

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**THE RISING CHALLENGES IN THE IMPLEMENTATION OF FOREIGN
POLICY: A CASE OF SUB-STATE DIPLOMACY IN KENYA**

BY

SARAH WANJA KAMANDE

REG NO: R50/75307/2014

**RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE MASTER OF ARTS IN
INTERNATIONAL STUDIES, AT THE INSTITUTE OF DIPLOMACY AND
INTERNATIONAL STUDIES (IDIS), UNIVERSITY OF NAIROBI**

2017

DECLARATION

I hereby declare that this research project is my original work and has not been submitted to this or any other institution.

Signature_____ Date_____

SARAH WANJA KAMANDE

This research project has been submitted for examination with my approval as the supervisor.

SUPERVISOR: PROF. AMB. MARIA NZOMO

Signature_____ Date_____

DEDICATION

This thesis work is dedicated to my family and friends who have been a constant source of support and encouragement during the challenges of graduate school and life. I am truly thankful for having you in my life.

This work is also dedicated to my parents, Dr. Waweru and Hellen Wanjiru, who have always loved me unconditionally and whose good examples have taught me to work hard for the things that I aspire to achieve.

ACKNOWLEDGEMENT

First and foremost, I must acknowledge my limitless thanks to God for His blessings. I am totally sure that this work would have never have come to be without His guidance.

I owe a deep debt of gratitude my Supervisor Professor Ambassador Maria Nzomo who worked hard with me from the beginning till the completion of the research. She consistently allowed this paper to be my own work, but steered me in the right the direction whenever she thought I needed it.

I would like to take this opportunity to say warm thanks to all my beloved friends, who have been so supportive along the way of doing my thesis. I owe profound gratitude to my good friend A.N. whose constant encouragement, limitless giving and great sacrifice, helped me accomplish my degree.

I also would like to express my wholehearted thanks to my family for the generous support they provided through the process of pursuing the master degree. Because of their unconditional love and prayers, I have the chance to complete this thesis.

Last but not least, deepest thanks go to all people who took part in making this thesis a reality.

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
TABLE OF CONTENTS.....	v
LIST OF FIGURES	x
ABBREVIATIONS	xi
ABSTRACT.....	xii
CHAPTER ONE	1
BACKGROUND OF THE STUDY.....	1
1.0 Introduction.....	1
1.1 Statement of the Research Problem	3
1.2 Research Questions	4
1.3 Research Objectives.....	5
1.4 Literature Review.....	5
1.4.1 Diplomatic Environment of Sub-State Governments and their Interactions within the International System.....	6
1.4.2 The Rationale Behind Sub-State Diplomacy	8
1.4.3 Rising Challenges in the Implementation of Foreign Policy	10
1.4.4 Regularization of Sub-State diplomacy.....	12
1.4.5 Conclusion.....	16

1.5 Justification of the Study	16
1.6 Theoretical framework.....	17
1.8 Research methodology.....	20
CHAPTER TWO	23
THE CHALLENGES OF FOREIGN POLICY IMPLEMENTATION: KENYA’S EXPERIENCE SINCE INDEPENDENCE	23
2.0 Introduction.....	23
2.1 Kenya’s Foreign Policy from Independence to Date.....	23
2.1.1 President Jomo Kenyatta’s Era: Foreign Policy from 1963 to 1978.....	23
2.1.2 President Moi’s Era: Foreign Policy from 1978 to 2002	25
2.1.3 President Kibaki’s Era: Foreign Policy from 2002 to 2012	27
2.1.4 President Uhuru Kenyatta’s Era: 2013 to 2017.....	29
2.2 Chapter analysis	31
CHAPTER THREE	32
FOREIGN POLICY IMPLEMENTATION IN THE 21ST CENTURY: SUB- STATE GOVERNMENTS DIPLOMACY.....	32
2.0 Introduction.....	32
2.1 Areas of International Interactions by Sub-State Governments	33
2.1.1 Politics and Institution Building.....	33
2.1.2 Economic Development	34

2.1.3 Education.....	35
2.1.4 Culture.....	36
2.1.5 Environment.....	36
2.1.6 Ethical Fields.....	37
2.1.7 Security.....	37
2.2 Sub-State Governments means of Diplomacy	37
2.2.1 Diaspora	37
2.2.2 Public Diplomacy.....	38
2.2.3 Networking.....	38
2.3 Key Findings.....	38
2.4 Chapter Analysis.....	42
CHAPTER FOUR.....	44
CROSSROADS OF SUB-STATE DIPLOMACY: UNDERLYING	
CHALLENGES.....	44
3.0 Introduction.....	44
3.1 Challenges in the Implementation of Foreign Policy	45
3.1.1 Political challenges.....	45
3.1.2 Constitutional challenges	46
3.1.3 Lack of compliance challenges	46
3.1.4 Resource challenges	47
3.2 Key Findings.....	48

3.3 Chapter Analysis	51
CHAPTER FIVE	52
EXPRESSING SUB-STATE DIPLOMACY AND THE LIAISONS THEREIN	52
4.0 Introduction.....	52
4.1 Mechanisms and Framework for the Conduct of Foreign Policy	52
4.1.1 The Kenyan Constitution	52
4.1.3 Devolution System of Government.....	55
4.1.4 Relations with the Central Government	56
4.2 Key Findings	56
4.3 Chapter Analysis	60
CHAPTER SIX	61
DATA ANALYSIS AND PRESENTATION OF DATA FINDINGS	61
5.0 Introduction.....	61
5.1 Data Collection	61
5.2 Data Analysis	62
5.2. 1 Key Global Trends in the Advancement of Sub-State Diplomacy	63
Figure 1: Trends that Advance Sub-State Diplomacy	63
5.2.2 Challenges raised by Sub-State Governments in the Foreign Policy Implementation by Central Government.....	64

Figure 2: Challenges raised by Sub-State Governments in the Foreign Policy	
Implementation by Central Government	64
5.2.3 Compliance to Constitutional and Institutional Mechanisms That Guide the Conduct of Foreign Policy	65
5.3 Overview of findings	66
5.4 Conclusion	67
CHAPTER SEVEN.....	68
CONCLUSION, RECOMMENDATIONS AND FUTURE RESEARCH NEEDS	68
6.0 Introduction.....	68
6.1 Conclusions of the Study	68
6.2 Recommendations.....	69
6.3 Areas of Further Study.....	70
BIBLIOGRAPHY	71
APPENDICES	77
APPENDIX 1: QUESTIONNAIRE 1	77
APPENDIX II: QUESTIONNAIRE 2.....	82
Interview Guide	86

LIST OF FIGURES

Figure 1: Trends that Advance Sub-State Diplomacy	63
Figure 2: Challenges raised by Sub-State Governments in the Foreign Policy Implementation by Central Government	64
Figure 3: Compliance to Constitutional and Institutional Mechanisms that Guide the Conduct of Foreign Policy	65

ABBREVIATIONS

ASEAN	Association of South-East Asian Nations
CEC	County Executive Committee
EAC	East Africa Community
EU	European Union
EU	European Union
FDI	Foreign Direct Investment
FDI	Foreign Direct Investment
H.E	His Excellency
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.
ICC	International Criminal Court
ICFP	Inter-ministerial Committee on Foreign Policy
IGAD	Intergovernmental Authority on Development
LAPPSET	Lamu Port – Southern Sudan – Ethiopia Transport Corridor
MDG's	Millennium Development Goals
MFA	Ministry of Foreign Affairs
MNC	Multinational Corporation
MOU	Memorandum of Understanding
SDG's	Sustainable Development Goals
UN	United Nations
US	United States

