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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

M.A PROJECT

**THE IMPLICATION OF TRANSITIONAL POLITICS ON STATE RELATIONS: A
CASE STUDY OF KENYA 1963-2017.**

SUBMITTED BY

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DECLARATION

I MERCY KAWIRA hereby declare that this research project is my original work and has not been presented to any other university.

Signed.....Date.....

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This project has been submitted for examination with my approval as University Supervisor

Signed.....Date.....

Doctor Kisiangani

DEDICATION

I dedicate this research project God enabling me to go this far, to my loving mother Helen Rweria and sister Betty Makena for always being supportive and encouraging me. I also would like to thank my uncle Erastus B.I.N Rweria for believing in me, pushing for results an always holding my hand in my academic journey.

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ABBREVIATIONS AND ACRONYMS

ANC:	Amani National Congress
CCM:	Chama Cha Mashinani
CORD:	Coalition for Restoration of Democracy
DP:	Democratic Party
DRC:	Democratic Republic of Congo
EAC:	East African Communities
EACC:	Ethics and Anti-Corruption Commission
ECK:	Electoral Commission of Kenya
ECOWAS:	Economic Community of West African States
EU:	European Union
FOCAC:	Forum on China-Africa Cooperation
GATT:	General Agreement on Tariffs and Trade
ICC:	International Criminal Court
ICC:	International Criminal Court
IEBC:	Independent Electoral and Boundaries Commission
IGAD:	The Intergovernmental Authority on Development
IMF:	International Monetary Fund
IS:	Islamic State
KACA:	Kenya Anti-Corruption Authority
KADU:	Kenya African Democratic Union
KANU:	Kenya African National Union
KSC:	Kenya Social Congress
MP:	Member of Parliament
NARC:	National Alliance Rainbow Coalition

NATO:	North Atlantic Treaty Organization
NEPAD:	New Partnership for African Development
NGOs:	Non-Governmental Organizations
OAU:	Organization of African Unity
ODM:	Orange Democratic Movement
PNU:	Party of National Unity
RITA:	Rwanda Information Technology Authority
SAPs:	Structural Adjustment Program
SGR:	Standard Gauge Railway
TNA:	The National Alliance
TRC:	Truth and Reconciliation Commission
UN:	United Nations
USA:	United States
USSR:	United Soviet Socialist Republics
WTO:	World Trade Organization

ABSTRACT

In the recent past Kenya has undergone changes in its political dispensation through the five-year interval polling system. The frequency of government change, higher than that of the pre-multiparty era that effectively began in 1992 has sometimes destabilized Kenya's political relations with its neighbors in East Africa and the rest of the world. This has had an effect on political institutionalization which involves creation of formal stable structures that embody a political system across a population. This study was conducted to determine how the transitional politics in Kenya affect the state of the relationship between Kenya and other African states. The study was guided by the following specific objectives; to assess the effect of political institutionalization on the relationship between Kenya and other African states and to establish how regime interests in Kenya affect the country's relationship with other African states.

The study was guided by the International Relations theories of Institutionalism Liberalism. Institutionalism theory draws from microeconomic theory and game theory and argues that co-operation between nations is possible due to underlying self-interests. This study used secondary qualitative data. Secondary data is data obtained by someone other than the user of that information for a purpose different from that meant by the user. The researcher used data from secondary documents such as text books on Kenya's international relations, from past research papers at the postgraduate library at the University of Nairobi's Jomo Kenyatta Library, and other research papers published internationally. The study also sourced information from reports and from local dailies.

From the findings discussed study made the following conclusions. First, the relation between Kenya and other African countries vary but build around the general principles of peaceful existence with African countries; quiet resolution of interstate contentions; promotion of regionalism; respect for the balance of power and regional integrity of states; respect for international standards, traditions and law; and adherence to non-alignment. The variations occur due to political institutionalization in Kenya. The weak institutionalization contributes to the direction relations with other African states takes. Weak political institutionalization means the political institutions in Kenya are still unstable as a result of the transition politics as Kenya makes steps towards democratization. Political parties keep changing after every election and with change in leadership. The changes have an effect on the direction leadership takes regarding other countries. However, the relations seem not to be outside the general direction of international relations.

The study recommends that political institutions in Kenya must be strengthened by according them constitutional entrenchment, independent access to financing and freedom from political interference. These institutions include presidency, judiciary, the national assemble and the commissions. With strong institutions, Kenya's internal political environment will take a definite and predictable shape, enabling Kenya to be predictable over issues that will arise from the international scene. It is necessary for parliament to have independence from the overbearing control from the president of the day. This is because, though being in parties, members of parliament represent the people's voice. A stable and independent parliament will focus on articulating issues affecting the citizen as opposed to serving the president's needs.

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CHAPTER ONE: INTRODUCTION AND BACKGROUND TO THE STUDY

1.1. Introduction

This chapter begins by discussing the background to the study. It then presents the statement of the problem, objectives of the study, research questions, the relevant literature review, the theoretical framework, the research methodology and spells out the outline of chapters in the completed research.

1.2. Background to the Study

State relations are not random occurrences¹. State relations are due to quite harmonized and deliberately orchestrated activities that are complex and sometimes difficult to follow but through political institutions of countries. Countries with effective institutions able to make effective deliberations regarding activities on the global scene benefit by having effective relations with other states². On the contrary, countries with ineffective political institutions ineffectively orchestrate their activities and do more harm to its relations with other states. The benefits of effective relations involve having stronger influence on other countries regarding interests beneficial to the country in question at the least³. Little benefit means inability to have a countries' agenda in the international scale effectively addressed by other states.

Currently, international influence on interstate relations is not limited to the traditional economies such as the United States (USA), countries in the European Union (EU) or those in Asia⁴. New economies such as Brazil, India and China are increasingly becoming influential in determining state relations not just diplomatically, but also economically, politically and culturally. Other countries have gained influence on state relations through the "War on Terror" context. The rise of Al Qaeda, for instance, elevated the influence of Afghanistan and Iraq on relationships between

¹ De Mesquita, B. B., & Smith, A. (2012). Domestic Explanations of International Relations. *Annual Review of Political Science*, 15, 161-181.

² McKeown, T. J. (2012). Hegemony in international relations. *International Relations*, 2, 1-6.

³ Ibid., 2

⁴ Nieto, N. (2012). The influence of emerging economies in International Affairs. *Estudos Avancados*, 26(75), 173-184.

states on the global scene. The rise of Venezuela as an influence of relationships was due to the anti-USA interests of the leadership of Hugo Chavez⁵.

The interests of the leadership of a country regarding any issue of interest can result in cooperation, non-cooperation or indifference. Cooperation arises when the formation of preferences of actors with whom interaction takes place leads to a desirable outcome⁶. However, cooperation is prone to two types of problems. The first problem is that the approach to cooperation has neglected preference formation while focusing more on the interaction of actors attempting to maximize exogenously given preferences. The source and nature of preferences is totally ignored. The second problem is rooted in a rational choice tradition in that analysis of cooperation tends to ignore the cultural determinants of cooperation. Yet cultural influence is important. Non-cooperation arises when there are obstacles to cooperation⁷ and frequently leads to conflict. Indifference or non-intervention is manifest where a nation decides not to be part of the actors in a given interstate matter.

The leadership and political institutions in a country determine whether a country will be cooperative, non-cooperative or indifferent to a particular issue or actors in the issue. These eventually affect the relations between the country and other states⁸. When the leadership and institutions in South Africa, for instance, strongly believed in apartheid, other states in the world increasingly isolated it despite the isolation not being beneficial to some of the countries such as those in the Western. When there was change of leadership after the end of apartheid and the ascent of Nelson Mandela to power leading the transition of South Africa away from apartheid towards democracy, relations with international community warmed up. The United States lifted sanctions to South Africa and increased foreign aid⁹. US companies that had left South Africa in the 1980s returned.

⁵ Brown, C., & Ainley, K. (2009). *The emerging shape of 21st century international politics* (4th ed.). Basingstoke, UK: Palgrave Macmillan.

⁶ Adams, K. R. (2004). Attack and Conquer? International Anarchy and the Offense-Defense Deterrence Balance. *International Security*, 28(3), 45–83.

⁷ Kelder, T. (2012). Political cooperation and international environmental governance in the Baltic Sea region after World War II. *Institute of Government and Politics, University of Tartu*.

⁸ Pfister, R. (2000). South Africa's Post-Apartheid Foreign Policy Towards Africa. *Electronic Journal of Africana Bibliography*, 6, 1-42.

⁹ *Ibid.*, 8

Frequent elections have seen the rise of transitional politics in Kenya. Since adopting multiparty democracy in 1992, Kenya has had a new government every five years and is making tremendous improvements in the democratic dispensation¹⁰. Transition has often featured with political reforms aiming at making democracy robust. Change in governments, due to democratization processes affects relationship between Kenya and other states. This study wishes to investigate how the transitional political dispensation is affecting the relationships.

1.3. Statement of the Problem

In the recent past Kenya has undergone changes in its political dispensation through the five year interval polling system. The frequency of government change, higher than that of the pre-multiparty era that effectively began in 1992 has sometimes destabilized Kenya's political relations with its neighbors in East Africa and the rest of the world. This has had an effect on political institutionalization which involves creation of formal stable structures that embody a political system across a population. Following any political transition, the political environment keeps varying causing change in how the country relates with other states. While new relationships are created, other relationships become strained¹¹. This has had great effects on the livelihoods of the Kenyan citizens. This variation in regard to interstate relations does not seem to be beneficial to the Kenyan citizens¹². A research had to be conducted to objectively and empirically determine whether the transitional politics experienced in Kenya are improving or worsening the relationship between Kenya and other states in the world. This study was conducted to determine how the transitional politics in Kenya affect the state of the relationship between Kenya and other African states.

1.4. Objectives of the Study

The proposed study had one general objective and two specific objectives. The objectives are presented below.

¹⁰Oyugi, W. O., Wanyande, P., & Mbai, C. O. (2003). *The Politics of Transition in Kenya*. Nairobi, Kenya: English Press Limited.

¹¹Bauer, G., & Taylor, S. D. (2005). *Politics in Southern Africa: State and Society in Transition*. Boulder, CO, USA: Lynne Rienner Publishers.

¹² *Ibid*, 10

1.4.1. General Objective of the Study

The general objective of this study was to establish the effect of transitional politics on Kenya's relations with other states.

1.4.2. Specific Objectives of the Study

- i. To assess the effect of political institutionalization on the relationship between Kenya and other African states
- ii. To establish how regime interests in Kenya affect the country's relationship with other African states

1.5. Research Questions

- i. What is the effect of political institutionalization in Kenya affect her relations with other African states?
- ii. How do regime interests affect Kenya's relations with other African states?

1.6. Justification of the Study

Policy Justification

Kenya is increasingly becoming an important player in international politics especially in the horn of Africa and in Africa as a whole. Its successful mobilization of African nations to enable the halt of the International Criminal Court (ICC) case against suspects of the 2007/8 postelection violence demonstrates her potential. The above influence has largely been brought about country's transitional politics of 2013 that, to an extent, affected Kenya's relations with other states. This study will, therefore, be significant to policy makers especially those dealing with Kenya's external relations in anticipating and planning for Transitional changes in the country's political dispensation.

Academic Justification

This study will contribute knowledge on the effect of transitional politics on a country's international relations. This research is significant in the sense that it focuses on an emerging country like Kenya which is not one of the traditional big players in international politics. Future researchers may cite the finding of this study or find gaps in the study to pursue further research.

1.7. Literature Review

The process of institutionalization is guided by considerations concerning efficiency with states or governments choosing to have institutions that will most effectively enable them to respond to failures, collective-action problems and further common interests¹³. By acting collectively, states can improve their collective welfare as opposed to operating individually. While some of the activities engaged in may be assessed by outsiders as not so beneficial, they might be the ones enabling more mutual gain for members as compared to the absence of the activities. Changes in the activities can result in formation of new axes of cooperation or cause readjustment for the members. Problems arise when cooperation spontaneously fail. The fear of being exploited can prevent states from coordinating their policies.

A spectacular transitional matter that changed international relations in the recent past was the Arab spring. Before the Arab spring, democratization of the Arab world was a mere prediction¹⁴. The relationship between the Middle East and the rest of the world can be marked by events such as the failure of international oil prices in 1985 followed by the collapse of industrial growth strategies driven by import substitution. Other events include the Gulf War of 1990-1. The fall of the Berlin Wall, the United States (US)-led liberation of Kuwait and the increasing influence of the International Monetary Fund (IMF) and the World Bank¹⁵.

The combination of state-driven development policies and dependence political loyalism shaped the image of 1950-1980 economies in the Middle East. In the economies, the modest, but enviable private sector was thrown out in the name of national development. In the "national development" strategy, the state gradually took more control of the economy shifting from planning role to coordinating role and eventually a direct investor and manager of industrial production. This strategy worked to increase regime power by integrating potentially influential entrepreneurs into state and making their success pegged on favor from the state. This economic arrangement politicized economic performance. Economic performance levels were declared by the

¹³ Gruber, L. (2003). Power Politics and the Institutionalization of International Relations. *Irving B. Harris Graduate School of Public Policy Studies, University of Chicago*.

¹⁴ Dodge, T. (2017, March 20). *From the 'Arab Awakening' to the Arab Spring; the Post-colonial State in the Middle East*. Retrieved from Final Ideas: <http://www.lse.ac.uk/IDEAS/publications/reports/pdf>

¹⁵ Ibid., 4

governments that were unquestioned, but taken by their word when the actual performance was meager at best¹⁶.

Two related factors between 1980s and 2000 placed limits to the political autonomy Arab states had enjoyed for a long time. One of the factors was the growing influence that the IMF and the World Bank. The two institutions used the indebtedness of non-oil-producing states in the Middle East region to insist that the economies of recipient states to their financial aid and loans had to be structurally adjusted. Consequently, Algeria, Tunisia and Egypt all succumbed and adopted the market reliance policy of economic dispensation prescribed by Washington Consensus. Governments of Algeria, Tunisia and Egypt limited their involvement in the economy by, removing import quotas, cutting tariffs and interest rate controls and moving towards the privatization in return for receiving loans. Though resistant to relinquishing control over their sovereign, states like Syria conformed to the new economic dispensation¹⁷.

The second factor to threaten the autonomy of Middle Eastern states arose from operating in a world with one center of power after the collapse of the United Soviet Socialist Republics (USSR). Republican regimes in the Middle East such as Syria and Iraq, which depended on the Eastern bloc for weapons, technology and for diplomatic reasons regarding their relations with Israel, the United States and the United Nations, were suddenly orphaned. They conducted their diplomacy more delicately, unilaterally and with a greater sense of vulnerability¹⁸. The rise of the Al-Qaeda's and its attacks in the United States on September 11, 2001, raised some hope in the Middle East. The liberalists saw the new activities as a mechanism that would act as a catalyst for long awaited political change. Predictions were that the outmoded and anachronistic rulers, together with their relics would finally succumb to the forces of globalization leading to the rise of democratic governments.

The desire for democratization exploded in the Arab Spring that occurred in 2010 in the Middle East and North Africa. The Arab Spring is the series of protests and demonstrations across the

¹⁶ Ibid., 4

¹⁷ Ibid., 4

¹⁸ Rabinovich, I. (2015). Israel and the Changing Middle East. *Middle East Memo*, 1-15.

Middle East and North Africa 2010¹⁹. William Quandt²⁰ posited that there are four bases upon which that authoritarian regimes survive. These are ideology, repression, payoffs, and elite solidarity. In Tunisia and Egypt, for instance, ideological justifications for rule had for a long time failed to impress the people. Governments resorted to a conspiratorial nationalism in which failure was named on shadowy and shifting coalition of external actors. The close relationship between Hosni Mubarak of Egypt and Israeli government and Egypt's dependence on American aid, national paranoia could not be a sustainable justification for authoritarian rule for Americans and Israel strongly support democracy²¹.

The shameless and corrupt governments in both Egypt and Tunisia thrived on the exclusion of the majority of the population from the economy. Members of the ruling elite and their families displayed their lavishness in the streets of Tunis and Cairo despite the increasingly squalid live of the rest of the population. The desire for revolution change that was the dream of those between 15 and 29 years-old Rose, by more than 50 percent in Tunisia and 60 percent in Egypt. In order to buy off population that put the government under pressure, the Egyptian government spent to the tune of US \$3 billion annually to subsidizing the price of bread. Between 2007 and 2008 the steady rise in wheat prices in the world causing a thirty-seven percent increase in the price of bread in Egypt. The death of Mohamed Bouazizi sparked the persistent protests that dethroned governments in Egypt, Tunisia, Libya and Syria supported by the West.

The relationship between the US and the European Union (EU) provides a model for understanding how interests drive international relations. The US and the EU have long standing relations over economic, trade and investment in their transatlantic pact²². The two sides have many common values and concerns, and have grown increasingly interdependent in terms of security and prosperity. Due the US-EU relationship, Russia, with its annexation of Crimea and destabilization of Ukraine has become a commons adversary. The United States and the European Union (EU) teamed up to impose sanctions that have harmed the Russian economy beyond the existing low oil

¹⁹ Rózsa, E. N. (2012). The Arab Spring: Its Impact on the Region and on the Middle East Conference. *ACADEMIC PEACE ORCHESTRA MIDDLE EAST – POLICY BRIEF*, 9(10), 1-18.

²⁰ Quandt, W. B. (1990). *The United States and Egypt*. Brookings Institution.

