attempt by Jubilee to promote manufacturing. Its 2015 Industrial Transformation Programme identified the T&A sector as a priority (GoK, 2015). President Kenyatta considered the ban an 'important part of [his] Administration's effort to promote Buy Kenya, Build Kenya' – a strategy that included directing agencies to procure 40% of goods locally (Nyamori, 2016; GoK, 2017). In March 2016, the government invited representatives of the Association of *Mitumba* Importers in Kenya (AMIK) to the State House to help them 'slowly move' into the new clothes market (Nyamori, 2016).

However, many of the government's plans for the T&A sector were dropped or delayed until 'after the 2017 elections' (Tyce, 2019, p. 103). The used clothing ban is no exception. The timing of its withdrawal points to the ruling coalition balking at imposing higher retail prices on voters. In the months leading up to the frenzied dismantling of the used clothing ban, the opposition's 'huge, back-to-back spirited rallies' in traditional Jubilee strongholds left the administration 'increasingly worried' (Mbaka, 2017). The Industrialization Secretary's May 15 announcement that Kenya would not implement the used clothing ban came roughly two weeks after Odinga was formally selected as the opposition's presidential candidate, and less than two weeks before official campaigning began for general elections (Matumbo, 2017). A senior EAC official highlighted the importance of electoral pressure:

> 'Even the politicians are not ready to tell the citizens that they are banning second-hand clothes … especially during an election year. It's more populist to continue with the second-hand clothes' (EAC Official, personal communication, 24 June 2018).

Tellingly, the *mitumba* industry, reliant on used clothing imports, employs even more Kenyans than domestic manufacturers, generating 121,000 direct and 27,000 indirect jobs (USAID, 2017, p. 10). This likely boosted the holding power of associations like AMIK who have historically been known to negotiate successfully with authorities (Kinyanjui & Khayesi, 2005).

Curiously, the Kenyan T&A sector appeared indifferent to the ban. Industry representatives at the Kenya Association of Manufacturers (KAM) had no official position on it and did not unanimously support it.

> 'That intervention that was taken [is] not the ideal policy situation. It was not on the top priority lists as to what should be done for [our] sector' (KAM Officer, personal communication, 25 June 2018).

The organization viewed illicitly traded new clothing as a 'bigger thorn in the flesh of the textile sector' (*ibid*). One reason for KAM's ambivalence is the membership of EPZ firms. The US market represents about 80% of its output, making competition on the domestic market less critical (Igadwah, 2017). The US sanction dramatically altered their choice set, as it would have cost them roughly USD 400 million of annual exports (AGOA.info, 2017). Hence, the US' direct persuasive tactics, with the Secretary of State for Africa personally flying to Nairobi to convince Kenya to drop the ban (KAM officer, personal communication, 25 June 2018), are only half the story.

Initially, the Kenyan government tried to hold out in conflict with EPZ firms. It made the domestic market more enticing by lifting the limits on domestic sales from 20% to 40% of total output and hosting megasales for local brands (GoK, 2017; Igadwah, 2017). It also sought to challenge the US directly.

> 'During the negotiations [we] made the argument [that] secondhand clothes are not even actually American products; they are also imported' (Kenya Ministry Official 1, personal communication, 16 July 2018).

However, these efforts were in vain. Ultimately Kenya took 'active steps to be exempted' from the out-of-cycle review of AGOA eligibility, including by providing written commitment that it would not implement the ban (Kelley, 2017; USAID, 2017, p. 5). Ministry officials acknowledge the centrality of the US to this decision.

> 'Prior to the Americans, the discussion was about the level of appropriate tariffs. Some [EAC Partner States] wanted USD 0.8 [per kilogram], 0.6. [The threat of losing eligibility for] AGOA is what made this discussion problematic, but even before the Americans became involved, Kenya thought USD 0.8 was too high' (Kenya Ministry Official 1, personal communication, 16 July 2018).