ABSTRACT

This research study set out to investigate the rising challenges in the implementation of Foreign policy through Sub-State diplomacy using Kenya as a case study. Sub-State diplomacy is best defined as the conduct of international relations by regional or devolved units with an aim of promoting self-interests. The study was guided by the following objectives: i) To examine the global conditions under which Sub-State governments advance sub-state diplomacy; ii) To examine the rising challenges that emerge from foreign policy implementation by sub-state governments; iii) To examine the constitutional and institutional mechanisms that guide foreign policy implementation. In addition, the study seeks to answer the following questions: i) What are the key global trends and structures in the advancement of Sub-State diplomacy? ii) What are the challenges encountered from foreign policy implementation by Sub-State Governments? iii) What are the constitutional and institutional mechanisms in place that guide the conduct of Foreign policy? The theory that guided the discussion was neo-functionalist theory which proposed a supra-territorial concept of authority that linked collective governance and material interdependence between states holding that society is a system of interconnected parts that cooperate and work together hence creating a sense of social balance for the whole system. I proceeded on the basis of assumptions that: i) 21st century globalization and the increased interdependence in the international arena has generated motivations for Sub-State governments' participation in international relations. ii) Sub-State governments raise challenges to Central government's implementation of foreign policy. iii) Non-compliance by Sub-State governments to constitutional rules and domestic institutional frameworks that guide the conduct of foreign policy raise challenges to the Central government's role of foreign policy implementation. Constitutional rules and domestic institutions in decentralized systems determine the implementation of foreign policy by Sub-State governments. These assumptions were adapted into testable indicators.

Both qualitative and quantitative methodology of data collection was employed and the findings were that: Globalization and the increased interdependence in the international arena generate motivations for Sub-State governments' participation in international relations. Political challenges, constitutional limitations and lack of resources together with compliance challenges hindered effective foreign policy implementation, and those Sub-State governments conduct of Sub-State diplomacy is guided by the Kenyan

Constitution together with the Devolution Acts. The Ministry of Foreign Affairs in turn coordinate the implementation of Foreign policy.

The findings of this study were that: i) Globalization and the increased interdependence in the international arena generates motivations for Sub-State governments' participation in international relations. ii) Political challenges coupled with constitutional imitations, lack of resources and lack of compliance to set rules and institutional mechanisms of foreign policy conduct hinders effective foreign policy implementation. iii) Of all the challenges lack of compliance by Sub-State governments to foreign policy conduct rules and institutional frameworks was a major causal factor..

The study thus recommends: On Policy Recommendations: i) Sub-State governments engagement in foreign policy must be complementary to the national government and Sub-State governments are obligated to render support to the Central government's foreign policy objectives through the enactment of appropriate policies. ii) The Central government must assist Sub-State governments develop administrative capacity through qualified and skilful staff to coordinate the conduct of foreign policy. iii) The Central government should consult Sub-State governments during treaty negotiations particular on issues that touch on them. iv) The Ministry of Foreign affairs in partnership with the Sub-State governments should establish an implementation, monitoring and evaluation plan for all the Memorandum of Understandings signed by the Sub-State governments. v) Sub-State governments should established a specific unit tasked with the responsibility of all international affairs conducts. This department should take the responsibility of providing appropriate administrative and technical support to the county personnel on all issues of international relations and also act as the office tasked with coordinating interactions with the Ministry of Foreign Affairs.

On academic recommendations: i) State diplomacy should be a focus topic in institutions of higher learning with in-depth discussions provided for the subject area. ii) Materials in terms of information resources on this subject area should be made available in the Public libraries. iii) More research on this topic expressly in the Case of Kenya should be pursued. Further research is also recommended on Sub-State diplomacy in Kenya and Africa as a whole due to the limited scholarly work available. In addition, the complex scholarly interpretation of Sub-State diplomacy begs for further research of the phenomenon.

CHAPTER ONE

BACKGROUND OF THE STUDY

1.0 Introduction

Diplomacy as a tool of implementing Foreign Policy remains as relevant and important today despite the rising changes in the global political and even social systems¹. While there has been a rise of new actors of diplomacy, new concerns and new technologies the traditional basic element of diplomacy remains and that is peaceful resolution of conflicts. One of the rising changes has been the increasing role of Sub-State governments in international relations which goes against the traditional view of states as the main actors of diplomacy². The central governments has for centuries had an almost exclusive role in the creation and implementation of Foreign policy but the situation today has changed substantially. The interactions in both the international and domestic systems have become more complex and non-central ruling classes within states have progressively engaged in international interactions as they seek to promote their political, economic and cultural interests. There are various variables which determine the extent to which the Sub-State governments participate in foreign policy. They include: International Law, constitutional framework, division of power between the central and Sub-State government, economic interdependence, geographical locations, political culture and political ambitions of the Sub-State leaders and partisanship. Thus implementation of foreign policy by sub-state governments implementation either run parallel to those of the central state, are complementary to it

¹ Kerr Pauline. *Diplomacy in a globalizing world: theories and practices*. Oxford: Oxford University Press, 2013.

² Medeiros Marcelo. *Subnational State Actors and their Roles in Regional Governance. Closing or Widening the Gap?* London: Routledge, 2007.

or in other instances are in absolute conflict with the foreign policy conduct of central government. Example of these Sub-State governments include; Cities, Counties, Federal states, and Municipalities. The degree of autonomy in these Sub-State governments differ from one region to another and similarly, they lend diverse Sub-State diplomatic influences in the sphere of international relations. Sub-State governments are defined as provincial government actors within a state that interact with other actors outside the state such as international businesses, foreign investors and even other states. The main purpose of such interactions is aimed at establishing social, cultural and trade linkages and promoting foreign direct investments. These Sub-State governments have functionary state capacities though in a limited territorial scope within the state and are progressively getting involved in foreign relations and in foreign policy implementation.

Increased globalization that has driven advances in telecommunication and far-reaching transportation networks has led to an infusion of foreign policy from the boundaries of central governments. Domestic issues have been interconnected with global challenges such as security, the environment, terrorism, immigration, trade and so forth. Sub-State leaders are traversing the international arena promoting cultural inter-linkages, trade and foreign investments for their regions. They are increasingly responding to global challenges as they seek to represent the local communities over whom they have responsibilities to harness resources and are in instances offered the same treatment as heads of states in their travels abroad and similarly within their territorial regions. In my judgement, Foreign-policy implementation hence is no longer being rendered as an exclusive reserve of central governments.

It's important to note however that Sub-State governments are not subject to international law and are not endowed with legal recognition to have an independent foreign policy nor engage in diplomatic engagements without authorization of the Central government which is the only custodian of sovereignty legitimized by International Law. Thus a Sub-State government purporting to engage in separate diplomatic engagement without authorization of the central government can only be treated as an act of impunity, a violation of international law and a constrain to the implementation of Kenya's overall foreign policy interests. The Kenya constitution does not provide for shared political sovereignty with county governments. Cases where Sub-State governments have played a diplomatic role are mainly in federal systems of government and they do so with the knowledge and concurrence of their central governments however Kenya is not a federal but a unitary system of government. This research project seeks to unravel the challenges that Sub-State governments present to the state in its set mandate of Foreign policy implementation and propose recommendations and resolutions.