²¹ *Ibid.*, 4

²² Mix, D. E. (2015). The United States and Europe: Current Issues. *Congressional Research Service*, 1-17.

prices. The positions of the security of the EU have changed and the future of the North Atlantic Treaty Organization and European energy.²³

The United States and European countries have also cooperated regarding countering Islamic State (IS) and the conflict in Syria²⁴. It is of great concern that over 3,000 European citizens have traveled to Syria and Iraq in support of groups involved in the conflict. There has been very close and strong cooperation between US and EU on counterterrorism since 9/11. Currently the US and the EU remain key actors in negotiations to reach an agreement that will ensure that Iran's nuclear program is only for peaceful purposes²⁵. Further still, the US and the EU largely cooperate with regard to the conflict involving Israeli-Palestinian conflict. However, the cooperation is shaken by the support the EU gives Palestinian statehood as opposed to the US which stands with Israel²⁶.

The US and the EU also have strong cooperation on the largest trade and investment relationship in the world. Their cooperation on the Transatlantic Trade and Investment Partnership has the potential of boosting jobs and growth on both sides²⁷. However, obstacles have made it harder to conclude a deal quickly. The recent allegations regarding the U.S. conducting spying and surveillance on EU country leaders caused sharp distrust. Though tensions seem to have been managed, data privacy concerns could complicate future talks especially regarding information sharing agreements. The countries also cooperate regarding Arctic region which is increasingly viewed as an economic and geopolitically important region²⁸.

In Africa, generally, the scenario is different. Democracy is finding its way in African countries, though the brand of democracy is elitist²⁹. After the exit of colonial rule, a colonially manufactured class of African segment of the society took the reins of power. The class has managed to keep hold on power because the occupation of elective positions is determined by the highest number of votes scored in an election. Though the elections make the government look democratic, rotation

²³ Ibid., 12

²⁴ Katzman, K., Humud, C. E., Blanchard, C. M., Margesson, R., & Tiersky, A. (2014). *Iraq Crisis and U.S. Policy*. Congressional Research Service,

²⁵ Katzman, K., Kerr, P. K., & Nikitin, M. B. (2015). *Iran: Interim Nuclear Agreement and Talks on a Comprehensive Accord*. Congressional Research Service.

²⁶ Zanotti, J. (2015). *Israel: Background and U.S. Relations In Brief*. Congressional Research Service.

²⁷ Hamilton, D. S., & Quinlan, J. P. (2016). *The Transatlantic Economy 2016: Annual Survey of Jobs, Trade and Investment between the United States and Europe*. Washington, DC: Center for Transatlantic Relations.

²⁸ Ibid., 12

²⁹ Baba, I. (2014). Elites and exclusive politics in Sub-Saharan African. *African Journal of Political Science and International Relations*, 8(8).

of political power or elective positions and public leadership is among the elite. The elite perpetuating their economic domination in African societies in the post-colonial era. These elites are conceived by those they govern as the domestic agents of imperialism in Africa.

Though peripheral in international order, African politics are more complex internally than depicted and the international relations more diverse and consequential than accepted. The continent displays paradox and uncertainty³⁰. At the apex of the 2007/8 global financial crisis, Africa was fairly resilient to the impacts of the financial meltdown that seriously affected the northern hemisphere³¹. In part, Africa did not suffer due to nature of the crisis since it occurred due to failures in very specific parts of the global economy. Africa's economies were shielded from the shocks by the continent's resource industries that enabled absorption of the damage³².

India and China have raised Africa's position in international relations due to their increasingly closer ties with the continent. The India, Brazil, South Africa (IBSA) forum, for instance has grown bigger in terms of the scope and vitality focusing on the three members. Electing all the three members of IBSA as non-permanent members of the UN Security Council can enhance their ties. The visit by India's political elite to Africa is an indication of closer ties with several individual African states. The closer ties were marked by the launch of the Africa-India Forum Summit³³. In a similar fashion, The Forum on China-Africa Cooperation (FOCAC), which started as a simple gathering of Chinese and African officials in 2000, is now a channel through which China engages with Africa. Such engagements signal deeper and coherent relations between Africa and the two Asian countries beyond economic interests and policy and into the realms of values and norms.

Despite the seemingly improving relations with Asian countries such as India and China, changes in Africa's nationalism are perplexing³⁴. African nationalism has increasingly drifted away from its embrace of diversity into natives and xenophobia. In countries such as Rwanda, Côte d'Ivoire,

³⁰ Smith, K. (2012). Africa as an Agent of International Relations Knowledge. In S. Cornelissen, F. Cheru, & T. M. Shaw, *Africa and International Relations in the 21st Century* (pp. 21-35). New York: Palgrave Macmillan.

³¹ McCarthy, C. (2009). The Global Financial and Economic Crisis and Its Impact on Sub-Saharan Economies. *Tralac Trade Brief 1*.

³² Arief, A., Weiss, M., & Jones, V. (2010). *The global economic crisis: Impact on sub-Saharan Africa and global policy responses*. Washington DC: Congressional Research Services.

³³ Shrivastava, M. (2009). India and Africa: From political alliance to economic partnership. *Politikon*, 36(1), 117-43.

³⁴ Ndlovu-Gatsheni, S. J. (2012). Bringing Identity into International Relations: Reflections on Nationalism, Nativism and Xenophobia in Africa. In S. Cornelissen, F. Cheru, & T. M. Shaw, *Africa and International Relations in the 21st Century* (pp. 69-86). New York: Palgrave Macmillan.

Zimbabwe, South Africa and Kenya nationalism has evolved into narrower perspectives complicated with ethnicity, violence, natives and xenophobia with dire consequences for those perceived as aliens³⁵.

Somalia, with its statelessness, warlords and piracy has posed serious challenges to the global community in the current era terrorism. Numerous international negotiations have been conducted with the view of reviving Somalia as a state since its collapse in 1991. Yet all the initiatives have so far been to no avail. Numerous externally led conferences to chart unity and peace in Somalia, relying on conventional diplomacy have failed. The conferences, held in hotels located out of Somalia, give priority to the interests and participation of leaders of clanistic and armed factions. The nature of the harsh tribalism in Somalia has dictated the way international³⁶.

1.8. Theoretical Review

The study will be guided by the International Relations theories of Institutionalism and Liberalism. Institutionalism theory draws from the microeconomic theory and game theory which postulates that co-operation among nations is possible due to underlying self-interests.

The Liberalism theory, on the other hand, posits that the national characteristics of individual states matter for their international relations.

1.8.1. Institutionalism Theory

Institutionalism theory posits that international relations are anarchic³⁷. According to the theory, states are highly driven by self-interests; they are rational actors who seek to survive as they increase their material conditions. Further, the relations between states are featured with high levels of uncertainty³⁸. In international relations there is no common government or any formal governance structure. The absence of such structures to monitor state behavior or enforce obligations, each state must protect its own interests. The international society is a composition of sovereign states, each of which is a supreme legal authority within its territories and not answerable

³⁵Dorman, S., Hammett, D., & Nugent, P. (2007). *Making Nations, Creating Strangers: States and Citizenship in Africa*. Leiden and Boston: Brill.

³⁶Samatar, A. I. (2007). The Porcupine Dilemma: Governance and transition in Somalia. *Bildhaan: An International Journal of Somali Studies*, 7(1), 39–90.

³⁷ Slaughter, A. M., & Hale, T. (2013). International Relations, Principal Theories. In *Max Planck Encyclopaedia of International Law*.

³⁸Aceves, W. J. (1997). Institutional Theory and International Legal Scholarship. *American University International Law Review*, 12(2), 227-266.

to any central lawgiving and law enforcing authority. At a minimum, states are concerned with power and security. In such a context, competition is endemic, often, sparking failure to cooperate even when facing common interests³⁹.

The decentralized order of the market is one of the common modeled to conduct analysis of international systems. A decentralized market does not have a centralized authority to regulate behavior in the market. Consequently, firms act rationally and egoistically with the objective of realizing maximum welfare. However, inefficient behavior may arise subject to conditions in the market⁴⁰. The tragedy of the commons-rational, egoistic behavior is that firms in the market will seek to maximize individual benefit even at the expense of common good. This dynamic also occurs among sovereign states in the international system where no formal authority or behavior regulation mechanism is existent.

In the game theory model, the analogy of the behavior of states is equated to the prisoner's dilemma. The Prisoner's Dilemma shows how two egoistic participants behave in competition to satisfy their self-interests⁴¹. The Prisoner's Dilemma has outcomes modeled on a two-by-two matrix. Each of the prisoners has two options: cooperate or defect. The payoffs for each prisoner depend on the action of the other prisoner. The highest payoff for each prisoner is realized when one prisoner defects and the other one cooperates. On the contrary, the lowest payoff is realized when a prisoner cooperates while the other defects. Four basic assumptions are made in the Prisoner's Dilemma. First, there is no mechanism for to threaten the prisoners or make them commit. Secondly, there is no way of ascertaining what the other prisoner will do. Thirdly, interaction with the other prisoner cannot be avoided. Finally, the payoff structure cannot be altered⁴².

The theory of institutionalism assumes that states are the principal rational, egoistic actors in international affairs and that the international system is anarchic. However, the presence of

³⁹ He, K. (2008). Institutional Balancing and International Relations Theory: Economic Interdependence and Balance of Power Strategies in Southeast Asia. *European Journal of International Relations*, 14(3), 489 - 518.

⁴⁰ Rengger, N. J. (2000). *International Relations, Political Theory and the Problem of Order*. London and New York: Routledge.

⁴¹ Clemons, E. K., & Schimmelbusch, H. (2007). The Environmental Prisoners' Dilemma or We're All in This Together: Can I Trust You to Figure it Out? *Information Strategy & Economics*, 1-13.

⁴² Grinberg, M., Hristova, E., & Borisova, M. (2010). Cooperation in Prisoner's Dilemma Game: Influence of Social Relations. *Department of Cognitive Science and Psychology, New Bulgarian University*, 408-413.

institutions can promote cooperation even when there is no common government or other formal governance structure⁴³. In the international context with anarchy and egoistic states, institutions refer to the persistent and connected sets of formal and informal rules that prescribe behavioral roles, constraints on activity, and shape expectations⁴⁴. The institutions operate basing on a set of norms. Formal rules act as the formal reinforcement of the norms. The norms and rules, though not always necessary, are coded as international agreements and are embodied in formal international organizations such as the European Union (EU), the General Agreement on Tariffs and Trade (GATT), the North Atlantic Treaty Organization (NATO) and the African Union (AU).

The Prisoner's Dilemma model of international systems reveals how cooperation is unlikely to emerge if an interaction one time. In short term issues, the chances for cooperation are limited since defection will lead to higher individual gains. However, by making long term relationship, the importance of reputation and the relevance of reciprocity are significantly increased giving room to more stable interstate relationships.

This theory is relevant to this study since suggests that the international scene is the field in which nations game to satisfy their interests. This indicates that a country which is having transitional politics might have weak, disorganized and unstable institutions and, therefore, unable to properly articulate their position internationally. Even with transitional politics, a country will relate to other countries in a manner that s of benefit to her welfare while avoiding issues perceived not important.

1.8.2. Liberalism Theory

Liberalism theory of international relations attempts to explain why nations do things how they do them as opposed to how they should do them⁴⁵. Liberalism theories place the relationship between the state and the society at the core of international politics. The basic premise is that the relationship between the state and the domestic and transnational society is reflected in the behavior of the state. Other assumptions relate to the nature of societal actors, the nature of the state, and the nature of the international system within which the state operates. Regarding the nature of societal actors, liberalism theory assumes that actors in international politics are rational

⁴³ Goldstein, J. L., Rivers, D., & Tomz, M. (2007). Institutions in International Relations: Understanding the Effects of the GATT and the WTO on World Trade. *International Organization*, 61(1), 37–67.

⁴⁴ Ibid., 2

⁴⁵ Moravcsik, A. (2000). Liberalism and International Relations Theory. *University of Chicago, Paper No. 92-6*.

individuals and private groups work together or individually to advance their own interests⁴⁶. The actors have defined material and ideational interests advanced through political exchange and collective action.

Regarding the nature of the state, states and any other political institutions are some subset of the domestic society and whose interests rational state officials use world politics to achieve. Institutions and practices are transmission mechanisms used by the state and other political institutions address their issues on the international scene as state or institutional policies⁴⁷. Regarding nature of the international system, Liberal theory assumes that the configuration of state preferences is the key driver of the behavior of the state. The interaction among states is a product of the variations in the state preferences linked through policy interdependence⁴⁸. As such, states pursue their interest with awareness of the interests of other in perspective.

Policy interdependence patterns fall into three categories. Where preferences are naturally compatible and where the externalities of unilateral policies are either optimal or insignificant for other states, there exist incentives for low conflict and low level of interstate coordination. On the contrary, where underlying state preferences are zero-sum and where an attempt by the state dominant to achieve its interests causes higher cost for the other, governments face a bargaining game with few mutual gains. This can result in interstate tension and conflict. Where preferences are mixed such so that welfare can only be improved through coordination or pre-commitment, states negotiate policy coordination⁴⁹.

This theory indicates that the driver of Kenya's relations with other African states is the local political environment. The random manner in which political parties arise and conduct their business determines how international relations will be managed. The type of leaders generated by the party elections process and the stability of other institutions determine what the country will do regarding other nations it interacts with and the contents of the relationship. If a country has

⁴⁶ Legro, J. L. (1996). Culture and Preferences in the International Cooperation Two-Step. *The American Political Science Review*, 90(1), 118-137.

⁴⁷ Ibid, 35

⁴⁸ Finnemore, M., & Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization*, 90(1), 118-137.

⁴⁹ Ibid., 35

stable institutions, its needs on the international scale are predictable as opposed to a country with unstable institutions. As changes occur, so does the behavior regarding other countries.

1.9. Research Methodology

This research conducted a case study of Kenya as a country. A case study is an empirical inquiry that investigating a current phenomenon of interest in its natural context especially when the context and the phenomenon are inseparable⁵⁰. In a case study, multiple sources of information about the phenomenon are used and analyzed together⁵¹. Social scientists have widely applied case study research method in examining contemporary real-life situations to provide the basis for the application of ideas and extension of methods⁵². Given that every country has a unique relationship with other countries, dependent upon its unique nature and interests, a case study is appropriate to assess how transition politics contribute to the relationship between Kenya and other states.

This study used secondary qualitative data. Secondary data is data obtained by someone other than the user of that information for a purpose different from that meant by the user⁵³. The researcher used data from secondary documents such as text books on Kenya's international relations, from past research papers at the postgraduate library at the University of Nairobi's Jomo Kenyatta Library, and other research papers published internationally. The study also sourced information from reports and from local dailies.

1.10. Outline of the Study

The proposed study will be conducted in five chapters. Chapter One is the introductory chapter whose aim is to lay the broad foundations to the study. It, therefore, discusses the background, presents the research problem and lists the objectives of the study. Further, the chapter expounds on the empirical review by discussing what other researchers have found out about the topic of study. The theories guiding the study and the methodology of conducting the study are also discussed in the chapter. Chapter Two will review literature broadly on transitional politics.

Chapter Three will focus on the first objective of this study which is to assess the effect of political institutionalization on the relationship between Kenya and other African states. In the chapter, the

⁵⁰ Yin, R. K. (2011). *Qualitative Research from Start to Finish*. New York: The Guilford Press.

⁵¹ Kothari, C. R. (2004). *Research Methodology: Methods and Techniques*. New Delhi: New Age International.

⁵² Ibid.,41

⁵³ Ibid.,40

study will discuss how the policies of institutions vary due to transition politics and how such variations cause variation in international policy and relation with other states.

Chapter Four will focus on the second objective which is to establish how Kenya's transitional politics cause variation in the country's interests in international affairs and how the changes affect relations.

Chapter five will summarize the discussions and the findings and provide a conclusions and recommendations. The summary will highlight the key findings with regard to the objectives of the study. The chapter will also make recommendations basing on findings.

2. TRANSITIONAL POLITICS, POLITICAL INSTITUTIONALIZATION AND STATE RELATIONS

2.1. Introduction

This chapter reviews the literature regarding transitional politics, political institutionalization and interstate relations. The chapter discusses the unique political environment in which African states have to bear with. The chapter also discusses the dimensions, context and modes of political transition in Africa. After discussing political institutionalization, the chapter discusses the current status of interstate relations in Africa.

2.2. The Distinctiveness of Africa

On a keener examination, cultural and religious institutions in Africa express collective identities such as clan, age-set, and brotherhood to which rural folk perpetually grant allegiance. Africans responded to the disruptive effects of urbanization and the market economy through fresh forms of voluntary association. These forms of voluntary associations were updated into enduring informal solidarities such as ethnic welfare associations, prophetic movements, and agricultural work parties. In other cases, they changed into new occupational and class identities such as peasant movements, labor unions and teachers' associations. The associations became explicitly political and became the building blocks of nationalist political parties⁵⁴.

African ruling elite for a long time after end of colonial rule gave top priority to state sovereignty and national security. They heavily invested heavily in one-party and military regimes, but were unable to discourage the rise of autonomous organizations in civil society⁵⁵. While some leaders killed the organizations by incorporating them in their governing parties' others banned them. In some other places, the associations proved too strong and persistently survived as alternative institutional framework. In Kenya and Burundi, Christian churches persisted, in Senegal, the Islamic brotherhoods were present, in Ghana and Nigeria lawyers' and journalists' associations were persistent. Farmer organizations were strong in Zimbabwe and Kenya as were the

⁵⁴ Bratton, M. (1994). Civil society and political transition in Africa. *IDR Reports*, 11(6), 1-21.

⁵⁵ Ibid. 73.

mineworkers' unions in Zambia and South Africa. The associations provided ordinary citizens with an outlet for united pursuit of shared goals.

The engagement of African citizens in a wide range of organized associations profoundly affected political organization. Trade shifted towards illegal or informal networks making it challenging to collect taxes effectively diminishing public revenues especially foreign exchange⁵⁶. This exacerbated fiscal crises. Government, now financially starved had to loosen restrictions on autonomous networks and allowed them to perform some of the functions previously monopolized by government. By 1990, independent associations and alternative economic networks became recruiting grounds for a popular revolution against post-colonial autocracy⁵⁷.