In short, opposition from consumers and *mitumba* traders caused a ruling coalition that staked its reputation on job creation to drag its feet on tariff increases relative to its neighbors. US influence, exercised directly through persuasion and indirectly through powerful EPZ firms, proved too difficult for a vulnerable ruling coalition to deflect.

Uganda: Weak dominance and self-preservation diplomacy

Political settlement

Uganda's current ruling coalition, headed by the National Resistance Movement (NRM) under president Museveni, started out in 1986 as a military rebel group uniting a small group of elites from southern kingdoms enjoying considerable legitimacy from ending the civil war (Whitfield et al., 2015). Using a dense security apparatus to stabilize unrest, the NRM acted as an umbrella for all political competition until 1996 (Rubongonya, 2007; Mwakikagile, 2012). When multiparty elections returned, the holding power of lower factions grew, evidenced by ruling elites' increased recourse to patronage, hotly contested local politics and a factional split within the NRM (Hickey & Izama, 2017). Though Whitfield *et al.* (2015) consider this a turn toward competitive clientelism, I follow Hickey and Izama (2017) in arguing that the political settlement more closely resembles a weak dominant party. Against a backdrop of voter intimidation, the repeated arrest and detainment of opposition members, and a 2005 lifting of term limits, in 2016 the principal opposition party still had 'no real prospect of securing power *via* elections' (Barkan, 2011, p. 4).

Economically, domestic T&A firms have little capacity to absorb costs. A once-vibrant textile subsector collapsed in the 1980s due to liberalization, civil strife, and poor governance. Today apparel assembly plants are the dominant players, but most struggle to meet market demands and contribute minimally to GDP. The only domestic vertically integrated T&A firm is Southern Range Nyanza Ltd., recently reported to be showing signs of decline: a 'shadow of its former self' (Bukenya, 2016). In contrast, the foreign-owned Fine Spinners Ltd. has a globally competitive lead time of 45 days (personal communications, 6 July 2018) and accounted for roughly a third of the total export value of shirts in 2016 (OEC, 2016; Ampurire, 2017). Both local and foreign-owned firms enjoy privileged access to decision-making through formal consultation rights and presidential investor roundtables (Ugandan Ministry Official 1 and UIA Official, personal communications, 3 July 2018). Less formal channels of influence are facilitated by high-profile business holdings of politicians and their families (Barkan, 2011, p. 10).

Donor influence partly explains the privileged position of business in Uganda. Upon taking the reins of an economy crippled by war, Museveni was quick to embrace the Washington Consensus. Uganda's high growth rates earned him 'lavish' budget assistance and the leeway to lean authoritarian as long as Uganda's economy continued to demonstrate the virtues of liberalization (Mwenda & Tangri, 2005; Pinkney, 2001; Okoth, 2007). Aid remains an important source of finance, accounting for roughly half of 2016 central government expenditure (OECD, 2016). However, Asian investment has started to displace aid from the west. In 2006, creditors slashed Uganda's debt, and Uganda signed the Sino-Africa Pact, clearing the way for China to become Uganda's single biggest investor by 2010 (Hickey & Izama, 2017, p. 170). The changing configuration of power has permitted more vocal disavowal of the Washington Consensus. One trade official said,

> 'When we liberalized, we left the economy in the hands of the private sector. Now we are realizing that we overdid it' (personal communication, 2 July 2018).

The result is Museveni's pursuit of 'an increasingly muscular form of "economic nationalism"'(Hickey & Izama, 2017, p. 171).