1.1 Statement of the Research Problem

International Law clearly presents the concept that states are sovereign in nature and that the creation, implementation and conduct of foreign policy is the premise of states. The constitutional frameworks correspondingly enforce this. Thus diplomacy is a reserve of nation states. Problems however arise in the operationalization of the constitution on policy level.

To begin with, lack of clear mandates and limits of power on policy level have led to the Sub-State governments taking the roles of the executive and allocating sovereignty

upon themselves. Good examples are through usage of titles such as, “Excellency”, “First lady” and the use of state flags on their cars and in their offices. Other issues that constrain central government in implementation of foreign policy include; increased efforts by Sub-State governments to chart out an autonomous diplomatic engagement with the rest of the world, rather than as part of the central state.

In addition, conflicts arise due to the lack of compliance by the Sub-State governments to the guidelines set by the Ministry of Foreign Affairs which is centrally located. This presents a challenge to the Ministry of Foreign Affairs that is mandated by the central government to coordinate all matters of foreign affairs. For instance it is a reserve of the Ministry to send diplomatic letters on behalf of the sub-state governments. Lastly the absence of specific departments devoted to international relations within most of the Sub-State governments render the entities incapacitated. This creates major challenges to a harmonious implementation of foreign policy. By and large, Sub-State Governments taking on roles of the Central governments creates challenges in the advancement of foreign policy.

1.2 Research Questions

- 1 What are the key global trends and structures in the advancement of Sub-State diplomacy?
- 2 What are the challenges raised by Sub-State governments in the implementation of foreign policy by Central government?
- 3 What are the constitutional and domestic institutional frameworks in place that guide the conduct of Foreign policy?

1.3 Research Objectives

- 1 To examine the global conditions under which Sub-State governments advance sub-state diplomacy.
- 2 To examine the rising challenges presented by Sub-State governments during the implementation of foreign policy by Central governments.
- 3 To examine the constitutional and institutional mechanisms that guide foreign policy implementation.

1.4 Literature Review

During the last four decades, the conventional image of diplomacy whereby states were the main actors of international affairs has gradually changed¹. Significant attention is now being directed towards the international activity of Sub-State governments. This section examines the rising discussions and works in academic literature concerning Sub-State diplomacy as tool of foreign policy. The section is divided into three units that seek to review the three research objectives. First unit reviews the Sub-State governments, their diplomatic interactions on the international environment and the trends and structures they operate in. The second unit reviews the rising challenges that Sub-State Governments present in the implementation of foreign policy by Central governments. The third unit of the section examines the constitutional and institutional mechanisms in place that guide the conduct of Foreign policy. The review concludes with a summary of the main concerns in the literature reviewed and takes an account of those aspects of foreign policy implementation challenges that require further analysis.

¹ “Crossroads of diplomacy: new challenges, new solutions.” *Netherlands Institute of International Relations*. May 19, 2017.

https://www.clingendael.org/sites/default/files/pdfs/20071000_cdsp_paper_manojlovic.pdf

1.4.1 Diplomatic Environment of Sub-State Governments and their Interactions within the International System

Following the Second World War in 1945, international cooperation as a phenomenon emerged. New non-state actors gradually arose in the international system and diplomacy spread widely out of the grasp of nation states. These non-state actors are wide and varied in scope. While some are territorial in nature for instance Quebec, Catalonia and the European Union, others have a non-territorial scope, for example multinational corporations. Cities such as New York and London have been observed to engage in the international diplomatic scene to better defend their own interest in an ever more multifaceted and interdependent world¹. These trends have provided scholars with a myriad of opportunities to add onto works of literature. One of the leading scholars to attempt to designate this form of non-state diplomacy is Panayotis Soldatos, a Canadian scholar². He was the first to coin the term para-diplomacy, an abbreviation of parallel diplomacy, which he defined as the foreign policy of non-central governments. This concept was further developed by Ivo Duchacek in his academic writings later on in 1988³.

He proposed that the undertakings of the Sub-State governments in the international system differed greatly in frequency, intensity and form and varied from economic, technical to politically driven actions. He furthermore illustrates three categories of Sub-State's' foreign policy activities that are geopolitical based. They are global

¹ "City diplomacy: the expanding role of cities in international politics." *Netherlands Institute of International Relations*. May 19, 2017.

https://www.uclg.org/sites/default/files/20070400_cdsp_paper_pluijm.pdf

² Soldatos Panayotis. "Subnational units' paradiplomacy in the context of European integration." *Journal of European Integration*, 15, no.2 (1992): 129-134

³ Hocking Brian. "Perforated sovereignties and international relations: trans-sovereign contacts of subnational governments." *Canadian Journal of Political Science*, 22, no.2 (1989): 64-66

paradiplomacy, trans-regional paradiplomacy and cross-boundary paradiplomacy. Global paradiplomacy involves interactions between Sub-State governments of differing countries, or between a Sub-State government and a private actor while trans-regional paradiplomacy are contact between Sub-State governments that are not geographically neighbours. Sub-State diplomacy on the other hand is defined as the diplomatic activities of non-central governments¹. It denotes the international diplomatic actions of sub-national governments. Other definitions that have cropped up in the academic scene includes: multi-layered diplomacy and intermestic affairs². Proponents of the term multi-layered diplomacy argue that the term paradiplomacy suggests as element of incompatible interests between the central and Sub-State governments. They offer that diplomacy should be approached not in a segmented view of different actors within the state but rather in a cohesive system where different actors within the state are intertwined in a multi layered system of diplomacy³. Proponents of the term intermestic affairs uses the concept to express a growing trend of internationalization of domestic issues.

However, there is a more or less general agreement by all scholars that Sub-State actors are key players in the international diplomatic scene. Much like states, the Sub-State governments are territorial in nature, they have definite boundaries. However, they primarily have to rely on already established traditional diplomacy systems and mechanisms of states which are inclined to be uninviting since states tend to view the

¹ Crikemans David. "Regional sub-state diplomacy from a comparative perspective: Quebec, Scotland, Bavaria, Catalonia, Wallonia and Flanders." *The Hague Journal of Diplomacy*, 5, no.1 (2010): 37-64

² Caze Nathan. "Paradiplomacy within the globalization debate: the tendencies of subnational government's engagements in transnational city twinning between 2010 and 2014." Accessed July 30, 2017. <https://repositorio.ucb.br/jspui/handle/10869/5854>.

³ Weiler Conrad. *Localizing foreign policy: Non-central governments and multi-layered diplomacy*. London: Palgrave Macmillan, 1993.

Sub-State governments' international activities as an interference in their reserved domain. These Sub-State actors are thus constantly challenging the primacy of states in the international arena within the practice of foreign policy creation and implementation. Another growing trend is the increasing engagement of Sub-State governments in the activities of multinational groups and their programmes. Contrary to conventional views, Sub-State diplomacy is neither exclusive to federal countries nor to firmly established democracies. While it is predominant in federal countries such as the United States, Belgium, Canada, Australia, Germany, Austria and Switzerland, it is also relevant in many unitary and decentralized countries, such as the United Kingdom, France, Spain and Italy. Beyond the Western sphere, Sub-State diplomacy is becoming increasingly present in countries such as Russia, Chile, Bolivia, South Africa, Brazil, China, India, Kenya, Malaysia, Argentina, Mexico, Japan and Nigeria.