Civic actors in Africa who strongly opposed colonial authoritarian rule derived energy from the political liberalization in the 1990s. supported by popular protests and donor pressure, civil actors forced the creation of political openings. For instance, the release of political prisoners and the abandoning one-party constitutions improved the legal environment for free expression and free association⁵⁸. For instance, in Nigeria, Uganda, Zaire, Zambia and Zimbabwe, there were established non-governmental organizations to monitor governmental human rights performance. African journalists have united into a strong driving force that has thrust political opinions, previously censored as dissident or subversive into mainstream discourse. Anti-corruption is another point for political mobilization. It is more effective than appeals to multiparty democracy. Where free and fair elections, devoid of corruption have been conducted, the incumbent leaders get ousted by a usually clear majority vote.

Reflecting the poverty of their clienteles, civic organizations in Africa suffer have to grapple with inadequate material resources, ownership of few organizational assets and operations with tiny budgets. They are usually understaffed. The organizations usually turn to foreign donors to finance their projects and core operating expenses⁵⁹. Other than the massive economic constraints, culture

⁵⁶ Kasfir, N. (1984). *State and Class in Africa*. London: Frank Cass.

⁵⁷ Harbeson, J. W., Rothchild, D., & Chazan, N. (1994). *Civil Society and the State in Africa*. Boulder C.O: Lynne Rienner Press.

⁵⁸ Ibid. 73.

⁵⁹ Ibid. 73.

drives the politics of Africa. African countries have political cultures embedded under authoritarian regimes. The culture originates from the African extended family, with the dominance of older males coupled with strong interpersonal ties. The culture has led to the "Big Man" attitude towards politics, in which personal relations with the big man determine political direction of the country by pervading political institutions and government bureaucracies⁶⁰. Leaders are usually personal and use material rewards and inducements to build support around an ethnic, linguistic, or regional core. After securing office, they typically resort to arbitrary decision-making while strongly resisting initiatives for democratic control in institutions.

2.3. Dimensions of Political Change in Contemporary Africa

The political changes that have taken place recently in Africa are multidimensional. The changes have occurred both in the formal and informal political arenas. They have been generated by factors internal to politics and those external to politics. Furthermore, domestic, local and international processes have contributed to the changes. The key features of the changes in recent African politics include re-structuring political competition and governance, emergence of media pluralism, efflorescence of associational life, demise of the last vestiges of colonial rule and institutionalized racism in Africa, revival of regional cooperation and integration efforts, changing nature of inter-state relations, politics of transitional justice and increased United Nations' role in African governance. The changes are discussed below.

The re-structuring of the terrain of political competition and governance began in the 1990s decade with popular street protests and pressures that pushed for the reforming of the institutions and procedures of politics and governance. For instance, in many Francophone and Lusophone countries there was the convocation of sovereign national conferences; there were widespread constitutional reforms that amended or replaced constitutions; there was wide spread end to single party and military rule; there was widespread restoration of multiparty politics; electoral commissions became increasingly independent amongst other electoral reforms; and the peaceful alternation of power between ruling parties and the opposition. The changes opened up the political space in Africa leading to more competitive and more level-field struggle for political power⁶¹.

⁶⁰ Ibid. 73.

⁶¹ Olukoshi, A. (1998). *The politics of opposition in Africa*. Uppsala: Nordiska Afrikainstitutet.

The contribution of the media to changes in the political landscape cannot be ignored. The pressure the media regarding democratization has led to the emergence of media pluralism. The media has been part and parcel of pressures for the opening up of the political space. This arose due to the breaking of the monopolistic ownership of the media exercised by the state. Governments were forced to license private newspapers, FM radio stations and television stations. these developments marked the entry of political pluralism, governmental accountability, and popular participation⁶².

Working closely with the media is the efflorescence of associational life. Across Africa, there has been a realization of a massive growth in both the number and variety of active civil associations. Most of the active civil associations were set up as non-governmental organizations (NGOs) and symbolized the re-birth and renewed vitality of the civil society enabling the push for the democratization on the continent. The NGOs also played a central role towards the emergence of new actors in the politics of Africa. The new actors facilitated the democratization of Africa⁶³.

One other contributor to the democratization of Africa was the faster demise of the last vestiges of colonial rule and institutionalized racism. Institutions left by the colonists of the southern part of Africa were a serious impediment to Africa's transition to democracy. The independence of Zimbabwe in 1980 and the national elections in 1994 in which the black majority in South Africa participated for the first time marked the end of colonial rule and the collapse of apartheid. This released new and energized political forces, possibilities and new alliances that facilitated political transition⁶⁴.

The revival of regional cooperation and integration efforts has also had serious implications on transition towards democratization⁶⁵. The tempo of activities to accelerate regional cooperation increased significantly in the 1990s: There was a marked increase, in the period from the beginning

⁶² Hyden, G., Leslie, M., & Ogundimu, F. F. (2002). Preface. In G. Hyden, M. Leslie, & F. F. Ogundimu, *Media and democracy in Africa* (pp. vii-ix). New Brunswick, NJ: Transaction Publishers.

⁶³ Diamond, L. (1994). Rethinking civil society: toward democratic consolidation. *Journal of Democracy*, 5(3), 4-17.

⁶⁴ Olukoshi, A. (2005). Changing Patterns of Politics in Africa. In A. Boron, & G. Lechini, *Politics and Social Movements in an Hegemonic World: Lessons from Africa, Asia and Latin America*. Buenos Aires: CLACSO Books.

⁶⁵ Ibid. 83.

of the 1990s. Regional cooperation was both a mechanism of promoting sub-regional cooperation and a building block for pan-African unity⁶⁶. Simultaneously, efforts were made to strengthen governance on the continent through activities of Human and Peoples' Rights groups and the illegalization of coups by the defunct Organization of African Unity (OAU).

The dynamic nature of inter-state relations especially after independence has had a direction regarding the transition politics in Africa. After independence since 1960s, interdependence of African states was based on the inviolability of the boundaries and strict non-interference in one another's internal affairs. Though observed for over thirty years, crises that engulfed the Great Lakes Region during the 1990s decade raised challenges regarding non-interference and decisions were made to invade the Democratic Republic of Congo (DRC) by means of an army formed by several African countries. More conflicts in Liberia and Sierra Leone further weathered the non-interference principle when sub-regional peace-keeping efforts were undertaken to avoid actual or imminent collapse of central governmental authority. Currently, African governments in gross violation are not guaranteed⁶⁷.

Seeking to reform political systems from previous authoritarian settings to the more democratic settings, African countries saw the rise of the politics of transitional justice⁶⁸. They put in place programs to revisit the impact the authoritarian past so as to establishing what happened and put in place mechanisms for national reconciliation. One country that notably took such steps was South Africa with its Truth and Reconciliation Commission (TRC). Other countries, especially those emerging from periods of violent conflict and prolonged military rule, followed the same trend and by adopting customized models of the South Africa TRC. Other than the TRC, there was notable increase in the United Nations' role in African governance. Countries that had emerged from protracted conflicts developed political systems that connected closely to the United Nations family of organizations.

This section has provided a description of the context in which transitional politics in Africa are taking place and the motivation for transition. Despite the limitations, most African countries are

⁶⁶ Ibid. 83.

⁶⁷ Ibid. 83.

⁶⁸ Ibid. 83.

taking steps toward modern political settings. Kenya is also undergoing change within similar contexts and this, has a contribution on how it relates with other African states.

2.4. The Context of Political Transition

Political transition in Africa takes place in a context of high level of instability. Political transition in Africa takes place under unstable leadership, unstable economy, political violence, and flawed electoral processes⁶⁹. African leaders run their governments in ways considered far from the modern western standards which the ape. Adoption of the modern western style of leadership resulted in abandonment of the traditional African leadership styles has led to distortion of leadership in African countries. African leaders seem to be torn between African styles of leadership where the leader is above the law and is revered by all and the western style leadership where leadership is about the people and little about the leader.

Constitutions that were inherited by the states after attaining independence were products of negotiations in western capitals⁷⁰. These negotiations spelt problem right from the beginning for the newly independent African states. The new African leadership became the neocolonialists and even those who were liberators quickly metamorphosed into post-independence oppressors. This type of leadership has had significant contribution to the shape of political and economic transition in Africa. The leadership is characterized by corrupt rulers, repression, swollen states, and insufficient political structures and destruction of democracy from above⁷¹. International influences too have affected the leadership of African countries. Foreign policies, through the diffusion effect have had adverse effects on stability of African leadership. However, positive developments have reversed of some of these negative effects by improving people involvement in leadership. For instance, there is increased level of political awareness, citizens are demanding accountability from governments and participatory democracy increasingly taking root⁷².

⁶⁹ Ong'ayo, A. O. (2008). Political instability in Africa: Where the problem lies and alternative perspectives. *The African Diaspora Policy Centre, Amsterdam*, 1-14.

⁷⁰ Lupo, L. (2004). Democratization in the Third Wave: Political Violence as a Transition Tactic. *Paper presented at the annual meeting of the Midwest Political Science Association*.

⁷¹ Ibid., 81

⁷² Ibid. 80.

Despite some countries experiencing political stability, economic development challenges, poverty and diseases, most African economies are doing well in terms of trade volumes and foreign investments. Africa's resources, however, have never been a blessing, but rather a curse. Western companies involved in extraction in Africa have had their profits persistently rising with the price being the impoverishment of citizens. The profits never trickled down to the common citizens. Economies in Africa are modeled on western policy prescriptions which play a significant role in deprivation of African citizens of essential services that drive development. African economies were subjected to Structural Adjustment Program (SAPs) packages which entailed sweeping economic and social changes that turned out to be programs to siphon resources from the heavily indebted countries⁷³. This was through changing productive capacities into debt servicing endeavors. The consequence of the SAPs had serious ramifications for health, education and infrastructure in Africa⁷⁴.

The cumulative and exploitative tendencies of the west coupled with demographic and varied other pressures, greatly increased indebtedness in African governments reinforcing a spiraling decline in provision of public services and the general flop of economies. In countries where SAPs were effectively implemented, the result was the massive lay-offs and retrenchment of civil servants in effect leading to higher poverty levels and increased struggles for scarce state. The struggle for the scarce state resources subsequently led to internal conflicts taking the ethnic or nepotism dimensions. Privatization of public enterprises and downsizing of the civil services have increased corruption in the private sector led by multinationals that were supported by Western countries. Corruption became deeply institutionalized and has become a strong influence in political institutionalization.

On the start of the third wave of democratization marked by shift from one party politics to multi-party democracy Africa remained reluctant to fully embrace the changes accompanying the transition. Autocratic African leaders accepted multiparty after immense pressure from donor states and from persistent agitation for change by local civil society groups especially those funded

⁷³ Hong, E. (2000). *Globalization and the Impact on Health, A Third World View - Impact of SAPs in the Third World*. Penang: Third World Network.

⁷⁴ Ibid. 80.

by the west⁷⁵. The changes were halfhearted and constitutions were distorted to the detriment of the opposition. In some instances, for example in Uganda, Nigeria, Kenya and Zimbabwe, the pressure for political change has resulted in sporadic violence during electioneering periods that have left the countries politically unstable⁷⁶. The political instability has had significant influence on political processes in Africa and how political institutionalization takes shape.

Results of negotiating the middle way out of electoral political stalemates due to disputed election results is now termed power sharing⁷⁷. Such arrangements have been out of international pressure as a way of ending the stalemate and the resulting post-election violence. This is usually done with the view of preventing the country in question from sliding into an all-out civil war. Usually the power sharing situation arises when there is a winning opposition candidate and a losing incumbent. The response of the international community to the election based violence has been incoherent and contradictory. The response to the Darfur crisis that led to millions of deaths and the one in Congo was met with sluggish response as opposed to the response to the Kenyan 2007 post-election crisis which was swift and quelled violence quickly⁷⁸. The response to Zimbabwe drove the country into deep economic crisis instead of managing the problem.

Political transition in Africa is a delicate and unstable matter that is highly dependent on the whims of the leader. Democratic processes are unstable with political institutionalization dependent upon the leadership of the day. The instability of the political institutionalization affects the relationship between the African states and the international community.

2.5. Modes of Political Transition

Political Transition refers to the change from an authoritarian and sometimes totalitarian political dispensation to system that more democratic⁷⁹. An authoritarian regime is a regime characterized by limited and not responsible political pluralism; that has no elaborate guiding ideology; that does

⁷⁵ Abdullah, M. A. (2006). *State Collapse and Post-Conflict Development in Africa*. Indiana: Purdue University Press.

⁷⁶ Ibid. 86.

⁷⁷ Ibid. 80.

⁷⁸ Ibid. 86.

⁷⁹ Sung-Hyun, S. (2008). *A Study on Democratic Transition in South Africa: A Democracy through Compromise and Institutional Choice*. *University of South Africa*.

not have intensive or extensive political mobilization; and whose leader or a small group exercises power within formally ill-defined but quite predictable limits⁸⁰. Authoritarianism political dispensation is undemocratic with political power concentrated in the leader or a small elite group that is not responsible to the led. those governed. Totalitarian governments are authoritarian governments and usually lack a guiding ideology, may tolerate some pluralism, they don't have the capacity to mobilize the whole population towards national goals. In the context of this study, authoritarianism implies government without the consent of the majority.

The meaning of democracy is still contested. However, Diamond, Linz and Lipset defined democracy as system of government with three characteristics⁸¹. In a democracy, there is meaningful and extensive competition among individuals and organized groups usually political parties for positions of government power at regular intervals without the use of force. Democracy also features all-inclusive regular political participation regarding selection of leaders and policies through fair elections. Further, democracies have high levels of civil and political liberties including freedom of expression, press freedom and freedom of association so as to ensure the integrity of political competition and participation⁸².

Transitions take place in three stages⁸³. Transition begins with liberalization before progressing to democratization and finally consolidation (democracy). Liberalization refers to the provision of increased is the provision of opportunities for public contestation and competition of political power and space within an authoritarian political system. The opportunities include redefinition and extension of political rights and freedoms. Liberalization marks the beginning of transition to democracy but does not automatically mean there is democracy but rather controlled opening of the political space. In the liberalization, the autocrats are forced to relax social tension through the broadening of the ruling elite base in order to strengthen its position; divisions in the ruling elite arise, Liberalizers (soft liners) among the ruling elite impress on the ruling elite to liberalize.

⁸⁰ Linz, J. J. (1970). An Authoritarian Regime: Spain. In E. Allardt, & S. Rokkan, *Mass Politics: Studies in Political Sociology*. New York: The Free Press.

⁸¹ Diamond, L., Linz, J. J., & Lipset, S. M. (1988). *Democracy in Developing Countries* (Vols. 2, Africa). Boulder, CO: Lynne Rienner Publishers.

⁸² Ibid. 90.

⁸³ Ibid. 90.

Internal and international factors may put the political elite under immense pressure to begin transitioning.

In democratization stage, political institutions previously governed by principles of control and exclusion become subject to the rules and procedures of democracy. These rules and procedures of democracy are also extended to persons and groups who did not previously enjoy rights of democracy. In the consolidation stage, the functioning of the new democratic regime is made effective. Democracy is embedded in the culture of the people and tolerance and peaceful approaches to change become permanent in government⁸⁴.

There are three approaches to transition to democracy. These are: democracy from above; democracy from below and democracy through compromise⁸⁵. Democracy from above is initiated by the ruling elite who decide to end authoritarian regime and embrace democracy. It is an imposition of a democratic system to a nation by its own political elite. The success of such an imposition depends on the success of the interaction between reformers and those resistant to the changes towards democracy. Full transformation towards democracy occurs when the political elite takes leadership in bringing about democracy. The change occurs when reformers are stronger than the standpatters are, otherwise, transformation will not be realized⁸⁶. According to De Villiers⁸⁷, there are two types of imposed transitions. In the first type, foreign powers impose democracy after defeating the incumbent ruling elite as it happened in Austria, Italy and the former West Germany along with Japan after their defeat in the second world war. In the second type (see Share 1987:531). In the second type, a dominant group in the state, such as the military or workers movements unilaterally imposes rules of democracy as it happened in Turkey, Brazil and the former Soviet Union.

In the second approach to democracy, democracy from below, challengers arise and effectively use weaknesses of the incumbent regime, such as failure of the government's economy, corruption,

⁸⁴ Ibid. 90.

⁸⁵ Ibid. 90.

⁸⁶ Giliomee, H. (1995). Democratization in South Africa. *Political Sciences Quarterly*, 110(1), 83-104.

⁸⁷ De Villiers, D. I. (1993). Transition by Transaction: A Theoretical and Comparative Analysis of Negotiated Transitions with Special Reference to South Africa 1989-1992. *University of Port Elizabeth*.

and poor human rights records to cause change to democracy. Democracy from below involves effective interactions between incumbents and challengers and between moderates and extremists. Such change to democracy is achieved when an opposition group leads in successfully bringing about democracy while the authoritarian regime collapses on its own or is overthrown. To realize this achievement, the challengers must be stronger than the authoritarian government and the moderates stronger than the extremists. Democracy from below approach, involves mobilizing people from below and then demand a change in regime⁸⁸.

In the case of democracy through compromise there is need for negotiation and co-operation. Such path of change requires interaction is between reformers and moderates. The two sides should not be widely unequal in power, but each side should dominate the antidemocratic sub groups within its ranks. Democratization comes due to the joint effort of the incumbents and challengers. The groups in power and those not in power make contribution to change. In some cases, the reformers and moderates agree to temporarily sharing power⁸⁹.