Explaining the ban

As political settlements theory predicts, the dominant NRM does not shy away from unpopular policy. In 2018, the year that Uganda filed to reduce its tariff on used clothing, the government imposed a social media tax and proposed banning hoodies – on a population of which 78% is under 35 (Kiranda et al., 2017; The Guardian, 2018). Growing contestation has, however, obstructed resource mobilization. Government admits to 'inadequate and meager' national budgetary allocations for industrialization (GoU, 2007, 2008). The impact on the industrial policy was summarized by one interviewee as follows:

> 'When you don't have enough resources, you keep shifting goal posts. If you agreed yesterday that, "tomorrow we shall eat chicken and rice," when things don't work out well, you might say, "but why don't we go for beans and *matoke* [a variety of banana]?" We plan very well, but the challenge is implementation' (Uganda Ministry Official 2, personal communication, 2 July 2018).

Insufficient resources for industrialization are also due to Uganda's reliance on donors who historically conditioned loans on maintaining an 'enabling environment' for foreign investors – i.e. removing protectionist barriers (Wade, 2013). The 'enabling environment' phrase appears in Uganda's official trade, industrial and development policies (GoU, 2007, 2008, 2015).

However, these features of the Ugandan economic landscape were not responsible for interrupting commitment to the used clothing ban. Despite 'meager' resources, Uganda was extraordinarily committed to its textile sector. It launched a National Textile Policy in 2009 (GoU, 2009) and nestled the ban in broader import substitution efforts like the Buy Uganda, Build Uganda Policy (GoU, 2014). Moreover, Uganda's minister of finance promptly complemented the ban with an increase in the environmental levy for used clothes (Olingo, 2017). He declared, shortly after the AGOA out-of-cycle review began, 'we are not going to bow to pressure … We will also not back away from the planned phasing out of used clothing' (Olingo, 2017). This is noteworthy given that the US and the World Bank, both of whom allegedly mobilized against the policy, were Uganda's largest and second-largest donors in 2015 (OECD, 2016).

Increasing investor influence provides key context for Uganda's U-turn. Like in Kenya, foreign investors in the Ugandan T&A sector are uninterested in the domestic market. A Fine Spinners officer emphasized the company's pride in supplying top international brands like Bonprix and Jack Jones (personal communication, 6 July 2018). The factory's two separate sections for cut-make-trim activities reflect the prestige awarded to exports: graduating to the export assembly line is a reward for well-performing employees in the domestic production line. With the US its second-biggest end market (Ampurire, 2017), it is unsurprising that at presidential roundtables with T&A capitalists, the conversation 'was not about second-hand clothing. It was about AGOA. The major discussions have been [how] to produce for AGOA' (personal communication, 3 July 2018). Fine Spinners declined to comment on the ban. However, a month after the policy reversal, Museveni ordered that the implementation of the Buy Uganda Build Uganda policy be stayed, reportedly after a group of foreign investors approached the president (Mwesigwa, 2018).

Indicative of ruling elites' inability to impose costs on their sources of foreign finance are the great lengths to which they later went to minimize the ban. One official suggested that the phase-out had been misunderstood, and was intended to happen over 'probably the next 20 or 30 years or so' (personal communication, 3 July 2018); but the 2016 Joint Communiqué explicitly stated a three-year time frame. He also argued that the tariff hike was merely adjustment for inflation which had last been reviewed in 2005; in fact, its last review was in 2012 (USAID, 2016). In Uganda, ruling coalition contestation mattered, but less by hindering industrial investment and more by increasing the holding power of foreign investors and Uganda's top donors.

Rwanda: Strong, dominant and dignified

Political settlement

Interpretations of Rwandan politics are exceptionally polarized (Booth & Golooba-Mutebi, 2012, p. 386). Nonetheless, its political settlement is usually understood in strong dominant terms (Behuria & Goodfellow, 2016). Like the NRM, the incumbent Rwandan Patriotic Front (RPF) under President Kagame earned its stripes in combat.[11] A clandestine structure formed by Tutsi exiles, the RPF invaded northern Rwanda in the early 1990s and eventually ended the genocide that ensued (Reed, 1996; Booth & Golooba-Mutebi, 2012). In subsequent years the party's internal ranks were reshuffled: senior cadres resigned, emigrated, or were disciplined as ruling elites consolidated their monopoly over violence (see Behuria, 2016a, p. 633-634). Today, President Kagame faces few vertical or horizontal challenges. The strongest opposition parties are in exile and barred from fielding candidates in elections (Gahama & Lumumba-Kasongo, 2017, p. 360). The regime uses visible security forces and limited redistributive mechanisms to counter threats of rural unrest and political rivalry (Mann & Berry, 2016, p. 128). Additionally, the RPF's ownership of a multimillion-dollar private holding company permits access to capital independent of party member contributions or corruption (Booth & Golooba-Mutebi, 2012, p. 389).