1.4.2 The Rationale Behind Sub-State Diplomacy

Overall the growing trends of Sub-State diplomacy are unrefuted and while generalizations on what has contributed to these developments are difficult to make, several variables are attributed to this trend. They are: internationalization process, nationalism, economic globalization and political motives.

The Internationalization process rationale

There has been a rising trend in the internationalization of domestic policies. Domestic policies such as social services, public health, environmental and energy issues, cultural issues and so forth are increasingly becoming policy agendas in the global arena. In this regards Sub-State governments are increasingly establishing an international position for themselves as they seek to represent their citizens' interests beyond the international

negotiations conducted by central governments. For example, the European regions are prominent in setting their own policy courses outside the European Union framework¹.

Nationalism rationale

Regional leaders are driven to promote international strategies that are geared to gain a backing for their nationalistic developments with international recognition acting as the eventual goal. In addition such an international recognition enhances the leaders' image at the domestic level and facilitates social mobilization against central authorities that have a hostile approach towards the regional leaders thus further reinforcing the creation of a distinct authority².

Economic globalization rationale

Economic globalization has eased trade of goods and services across borders, provided for ease of flow in international capital and for technology widespread. This in turn has led to an increasing interdependence of world economies and rise of international trade regimes. For this reason, Sub-State governments are competing for acquisition of shares in the world markets. This they do by embarking on export promotion strategies in addition to offering incentives and favourable environments for conducting business in order to attract foreign direct investment (FDI) in their regions. The presence of multinational corporations in their regions in turn attracts technology for

¹ Lecours Andre. "Paradiplomacy: Reflections on the foreign policy and international relations of regions" *International Negotiation*, 7, no.1 (2002): 91-114

² "Paradiplomacy and stateless nations: a reference to the Basque Country". *Concordia University and Spanish National Research Council*. March 22, 2017. <http://digital.csic.es/bitstream/10261/1472/1/dt-0106.pdf>

modernisation¹. Moreover some Sub-State governments promote their regions as tourist and cultural destinations which have a high impact on economic growth.

Political rationale

Sub-State governments enter into international diplomacy due to various reasons that range from seeking recognition and legitimacy to nation building. Some Sub-State leaders are of the opinion that the central governments are too big, too distant, too dehumanized and over-bureaucratized to deal with local or regional issues².

1.4.3 Rising Challenges in the Implementation of Foreign Policy

Literature that deals with foreign policy obscurely does not effectively offer a discourse on implementation. Foreign policy has been described as policy pursued by a state in its dealings with other states.³ Unlike domestic policy foreign policy creation and implementation typically encompasses limited number of people and less publicity. The nation's president is usually tasked with the key responsibility of discharging foreign policy and various tools are used to conduct foreign policy. These include, diplomacy, foreign aid and military force. Challenges of implementation thus arise from conflicting interests between the central and Sub-State governments. One of the major complaint is that specific aspects such as environment, human rights, energy flow, cultural exchanges and so forth are a concern of the Sub-State governments hence the agenda in international relations should incorporate Sub-State governments role. However

¹ Keating Micheal. "Regions and international affairs: motives, opportunities and strategies." *Regional & Federal Studies*, 9, no. 1 (1999): 1-16

² Duchacek Ivo. "The international dimension of subnational self-government". *The journal of federalism*, 14, no. 4 (1984): 5-31.

³Foreign policy. "Dictionary.com Unabridged." Random House, Inc. Accessed October 31, 2017. <http://www.dictionary.com/browse/foreign-policy>

same is not so as there is no formal structural system that guides the international relations interaction between Sub-State and national governments¹.

Two major scholars Thorheim and Manojlovic are proponents of the positive trend Sub-State diplomacy brings about. They are of the view that the positive trends include promotion of innovation, efficiency and cooperative allegiance². However, Sub-State diplomacy can be a damage to central government's power over foreign policy conduct. This is because policies developed by Sub-State governments in conduct of international affairs can run parallel to those of the state, can be complementary to the states foreign policy direction and in other instances can be in conflict to the direction a state is taking on its foreign policy. In addition, some central governments regard the international activity by Sub-State governments as an invasion into its field of competence in which they have an exclusive role leading to conflicts between the two entities. Any loss of dominance in the international arena is a cause of concern for central governments as the nation's foreign image and its central power are at stake³. There is also a growing concern of possible consequences of Sub-State governments conduct in international dealings as they may lack the necessary experience required for negotiating at an international level hence creating diplomatic conflicts between national states. Moreover, central governments are apprehensive at the erosion of national states' sovereignty resulting from foreign states exploiting inexperienced Sub-State governments in its negotiations. The secessionist ideals in some Sub-State

¹ Holsti Kalevi. "Bilateral institutions and Transgovernmental relations between Canada and the United States." *International Organization*, 28, no. 4 (1974)

² "Crossroads of diplomacy: new challenges, new solutions." *Netherlands Institute of International Relations*. May 19, 2017.

https://www.clingendael.org/sites/default/files/pdfs/20071000_cdsp_paper_manojlovic.pdf

³ Duchacek Ivo. "The international dimension of subnational self-government". *The journal of federalism*, 14, no. 4 (1984): 5-31.

governments further fuel central governments resistance to Sub-State diplomacy. The concern of the state's sovereignty being undermined and its monopolized control over foreign policy being threatened is a running phenomenon underlying to Sub-State diplomacy¹. Despite the central governments general disapproval and opposition of Sub-State diplomacy, selected national states such as Belgium, Germany and Canada have recognized the role their Sub-State governments play in international associations and foreign policy as a whole and in turn they have established frameworks both legal and institutional to accommodate this reality.²

1.4.4 Regularization of Sub-State diplomacy

The involvement of sub-states governments in diplomacy is progressively rising across the world. Hence traditional diplomatic routines and foreign policy implementation machineries are discreetly changing. In recent times, Sub-State diplomacy has undergone a process of regularisation either politically or through legal means. Central governments have been at the forefront to limit and control the actions of sub-state governments in the international arena through various political and legal instruments. This regularization has enabled smooth operations of the diplomatic system in an increasingly complex international diplomatic environment³. Regularization also simultaneously allows for the affirmation of the hierarchical structures within the diplomatic system. Regularization hence can be referred to a method of control that recognizes that while sub-state diplomacy is outside the International law provision of

¹ Wolff Stefan. "Paradiplomacy: scope, opportunities and challenges." *The Bologna Centre Journal of International Affairs*, 10, no.1 (2007): 141-150

² "Crossroads of diplomacy: new challenges, new solutions." *Netherlands Institute of International Relations*. May 19, 2017.

https://www.clingendael.org/sites/default/files/pdfs/20071000_cdsp_paper_manojlovic.pdf

³ Cornago, Noé. "On the normalization of sub-state diplomacy." *The Hague Journal of Diplomacy*, 5, no. 1-2 (2010): 11-36.

diplomacy by States, there are limits in place within which sub-states can engage in diplomacy and these limits are carefully monitored so that sub-states governments do not deviate from them¹. Regularization occurs in four different but closely connected conceptual courses; 1) Generalized regularization; 2) Regularization within regionalization; 3) Regularization as reflective adaptation; 4) Regularization as contentious regulation

Generalized regularization

Sub-state governments are increasingly engaging in diplomacy across the board. Whether be it within firmly established democracies such as Spain, France, and Italy or within federal states such as Canada, United States and Germany. More interestingly, Sub-State diplomacy is rising beyond the Western world in countries such as Nigeria, Brazil, India, Mexico and even our own country Kenya. This trend is propositioned by the fact that Sub-State governments have to respond to a number of global issues be they environmental, technological, economic or security problems. This change has necessitated the need for new global norms in the conduct of foreign policy, new public and private institutions to offer framework of operations and new modes of assigning of responsibility and legitimacy. Thus states assign these new profiles to the Sub-State governments' involvement in foreign policy depending on the particular political and constitutional systems that are in existence and the regional context. It is worth noting however that in a majority of these states global underlying forces seems to prevail over domestic conditions and most Sub-State governments interaction will be guided the foreign policy above domestic policies in place.