The political actors, such as the state, political parties, civil groups etc., in political transitions, make choices over their preferred institutions and rule structures. Their choices result in the form of the state they wish to have, the form of government and the preferred electoral system. There are four broad sets of preferred institutional choices. These are: majoritarian which suggests majority rule; centripetalism which suggests integration of power and incentives for moderation; consociationalism which suggests regulated sharing of power in a state with diverse societies; and partition⁹⁰.

2.6. Democratization in Africa and the Challenges it Faces

The main problems of the democratization of Africa are the cult of personality, zero-sum politics, the military, ethnicity and the role of women⁹¹. Regarding the cult of personality, African politics

⁸⁸ Ibid. 98.

⁸⁹ Huntington, S. P. (1991). *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.

⁹⁰ Lijphart, A. (1985). *Power-Sharing in South Africa*. Berkeley: Institute of International Affairs.

⁹¹ National Research Council. (1995). *Democratization in Africa: African Views, African Voices*. Washington, D.C.: National Academy of Sciences.

are largely described as matters of personality as opposed to programs especially where there are single-party systems. African leaders have tended to encourage personality cults, for instance by having their portraits prominently and extensively displayed across the country, by assuming folk titles and encouraging slogans. President's in Africa are referred to as the father of the nation, the big man, or the boss and is always above the prevailing law. In countries where more than seventy percent of the populace is illiterate, campaign speeches by politicians are often violations of conscience featured by sketchy information but a bulk of deviously attacks on the oppositio07n party.

Politics in Africa are generally a Zero-Sum game in which it is either win or lose. The competition is based on "winner-take-all" basis. This has led to the elimination of an opposition or any other form of political competition subsequent to elections as a means of self-preservation. The "winner takes it all" approach to democracy heightened ethnic tensions especially in countries where there are many ethnic groups. To reduce the ethnic tensions in democracy, countries such as Mauritius had consolatory positions for the "best losers" in her parliament⁹².

One other challenge of the democratization of Africa is the military⁹³. It is difficult to democratize Africa if the military is not transformed in the process. Inordinate access to military force by some actors makes it difficult to have a dynamic and democratized civil society. Access to military force in Africa tends to enhance the "winner takes it all" policy especially in the ethnic context. The military has plagued African nations with coups d'état since independence. The first in sub-Saharan Africa having occurred in 1963 in Togo. The presence of formidable military forces in newly democratic or democratizing countries still poses the threat of using military intervention in the support of the "winner takes it all" democracy⁹⁴.

Democratization in Africa has to grapple with management of ethnicity⁹⁵. Ethnic tensions in countries such as such as Nigeria, Uganda, Ghana, Kenya and Zimbabwe have led to interethnic

⁹² Ibid. 80.

⁹³ Adejumobi, S. (2000). Africa and the Challenges of Democracy and Good Governance in the 21st Century. *UNPAN*.

⁹⁴ Ibid. 83.

⁹⁵ Economic Commission for Africa. (2011). *Diversity Management in Africa: Findings from the African Peer Review Mechanism and a Framework for Analysis and Policy-Making*. Geneva: United Nations Governance and Public Administration Division.

violence and even civil wars. Suppressing ethnicity is either ignored by those who benefit from its manifestation or has failed. African countries transitioning to democracy must find ways to deal with ethnic diversity by managing ethnicity. When leadership fails to manage ethnicity, during the transition period the persistent suppression of ethnic identities can result into open conflict, with ethnic groupings demanding equal treatment. Failure to manage ethnicity in which the state attempts to impose a national identity can result into various ethnic groupings rejecting the imposed national identity.

The democratization of Africa has tended to ignore the role of women⁹⁶. The democracy wave has not adequately addressed the expectations and the aspirations of women, especially those in rural Africa and those at the grass roots level. On most occasions women are not part of the decision-making process regarding the governance or the transition process despite their majority. The women are in dire need of empowerment as opposed to subordination.

The democratization of Africa contributes to the nature of political institutionalization that takes place in Africa. The challenges highlighted indicate that the participation in charting the national direction of countries is a reserve of the few political elites. The brand of African democracy is the product of the whims of the elite who use the populace as the rubberstamp for their self-preservation. This has a great bearing on which political institutions take root in the country and how the institutions contribute to the politics and, therefore, the relation with other states.

2.7. Political Institutionalization in Africa

The definition of the concept of institutionalization varies according to the user of the term. In a definition provided by North⁹⁷ institutions are the rules used by organizations. In a more sociological definition provided by Huntington⁹⁸, institutionalization refers to the process by which organizations and procedures acquire value and stability. An earlier definition by Selznick and Broom stressed the importance of value as opposed to stability alone. Political

⁹⁶ Ibid. 80.

⁹⁷ North, D. (1993). Institutions and Credible Commitment. *Journal of Institutional and Theoretical Economics*, 1(149), 11-23.

⁹⁸ Huntington, S. (1968). *Political Order in Changing Societies*. New Haven: Yale University Press.

institutionalization is the process of institutionalizing political organizations in which organizations and procedures acquire value and stability. The process takes place in four dimensions: being rooted in society, level of organization, autonomy, and coherence.

2.7.1. Institutionalization Electoral Politics in Africa

Electoral systems refer to the way votes cast when a country is conducting elections and how the elections translate to seats in the legislature⁹⁹. Elections systems are important because they influence the dimensions and dynamics of governance. An electoral system provides various incentives that allow appeal to voters. For instance, in country-wide elections, voters tend to vote for closed party lists indicating the immense power the party leaders have on the electability of their candidates. However, in such a system, parliamentarians feel more accountable to the party leadership than to voters. An electoral system based on the principle of majority provide the opposite kind of incentive. Such an election system focuses more on the individual candidate. An electoral system shapes policies of politicians. They also enable narrowing or widening of the bases of appeals to the voters¹⁰⁰.

2.7.2. Institutionalization of Party Systems

Africa's electoral democracies can be termed as fluid, de-stabilized, or stable party systems. The institutionalization of these party systems is recent and seems largely independent of the electoral system. Institutionalized party system is traced back to the onset of multiparty elections. Countries with non-institutionalized party systems, such as Madagascar and Sao Tome and Principe seem to be persistently fluid despite various successive multiparty elections¹⁰¹. Political parties in a democracy are not just vehicles for political office, but important channels for the aggregation of preferences, voters' demands, and recruitment of leaders, representation constituents and mobilization of citizens on pertinent political issues. Parties should link citizens and the political elite. To fulfill their democratic functions regarding accountability, policy preference

⁹⁹ Menocal, A. R. (2013). Why electoral systems matter: an analysis of their incentives and effects on key areas of governance. *Overseas Development Institute*.

¹⁰⁰ Ibid. 110.

¹⁰¹ Lindberg, S. I. (2007). Institutionalization of Party Systems? Stability and Fluidity among Legislative Parties in Africa's Democracies. *Government and Opposition*, 42(2), 215–241.

predictability and aggregation of interests of society, political parties must be durable and institutionalized as opposed to being fluid vehicles for seekers of power.

Lindberg¹⁰² uses eight different indicators to measure the stability of political parties. The number of parties in the legislature offers basic information on the composition of the party configuration but has to be examined in the context of the other indicators as well as over time. Drastic changes in the number of parties in the legislature after subsequent elections indicate the democratic system is fluid otherwise it is stable. The stability of political parties can also be measured by new parties in the legislature. Here the term new means a party that did not have representation in the legislature in the previous legislative assembly. The fewer the new parties, the more stable the party system. Stability can also be measured by percentage of new parties in the legislature and this can be refined to a better measure which is the percentage of seats won by new parties. Other measure is the percentage of parties voted out due to losing in legislative elections based on the number of parties before the election; the percentage of seats in the legislature occupied by the largest party; and the percentage of seats in the legislature held by the runner-up party. One other measure of stability is the legislative seat volatility measure. This measure measuring the share of seats that changed between parties using Pedersen's computation and shows the number of seats gained or lost by each party from one election to the next, and the result is then divided by two.

The study by Lindberg indicated that African countries rarely display a complete picture of either stability or fluidity. They depict mixed patterns that gravitate towards fluidity. Countries such as Mali and Madagascar show high levels of fluidity as both have number of parties participating in elections increasing election after election. Seychelles and Sao Tome and Principe on the other hand display stability with a lower number of parties contesting and gaining seats in parliament. In other countries making between 20 to 80 per cent of the existing parties. Winning parties' share of legislative seats tend to decrease with time. In countries such as Kenya and Senegal, the party system was destabilized. The countries have had a series of elections with a fairly stable configuration of parties, relatively low levels of electoral volatility, and the two main parties

¹⁰² Ibid. 110.

accounting for at least two-thirds of legislative representation. Instability was depicted when the old ruling parties were almost eradicated from the political scene¹⁰³.

2.1. State Relations in Africa

This subsection discusses the context of state relations in Africa. It looks at the political dimension of interstate relations, the issue of dependence versus interdependence, the balance between domestic and international affairs facing a state and the effect of ideology.

2.1.1. Political Dimension

The bearing of political background on the nature of interstate relations in Africa cannot be ignored¹⁰⁴. African politics are evolving from authoritarian tendencies that were prevalent during the cold-war era towards the more democratic political dispensation after the cold war. African politics provide a blend of democratic space such as relative media freedoms and the right to organize political parties, with authoritarian aspects such as none free and unfair elections, repression of opponents, manipulation of constitutions etc.

Africa seems to be finding its rightful political position in international politics. Africa is currently attractive to the traditional Western powers and to the leadership emerging powers such as China, India, Brazil and South Korea¹⁰⁵. Africa is emerging from the former pervasive pessimism and into a new Africa that is more socially and economically vibrant, more politically open and an Africa that has a more assertive and innovative civil society. Africa has achieved this by improving its security situation in many conflict-ridden countries such as Darfur and the Democratic Republic of the Congo. The number of countries at war has reduced from fifteen by the end of year 2000 to five today.

Many African countries have put in place appropriate and more effective macroeconomic, structural and social policies that have enabled realization of improved economic growth rates. The annual growth rate of African countries has averaged 5.7 per cent since 2000 and is expected

¹⁰³ Ibid. 110.

¹⁰⁴ Englebert, P., & Dunn, K. C. (2013). *Inside African Politics*. Boulder, CO: Lynne Rienner Publishers.

¹⁰⁵ Cornelissen, S., Shaw, T. M., & Cheru, F. (2014). *Africa and International Relations in the 21st Century*. New York: Palgrave Macmillan.

to surpass Asia in the near future. The economic growth of African countries is broad based although oil exporting countries outpace importers. The dramatic increase in the demand for African oil has enabled diversification of economies¹⁰⁶.

There is an increasing realization among African governments that there is needed to address the continent's myriad of problems¹⁰⁷. The African Union (AU) and the New Partnership for African Development (NEPAD) are driving the solution of African problems through regional efforts. The efforts are geared towards improved governance; leadership and accountability for development; increasing trade within Africa and across the world; and enhance investment in regionally owned public utilities such as cross-country transportation. The efforts of AU are complemented by regional international organizations such as the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC)¹⁰⁸. For instance, the ECOWAS complemented AU in managing the 2010-2011 political crisis in Côte d'Ivoire while IGAD is playing a complementary role in managing the crisis in Southern Sudan and Somalia.

Africa has effectively embraced international concerns regarding poverty alleviation and management of disease¹⁰⁹. At a summit in Kananaskis, Canada in 2002, the Group of Eight major industrialized countries adopted plan for Africa and agreed more than half of the additional resources pledged at the 2002 Monterrey UN Conference on Financing Development would go to Africa. China and India have strongly come up as players in Africa's international affairs. The global demand for Africa's natural resources has increased dramatically enabling African countries to invest in strategic infrastructure necessary for raising its productivity and growth. Even those African countries having few strategic resources realize moderate growth due to growing and widening trade with China and India. The increasing role of southern (Hemisphere) powers in

¹⁰⁶ Stone, S. A. (2004). *The Judicial Construction of Europe*. Oxford: Oxford University Press.

¹⁰⁷ Laporte, G., & Mackie, J. (2010). *Building the African Union, Policy Management Report 18*. Nordic Africa Institute and the European; Centre for Development Policy Management.

¹⁰⁸ Ibid. 128.

¹⁰⁹ Cheru, F., & Obi, C. (2010). *The Rise of China and India in Africa*. London: Ed for Nordic Africa Institute.

African economies is stimulating African countries into forming innovative policies to harness these new opportunities.

2.1.2. Political Interdependence Versus Dependence

African countries are faced with the question of being either interdependent or dependent on others. Traditional views on integration stress the importance of intraregional economic interdependence as the road to regional development through common projects. Interdependence provides the means through which the spills-over of regional integration from one sector to the other and finally to the political sphere are channeled. The asymmetric economic interdependence provides the motivation for the outcomes of treaty negotiations between states. Interdependence and the resulting international exchange bear the need for stable regional institutions. Regional integration occurs to reduce barriers to trade and investment¹¹⁰.

When countries in a region use integration to improve the region's global standing compared to other regions, benefits arise from the successful interaction with other regions. In such an organization, inter-governmental approaches regard member states' interests as exogenous so that they do not matter as long as the interests of the region are met. Interests of the regions can arise from sources external to the interaction between the member states. This makes the member states to choose between their regional and their global interests specially if the two sets of interests do not converge. In the case where global interests are more important, regional integration would stop as soon as it stops helpful in promoting the achievement of the interests. To enhance interdependence, economic stakeholders within the region must provide constant positive feedback to strengthen regional institutions. If, on the contrary, if the gains from regional integration result from the reaction of actors in other world regions, integration is destabilized in effect weakening regional institutions¹¹¹.

¹¹⁰ Sandholtz, W., & Sweet, A. S. (1998). *European Integration and Supranational Governance*. Oxford: Oxford University Press.

¹¹¹ Krapohl, S., & Fink, S. (2010). Interdependence vs. Dependence. *A Network Analysis of Regional Integration Projects in Africa, America, Asia and Europe*.

2.1.3. Domestic and International Affairs

States' decisions affect more than just the countries participating in the decision¹¹². Concerned parties such as scholars and citizens are keen on the motivations of government in his foreign policy. Foreign policies designed by the head of government are focused on achieving the, usually, complex domestic and international agenda. Foreign policy is the result of an elaborate series of steps that deeply involve domestic politics. Foreign policies, which determine the relationship between a state and other states, are usually designed through negotiations among the domestic and international actors and groups. The motivations on foreign policy are embodied in the head of state and other relevant institutions. However, the leader's own personality and cognition, degree of rationality, domestic politics and international and domestic interest groups can determine foreign policy and, therefore, interstate relations.

The influence of political systems in international relations can be compromised by the influence of interest groups within the state and by non- state actors as well¹¹³. Interest groups such as political lobbyists, the military, and the corporate sector have a strong bearing on the direction of foreign policy. International groups outside the local political environment influence foreign policy. Outside politics, non-political forces such as the media can influence international policy. The media voices the opinion of general public. Foreign policy is, therefore, a complex nexus of the head of government, policy makers, the opposition, the media and the general public.

The impact of international organizations on a country's relation with other countries stems from the increasing importance of the international society and international law. The World Trade Organization (WTO), for instance, can push states to reconsider the nature of trade agreements with other states if necessary. One such intervention is when the WTO intervened in the US and EU "banana war" incident. Domestic politics, however, can in return push organizations such as the WTO to push for agenda that serve the country's political position. On the contrary, when the influence of the international organization diminishes. For instance, the US government ignored

¹¹² Hussain, Z. Z. (2011, February 07). *The effect of domestic politics on foreign policy decision making*. Retrieved May 27, 2017, from E-International Relations: <http://www.e-ir.info/2011/02/07/the-effect-of-domestic-politics-on-foreign-policy-decision-making/>

¹¹³ Ibid. 132.

the position of the international community in the wake of the 9/11 terror attacks on Times Towers in New York due to the demand for military action by its citizens.

This subsection has shown the influence of the local political agenda on its relationship with other states and how the agenda of international organizations can also affect the country's individual agenda. While a country relates with others to push for its local and international agenda, the country can also be influenced by the international communities' agenda regarding the country in question.

2.1.4. Effect of Ideologies and Social Systems

The term 'Ideology' is vague and controversial and widely used in social sciences, in politics and in the mass media¹¹⁴. According to van Dijk¹¹⁵ ideologies have to do systems of ideas especially the social, political and religious ideas shared by a social group or movement. Some widely spread ideologies are communism, anti-communism, socialism, liberalism, feminism, sexism, racism, antiracism, pacifism, militarism. Members of such groups together stand for a number of very general ideas that form the basis of their more specific beliefs about the world. These general ideas guide their interpretation of events and their social practices.

The social systems in a country provide legitimacy to ideology. The close relationship between ideology and evaluative beliefs such as attitudes indicates the close connection between ideologies and values. Indeed, both ideology and values are basic to social memory. However, while ideologies are for groups, and can determine group conflict and struggle, values are more general, more basic and valid for most members of a culture. Ideological beliefs are not arbitrarily organized. ideologies consist of a set of conventional categories which make it easy for members of the group or society to quickly understand or to build, reject or modify an ideology. The ideology governing members of a system becomes the guiding principle when the group interacts with other groups on individual basis or through leaders.

A political ideology is a basis for domestic political legitimization. The right to rule roots from the consent provided by the governed expressed through free and fair elections. The legitimization,

¹¹⁴ van Dijk, T. A. (2003). *Ideology and discourse: A Multidisciplinary Introduction*. Barcelona: Ariel.

¹¹⁵ Ibid. 133.

guides the manner in which states engage with each other and the agenda for the engagement¹¹⁶. The fact that similarly powerful states can choose to react differently to the same international constraints lies in the domestic politics. This variation regarding foreign policy and, therefore, interstate relations is subject to the decision makers' political ideologies, perceptions, and images. Further, a nation's culture and the national identity shapes foreign policy and interstate relations¹¹⁷.