In the 1980s, Rwanda's first vertically integrated T&A firm, l'Usine textile du Rwanda (Utexrwa) had economic and non-economic sources of holding power, winning multiple public procurement contracts regionally (Behuria, 2019, p. 1047). Today, after losing personnel and equipment in the violence of the 1990s, Utexrwa's holding power largely derives from historic prestige. Numerous barriers, such as difficulty accessing the sea and meeting quality requirements, hamper its export capacity (USAID, 2016; Utexrwa Manager, personal communications, 12 July 2018). It struggles to maintain domestic market share and can only afford to operate its spinning facilities four days a week (Behuria, 2017; Utexrwa Manager, personal communication, 12 July 2018). A recent player on the scene with greater economic clout is C&H Garments. The Chinese firm's superior technological capabilities and productive capacity led Behuria (2016b) to quip that 'Made-in-Rwanda' is more like 'China Makes in Rwanda.' The contribution of foreign capital to political financing, however, is limited by the technical and apolitical nature of the Rwanda Development Board (RDB), the one-stop-shop for foreign investors (Booth et al., 2017).

Like Uganda, Rwanda has received extensive aid, particularly in the aftermath of the genocide, with donors accounting for 35% of state revenue in 2015/16 (GoR, 2017). However, the RPF relies on a strategy of regime consolidation that centers economic transformation (Mann & Berry, 2016; Verwimp, 2013). Ambitious, long-term economic planning has delivered successive years of 6% growth (Behuria & Goodfellow, 2016, p. 3; see GoR, 2011). Still, industrial growth has been limited, causing budgetary and trade deficits (GoR, 2017). From 2011, the RPF mobilized the rhetoric of *agaciro,* a Kinyarwanda word meaning dignity or self-worth, to maintain stability as they committed to resurrecting manufacturing (Behuria, 2016b). The 2015 Domestic Market Recapturing Strategy (DMRS) and a Made-in-Rwanda campaign followed (GoR, 2017; GoR, 2015). Consequently, Rwanda's Special Economic Zones (SEZs) are not 'at all' only export-oriented: 'we are looking for companies that can substitute imports,' said an RDB official (personal communication, 9 July 2018).

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The RPF's superior holding power compared to the ban's opponents help explain its continued commitment to the policy, which can be situated within the post-2011 'aggressive policy of boosting manufacturing' (RDB Official, personal communications, 9 July 2018). The policy was first discussed in 2011 (Rwandan Ministry Official 2, personal communication, 13 July 2018): the same year of the national forum at which *agaciro* was conceived. Additionally, justifications referring to dignity abound (see Gambino, 2017). One official compared to trade in used clothing to a hypothetical trade in dirty bathwater, concluding, 'it is not even trade; it is like garbage' (Rwandan Ministry Official 1, personal communication, 12 July 2018). An RDB official invoked rubbish alongside betrayal and embarrassment. Making a squashing motion with his hand:

> 'Africa has been a dumping ground for so many things. [The US], as your elder, he should uplift you, not leave you in the mud' (RDB Official, personal communication, 9 July 2018).