¹ Caputo, John D., and Mark Yount. *Foucault and the critique of institutions*. University Park (Pa.): Pennsylvania State University Press, 1993.

Regularization within regionalization

Regional integration structures have had profound effects at domestic levels within the states. They have created new opportunities and at the same time constrictions that have mobilized sub-state government's engagements in the international realm. Regional integration organizations such as the Association of South-East Asian Nations (ASEAN), the European Union (EU) or the East Africa Community (EAC) promote diverse modes of international engagement by the Sub-State governments within each of these regions. These large territorial units referred to as macro-regions provide for interactions between the state and the global arena while micro-regions such as sub-state governments have to adapt to these macro-regional spaces created by state governments creating a structural link between the two¹. Hence the macro-regional framework seems to prevail over the constitutional framework of the hosting states providing a central framework within which Sub-State governments with diverse institutional and constitutional powers are able to cooperate. In addition, Sub-State governments distinctive forms on international diplomacy is not limited but each states adopts its own international projection.

Regularization as reflective adaptation

Under this concept, Sub-State diplomacy is not simply determined by global structural conditions or by regional integration organizations. It is determined by a form of political will in which Sub-State governments strive for greater recognition within the international arena in addition to a need for institutional autonomy. This kind of adaptation differs among Sub-State governments depending on their states

¹ Breslin, Shaun, and Glenn D. Hook. *Micro regionalism and world order*. New York: Palgrave Macmillan, 2002.

constitutional nature, the geopolitical context, institutional conditions, economic resources, demographic size and so on¹. This need for international recognition has been made possible through a process selective regularization of Sub-State diplomacy by central governments. This has been particularly prominent in fields such as infrastructure, environmental issues, trade and economic issues and science and technology. Other areas that are also garnering more attention include issues of public health, immigration, security and education. Central governments thus recognize the important role that Sub-State governments play in the realization of solutions to issues of international concern.

Regularization as contentious regulation

In the last couple of decades, traditional modes of diplomacy have shifted to accommodate the increased complexities brought about by globalization. These changes have seen the rise of Sub-State governments' engagements within the international arena that has deemed necessary to regulate. States have consequently established legal and institutional mechanisms to guide this diplomatic interactions by Sub-State governments albeit reluctantly, as foreign policy conduct remains a function of States. These established institutions and mechanisms are not uniform across the states with each state determining the limit of their Sub-States engagement in the international arena². Hence the legal and political regulation of Sub-State diplomacy is a contentious process whereby the will of the states has to be moderated to accommodate the growing pressures brought about by globalization.

¹ Lecours Andre. "Paradiplomacy: Reflections on the foreign policy and international relations of regions" *International Negotiation*, 7, no.1 (2002): 91-114

² Stoke, Harold. *The Foreign Relations of the Federal State*. Baltimore: Johns Hopkins Press, 1931

1.4.5 Conclusion

In conclusion, the presence of Sub-State governments as non-state actors within the international system has eroded the traditional views of diplomacy being a function of sovereign states only. This has hence created a new norm in the field of diplomacy with Sub-State diplomacy being subjected to varying interpretations, opinions and criticisms. Furthermore, factors that give rise to Sub-State governments in the realm of international relations vary from one nation state to another. This is due to the differing constitutional, economic and political positions of these nation states which appends different degrees of autonomy to the Sub-State governments. It is therefore impractical to make general overviews and comparisons of Sub-State diplomacy across nation states. This study takes into account all these aspects and seeks to provide a full examination on challenges of Sub-State diplomacy in the implementation of foreign policy.

1.5 Justification of the Study

Academic Justification

A key implication of this study lies in its contribution to academic literature covering the role of Sub-State governments in the international arena. Presently, significant gaps exist in available literature on Sub-State diplomacy. In addition, the available literature does not exhaustively cover countries within the Africa region and thus this research offsets this geographical disparity. Moreover, the inclinations of the existing literature towards countries out of Africa means that information provided mainly addresses well established federations, a characteristic that is not evident in the Kenyan context. Hence this study brings a fresh perspective to diplomatic activities of sub-state governments.

Policy Justification

The Kenya's Foreign Policy Document was published in November 2014 and its implementation commenced accordingly. While the policy has contributed greatly to the advancement of Kenya's foreign policy in a fluid world order, various challenges have been observed. This study aims at addressing these challenges and consequently provide recommendations for further improvement of the Kenya Foreign Policy Document.

1.6 Theoretical framework

The development of Sub-State diplomacy can be demonstrated using the neo-functionalism theory. This theory gives direction in this study as to why and how Sub-State governments engage in diplomacy in the global arena. When addressing the process of global integration, functionalism stood as one of the earlier theories to emerge. The theory proposed a supra-territorial concept of authority that linked collective governance and material interdependence between states holding that that society is a system of interconnected parts that cooperate and work together hence creating a sense of social balance for the whole system.¹ Neo-functionalism on the other hand builds on the works of Ernst B. Haas, which holds that while national states are important, they increasingly confer more authority to regional organizations in pursuant of welfare objectives that are easily attainable through integration². The theory developed between the 1950's and 60's as integration became a rising phenomenon and functionalism was found wanting in terms of its representation of the realities of

¹ Haas Ernst. *Beyond the nation state: Functionalism and international organization*. Colchester: ECPR Press, 2008.

² Schmitter Philippe. "Neo-neofunctionalism." Accessed March 03, 2017.
<http://www.eui.eu/Documents/DepartmentsCentres/SPS/Profiles/Schmitter/NeoNeoFunctionalismRev.pdf>

integration. Haas thus published “The Uniting of Europe” in 1958 as a precursor neo-functional text which he anchored on four main pillars, the actors, context, processes and motives¹. He emphasised on the prioritization and arrangement of areas of common interests proposing that cooperation in economic and social areas may sooner or later spill into the spheres of politics. Nation states were elevated as primary actors in the integration process. Within states are the political parties and interest groups and above states are the supra-national institutions which promote alliances across national boundaries. The motive premised by Haas was that interests of nationally instituted groups could be adjusted into the objectives of the supranational structures. Lastly neo-functionalism assumes that the context in which integration takes place is that of low politics meaning social, trade and technical issues. Ideally, neo-functionalism makes the assumption that nation-states are not able to adequately care for the welfare of its citizens. Thus as a result, Sub-State governments react to this inadequacy by pursuing self-interests in the global arena². This falls into the spill over principle which infers that entities increase their influences in spaces where they formerly had none if such an expansion of their powers will render them more effective in the conduct of their duties. For instance, spill over will ensue if while in pursuit of free trade, there is need to address non-tariff barriers in cases where formal tariff barriers are already removed.