¹¹⁶ Weisiger, A. (2011, March 28). *Ideology, Ideologues, and War*. Retrieved May 3, 2017, from http://www.polisci.upenn.edu/~weisiger/Ideology_midwest.pdf

¹¹⁷ Calin, C. (2010). "Hawks versus Doves: The Influence of Political Ideology on the Foreign Policy Behavior of Democratic States. *University of Tennessee*. Retrieved from http://trace.tennessee.edu/utk_graddiss/782/

3. POLITICAL INSTITUTIONALIZATION AND THE RELATIONSHIP BETWEEN KENYA AND OTHER AFRICAN STATES

3.1. Introduction

This chapter demonstrates that the political institutionalization in Kenya contributes to the relations between Kenya and other African countries. The chapter begins by discussing the status of political institutionalization in Kenya. It also discusses the need for political institutionalization and the challenges facing institutionalization. The chapter discusses the relationship between in Kenya and other nations in Africa before ending with a demonstration of how institutionalization in Kenya has contributed to the relationship.

3.2. Political Institutionalization in Kenya

A most fair judgment on political institutionalization in Kenya is that it is still in its infancy. Levitsky and Murillo¹¹⁸ present a clear assessment of what the indicators of weak political institutions in any country are. According to them, institutions in a country are weak when the regime is unstable; elections are volatile; there is evident social inequality; there is institutional borrowing and rapid institutional design. Regarding regime instability O'Donnell and Schmitter¹¹⁹ argue that in many transitional or unstable political dispensations there is uncertainty regarding power distribution and actors' preferences. There is also a disconnection between those who write the rules and those who hold power de facto. Those in temporary control of the process of writing rules, for instance national assemblies, transitional or weak civilian governments might ignore the preferences of or misjudge the strength of the powerful veto players thus leaving new institutions vulnerable to manipulations and displacement. The result is the high likelihood that institutions are born weak. So that the country history is littered with transitional constitutions that might meet early demise because they were written constituent assemblies that were insufficiently representative of powerful leaders.

¹¹⁸ Levitsky, S., & Murillo, M. V. (2013). Building Institutions on Weak Foundations: Lessons from Latin America. In D. Brinks, M. Leiras, & S. Mainwaring, *Reflections on Uneven Democracies: The Legacy of Guillermo O'Donnell*. Baltimore, Maryland: Johns Hopkins University Press

¹¹⁹ O'Donnell, G., & Schmitter, P. C. (1986). *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.

In transitional politics elections are volatile. In transitional politics, the levels of electoral volatility remain high and frequently producing dramatic shifts in political power configurations from one election to the next. Some that were powerful in the current political configuration virtually disappear after the next election. Electoral volatility can generate uncertainty about power distributions and can result in rapid and dramatic shifts in power distributions that make it hard for newly-created institutions will take hold. In fact, those who created some institutions in the current power configuration might be too weak to defend the institutions after elections with a new power configuration in place. The volatility of elections in itself perpetuates instability in political institutions¹²⁰.

State undergoing political transition may grant full political rights to all citizens despite the presence of persistent extreme socioeconomic inequality. The coexistence of political equality and extreme socioeconomic inequality often creates a separation between formal rule-writers who are elected by politically equal citizens and powerful socioeconomic actors not necessarily formally represented in the political system. This makes elected governments to over-estimate their capacity to sustain the rules they create. They also overestimate their capacity to enforce the rules without triggering a fatal counter attack on them¹²¹.

Transitional economies are highly prone to import institutions from abroad especially from their colonial masters. Weyland¹²² argues that transitional governments routinely emulate institutional models employed by successful countries usually with little regard as to how those institutions will fit into the domestic power structures and existing norms. The borrowing is frequently motivated by condition imposed by Western governments and international financial institutions. The tendency to adopt foreign institutional models sharpens the problem of incongruence between rule-writers and power-holders thanks to the fact that governments pay less attention to how those institutions correspond to domestic norms and power structures. Such institutions usually suffer displacement.

¹²⁰ Pierson, P. (1994). *Dismantling the Welfare State? Reagan, Thatcher, and the Politics of Retrenchment* (Vol. 20). New York: Cambridge University Press.

¹²¹ Ibid 137.

¹²² Weyland, K. (2008). Toward a New Theory of Institutional Change. *Journal of World Politics*, 60, 281-314.

Transitional economies are riddled with rapid design of institutions. This rapid design detrimentally affects the durability and the stability of institution. Slow paced creation of institutions provides actors with ample time to evaluate the consequences of the institutions, assess the effect of the institutions on their interests, and organize for the defense of or opposition to the rules. Rules that survive a slow-paced process are likely to enjoy organized support. On the contrary, hastily designed rules can lead to miscalculations¹²³.

The following cases are examples showing that political institutions in Kenya are in infancy with features as discussed above. Regarding regime instability the series of regimes in Kenya, especially after Daniel arap Moi have not shown stability. The instability has been due to successful launches of adjustments to laws of the country. With new laws in place, the government of the day seems unsure of what to do and how it may affect other actors. For instance, the decision to ignore the pre-election memorandum of understanding between Raila Odinga's team and Mwai Kibaki's team led to a total weakening of the National Alliance Rainbow Coalition (NARC) government because of Raila's team walking out of the government. The later government by Uhuru Kenyatta has been unable to take full control of the country due to disagreements with the opposition.

Regarding volatility of elections numerous example can be cited to show elections are not predictable in Kenya. The volatility manifests in two ways: high variation in results and violence after election results are announced. Indeed, since Moi took power, there was post-election violence, however, the worst experienced in 2007 under Mwai Kiaki when there was more violence and more widespread in the country. Further, volatility is seen in the way political parties and actors keep changing after every election. After the departure of Moi in 2002, Kenya African National Union (KANU) disappeared from the political scene and National Alliance Rainbow Coalition (NARC) became the dominant party. After the 2007 elections, National Alliance Rainbow Coalition (NARC) died and in came the Party of National Unity (PNU) and Coalition for Restoration of Democracy (CORD). In the 2013 elections, PNU and CORD were lost and in came The National Alliance (TNA) party.

¹²³ Grzymala-Busse, A. (2011). Time Will Tell? Temporality and the Analysis of Causal Mechanisms and Processes. *Comparative Political Studies*, 44(9), 1267-1297.

Regarding social inequality, the Kenyan politics are generally focused on empowering Kenyans politically while ignoring the economic empowerment of the citizens. The result is that while all citizens are equal about one-man-one-vote rule, Kenyans know their right to vote and indeed come out in increasingly large numbers to vote. However, the political elite have been improving their own economic welfare at the expense of increasingly poor citizens who are not able to feed themselves adequately¹²⁴.

3.3. The Need for Political Institutionalization in Kenya

Institutionalization is about organizations and procedures in a country acquire stability and being of value to the citizens. The stability and value of institutionalization may be assessed in four dimensions: adaptability, complexity, autonomy and coherence. Political institutionalization is highly dependent on its being rooted in society, its stability regarding party competition, legitimacy of institutions and their development¹²⁵. Basing on the views by Mainwaring and Mariano, the need for political institutionalization will be assessed regarding party autonomy, coherence, roots in society, level of organization and complexity, adaptability and legitimacy.

Autonomy refers to independence and freedom from unwarranted external influence. In mature democracies institutions are more autonomous to be well institutionalized¹²⁶. In a democracy, political institutions should be independent from external influence from other organizations, from other individuals from other groups in society. Currently, political parties in Kenya lack autonomy from foreign interests and whims of their leaders. This is indicated by low turnover of party leadership during the Nyayo Era and the high rate of party disintegration. Low or no turnover in party leadership indicates personalization of the institutions the hands of one individual so that institutions become mere manifestations of a powerful person or persons. When the leader exits from power, as was with (Kenya African National Union) KANU in 2002 when Moi left power and with (Party of National Unity) PNU when Kibaki left power in 2013, the parties deflate to obscurity before other new similar parties are formed. A similar situation is evident when former

¹²⁴ Daily Nation. (2017, May 9th). Kenya: Do Not Be Fooled, Food Shortage the Result of Misrule and Graft. Retrieved September 5th, 2017

¹²⁵ Mainwaring, S., & Mariano, T. (2005). Party System Institutionalization and Party System Theory After the Third Wave of Democratization. *Working Paper 319*, 1-40.

¹²⁶ Salem, P. (2006). The Future of Lebanon. *Foreign Affairs*, 85(6), 13-22.

president Fernando Collor de Mello of Brazil who in 1989 headed the Brazilian Labour Party which was formed for him. The party later dissolved after he resigned from office¹²⁷.

Though attempts are made to institutionalize political parties in Kenya, political parties in Kenya are greatly personal instruments of their leaders. The embedment of political parties' structure in the constitution with defined responsibilities has remained theoretical rather than practical¹²⁸. From the eve of multi-party politics in 1992, few parties have sustained themselves from one electoral period to another despite there being a consistency in the political elite actors occupying leadership positions. The parties lack internal democracy with some of the leaders in the parties handpicked by the party leaders in controversial nominations and in party delegates conventions. Party constitutions for parties such as the Democratic Party (DP), FORD-Asili, NARC-Kenya, Kenya Social Congress (KSC) reveal a hierarchy of party branches and sub-branches based at district and location levels, but the structures are fictitious for they are not on the ground. Where the offices are available (especially in urban centers), they were poorly manned, occasionally with only the receptionist and security guard present. In other political parties such as Orange Democratic Movement (ODM), NARC, PNU and KANU the senior party officials are rarely present in offices and can be accessed in private places, private offices or at their homes¹²⁹.

3.4. Challenges to Political Institutionalization

Culture/Ethnicity

Despite being one of the few countries in Africa to maintain uninterrupted peace since gaining independence from its colonial masters in 1963, ethnicity is an elusive hurdle to jump¹³⁰. Political institutions have been unable to overcome the hurdle of ethnicity. Kenya has more than 42 disparate ethnic groups which is still increasing with the recognition of the Makonde and Indians as ethnic groups. The ethnic groups, per se, do not pose any threat for they have peacefully

¹²⁷ Ezrow, N. M. (2011). The Importance of Parties and Party System Institutionalization in New Democracies. *IDCR Briefing Paper No. BP 06/11, 1-11*.

¹²⁸ Oloo, A. (2010). *Party Mobilization and Membership: Old and New Identities in Kenyan Politics*. In K. Kanyinga, & D. Okello, *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections* (pp. 31-60). Nairobi: SID.

¹²⁹ Ibid. 140.

¹³⁰ Shilaho, W. K. (2008). Ethnicity and political pluralism in Kenya. *Journal of African Elections*, 7(2), 77-112.

coexisted since independence. However, the political class polarizes the country when they adopt political trajectories supported by ethnicity. Soon after declaration of independence, the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU) boiled down from being national parties to amalgams of ethnic groups¹³¹. President Jomo Kenyatta effectively used an ethnic cabal to consolidate power in the office of the president while marginalizing his liberation colleagues such as Jaramogi Odinga who were then in KADU. To completely obliterate opposition, both the Kenyatta era and later the Moi era conveniently imposed a one-party government, KANU, arguing that it was necessary to promote national unity and nation-building.

Consistently, political institutions have reported to the ethnic premise in charting out Kenya's political landscape. The presidency continuously works in cahoots with a clique of politicians with ethnic inclinations and interferes with the doctrine of separation of powers. This is done by emasculating the judiciary and legislature and ending up creating and recreating imperial presidency. It is noteworthy that most of the politicians with strong political and economic power during Kenyatta's time hailed from his Kikuyu community. During Moi's time, those with political and economic might were from his Kalenjin community. Similar assertions can be laid on the Kibaki and Uhuru Kenyatta era of Kenyan politics. In a different view, but same position, those in the opposition were politically weakened and had no financial might¹³².

The ethnic-biased political clique aligned to the presidency regularly changed the Constitution in pursuit of unchecked power. Consequently, the ethnic political machinations have frequently created a presidential behemoth strongly inclined towards a one-party type of dictatorship. For instance, between 1963 and 1978 the constitution was amended many times in order to consolidate power in the presidency¹³³. The amendments nullified the whole idea of independence by throwing Kenya back to the authoritarian patterns of colonial rule. The shift from one party to multiparty politics in 1992 gave Kenya hope regarding institution-based political dispensation. However, the hopes were quickly dashed when the ruling party, KANU, decided to capitalize on ethnicity in its bid to gain political mileage in the multiparty politics. During the new multiparty era, political parties retreated in to tribal outfits. For instance, KANU, led by Moi, became a party of Kalenjins

¹³¹ Ibid.142.

¹³² Mutua, M. (2008). *Kenya's Quest for Democracy: Taming the Leviathan*. London: Lynne Rienner Publishing.

¹³³ Ogot, B. A., & Ochieng, W. R. (1995). *Decolonization and Independence in Kenya*. London: James Currey.

and the minority tribes. FORD-Kenya party, led by Oginga Odinga was mainly associated with the Luo and the Bukusu (a sub-tribe of the Luhya); The Kikuyu dominated the Democratic Party (DP) led by Mwai Kibaki and the FORD-Asili Party led by Kenneth Matiba¹³⁴.

Ethnicity found its deep anchorage in Kenyan politics due to the fact that most Kenyans feel alienated from the state. This alienation is a colonial legacy since the country came into being by through arbitrary process that paid no regard to the linguistic, cultural, or even religious identities of the people lumped together as Kenya. The motivation behind the formation of the state was administrative control and economic exploitation. As a result, despotism is the hallmark of both the colonial governors and the political elite that inherited the system¹³⁵. The state also demonstrates arbitrariness and selective application of the rule of law with bias against those without the means and those who fall out of favor with of the government of the day. Ethnicity is the formula used even in competitive politics. For instance, in the heated 2007 general elections the tribal factor was evident in which politicians from the Kikuyu community supported Kibaki due to his record of economic growth, provision of free primary and secondary education for all and reform and strongly appealed to Kikuyu nationalism. On the contrary, they portrayed Odinga as a dangerous man, involved in a failed coup in 1982, with communist leanings and was a Luo, an ethnic group stereotyped as irrational, impulsive and vengeful against the Kikuyu community¹³⁶.

Rubber Stamp Institutions

Institutional independence in Kenya is a pipe dream. Political directions and the institutions that support them are mere rubber stamps of the political elite. The nature of Kenya's elections, for instance, have tended to confirm the weaknesses of political institutions in Kenya. In 1992, Kenya held its first multi-party general elections. With a strong wave against the incumbent KANU regime, most Kenyans voted against Moi, but the splintered nature of the opposition prevented his defeat¹³⁷. The second multi-party elections were held in 1997, but were considered highly flawed,

¹³⁴ Apollos, M. (2001). Ethnicity, Violence and Democracy. *Africa Development*, 26(1; 2), 99-144.

¹³⁵ Ibid 46.

¹³⁶ Gachanga, T. (2016). Kenya: Ethnic Agendas and Patronage Impede the Formation of a Coherent Kenyan Identity. *Africa Files*, 1-26.

¹³⁷ Throup, D. (1993). Elections and Political Legitimacy in Kenya. *Africa: Journal of the International African Institute*, 63, 371-396.

highly controversial and thoroughly divisive¹³⁸. Immense pressure from the Kenyan civil society and donors forced former President Moi out of power despite the constitution requiring him to quit at the end of two five-year terms.

Moi government, rife with grand corruption weakened institutions while strengthening the instruments of power. Under KANU rule executive became increasingly powerful at the expense of other political institutions. When National Rainbow Coalition, (NARC) led by Mwai Kibaki came to power after 2002 general elections, civil society participants and associations in the private sector became more assertive. Following the highly competitive December 2007 general elections, the dire weakness of institutions was revealed. Institutions were helpless as the country degenerated in to violence. Being in a new political environment, internal mechanisms and institutions were unable to rise up to the occasion prompting the intervention of the UN which facilitated negotiations between the government under the Party of National Unity (PNU) and the opposition Orange Democratic Movement (ODM). The negotiations, on paper, weakened the influence of the president but the formula for forming the government of national unity was driven by the ethnicity factor and crumbled soon after¹³⁹.

Crucial commissions on issues concerning corruption and human rights are frequently subjected to delayed appointment of commissioners and when appointed they get held hostage by key political forces in and outside of government. Dissident commissioners in human rights get persistently harassed to "toe the line". Legal frameworks that protect such institutions, e.g. the Leadership and Integrity Act are weakened and diluted. Bodies such as parliament and the judiciary significantly align with the political class especially on matters touching on the political class. Election bodies seem to bear in mind the position of the ruling class in the dissemination of its mandate. The scenario is such that institutions have become bodies that rubberstamp the decisions of the ruling class at the expense of the reasons for which they exist¹⁴⁰.

¹³⁸ Southall, R. (1998). Moi's Flawed Mandate: The Crisis Continues in Kenya. *Review of African Political Economy*, 25, 101-111.

¹³⁹ Warigia, B. (2010). Policy Makers or Rubber Stamps? The Challenges Regarding Legislative Independence in East Africa. *University of Arkansas*.

¹⁴⁰ Bertelsmann Stiftung. (2016). *Kenya Country Report*. Gütersloh: Bertelsmann Stiftung.

Leadership Structure

Transformation of political leadership is lopsided in favour the pervasive colonial based ethnicity. Questions regarding land allocation closely connected to wealth distribution and inter-ethnic groups and have not been addressed. During the one-party era and later during the multiparty era, leadership on fundamental issues favoured the ethnic group of the leader. All four presidents, Jomo Kenyatta (1963 – 1978), Daniel arap Moi (1978 – 2002), Mwai Kibaki (2002 – 2012) and Uhuru Kenyatta since 2013 to date have provided leadership on political and economic issues with favour towards the benefit of their ethnic groups¹⁴¹.