The regime's ability to hold out in conflict with the electorate was evident when an official was asked about the ban's reception: 'if I tell you the truth, it was mixed' (Rwanda Ministry Official 1, personal communication, 12 July 2018). The Ministry of Trade recommended ways to bring potential opponents on board, including reinforcing efforts to sensitize consumers to the importance of buying locally and inviting the top ten used clothing importers to discuss obstacles to entering manufacturing (Rwanda Ministry Official 1, personal communication, 12 July 2018).[12]

In line with theoretical expectations, the ban also reflects superior enforcement capabilities. One ministry official explained: 'the day [a policy] is approved is the day it starts to be implemented' (personal communication, 12 July 2018). By the time a policy draft is presented to cabinet, a strategic implementation plan is attached with specified policy leads, hierarchies of command and necessary legal work already submitted (Rwanda Ministry Official 1, personal communication, 21 July 2018; GoR, 2010). An officer at the Rwanda Association of Manufacturers (RAM) confirmed the importance of follow-through for the used clothing ban: 'for us, we are strict. If we are going to do something, that's it' (personal communication, 11 July 2018). Immediately following the Summit at which the policy was announced, Rwanda increased its tariff beyond the CET rate (USD 2.5/kg instead of the new CET of USD 0.4/kg), budgeted to purchase land in the SEZ for textile and footwear factories, reduced industrial electricity tariffs and amended public procurement law to give preference to local producers (Koigi, 2016; GoR, 2017).

The RPF's ability to impose costs on its foreign partners reveals its prioritization of self-sufficiency. With up to 80% of its output exported (Gambino, 2017), C&H Garments was left 'panicking' by the USTR threat (Utexrwa Manager, personal communication, 12 July 2018). The RPF proceeded anyways, forcing C&H to put key US orders put on hold (Gahigi, 2018). This complicates the suggestion that the RPF has picked 'foreign investors as winners' (Behuria, 2017, p. 32). Instead, Utexrwa, who viewed used clothing as its 'number one threat', achieved its preferred outcome (Utexrwa Executive, personal communication, 12 July 2018). A ministry official described them as 'among the happiest people' after the ban, 'reaping like it's harvest, like the only one son in the family' (*sic*, personal communication, 12 July 2018).

Rwanda also staved off resistance from one of its top donors despite receiving proportionately more aid than Uganda (OECD, 2016). An official explained that following the ban's announcement, 'we tried to help [the US] understand, as it is a superpower', even inviting them to set-up garment factories on Rwandan soil (Rwandan Ministry Official 1, personal communication, 12 July 2018). These efforts were unsuccessful and Rwanda incurred diplomatic losses, to their chagrin:

> 'It is unfortunate that [the ban] ended up being political. It was purely commercial interests' (Rwandan Ministry Official 2, personal communication, 13 July 2018).

Officials confirmed that the US and Rwanda would continue their cooperation in other areas, such as peace-keeping and healthcare, with the hope that the US might eventually change its mind. The case reveals a strong dominant party for whom defiance of foreign influence – capitalists and donors – was more politically expedient than deference, given recourse to alternative strategies of regime consolidation.

Discussion

Studying the divergent fate of the EAC's used clothing ban testifies to the range of domestic and foreign actors cross-pressuring import substitution efforts in Africa. In this article, I showed that if political settlements theory is expanded to include these actors it can shed light on the sources of political commitment to industrial policy. The relative holding power of the ruling coalition contextualized Kenya's hesitation, Uganda's initial enthusiasm and Rwanda's steadfastness toward the used clothing ban. In Kenya, the approach of a hotly contested election imperiled ruling elites' grip on power. As the opposition gathered courage, Jubilee's comfort with short-term job losses was shaken. In Rwanda, the RPF's strength relative to lower-level officials helps explain its superior enforcement capabilities, which officials cite as a major factor behind their commitment to the ban. The RPF imposed costs on consumers and used clothing importers by actively seeking to bring them on board. In Uganda, the ruling coalition's holding power relative to horizontally excluded factions set the scene for its ambivalence toward unpopular policy. However, this cannot explain Uganda's sudden withdrawal in February 2018. Furthermore, the expectation that more powerful T&A firms would be more likely to be awarded protection was not realized. The technologically capable T&A sector did not support the ban, and in Rwanda, Utexrwa was a key beneficiary, despite having negligible economic resources.