Significance and applicability of neo-functionalism in this study

This theory is relevant to this study on the basis of three important aspects³.

¹ Haas Ernst. *The uniting of Europe: political, social, and economic forces 1950-1957*. Stanford: Stanford University Press, 1968.

² Rosamond Ben. “Theories of European integration.” Accessed March 1, 2017. <https://blackboard.angelo.edu/bbcswebdav/institution/LFA/CSS/Course%20Material/CCSS3321/Readings/Rosamond%20-%20Theories%20of%20European%20Integration%20-%202000%20-%202050-73.pdf>

³ Walter Mattli. “Europe before the Court: a political theory of legal integration.” *International organization*, 47, no.1 (1993): 41-76

First, neo-functionalists recognise that apart from states there are other relevant actors in the international system such as the supranational, national and Sub-State governments. Second, the neo-functionalism theory offers relevance to this study as it affirms that nation states act as a model of integration for Sub-State governments consequently Sub-State governments take advantage and capitalise on the connections already established through nation states' relations with other states. This creates a gradual shift from the domestic to international diplomatic interactions. Lastly, neo-functionalism holds that as integration progresses, new political loyalties may be forged without threatening the pre-eminence of the nation state. Overall while neo-functionalism offers the premise of integration occurring between states, it also acknowledges that Sub-State governments are a major driving force in reinforcing integration through relational networks with other counterparts in the global arena. Consequently Sub-State diplomacy emerges as a result of this integration. For instance, treaties concluded between different states often encompass issues within the jurisdiction of Sub-State governments consequently directly involving Sub-State governments in international relations and diplomacy. From the neo-functionalist perspective, Sub-State governments pursue diplomacy in the global arena in support of their own interest. To them self-interest is survival.

1.7 Hypotheses.

- 1 21st century globalization and the increased interdependence in the international arena has generated motivations for Sub-State governments' participation in international relations.
- 2 Sub-State governments raise challenges to Central government's implementation of foreign policy.

- 3 Non-compliance by Sub-State governments to constitutional rules and domestic institutional frameworks that guide the conduct of foreign policy raise challenges to the Central government's role of foreign policy implementation.

1.8 Research methodology

In order to satisfy the objectives of the study, both quantitative and qualitative research methods will be employed in the study. Qualitative research provides for the exploration of study areas where there is limited data or where no prior information exists. Hence it is particularly important to apply this method of research to this study as there is limited data on sub-state diplomacy currently in existence with regards to the Kenyan context. This method offers flexibility on the kind of information collected by not limiting participants' responses.¹ It is effective for small samples and creates an avenue where the interviewees can interact with the interviewer in their own language and terms. However the method also poses various weaknesses which includes incorrect conclusions due to the interviewers' personal judgments and interpretations. It also requires that the interviewer is highly experienced in drawing out the required information from the respondents. Conversely, quantitative method will also be applied in this study. This method is important as it will allow for classification and statistical analysis of the data collected. In addition, it allows for the testing of variables within the hypothesis and results obtained inferred to the whole population at large. Population samples will be drawn from county officials and representatives from the ministry of foreign affairs officials on the basis of their knowledge and expertise with regards to the study. Systematic sampling will be employed as it may be comprehensive

¹ Collis, Jill, and Roger Hussey. *Business research: a practical guide for undergraduate & postgraduate students*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2014.

and representative of the population. It also reduces field costs and observations from the sample may be used for drawing conclusions. It is anticipated that 30 respondents will be drawn from county officials and 3 from the ministry of foreign affairs. Different tools of data collection will be used. The study will use in-depth literature review, questionnaires and interviews. Analysis of the literature will rely heavily on existing academic texts, opinion pieces, organizational reports, publications and press coverage. The literature review will be supplemented by data gathered through questionnaires and interviews. The questionnaires will include both open and close ended questions. The interviews on the other hand will be in-depth and semi-structured in nature to allow for both interviewer's control and flexibility in terms of the interviewees response. 25 questionnaires will be issued to county officials and 10 interviews conducted. In addition 3 questionnaires will be issued to the ministry of foreign affairs representatives and 2 interviews conducted.

Data will be studied and analysed to discover inherent facts. This analysis will be done against the background of the statement of the problem and the hypothesis by use of statistical calculations. Inductive and deductive and reasoning will be employed. Expected research limitations include the limited availability of literature covering sub-state diplomacy and challenges it poses in foreign policy implementation. In addition, the relatively small sample of the population and lessen the reliability of the research.

1.9 Chapter Outline

This study is divided into seven chapters.

CHAPTER ONE: Introduction

The introduction provides a general overview of the study, its significance and aims, the methodological approach taken in addition to the theoretical framework of the study which forms part of the literature review.

CHAPTER TWO: The challenges of foreign policy implementation: Kenya's experience since independence

This chapter provides a historical outline of the Kenya's challenges in the implementation of foreign policy since independence

CHAPTER THREE: Foreign policy implementation in the 21st century: Sub-State Governments diplomacy

Chapter three presents the key global trends and structures in the advancement of Sub-State diplomacy

CHAPTER FOUR: Crossroads of Diplomacy: Underlying Challenges.

Chapter four provides an analysis of the challenges raised by Sub-State governments during the implementation of foreign policy by Central governments.

CHAPTER FIVE: Expressing Sub-State Diplomacy and the Liaisons Therein

Chapter five examines the constitutional and institutional mechanisms in place that guide the conduct of Foreign policy.

CHAPTER SIX: Data Analysis

Chapter six offers a breakdown of how the collected data was analysed and the findings presented

CHAPTER SEVEN: Conclusion: Recommendations and Future Research Needs

Finally, chapter seven offers the conclusions and recommendations of the study and in addition offers the underlying needs for future research on the same topic.

CHAPTER TWO

THE CHALLENGES OF FOREIGN POLICY IMPLEMENTATION: KENYA'S EXPERIENCE SINCE INDEPENDENCE

2.0 Introduction

Upon attaining independence in December 1963, Kenya attained sovereignty and assumed its place as an actor in international relations¹. To guide her interactions in the international arena, Kenya proceeded to make fundamental developments in its foreign policy orientation and strategy relying heavily on its national interests which included; friendly relations with all nations; peaceful co-existence with neighbours; adherence to the principle of non-alignment; equality and sovereignty of all states; adherence to the principle of non-alignment; resolution of conflicts by peaceful means; and justice and equity in the conduct of international relations².

2.1 Kenya's Foreign Policy from Independence to Date

2.1.1 President Jomo Kenyatta's Era: Foreign Policy from 1963 to 1978

After Independence, the newly appointed African leaders were cautious and conservative in their interactions with the other foreign states. This was especially so with the western states who had subjected most African States into colonialism. The foreign policy under the then Kenya's first president Jomo Kenyatta was that of wait

¹ Encyclopaedia Britannica, "Jamhuri Day." Accessed October 22, 2017.
<https://www.britannica.com/topic/Jamhuri-Day>.