Leadership regarding national issues and allocation of resources is pushing ethnic groups that are not favoured to the verge of breaking away. The push toward centralization under the first three presidents with clear biases in regional resource allocation, infrastructural projects and government appointments weakened the legitimacy of the presidency to legal legitimacy. Political legitimacy weakened the presidency to the extent that ideas of cessation. Ethnic groups that feel disenfranchised have the greatest desire to take the cessation route. To address the political exclusion, the Constitution was amended in 2010 to allow mechanisms for reducing regional imbalances through devolved government¹⁴².

Restructuring the leadership structure of the state through devolved government as required by the new constitution is a recognition of failures in the past regarding addressing regional inequalities. The establishment of 47 counties in 2013 under the leadership of a governor enabled functions to be devolved except security and education. However, this structure of leadership faces organizational deficiencies some inconsistencies in the provision of key public services such as health care. The new leadership dispensation made up of the Senate, National Assembly, elected county governors and county ward representatives have sparked the jostling for power among the political structures. Structures such as the Senate, the National Assembly, and the Council of Governors etc. are always fighting to demonstrate influence. This has led to blatant respect for some institutions. While the constitution provides for protection of institutions from external

¹⁴¹ Ibid 152.

¹⁴² Mutula, S., Muna, W. K., & Koma, G. P. (2013). Leadership and Political Corruption in Kenya: Analysis of the 2010 Constitutional Provisions on the Presidency. *The Journal of Social, Political and Economic Studies*, 38(3), 263-286.

influence through competitive appointment of their leaders, there are no safeguards against external influence as such. Lack of respect for democratic institutions is evidenced by the various attempts to bribe intimidate and arm twist their members by the political class¹⁴³.

Systems to Support Political Institutionalization

Kenya, like her peers in the Sub-Saharan Africa has adopted a rich and progressive collection of democratic values and aspirations beginning with its membership in international political organizations such as the African Union (AU) and the United Nations (UN). This was a good step taken to shift the country away from the colonial politics. Kenya has ratified a constitution that has placed strong provisions for human rights and democracy that are in tandem with or, sometimes, exceeding international norms.

For democracy to prosper there is need for strengthened democratic competition. Successful democracy is featured with a flexible system of strong political parties and a large presence of politicians with good reputations for responsible democratic leadership. The system must have excellent parliamentary responsibility that helps the development strong political parties. Parties with national outlook should nominate candidates in all elections and in all regions. In a flexible party system members of the National Assembly should be free to form new parties as opposed to being subjected restrictions barring floor-crossing. In a federal set up, local democracies lower barriers to political entry barriers to enable politicians to prove their capacities for higher office through being highly responsible at those lower levels of government. If election processes ensure wins for responsible leadership will strengthen the local base of democratic leadership¹⁴⁴.

Systems to support institutionalization of democracy in Kenya do not inspire confidence. Failure of systems that support political institutions in a traumatizing way contributed to the post elections violence in 2007¹⁴⁵. The 2002 general elections and the 2005 referendum caused a loss in the confidence in the Electoral Commission of Kenya (ECK) which was the elections manager. In 2007 over 68 percent of Kenyans blamed the ECK under Samuel Kivuitu for the post-election

¹⁴³ Ibid. 154.

¹⁴⁴ Myerson, R. (2009). Constitutional structures for a strong democracy: considerations on the government of Pakistan. *University of Chicago*.

¹⁴⁵ Nackerdien, R. (2016). *Democracy Support Strategies in Africa*. Regional Director, Africa, International Foundation for Electoral Systems.

violence. The two events sparked reforms to address the disputed 2007 poll and the consequent divisions in the Kenyan populace. With support of nearly 67 percent of Kenyan who participated in the peaceful referendum in 2010, the Independent Electoral and Boundaries Commission (IEBC) was formed and the ECK disbanded. The International Foundation for Electoral Systems (IFES) played a major role in providing the technical support to ensure that the IEBC moved from its interim status to the full-fledged IEBC. With the support of IFES the IEBC embarked on creation of systems for biometric voter registration, voter education, results transmission; oversight of political parties; development of a dispute resolution mechanism for ensuring transparent, credible and violence-free elections¹⁴⁶.

Systems that support political institutions are generally weak. The executive, the Senate, the National Assembly, county governments, the judiciary and the IEBC and other institutions seem to prioritize the needs of the ruling class above the needs of Kenyans. The institutions do not command a lot of respect and trust from the Kenyan citizen. The main cause of lack of respect for democracy support systems is the deeply entrenched culture of impunity. For instance, the perpetrators of the repeated electoral and other sectarian violence have never faced the law. Recommendations by two government inquiries, namely the Kiliku Parliamentary Committee of 1992 and the Akiwumi Commission of 1997 that explicitly named perpetrators and recommend investigations were ignored. The result is that politicians keep using to influence elections and political positions being sure they will not be held to account. Such impunity has effectively weakened processes and institutions that are meant to support political institutionalization¹⁴⁷.

¹⁴⁶ Ibid. 157.

¹⁴⁷ Cho, S. Y., Connors, E., Fatima, F., & Yalim, U. (2015). Preventing Post-Election Violence Based on the Kenyan Experience. *Stanford University*.

Economic and Social Challenges

Corruption is a problem that continues to bedevil the success of political institutionalization in Kenya¹⁴⁸. The problem seems not to be abating with passage of time and changes in the political landscape. The constitutional referendum held in 2010 recorded 67 percent of Kenyans in support of a radical review of the constitution to strengthen checks and balances, checking powers of the executive and enhancement of the protection of basic rights. Promising to promote transparency, integrity and accountability, the new constitution raised hopes for democratic rule. However, implementation of the new constitutional dispensation has been painfully slow, uneven and incomplete where corruption issues are concerned. Elite politicians are still strongly resistant to the implementation of anticorruption requirements.

Corruption is believed by both the citizens of Kenya and the international community to have deeply permeated all public sectors. Grand corruption scandals keep hitting the headlines long after passing the current constitution in 2010. President Mwai Kibaki won his initial presidential mandate basing on anticorruption. Up and above getting to the bottom of the Goldenberg Scandal which was at that time the biggest corruption scandal in Kenya he was to ensure no such scandals arose again. Other corruption scandals such as the "Chicken gate scandal" which was a procurement scandal between the IEBC and Smith & Ouzman involving a tender to print ballot papers in lot paper printing tender mainly for the 2010 referendum seriously dented the image of the elections body.

The media in Kenya has strong influence on political institutionalization in the country. Kenyans tend to have a lot of trust in the media and consume what is reported in the mass media as truth. They also share a lot of information on social media platforms such as Facebook®, Tweeter® and generally the internet. For instance, there was significant media coverage of the IEBC's errors in the aftermath of the 2013 elections. After the polling and the subsequent supreme court that declared Uhuru Kenyatta the president, the Nation® had a total of 136 (11%) of the f 1,233 articles posted on the Lexis Nexis about the IEBC and another 473 (38%) about the election. The articles

¹⁴⁸ Martini, M., & Chêne, M. (2012). *Kenya: overview of corruption and anti-corruption*. Transparency International.

focused on the errors and failures of the IEBC. Only 29 articles addressed other serious issues such as poor agricultural performance in the country at that time¹⁴⁹.

Financing is another factor that is a strong impediment to political institutionalization in Kenya. Financing political parties and other institutions of democracy is a critical concern. Political parties, for instance, need sufficient and sustainable financing to perform their functions and to cope with the challenges arising from intraparty and inter-party competition. Adequate funding ensures party independence, autonomy and integrity. Funding of political institutions in Kenya has undergone changes over time. Parties could receive direct funding from the government; parties could get tax relief or incentives; parties could raise funds from membership fees; and from corporate sources et cetera. With new political dispensation, The Political Parties Act established the Political Parties Fund that mandates the Minister for Finance to make provision for party funding. Other independent organizations that support democracy receive budgetary allocations independent of the government of the day¹⁵⁰.

In Kenya parties that are not in government or not affiliate to the government have financial difficulties. Usually, when parties are in the off-election periods, they hardly receive financial help. This stifles their activities especially at the grassroots. This has turned out to be a strategy of parties in power to weaken those in opposition. The visibility of poorly funded parties diminishes; their autonomy becomes compromised as they rely on donors, patrons, elected officials, to finance party activities. The result is poor institutionalization of politics in Kenya.

3.5. Relationship between Kenya and the Other African States

This section focuses on describing the relations between Kenya and other African states. To analyze the relations, the section is broken into subsections according to sub-regions in Africa. Kenya's relations with countries in each of the sub-regions namely East Africa, North Africa, West Africa and Southern Africa are discussed separately.

¹⁴⁹ Marx, B., Pons, V., & Suri, T. (2016). The Perils of Building Democracy in Africa. *Harvard Business School, Working Paper 16-120*.

¹⁵⁰ Friedrich Ebert Stiftung. (2010). *Institutionalizing Political Parties in Kenya*. Nairobi, Kenya: FRIEDRICH EBERT STIFTUNG (FES).

3.5.1. Kenya and Other East African States

Other East African states include Tanzania, Uganda, Rwanda, Burundi and South Sudan. Kenya has sought to advance its interests by focusing on the changing dynamics in the political and economic landscape in the East African region. This is as opposed to having a well-articulated regional political agenda. The Kenyan mode of operation is focused on making pragmatic, but cautious efforts. Having signed bilateral relations with each of the countries, Kenya maintains diplomatic missions with all her neighbors. Cooperation with each of the countries is focused on trade and economics. This is not driven by Kenya's deliberate long-term agenda, but because it is the dictate of the emerging environment in the East African region.

There are several indicators that Kenya does not have a clearly articulated policy with its neighbors but addresses matters as they arise. In the Sudanese, civil war that lasted between 1983 and 2005, Kenya did not have a clear policy. While allowing leaders of the South Sudan to operate from Kenya, it also maintained cordial relations with Khartoum under El Bashir. When cessation of Southern Sudan was completed through a referendum Kenya embraced both Khartoum and Juba especially on trade and economic grounds.

The relationship between Kenya and Uganda is not clear as there is no policy charting the relationship between the two countries outside the shaky EAC agenda. While they made a quick deal to control the post-election violence of 2007, they were unable to effect the agreement on the construction of the standard gauge railway. Uganda pulled out of the agreement citing cost matters and entered into a similar deal with Tanzania. The railway through Tanzania though longer cost less.

The relationship between Kenya and Tanzania is not different from that with Uganda though it is colder and seems to be strictly limited to trade. Kenya and Tanzania tend to keep off each other's business. The relationship is highly distrustful given that the discomfort of Tanzania led to the collapse of the EAC in 1977 and seems to be dragging the pace of the realization of the new EAC since Tanzania does not feel its interests will not be well catered for¹⁵¹. In the view of Kisiangani, Kenya interprets its relationship with Tanzania and the entire EAC countries in terms of business

¹⁵¹ Kisiangani, E. (2014). *Kenya's Regional Relations: Between Principle and Practice*. South African Foreign Policy and African Drivers Programme, Policy Briefing 113.

opportunities. Tanzania on the contrary is cautious and seems to persistently view Kenya as a "man-eat-man" country¹⁵².

The relationship with Somalia has always bordered on armed confrontation and posing no business or economic benefit for Kenya. Activities in Somalia, overflowing into the North-Eastern region of Kenya, have raised issues of territorial integrity and sovereignty. Torn between issues of territorial integrity, peaceful coexistence and non-interference in countries' internal affairs, arrangements were put in place by President Mwai Kibaki to make diplomatic interventions. The military option was left to countries far away from Somalia in fear of terrorism activities should Kenya participate in the military interventions. However, escalated terrorist activities planned by separatists in Somalia and executed on Kenyan soil prompted the Uhuru Kenyatta's government into an active military engagement named "Operation Linda Nchi" which means "defend the land"¹⁵³.

The relationship between Kenya and Ethiopia is driven by conservativeness, peaceful coexistence, trade and the issues of common interest that may arise. Kenya has no unique policy regarding Ethiopia. Relations with Ethiopia depend on matters that arise. Most of the issues are determined by shared infrastructure, economic activities and cross border social connections. Tensions are usually caused by the vulnerabilities associated with the named issues. The vulnerabilities include those affecting pastoralists, those affecting farming, formal employment, clan conflicts, Al-Shabaab violence, labor migration and recurrent droughts and famine. These vulnerabilities usually call for bipartisan response involving both Nairobi and Addis Ababa¹⁵⁴.

3.5.2. Kenya and the North African States

States in North Africa include Algeria, Egypt, Libya, Morocco, Sudan and Tunisia. These states are majorly Arabic speaking with strong leaning towards the Middle East. The relations between Kenya and the North African states are cordial and limited to trade and economic matters except

¹⁵² Mahmood, M. (2011). *The East African federation: challenges for the future*. East African Legislative Assembly Symposium.

¹⁵³ Ibid 163.

¹⁵⁴ European Union Emergency Trust Fund. (2016). *Cross-Border Analysis and Mapping: Cluster 2: Kenya-Somalia-Ethiopia*. Retrieved August 25, 2017, from <https://www.soas.ac.uk/ref-hornresearch/research-papers/file115290.pdf>

for Egypt with which Kenya has a special connection arising from the River Nile. Key issues that determine the relationship between Kenya and North African states are promotion of economic interests, environmental issues, peace and security, good governance and democracy¹⁵⁵.

3.5.3. Kenya and the West African States

West African states include Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Mauritania, Niger, Nigeria, Saint Helena, Senegal, Sierra Leone, São Tomé and Príncipe and Togo. Kenya has generally maintained relations with West African states basing on promotion of economic interests, environmental issues, peace and security, good governance and democracy¹⁵⁶. Worth mentioning is Ghana which, through President Sammy Kuffuor and Koffi Annan, intervened in the 2007 post-election violence that negotiated the government of national unity headed by Mwai Kibaki and Raila Odinga.

3.5.4. Kenya and Southern African States

Southern Africa states include Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe. The relationship between Kenya and each of the states in southern Africa is based on economics, peace; environmental; cultural and Diaspora. The transformation South Africa from its apartheid policy to the non-apartheid policy strengthened ties between Kenya and South Africa. South Africa identified Kenya as one of its regional springboards to its economic thrust. The reason is that South Africa perceived strength of these economies relative to the rest of countries in the region. South Africa plays a key role of being a strategic intermediary that connects countries in southern Africa, and Kenya too, to global capital and production activities¹⁵⁷.

3.6. Political Institutionalization in Kenya's and Relations with the Other African States

To demonstrate the connection between political institutionalization and Kenya's relations with other African countries, this section will focus on political party institutionalization and parliament

¹⁵⁵ Makowenga, O. J. (2015). *Kenya Mission in Cairo: Strategic Plan 2015/16 - 2017/18*. Nairobi: Government of Kenya.

¹⁵⁶ Ibid 167.

¹⁵⁷ Nyang'oro, J. E. (1998). Post-Apartheid Kenya-South Africa Relations. *Lesotho Social Science Review*, 4(2), 49-63.

which provide, or offer support to the political direction of the country. The aim is to demonstrate that each has an effect on Kenya's relations with other African countries.

Political parties in Kenya do not fit the definition of institutions. They are more of haphazard organizations meant to serve the short-term purpose of getting a presidential candidate into office. As a result, parties keep changing from time to time and from one election to another. Political parties change relations of Kenya with other countries through working to rubberstamp the direction supported by their leader. Since Moi's ascension to power and his survival through the first ten years of multiparty era, political parties were replicas of ethnic politics. Moi's strategy was to polarize the opposition parties into ethnicity. He succeeded to a great extent. While the parties fought each other, by the principle of divide and rule, Moi had space in charting the relations with other countries. With the "fuata nyayo" policy maintained Jomo Kenyatta's policy of peaceful existence with neighbors and other countries; resolution of contentions by quiet means; promotion of regionalism; respect for the balance, power and regional integrity of states; respect for international standards, traditions and law; adherence to the rule of non-alignment; and justice and equality in the conduct of worldwide relations¹⁵⁸. As a result, Kenya remained majorly passive on many issues affecting Eastern Africa and the rest of Africa. For instance, Kenya was passive regarding the meltdown of Somalia that began with the fall of Siad Barre in 1991. Kenya did not take steps beyond diplomacy to stabilize the civil war in The Sudan. Above hosting President Museveni during the turmoil in Uganda that saw Museveni toppled Milton Obote in 1986. Kenya did not intervene during the Hutu versus Tutsi bloodbath in Rwanda and Burundi. In return, Kenya bore the weight of hosting refugees from these countries.

Mwai Kibaki's era was featured with his illness and old age. As a result, his leadership borrowed much from Jomo Kenyatta by using delegation. Kibaki was more hands off and laid back. When he took power after the exit of Moi, Kibaki took business/economic approach to presidency. He became mainly apolitical. Rather than using aggressive methods to manage the opposition, Kibaki used reward to ensure loyalty¹⁵⁹. His political outfits such as PNU resorted to defending him from

¹⁵⁸ Abdi, A. M. (2016). Determinants of foreign policy formulation in developing countries: A case of Kenya. *International Academic Journal of Arts and Humanities*, 1(1), 1-53.

¹⁵⁹ Amutabi, M. N. (2009). Beyond Imperial Presidency in Kenya: Interrogating the Kenyatta, Moi and Kibaki Regimes and Implications for Democracy and Development. *Kenya Studies Review*, 1(1), 55-84.

attacks of the opposition while focusing on economic issues. The hands-off approach was equally applied on most issues regarding relations with other African countries. Participation on regional matters were limited to roles through UN, humanitarian agencies, AU, IGAD and EAC. An indicator of Kibaki's focus on economics as the key motivation for relations with other African states, Kibaki appointed Dr. Shem Ochwodho in 2005 to go and head Rwanda Information Technology Authority (RITA) as a technology expert for two years. This sparked the digitization of Rwanda. The country exported businesses to southern Sudan which had just acquired independence from Khartoum through a referendum. Regional business with other countries rose. Political parties that supported him also agreed with this direction of events.