A missing piece of the puzzle was the priorities and power of foreign capitalists. In all three countries, the most technologically advanced firms in the sector are foreign-owned. In Uganda and Rwanda, Fine Spinners Ltd. and C&H Garments tower above domestic firms in their production capabilities. In Kenya, apparel manufacturers in the EPZ are either transnational (foreign) or 'diaspora' (Kenyan Asian) investors. These actors are not systematically captured in political settlements theory. However, their export-oriented business model meant apathy toward recapturing the domestic market and high vulnerability to the USTR's retaliatory move to remove duty-free access to the US market. Successful industrial policy may require nurturing the capabilities of domestic capitalists, but the evidence here suggests that if it threatens the end markets of powerful export-oriented firms it will struggle to make it out the gate.

The US intervention marked a critical juncture in the policy's trajectory. Exercising 'go-it-alone' power (Gruber, 2000), the US could not prevent the policy's announcement but could unilaterally accompany its enactment with a sanction which removed the option of banning used clothing and retaining privileged access to the US market from EAC government officials' choice sets. Given how important the US market is for existing exporters in the East African T&A sector, with up to 80% of EPZ firms in Kenya producing for the US, this option imposed significant costs on the foreign-owned, export-oriented firms in the T&A sector. The US' actions suggest the Janus-faced nature of donor support. A Rwandan official pointed out the irony of USAID having helped Rwanda to develop a strategy for utilizing AGOA, only for the administration to retract the privileges altogether. He was not, however, surprised: 'of course we received a stick' (Rwandan Ministry Official 2, personal communication, 13 July 2018).

Political settlements theory should continue exploring the conditions under which the 'stick' is effective. Comparing the Ugandan and Rwandan cases is insightful. Both depend on aid for budgetary assistance, with relatively weak T&A sectors save for a foreign-owned star player. Yet while Rwandan elites pushed ahead, the NRM was unable to hold out in conflict with either Fine Spinners or its donors. The difference can be explained with each government's strategies of regime consolidation. The Ugandan ruling coalition, amid escalating resistance, fell back on an age-old coping strategy of winning donor approval. In contrast, the relatively strong RPF relied on *agaciro* and self-sufficiency to buoy its legitimacy, weakening the holding power of external actors and heightening Utexrwa's influence.

A number of limitations qualify my conclusions. First, I treated economic considerations specific to the used clothing and T&A sectors, such as competition with ready-made garments, only tangentially. As such, a complete explanation for the used clothing ban is not possible. I have instead explored what political settlements theory can add to our understanding. Second, while the evidence I have marshaled shows that the holding power of the ban's opponents mattered, the mechanisms through which they exercised power are not self-evident. My respondents referred to direct conflict and coercion, such as the Secretary of State for Africa flying to Nairobi or the argumentation used during negotiations with the US. However, they relayed this information selectively, often reluctant to discuss specifics. For a more thorough account of US strategy, a number of arenas that I left unexamined need attention, such as the offices of the USTR or USAID. Nonetheless, the case reveals that foreign influence does not require direct coercion (Babb, 2013). Unilaterally changing the costs and benefits of a policy can suffice, provided that the costs fall on domestic groups with holding power.

This article adds to the literature on the politics of industrial policy in two ways. First, I have shown that import substitution requires holding out in conflict with exporters (and their public representatives). The theory will struggle to explain industrial policy failures without accounting for the relationship between foreign actors and the domestic configuration of power. This is not new: the abandonment of ISI in the 1980s was influenced by international power asymmetries (Mkandawire, 2014). However, in the context of proliferating trade agreements and increasingly complicated global value chains, we can expect the global spillover effects of industrial policies to grow and for grieving parties to perforate commitment in ever subtler ways. PTAs like AGOA can be instrumentalized in much the same way as multilateral (Wade, 2003) and bilateral (Shadlen, 2005) trade agreements, indicating that 'non-reciprocal preferences are in reality very much reciprocal' (UNECA, 2016, p. 132).