² Ministry of Foreign Affairs. "Kenya Foreign Policy." Accessed June 30, 2017.
<http://www.mfa.go.ke/wp-content/uploads/2016/09/Kenya-Foreign-Policy.pdf>

and see, a non-committal stance. However, Kenya maintained a close relationship with the western states especially with regards to economic dependence and in 1962 when Jomo Kenyatta was minister of state for constitutional affairs and economic planning he advocated for World Bank and its instrumental role in helping Kenya in its economic planning.¹ One of Kenya's national interest was to maintain a mixed free market economy and this was evidenced in the Sessional paper no 10² where Kenya sought to declare itself as under African Socialism meaning choosing against western capitalism and also against eastern communism. However this policy stance was not to be as Kenya's trade with western industrialized countries remained significant in comparison to trade with socialized countries. The goals of the Sessional Paper No 10 were not realized also due to the fact that it came at time when there was a focused pursuit of geopolitical interests in Africa by the western capitalist United States and eastern communist Soviet Union. A second national interest for Kenya was on security, especially within the Horn of Africa. A visit to the United States by Kenya's vice president in 1969 enhanced the Kenya-US relations as both countries were focused on a common goal of enhancing security within the horn of Africa.

Major challenge in foreign policy implementation during this era was the overarching need for survival by weak states. Foreign policy was used by the African elites who were instrumental in the colonial liberation to garner political and economic resources from foreign states to ensure the State's survival. The foreign policy also reflected continual attempts to manage security threats and untoward external manipulation.

¹ Macharia Munene. *The United States and Africa: from independence to the end of the Cold War*. Nairobi: E.A Educational Publishers Ltd, 1995.

² Ngethe, Njuguna, and Wasunna Owino. *From sessional paper no. 10 to structural adjustment: towards indigenising the policy debate*. Nairobi, Kenya: Institute of Policy Analysis and Research, 1996.

Hence the pre-occupation was on legitimacy of the states, political stability, economic growth and national security.

2.1.2 President Moi's Era: Foreign Policy from 1978 to 2002

After the death of the first president in 1978, Daniel Toroitich arap Moi took over the presidency and his philosophy were that of love, peace and unity¹. This philosophical stance was clearly evident in Kenya's foreign policy which was geared to good neighbourliness. President Moi worked to maintain good relations with the neighbouring countries as was demonstrated by his handling of challenges presented by Uganda and he was instrumental in the formation of the East African Community, a regional trading block. 1990's saw the rise of a push for democracy². Western countries whom Kenya depended on for aid withheld their aid in a bid to arm-twist Moi's administration to allow for multi-party politics. This amid other factors such as a growing number of local dissidents who clamoured for multiparty democracy bore fruit and the first multiparty elections were held in 1992. During this period however, Kenya's relation with the west and in particular the USA were frosty at best but Kenya had to meet all the demand of its donor states and partners.

Challenges in the implementation of foreign policy during this period emanated from untrained diplomatic personnel, lack of finances the absence of a written policy and rising conflicts within the region. During the 1990's a debate arose on the roles of the African diplomat with most acquiescing to the fact the African diplomats role in the

¹ Larsen, Laragh. "Notions of Nation in Nairobi's Nyayo-Era Monuments." *African Studies*, 70, no. 2 (2011): 264-283.

² Murunga, Godwin R., and Shadrack W. Nasong'o. *Kenya: The struggle for democracy*. London: Zed Books, 2007.

international arena was missing or was at a very low-profile. “The Sad case of the missing African Diplomat” was a paper presented by A.H.M Kirk- Greene in which he promoted the need for African countries to pay closer attention to the structure and staffing of their foreign affairs ministries¹. Potential foreign investors were particularly concerned and voiced their apprehension on the deficiency in trade and industry knowledge by the Kenya’s diplomats abroad.² This was attributed to the fact that there was no diplomatic cadres separating diplomats from ordinary civil service hence there were numerous instances of civil servants with no diplomatic training being appointment to represent the country in the diplomatic arena. This together with appointments based on political associations, family relations and friendships saw an influx of unskilled/ semi-skilled individuals representing Kenya in foreign affairs matters. In addition, the absence of a written policy meant this crop of untrained and semi-skilled diplomats had no policy handbook to guide their conduct in the international arena. The threats of and actualization of a donor aid freeze led to an economic collapse during this era and as the State strained to remain within the good graces of international financial institutions, it had to reconsider its stance on matters of concern and bow to the emanating pressures.

Lastly, regional conflicts steeped in ethnic wars led to new challenges such as the rise of refugees, illegal arms trade across borders and even environmental degradation. The need to build African institutions that would foster regional integration and assist in conflict management became a critical foreign policy objective³. Its implementation

¹ Kirk-Greene, Anthony. *Diplomacy and Diplomats: The Formation of Foreign Service Cadres in Black Africa. Foreign Relations of African States*. London: Butterworths, 1974.

² Wright, Stephen. *African foreign policies*. Colorado: Westview Press, 1999.

³ Annan, Kofi. "The causes of conflict and the promotion of durable peace and sustainable development in Africa." *African Renaissance*, 1, no. 3 (2004): 9-42

however was marred by regional economic retrogression and escalating conflicts that hampered level interstate relations.

2.1.3 President Kibaki's Era: Foreign Policy from 2002 to 2012

The commencement of multi-party elections in the 90's nurtured the foundation over which the third president of Kenya took over power. Elected in 2002, President Kibaki was keen to cement Kenya's place in the both the regional and international arena with the Kenya's foreign policy objectives covering external factors such as; Peace and Security, Illegal arms trade, Piracy, Human and drug trafficking, Terrorism, Trade liberalization and attainment of Millennium Development goals¹. The new constitution that was realized during this era played a critical role in the advancement of foreign policy objectives. Kenya's vision 2030² was unveiled in 2006 and was geared to be a long-term economic development goal of which Kenya aimed for an annual GDP growth rate of 10% and its transformation to a middle income country. To achieve this, measure to increase funds from internal sources such as Taxation were executed and dependence on donor aid reduced. Foreign relations with other non-western powers such as China, Asia and Middle East improved and expanded promoting economic partnerships with countries in these regions.

In 2010, Kenya's foreign policy as a written document was unveiled³. It highlighted 5 key pillars that included peace diplomacy, economic diplomacy, cultural diplomacy, environmental diplomacy and diaspora diplomacy. Economic diplomacy was geared to

¹ Barkan, Joel D. "Kenya after Moi." *Foreign Affairs*, 83, no. 1 (2004): 87-100.

² Kenya Vision2030. Accessed October 18, 2017. <http://www.vision2030.go.ke/>.

³ Ministry of Foreign Affairs. "Kenya Foreign Policy." Accessed June 30, 2017. <http://www.mfa.go.ke/wp-content/uploads/2016/09/Kenya-Foreign-Policy.pdf>

Kenya's economic development and promotion of its economic interests in the international arena. For instance the LAPSSET project (Lamu Port – Southern Sudan – Ethiopia Transport Corridor), was expected to foster regional economic partnerships. Peace diplomacy pillar was drawn from the recognition that Kenya's development laid on its peace and stability, the stability of the region, of Africa and of the world. On the other hand, diaspora diplomacy pillar was as a result of the government's recognition of the potential of Kenyans abroad to aid in Kenya's development. Hence the pillar aims to harness on their skills and resources and facilitate their integration in Kenya's development agenda. For instance the promotion of dual citizenship encourages the Kenyan community in the diaspora to contribute to the building of Kenya through technology transfer, increased FDI (Foreign Direct Investments) and financial remittances. Environmental diplomacy pillar underscores the need for Kenya to manage its natural resources upon which the country's sustainable development is anchored and also manage issues of environmental concern within the region and the world as a whole. Cultural diplomacy pillar aims to increase the awareness of Kenya's deep and diverse culture and generate interest over its cultural heritage.