Right from the onset of Uhuru Kenyatta's presidency, under a newly passed constitution, the key issue that faced the presidency was the case at the ICC. The issue had badly polarized the country¹⁶⁰. Free, fair and peaceful elections would solidify democracy in Kenya and ensure sustainable economic growth. A failed elections process would adversely affect other African countries, especially those in the East African Community. After winning the presidency after a court contest, TNA and other supporting parties coalesced into supporting the presidential position over the ICC cases. As a result, Kenya went on the offensive to persuade African countries to offer support to Kenya that led to a threat to exit the ICC because of politicization of the ICC against African leaders. With control of the parties, it was automatic that both the National Assembly and the Senate followed suit given that most matters were decided on party lines. With a clear majority in both the National assembly and the senate, the president had his way.

3.7. Concluding Remarks

Political institutionalization in Kenya still has a long way to go. Despite the realization of the need of having stable institutions in Kenya, politicians who take power to rule the country keep wrecking the process of truly creating the institutions. As a result, the approach to relationships with other countries has been consistently haphazard and dependent upon the whims of the current leader of the country. As a consequence, there is no significantly clear policy concerning the relationship with Kenya and other African states other than the non-interference in other countries' internal

¹⁶⁰ Kimenyi, M. S. (2013). Kenya at a tipping point: the 2013 presidential election. *The Brookings Institution, Africa Growth Initiative*, 1-4.

affairs as was held during the non-aligned movement. Kenya has generalist relations with other countries basing on general trade agreements and general good neighborliness. This seems to be a strategy, as used by many other African leaders, to protect themselves from interference of other leaders even when atrocities on citizens are evident.

4. REGIME INTERESTS AND KENYA'S RELATIONS WITH OTHER AFRICAN STATES

4.1. Introduction

The interests of every regime in Kenya are vested in the presidency. Since attaining political independence in 1963 from its colonial masters, the British, Kenya has had four presidents. The four are Jomo Kenyatta (1963-1978), Daniel arap Moi (1978-2002), Mwai Kibaki (2002-2013) and Uhuru Kenyatta (since 2013 to date). The change from multiparty politics in 1964 to one party state and back to multiparty state in 1992 has persistently maintained a powerful presidency. Coupled with weak political institutions and the culture of "the big man" the presidency has immense control on the functioning of the nation and determine the path of the country in local and international issues. This chapter traces patterns of the interests of the presidency since independence to date. The chapter will also discuss the effect of the interests of the presidency on Kenya's relations with other African states.

4.2. Regime Interests in Kenya

Regime interests are discussed in three eras that define the regime change in Kenya. These are the Jomo Kenyatta era, the Moi era and the Post Moi era.

4.2.1. Jomo Kenyatta Era

After independence, and Jomo Kenyatta assuming power in 1963, the riding issue that faced presidency was consolidation of power and control of the then strong opposition. The first government had political luminaries, key among them being Jaramogi Oginga Odinga who had stepped down for Jomo Kenyatta through the famous position of "no Kenyatta no freedom"¹⁶¹. With Kenyatta as the president and Oginga Odinga as the vice president under the KANU the ruling party, there were two centers of power one headed by Jomo Kenyatta while the other headed by Oginga Odonga and this posed a threat to the stability of Kenyatta's government. Soon after, in

¹⁶¹ Kivuva, J. M. (2014). Restructuring the Kenyan State. Society for International Development, *Constitution Working Paper No. 1*.

1966, Odinga quit KANU and the vice presidency and formed the Kenya People's Union (KPU). The need to consolidate power and weaken opposition became real in the view of the president¹⁶².

While the constitution concentrated political power concentration in the executive arm of the government, the president had total control over the executive. This in effect created an imperial presidency. Such immense political power gave Kenyatta the leverage to control the political landscape in his favor. The executive oversaw constitutional amendments to remove almost every check on executive action. Institutions that had constitutional powers to oversee the executive were weakened through intimidation or manipulation. Any consultations regarding key policies were done with members of Kenyatta's inner circle made of very close friends and a team of technocrats composed of ministers, high-ranking civil servants, relatives and friends from Kikuyu community. The implication was that the presidency did not have the interest of building strong institutions in order to avoid the institutions falling in the hands of others who would use the for political domination¹⁶³.

Consolidation of power was enhanced by the introduction of the single party rule under the reason that Kenya was not mature for many political parties¹⁶⁴. Many parties would divide the nation instead of building national unity. Politically, the one-party system enabled reigning in dissidence and strengthening rule by the minority. The president used their offices in ways that led the country towards degeneration featured with lack of unaccountability to the people, high levels of nepotism and the unfair distribution of national resources. The colonial system of divide-and-rule politics was strengthened and power was used arbitrarily to satisfy the whims of the president¹⁶⁵.

The Kenyatta government relied heavily on the kikuyu community to push political agenda¹⁶⁶. Political bureaucracy became deeply entrenched and civil servants became heavily politically

¹⁶² Mutula, S., Muna, W. K., & Koma, G. P. (2013). Leadership and Political Corruption in Kenya: Analysis of the 2010 Constitutional Provisions on the Presidency. *The Journal of Social, Political and Economic Studies*, 38(3), 263-286.

¹⁶³ Odhiambo-Mbai, C. (2003). *The rise and fall of the autocratic state in Kenya*. In W. O. Oyugi, P. Wanyande, & C. Odhiambo-Mbai, *The politics of transition in Kenya: From KANU to NARC*. Nairobi: Heinrich Boll Foundation.

¹⁶⁴ Kivuva, J. M. (2014). Restructuring the Kenyan State. Society for International Development, *Constitution Working Paper No. 1*.

¹⁶⁵ Amutabi, M. N. (2011). Interrogating the tumultuous Relationship between Parliament and the Executive in Kenya over the past 45 years: Retrospection. *Kenya Studies Review*, 3(3), 21-44.

¹⁶⁶ Vianni, W. (2016). *Jomo Kenyatta: War, Land, and Politics in Kenya*. In O. E., & A. W., *Governance and the Crisis of Rule in Contemporary Africa*. African Histories and Modernities. New York: Palgrave Macmillan.

inclined. Despite having constitutional powers as a supreme body, the legislature hardly functioned as a check on the executive. The national assembly was under the direct control of the president through a constitutional clause that allowed the president to dissolve, summon and prorogue Parliament arbitrarily¹⁶⁷. Eventually, the executive frequently ignored parliamentary decisions and could introduce retrogressive motions that were easily passed in parliament. Intimidation and harassment of dissident MPs as was done in 1974 when one MP was murdered, three detained and three others imprisoned made MPs to keep off challenging the executive¹⁶⁸. The death of Jomo Kenyatta in 1978 ushered in the Nyayo era under President Daniel arap Moi.

4.2.2. Moi Era

Moi Era is famously known for the "Fuata Nyayo" policy. Nyayo is the Kiswahili language word for footsteps¹⁶⁹. On assumption of power after the demise of Kenyatta, Moi promised to "follow the footsteps" of Kenyatta captured under the phrase "fuata nyayo". This meant maintaining the status quo. In the "fuata nyayo" policy, Moi's regime continued adjusting the constitution to suit presidential whims¹⁷⁰. In 1982 Section 2 (a) was introduced in the making Kenya a legally one-party state and banned all political parties except KANU. KANU party officials became powerful and dominated the legislature and the Public Administration. KANU's disciplinary committee had the powers to summon and discipline MPs with questionable loyalties despite parliamentary immunity constitutionally accorded to MPs. The aim here was to consolidate power and weaken any form of opposition while maintaining KANU as the largest party in Kenya.

While Jomo Kenyatta respected elections, but intimidated elected MPs, Moi went further. Moi openly manipulated elections in favor of desired and handpicked candidates. This became the order of the day and, for this reason, MPs sought for ways to endear themselves more deeply to President Moi for political life. Moi's single-party rule resulted to single party authoritarian rule¹⁷¹. More constitutional amendments such as that of 1986 ended the security of tenure accorded the Attorney

¹⁶⁷ Ibid 171.

¹⁶⁸ Ibid 171.

¹⁶⁹ Adar, K. G. (2000). The internal and external contexts of human rights practice in Kenya: Daniel Arap Moi's operational code. *African Sociological Review*, 4(1), 74-96.

¹⁷⁰ Kanyinga, K. (2014). *Kenya: Democracy and Political Participation*. Nairobi, Kenya: Open Society Foundations.

¹⁷¹ Patel, P. (2001). Multiparty politics in Kenya. *Revista Ciencia Politica*, 21(1), 154-173.

General, the Controller and Auditor General¹⁷². The suffocating political space, diminished importance of institutions led to the clamor for multiparty democracy and constitutional reforms began in Kenya. Most political institutions were mere rubberstamps of the president.

The motivation for these political moves to suffocate political freedom while centralizing power in the presidency was the political insecurity of the president. On assuming power in 1978, Moi was considered by the "Kiambu Mafia"¹⁷³ as a "passing cloud" whose role was warming the presidential seat for the mandatory three months after the death of Jomo Kenyatta. A more appropriate leader, presumably from Kikuyu community would replace him. Still not confident, in 1982 a coup attempt was staged against his government. Springing into action to put things back in order, calculated, methodical and effective methods were implemented to centralize power, weaken dissent and make all institutions submissive to the presidency¹⁷⁴. Moi's rule ended in 2002 after the maximum two terms of presidency in the multiparty era. The era was characterized by maintaining the strength of KANU, weakening political opponents such as Kibaki and Raila Odinga and having a stronger grip on power.

4.2.3. Post Moi Era

Moi's presidency ended during the multiparty politics and was featured with reluctance in ceding of political space¹⁷⁵. Though there was wider democratic space, the peaceful transition from Moi era to Kibaki's presidency in 2002 ushered in an ambitious spirit to amend the constitution with the hope of ensuring institutionalization and autonomy of institutions. Indeed, the government established the Ministry of Justice and Constitutional Affairs, The Anti-Corruption and Economic Crimes Act of 2003 was signed into law, the Kenya National Commission on Human Rights was established, The Commission on Illegal and Irregular Allocation of Public Land and the National

¹⁷² Ibid 190.

¹⁷³ Kiambu Mafia was a small inner circle of Kikuyu from Kiambu the Home District of President Jomo Kenyatta. They were a powerful group that whipped up tribal emotions, orchestrated by oath taking that, turned their tribal chauvinism against Vice-President Daniel arap Moi and later other leaders from Non-Kikuyu communities. Kiambu Mafia bought land for Kikuyu in Rift Valley and invested through Gikuyu Embu Meru Association (GEMA) holdings which changed names to Agricultural & Industrial Holdings Ltd after GEMA was banned in 1980 for being tribal.

¹⁷⁴ Kwaka, J. & Mumbo, H. (2011). *Political Leadership and Governance*. In J. Kwaka, O. Okombo, B. Muluka, & B. Sungura-Nyabuto, *Challenging the Rulers: A Leadership Model for Good Governance* (pp. 53-75). Nairobi: East African Educational Publishers Ltd.

¹⁷⁵ Githongo, J. (2007). Kenya's Fight against Corruption: An Uneven Path to Political Accountability. *Center for Global Liberty and Prosperity*, 1-8.

Anti-Corruption Campaign were established and the Judiciary underwent radical surgery to clean it up and reclaim public confidence in it.

However, partisan interest wrecked the process when in the ruling NARC coalition split into Liberal Democratic Party (LDP) pitted against the National Alliance Party of Kenya (NAK). By 2007 elections, NARC was an empty shell¹⁷⁶. At this point, the interest of Mwai Kibaki as the president changed. He now focused on protecting himself while in power and ensuring his harsh opponents were kept in check. This led to great injury to the institutionalization process that had been aggressively began.

Since 2002, institutionalization of political parties suffered at the altar of ethnicity, intra-elite differentiation¹⁷⁷. For instance, the rise of NARC to power after defeating KANU gave hope to Kenyans who believed that institutions will guide policy in Kenya. However, political supremacy fight between LDP and NAK killed NARC and with it the institutionalization process. The ECK was weakened politically leading to contentious elections that led to the post-election chaos in 2007. Manipulation of elections as was done during Moi era had found its way back. The chairman of the ECK was unable to tell who had won the elections since he had no control over manipulations conducted at the polling station¹⁷⁸. While there was an impasse, Mwai Kibaki was hurriedly sworn in plunging the country in chaos.

In the multiparty era, three institutions exemplify institutional failure due to the whims of the political elite. These are political parties, the elections commission (IEBC) and the anticorruption body, the Ethics and Anti-Corruption Commission (EACC). Political parties are formed and registered haphazardly, not for a clear political ideology but for the convenience of those forming them. For their convenience in taking power from Daniel Moi, all those in opposition and KANU rebels teamed up in the NARC coalition of smaller parties. When differences arose between Raila Odinga's wing and that of President Kibaki over the breach of pre-election agreements, Raila Odinga's wing pulled out of government in 2005. By the time 2007 election were held, Kibaki had dumped NARC to form Party of National Unity (PNU) while Raila Odinga had formed the Orange

¹⁷⁶ Kagwanja, P., & Southall, R. (2010). *Kenya's Uncertain Democracy: The Electoral Crisis of 2008*. New York: Institute of Social and Economic Research.

¹⁷⁷ Bedasso, B. E. (2015). Ethnicity, elites and political stability. *Journal of African Affairs*, 114(456), 361–381.

¹⁷⁸ Long, J. D. (2012). Voting, Fraud, and Violence: Political Accountability in African Elections. *University of California*.

Democratic Party (ODM) which had led opposition to the constitution draft in the 2005 referendum. The time 2007 elections were held, ODM had teamed with other parties to form the Coalition for the Restoration of Democracy (CORD) which competed with Kibaki's PNU¹⁷⁹.

In the 2013 elections, Uhuru Kenyatta, a presidential candidate had formed The National Alliance Party (TNA) with which he teamed up with William Ruto who had formed United Republican Party (URP) of Kenya after fallout with CORD over the International Criminal Court (ICC)¹⁸⁰ cases. ODM which was a member of CORD had split giving the rise of ODM-K led by Kalonzo Musyoka. There were many other parties. By the end of 2012 there were over 52 registered parties. The union between Uhuru Kenyatta's TNA and William Ruto's URP was driven by the cases they faced at the ICC over the post-election violence. To leverage their pullout from the ICC case, it was important that they win the 2013 election¹⁸¹. Their interest became, first, crippling of the ICC case, controlling their main opponent Raila Odinga by ensuring Raila Odinga does not become president, and ensuring their perpetual grip on power.

Uhuru Kenyatta with his running mate was declared president and deputy president following a Supreme Court ruling in 2013. By the time the 2017 elections came, there were new party outfits formed. The TNA and URP dissolved forming the Jubilee Party (JP) while the ODM teamed up with other parties such as Amani National Congress (ANC), Wiper Party, FORD-Kenya and Chama Cha Mashinani (CCM) to form the National Supper Alliance (NASA). The JP and NASA were the main contenders of the elections in 2017. Not formed basing on ideology, the elections seemed to be a contention between Uhuru Kenyatta and Raila Odinga both sons of the first president and vice president of Kenya respectively. Secondly, Uhuru Kenyatta and William Ruto were still facing the threat of the ICC since their cases could be opened if fresh evidence was offered¹⁸².

¹⁷⁹ Kadima, D., & Owuor, F. (2016). Kenya's decade of experiments with political party alliances and coalitions. *Journal of African Elections*, 13(1), 150-180.

¹⁸⁰ Mr. Uhuru Kenyatta, together with Francis Muthaura and Hussein Ali had been charged with crimes against humanity, including murder, deportation or forcible transfer of population, rape, persecution and other inhumane acts, in the context of the 2007-2008 post-election violence in Kenya. William Ruto and Joshua arap Sang were also accused over the post-election violence.

¹⁸¹ Ibid 183.

¹⁸² The prosecutor of the ICC, Fatou Bensouda had argued that by being president and deputy president, Uhuru Kenyatta and William Ruto had effectively frustrated her effort to access evidence from Kenya. In their ruling the judges handling the case closed the case citing lack of evidence. Fresh evidence could revive the cases.

The anticorruption body in Kenya, the EACC, was formed to ensure the integrity of political institutions and politicians and holders of public office. However, the body has been unable to carry out its mandate effectively. The war on corruption through an independent institution began with the creation of Kenya Anti-Corruption Authority (KACA) in 1987. However, its first director Harun Mwau was appointed in 1997 after being dormant for ten years. Mwau was suspended after only six months in office and later removed through a Judicial Tribunal appointed by the then President Daniel Arap Moi. The second director was Justice Aaron Ringera who was appointed in 1998. In 2000, through a High Court case, it was held that the existence of KACA undermined the Attorney General and the Commissioner of that the statutory provisions establishing the KACA were in conflict with the Constitution. KACA was disbanded¹⁸³. Fresh energy in the anticorruption crusade was indicated by the establishment of KACC as the independent principal anti-corruption agency in 2003 after the disbandment of its predecessor KACA. KACC was established as a corporate body to investigate any matter that can allow or abet corruption or economic crime¹⁸⁴.

Despite all the provisions to KACC formed under the Anti-Corruption and Economic Crimes Act, the commission did not have prosecutorial powers. According to John Githongo¹⁸⁵ many high-level officials were key players in grand corruption. Among these officials were the then Vice President Moody Awori, the Attorney General Amos Wako, the Finance Minister David Mwiraria, the Energy Minister Kiraitu Murungi, Minister for Internal Security Chris Murungaru, head of the KACC Aaron Ringera and even the President himself Mwau Kibaki¹⁸⁶. KACC is handicapped by challenges to its powers. A key challenge is that it conflicts with the fundamental criminal principle presupposing innocence until proven guilty. Inability of KACC to prosecute has led to cases being handed to the Attorney General's office where they have died.