Second, I have illustrated that political settlements theory has bearing not just on industrial policy outcomes but on commitment. Despite joining developmental state scholars (see Oqubay, 2015) and new institutional economists (Maxfield & Schneider, 1997; North & Weingast, 1989; North, 1990) in considering commitment crucial for successful industrial policy, political settlements theory is relatively silent on its sources beyond patronage-based arguments. The punctuated evolution of the used clothing ban suggests that commitment is liable to rigorous contestation. It cannot be plugged into equations for industrial policy success as an exogenous variable. Moreover, the indifference of domestic capitalists to the ban undermines the credibility of reducing African industrial policy commitment to clientelism. If there is clientelism here, it is perhaps most obvious in the US: at SMART's behest, the administration abandoned its aim to 'encourage economic growth and development' in sub-Saharan Africa (AGOA.info), punishing Rwanda for a policy that cost is only about 0.016% of its total earnings from used clothing exports (OEC, 2017). There is a need, therefore, for more robust and creative efforts to adjudicate between sources of commitment to the industrial policy as diverse as regime survival, donor appeasement, and genuine ambitions for economic upgrading.

Notes

1. The wording of the Communiqué from the March 2016 Summit referred to 'textile and leather' industries. In this paper I focus on the 'textile and apparel' (T&A) sector to capture the complete textile value chain. This involves growing cotton, spinning and weaving it into fabric, and manufacturing apparel through a 'cut-make-trim' phase (Brooks, 2015).
2. A phase-out and ban are not equivalent. I treat them interchangeably because they were widely perceived thus by industry actors and the outcome – the elimination of used clothing imports – is the same.
3. In 2016, the Kenyan textile sector earned over USD 430 million and represented 9.3% of total national export earnings. The Tanzanian textile sector earned just over half of that (USD 236 million, 5.0% of its total) while the Ugandan and Rwandan sectors made much smaller contributions to national export earnings (USD 46.4 million, 2.0% of total and USD 7.15 million, 0.8% of total, respectively) (OEC, 2016).
4. In 2016, Kenya's total export value under AGOA was USD 391 million, an order of magnitude greater than Rwanda's USD 454 thousand and Uganda's USD 156 thousand (AGOA.info).
5. The Ordinary Summit consists of Heads of State who meet annually and issue orders to the Council, which consists of ministers responsible for EAC affairs and is tasked with coordinating implementation (Article 14, EAC, 2002).
6. The CET is a triple band tariff structure established by the 2004 Customs Union Protocol. The Gazette publishes modifications as well as 'stays of application': permission to apply a rate different from the CET.
7. Ordinarily, eligibility is reviewed annually.
8. Consensus is absent on whether East African Asian capitalists should be considered foreign or domestic, given often troubled relationships to ruling elites (Himbara, 1994). Here, I distinguish this group from domestic capitalists when their business model is export-oriented.
9. South Sudan and Burundi had already lost AGOA privileges because of state-sanctioned violence. In 2016, Tanzania earned USD 37 million from AGOA and Uganda USD 1 million.
10. Unveiling Jubilee's 2017 manifesto, Kenyatta elaborated that these are 'good jobs that enable [Kenyan people] to enjoy a decent life' (Wanambisi, 2017).
11. Several Rwandan refugees, including Kagame, initially fought in Museveni's rebel army (Mann & Berry, 2016, p. 126).
12. When asked how the top ten importers of such an informal sector were identified, the respondent laughed. 'We have a national database. Within thirty minutes I can know who is importing.'

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