With the ratification of a new constitution, KACC was reinvented into the EACC was to be granted prosecutorial powers. However, political interference by the executive is still evident. Kibaki desired to maintain his close friend Justice Aaron Ringera as the director of EACC despite

¹⁸³ Gathii, J. T. (2011). Kenya's Long Anti-Corruption Agenda 1952-2010: Prospects and Challenges of the Ethics and Anti-Corruption Commission under the 2010 Constitution. *Loyola University Chicago, School of Law*.

¹⁸⁴ Ogwang', L. V. (2007). Rethinking Kenya's anti-corruption strategies: lessons from Botswana. *Universidade Eduardo Mondlane, Maputo, Mozambique*.

¹⁸⁵ Former Permanent Secretary in the Office of the President in charge of Governance and Ethics of the Kenya Government

¹⁸⁶ Ibid 188.

performing dismally as the director of KACC. However, parliament decided on Patrick Lumumba rejection of Kibaki's unilateral attempts to renew Ringera's contract. Lumumba reopened the Goldenberg and Anglo-Leasing scandals and indicated investigations about at least four cabinet ministers, 50 senior government officials and parliamentarians. He was abruptly removed from office in August 2011. This was an indication of lack of political will to ensure institutionalization of EACC. Lumumba was replaced by Matemu Mumo after agreement between President Mwai Kibaki and Prime Minister Raila Odinga. The performance of EACC is still dismal under the government of Uhuru Kenyatta and William Ruto who seem unable to tame grand corruption¹⁸⁷.

Interests of the regime have also controlled the institutionalization of the elections body over time. Many a time since independence, Kenya has witnessed elections that have never been free of fraud as seen in the complaints that arise after the elections. When investigating the 2007 post-election violence, the Krieger commission recommended a deliberate and long-time investment in the elections process to turn it into an independent and credible elections system¹⁸⁸. This recommendation was an indication of the poor state of elections management in Kenya.

According to Krieger's report the ECK did not have the requisite independence, capacity and functionality. It had a weak organizational structure, a weak composition and weak management systems. The public did not have confidence in the professional credibility of its commissioners and staff. This made it unable to have functional inefficiency that made it unable to properly discharge its mandate. The commission also noted serious defects in the voter register and the defective demarcation of boundaries of constituencies which impaired the legitimacy of the electoral process. These weaknesses were used to manipulate electoral results in favor of those in power¹⁸⁹.

¹⁸⁷ Olick, F. (2016). *I have played my part in corruption fight – Uhuru*. The Star. Retrieved August 27th, 2017, from https://www.the-star.co.ke/news/2016/10/19/i-have-played-my-part-in-corruption-fight-uhuru_c1440505

¹⁸⁸ National Council of Churches of Kenya. (2009). *Independent Review Commission (IREC) {Krieger Commission}: Final Report*.

¹⁸⁹ Ongoro, A. L. (2013). *Democracy and elections in Africa: the case of Kenya, 2007-2012. Research Project, University of Nairobi*.

4.3. Regime Interests and Relation with the other Africa African States

Given the evidence that the manipulation of Kenya's political institutions has had an effect on their institutionalization leaving them at the whims of the regime of the day, how then does this affect the relations between Kenya and other African states? To show the connection between the influence of the regime on institutionalization and international relations about African countries, the study will focus on political parties and parliament, the election process, the judiciary and the anticorruption crusade.

Political parties in Kenya follow the whims of the leader. They become the instruments with which leaders in Kenya gain control of the country then use them to hold firmly on power. As the regime of the day holds firm on power, the intention of the regime becomes weakening the opposition while making move to expand his political space. This is usually done by raiding the strengths of the political opponents. The strengths of the opponents can be reduced through financial clips, demonizing, persuading key members to keep off the opponents, using financial might, using government machinery etc.¹⁹⁰. Once the democratic space of the opponent is suffocated, the executive develops dictatorial tendencies in effect determining relations with other African states through weakening alternative voices to decisions.

During Kibaki's presidency, the first term which was between 2002 and 2007, the interest of the president was to have a peaceful term, have a new constitution in place, work harmoniously with all political parties, push economic growth upwards and ensure peaceful relations with other countries. The desire to have peace saw relations between Kenya and other countries in Africa demonstrate a lot of diplomatic activity with trading deals.¹⁹¹In Kibaki's second term after the 2007 contested elections, the focus was on controlling the opposition led by Raila Odinga. This saw ties with president Museveni of Uganda become even closer given that Western Kenya which was seen as Opposition stronghold is closer to Uganda. The destruction of the railway passing through Kibra informal settlements to Uganda, which is a key import transportation system to Uganda, reaffirmed the relations. Ghana was involved in Kenya's activities through ensuring that

¹⁹⁰ Mueller, S. D. (2014). Kenya and the International Criminal Court (ICC): politics, the election and the law. *Journal of Eastern African Studies*, 8(1), 25-42.

¹⁹¹ Ibid 208.

a peaceful negotiation for power was reached and maintained by diplomatic means through the president Sammy Kuffuor and Koffi Annan.

The entry of Uhuru Kenyatta changed the scenario. In the first term between 2013 and 2017 the interests were the management of the ICC case facing him and five others, and the escalating violent activities from Somalia. President Uhuru Kenyatta up scaled military intervention in Somalia. As a result Kenya teamed up with Ethiopia and Uganda to form a military unit to tackle Somalia insurgents. To ensure the collapse of the ICC case, Kenya launched a spirited shuttle diplomacy campaign in Africa for the purpose of making a political statement about the ICC prosecuting a sitting African president. Such a case was a first of its kind. In the same period, Kenya was interested in making its minister of foreign affairs, Amina Mohammed, the chairperson of the African Union (AU). Hopping to ride on the successful campaign regarding the ICC, campaigns were conducted, but after an election held in Addis Ababa. Amina lost the election and among those who did not vote for her were Uganda, a close ally of Kenya, Djibouti, Rwanda and Burundi¹⁹². Uganda later pulled out of the deal to co-fund the construction of a new standard gauge railway from Mombasa to Kigali through Kampala¹⁹³. Instead Uganda opted for co-funding such a railway system with Tanzania which, though longer, was way cheaper and free of interference by unstable Kenyan politics. Rwanda also ditched the deal. This move added more fuel to the rivalry between Kenya and Tanzania as Kenya seemed more isolated¹⁹⁴.

¹⁹² Ayaga, W., & Onyango, P. (2017). How Amina lost African Union commission post to Chad candidate. *The Standard Digital*. Retrieved August 29th, 2017, from <https://www.standardmedia.co.ke/article/2001227768/how-amina-lost-african-union-commission-post-to-chad-candidate>

¹⁹³ Muriithi, P. (2016). Decamping of Rwanda, Uganda is not end of the road for Kenya. *Daily Nation*. Retrieved August 29th, 2017, from <http://www.nation.co.ke/oped/Opinion/decamping-of-rwanda--uganda-is-not-end-of-the-road-for-kenya/440808-3257118-10bioqr/index.html>

¹⁹⁴ Wafula, P., & Omondi, D. (2016). Collapse of EU trade deal: Kenya finds itself isolated for a third time in four months. *The Standard Digital*. Retrieved August 29th, 2017, from <https://www.standardmedia.co.ke/business/article/2000211386/collapse-of-eu-trade-deal-kenya-finds-itself-isolated-for-a-third-time-in-four-months>

5. SUMMARY AND CONCLUSIONS

5.1. Introduction

This section provides a summary of the research which provides a brief outline of what the research was about. The chapter also provides a summary of the findings according to its objectives. The chapter also draws the conclusions and makes recommendations.

5.2. Summary

The aim of this study was to determine how transition politics affect state relations. The study was conducted with focus on Kenya covering the period 1963 to 2017. The specific objectives were two. These were: assessing the effect of political institutionalization on the relationship between Kenya and other African states; and establishing how regime interests in Kenya affect the country's relationship with other African states. The study was conducted through the use of secondary literature review. This was done by getting information from scholarly journal articles, past research projects, books, reports and newspaper reports relevant to the objectives of the researcher. A summary of the findings is given below.

5.2.1. Political Institutionalization and Kenya's Relations with the Other African States

Political institutionalization is the process through which political organizations in a country develop stability. In a transition economy such as Kenya, political organizations also keep changing as they seek to become stabilized institutions. As these changes occur, so does the relationship with other countries. This study focused on the changes in political parties, elections bodies, parliament and the judiciary in terms of how they change and the effect on relations with other countries in Africa. In the discussion, the research looked at the Jomo Kenyatta era, the Moi era, and the post Moi era.

During Jomo Kenyatta's reign, the focus was on Africanizing institutions. The aim was to enable independent Kenyans to take charge of all the institutions that were inherited from the colonial government in 1963. The excitement of the new state, made the president to be perceived as the "big man" giving him a lot of influence on who took charge of institutions in Kenya. As a result, most institutions, headed by Jomo Kenyatta's cronies, were highly influenced by the president.

This made the president have strong influence on decisions regarding relations with other countries in Africa.

During the Moi era, for a long time KANU was the only political party. However, the party never developed into an institution since instability was caused by the tribal inclination of the membership and the heavy controls by president Moi. This meant politics were about Moi. Agreeing with him and being loyal was highly rewarded while opposition was met with aggressive tactics. In the multiparty era, KANU survived through calculated weakening of opposition parties through divide and rule. Having declared that he will follow the footsteps of Jomo Kenyatta, Moi had, through KANU follow the policy of peaceful existence with neighbors and other African countries; quiet resolution of contentions; promotion of regionalism; respect for the balance, power and regional integrity of states; respect for international standards, traditions and law; adherence to non-alignment; and justice and equality in the conduct of worldwide relations.

During the era of Kibaki, KANU became a minor party with parties such as NARC and PNU becoming the major parties of the day. The parties coalesced around Kibaki who more hands off and laid back. Kibaki also took the economic/business to interstate relations. As a result, issues were settled diplomatically and Kenya never interfered in the affairs of other countries whatsoever. Instead, Kibaki sought to turn relations into business and trading opportunities. As a result, regional trading grew and the formation of the EAC became a priority and a unifying factor.

When Uhuru Kenyatta became president, the scenario transformed. TNA united with URP supported by other minor parties to form the ruling outfit while the CORD formed the opposition. The ICC cases facing Uhuru Kenyatta and William Ruto¹⁹⁵ took the center stage paired with escalating terrorist activities done by Somalia separatists on Kenyan soil. NARC and PNU had diminished into minority with the exit of Kibaki. Kenya went out on an offensive campaign to unify African nations in standing against the issue of a sitting African president facing a case at the ICC. Active interventions into Somalia under "Operation Linda Nchi" in which Kenyan troops fought the separatists in Somalia were launched. Kenya also advanced the EAC by attempting to execute the deal with Uganda, Rwanda and Burundi entered into by Kibaki to construct a railway from Mombasa to Kigali. However, citing costs, Uganda and Rwanda pulled out of the deal and

¹⁹⁵ William Ruto is the Running mate of resident Uhuru Kenyatta and the current deputy president of Kenya

entered a similar one with Tanzania. Towards the end of the first term of Uhuru and Ruto in 2017, Kenya seemed isolated from the other East African states as shown by their failure to support Amina Mohamed, the Kenyan Minister for foreign affairs who vied for the chair of the African Union. Kenya constructed the SGR alone.

5.2.2. Regime Interests and Kenya's Relations with the Other African States

In discussing the effect of regime interests on Kenya's relations with other African state, the study covered the period between 1963 and 2017 covering all the four presidents Kenya has had since independence. The first period is the fourteen years between 1963 and 1978 under Jomo Kenyatta. The second era is the period between 1978 and 2002 under Moi. The third era is the ten-year period between 2002 and 2013 under Kibaki while the last era is after 2013 with Uhuru Kenyatta as the president.

During Jomo Kenyatta's era, the overriding interests of the regime were consolidation of power, wiping out opposition politics by making KANU the only political party. Consolidation of power would ensure the regime had full control of all activities in the country enabling it command loyalty for all. Killing the opposition was done under the pretext that Kenya was not yet ripe for multiparty politics. Such interests made it difficult to institutionalize policy regarding Kenya's relationship with other African states. The cowed politicians and institutions in the form of political party KANU parliament, the Judiciary, etc. had to satisfy the wishes of the president. At that time, with the support of president Kenyatta an all political institutions Kenya followed the policy of peaceful existence with African countries; quiet resolution of interstate contentions; promotion of regionalism; respect for the balance of power and regional integrity of states; respect for international standards, traditions and law; and adherence to non-alignment.

During Moi's time after the death of Jomo Kenyatta, Moi followed Jomo Kenyatta's footsteps. He maintained the status quo in the first fourteen years of his regime. However, he was more aggressive in controlling dissent. Politicians were weakened through the manipulation of the electoral system and the use of KANU as the punisher. Moi had a strong grip on the National Assembly and the Judiciary. When Multiparty set in, tribal politics shifted from inside KANU and expanded to party levels. The divide and rule approach still made Moi to be worshiped by

politicians. Kenya still maintained the policies of Jomo Kenyatta as regards the east African countries and the rest of Africa.

Kibaki's tenure was featured with a lot of delegation of responsibility while the president himself laid back. Economic matters took the central stage. With support arising from rewarding stalwarts and ignoring non-supporters, Kibaki consolidated power in NARC and later PNU with the parties supporting his desire to focus on business relations with other African states. This period saw Kenya avoid direct confrontation with Al Shabaab while supporting countries like Uganda to conduct military operations in Somalia. Kenya's economy recorded growth and with it trade with other African states especially those in East Africa.

The ascent of Uhuru brought mixed directions in relations. Haunted with the post-election violence case at The Hague, relations with other African states seemed to build around the cases. This was indicated by the spirited shuttle diplomacy that saw most African heads whipped into stating a united position threatening to pull out of the agreement that created the ICC if the case is not terminated. After the collapse of the ICC case, aggressive shuttle diplomacy similar to that about the ICC case was conducted to enable Kenya to head the AU. This was defeated with some of the close east African friends opting to vote against the Kenyan candidate. Countries in east Africa that had agreed to collectively construct the standard gauge railway from Mombasa to Kigali opted out leaving Kenya to build it alone while they opted to team up with Tanzania. This indicated colder relations limited to general diplomacy.

5.3. Conclusion

From the findings discussed above this study makes the following conclusions. First, the relation between Kenya and other African countries vary but build around the general principles of peaceful existence with African countries; quiet resolution of interstate contentions; promotion of regionalism; respect for the balance of power and regional integrity of states; respect for international standards, traditions and law; and adherence to non-alignment. The variations occur due to political institutionalization in Kenya. The weak institutionalization contributes to the direction relations with other African states takes.

Weak political institutionalization means the political institutions in Kenya are still unstable as a result of the transition politics as Kenya makes steps towards democratization. Political parties keep changing after every election and with change in leadership. The changes influence the direction leadership takes regarding other countries. However, the relations seem not to be outside the general direction of international relations. Kenya has not been able to chart out a unique relationship with other African countries even where it is leading on matters such as economic relations with East African countries. If political parties, for instance, were properly institutionalized, then it would be the leaders adjusting to party ideals as opposed to the reverse.

The study concludes that in Kenya leaders are still the "big men" led by the president. Kenyans are practically not able to differentiate, for instance, presidency from the president. What the president does or says is law irrespective of whether it resonates with institutions. Sometimes institutions have to realign to suit the needs of the president. As a result, the whims of the president and others in leadership determine which trajectory Kenya travels on the international scene.

Finally, the position Kenya holds on the international scene is squarely a product of Kenya's local political organization. The weaknesses of our political institutions and their unpredictability sends mixed signal to other African states weakening our position. In areas where Kenya shows some strength, like in business, other nations respond accordingly and want to do business with Kenya. When Kenya demonstrated strong organization when spearheading the discussion regarding the ICC, African nations responded favorably since the matter was of common interest in Africa.

5.4. Recommendation

Kenya has a lot to do if it must improve its position in its relations with other African states and the rest of the world. Basing on the findings of this study, the following recommendations are made.

Political institutions in Kenya must be strengthened by according them constitutional entrenchment, independent access to financing and freedom from political interference. These institutions include presidency, judiciary, the national assembly and the commissions. With strong institutions, Kenya's internal political environment will take a definite and predictable shape, enabling Kenya to be predictable over issues that will arise from the international scene. In this

regard, it is necessary for the president to adjust to presidency and not the presidency adjusting to the president. It is necessary for the president and every other leader in the country to adjust to the tenets of law and not the law adjusting to the needs of the leaders who use corrupt methods to bend the working of the law. It is necessary for parliament to have independence from the overbearing control from the president of the day. This is because, though being in parties, members of parliament represent the people's voice. A stable and independent parliament will focus on articulating issues affecting the citizen as opposed to serving the president's needs. Each and every commission formed, must be left to conduct its duty to the best of its knowledge without being influenced by external forces for reasons not beneficial to Kenyans. The stability that will be achieved in political institutions if the recommendations are followed will strengthen Kenya's international political standing amongst other African nations and this will help Kenya reap more benefits.

If political institutions are made independent and strong, this study recommends the reduction of the influence of the president and presidency on the institutions. Though the president needs to be protected from malicious intentions of politicians and political institutions, it should be clear that the institutions are more important than the president or the holder of any political office in the land. Till those who hold office know that, office holders will keep contesting to have individual interest to be addressed by institutions at the expense of what is right and of benefit to the citizen. This will weaken institutions making them responsive to the "big men", in effect weakening Kenya's international position.

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