The main challenges that plagued foreign policy implementation in this era included rise of terrorism attacks brought about by increased conflicts in the horn of Africa region¹. This led to Kenya's involvement in Somalia under the notion of self-preservation as the country dealt with the Al-Shabab menace. Increased piracy within the coast of Africa also affected Kenya's trade and its economic growth with tourism increasingly deteriorating in the wake of these attacks. A second foreign

¹ Shinn, David. "Fighting terrorism in East Africa and the Horn." *Foreign Service Journal*, 81, no. 9 (2004): 40.

implementation challenge emerged in the wake of a devolved system of government whereby power moved from a centralized state. Government bodies and individuals such as the prime minister were now involved in the implementation of foreign policy.

2.1.4 President Uhuru Kenyatta's Era: 2013 to 2017

President Uhuru Kenyatta came into power in 2013 under a lot of controversy with both him and the deputy president having cases at the International Criminal Court (ICC) where they had been charged with crimes against humanity¹. This generated a lot of interest in the global arena with major western powers opposed against the candidature of the two. However the new government was keen to change the perceptiveness of the international arena and embarked in intense diplomatic engagements. Strategic 2013-2017 Plan for the Ministry of Foreign Affairs² was established and the ministry's mandate was expanded to include trade. In his inauguration speech President Uhuru Kenyatta³ implied the basis of his foreign policy which included the strengthening of regional bodies, regional security, free trade and movement of people within the region and equality of nations. Under his regime, national security has been at the forefront as conflict in both South-Sudan and Somalia having a spill-over effect into the country. The president has also promoted a look inward policy favouring regional integration while castigating the meddling of African affairs by western powers.

¹ Mueller, Susanne D. "Kenya and the International Criminal Court (ICC): politics, the election and the law." *Journal of Eastern African Studies*, 8, no. 1 (2014): 25-42.

² Ministry of Foreign Affairs and International Trade. "STRATEGIC PLAN 2013 /14 - 2017/18." Accessed August 27, 2017. <http://www.mfa.go.ke/wp-content/uploads/2016/09/Strategic-Plan-final.pdf>

³ President Kenyatta's inauguration speech. Accessed October 11, 2017. <https://www.capitalfm.co.ke/eblog/2013/04/09/president-kenyattas-inauguration-speech/>

Foreign policy implementation challenges that have plagued this era include: rising influence of technology, regional conflicts, declining capital inflow, terrorism, attainment of Sustainable Development Goals (SDGs), small arms and light weapons, refugees and internally displaced persons, climate change, economic liberalization domestic challenges such as poverty, ignorance, disease, HIV/AIDS, unemployment and corruption, and lastly the enactment of devolved system of Sub-State government in form of counties.

Diplomacy has been made more complex with the rise of technological. Information travels faster, fake information is on the rise and developments in any one region in the world have a dramatic and instant effect to the rest of the world. Conflicts and war, climate changes that have led to recurrent droughts and food shortages has driven Kenya's foreign policy to address these changes and hence cement its standing within the international arena. Kenya is also grappling to overcome domestic challenges and has enacted policies that will overcome these challenges and attract Foreign Direct Investment while at the same time progress towards the realisation of Sustainable Development Goals (SDG's).

Immigration and low border security have led to the rise proliferation of small arms and light weapons, refugees, human and drug trafficking and even terrorism. While the country has implemented policies to aid in curbing these vices, some of the policies have faced international criticisms and complicated the relations with neighbouring countries. International trade liberalization has led to the evolution of an anti-globalization movement in reaction to the international trade inequalities. These inequalities are evident in trade policies that have led to the exploitation of developing

countries by the developed nations. The enactment of a devolved system of Sub-State government in form of counties has also brought with it its own challenges in the implementation of foreign policy. This studies hence is proceeds to highlight some of these challenges

2.2 Chapter analysis

In conclusion, both the leaders and international happenings have greatly influenced Kenya's foreign policy conduct and its implementation since independence to date. From this chapter we can conclude that the leaders in office together with their personalities play a key role in determining the foreign policy conduct. After independence the leaders were majorly influenced by international and domestic events as they willed themselves off the strongholds of colonial powers. It was practically impossible for them to forego any influence of their former colonial powers who greatly influenced the foreign policy conduct of these states. It is important to however note that policies such as territorial integrity and regional integration which sprouted during the first president's rule still remain an integral part in present Kenya foreign policy conduct. Neofunctionalism as a theory provides the framework under which regional integration takes referencing that three causal factors are in play. They include the growing economic interdependence amongst nation states, presence of international organizations to resolve conflicts that emanate from this interdependence and international market rules that override national regulatory mechanisms. In addition, these theory emphasizes on the importance of non-state actors in international affairs. The place sub-state governments in their engagements in sub-state diplomacy is thus critical and cannot be gainsaid.

CHAPTER THREE

FOREIGN POLICY IMPLEMENTATION IN THE 21ST CENTURY: SUB-STATE GOVERNMENTS DIPLOMACY

2.0 Introduction

Throughout history, we have seen the evolution of diplomatic instruments and strategies leading to a more diverse and complex spectrum. For instance, international activities of federal and devolved governments, referred to as Sub-State governments in this research, are increasingly growing in various regions across the world.¹ The transformation of diplomatic routines and foreign policy machineries has majorly been as a result of globalization whereby national governments being the main players in international affairs is no longer the norm. The motivations of Sub-State governments in international undertakings include²;

Political motivations; whereby Sub-State governments strive for recognition in the international arena and pursue power and alliances with other devolved and federated territories.

Ethical motivations; whereby Sub-State governments advance universal dogmas such as human rights, conservationism and universal standard development goals.

Functional motivations; whereby Sub-State governments offer interactions in the international arena on cultural and economic issues.

¹ Keating Micheal. "Regions and international affairs: motives, opportunities and strategies." *Regional & Federal Studies*, 9, no. 1 (1999): 1-16

² Michael Keating. "The International Engagement of Sub-State Governments." Accessed August 11, 2017.

http://www.parliament.scot/S4_EuropeanandExternalRelationsCommittee/Meeting%20Papers/Michael_Keating_report.pdf

Policy learning and exchange; whereby Sub-State governments engage in benchmarking activities and also endeavour to learn about policies, strategies and the workings of institutions

Thus different Sub-State governments are driven to international activities by the various motivations and the balance of each varies from one case to another. Traditional diplomacy which was characterised by the monopoly of ministries of foreign affairs focused majorly on issues of national interest. This has however changed and today's diplomacy encompasses a multifaceted network of international interactions. The current trend which began in the 1980's¹ has been the international exchanges of devolved governments abroad. This international exchange is majorly two-fold². First we have global Sub-State diplomacy where the devolved or federated units deal with International issues as a whole for instance international trade liberalization. Secondly, we have regional Sub-State diplomacy where issues involved are more regionalized in nature and in particular those that are relevant to the devolved or federated units. Generally, these international interactions can be classified within seven categories³.

2.1 Areas of International Interactions by Sub-State Governments

2.1.1 Politics and Institution Building

In a move away from tradition, a State's political power is no longer the main reserve of national governments, it is instead effectually distributed between the sub-

¹ Manuel Duran. "Paradiplomacy has changed and is still changing the nature of diplomacy." Accessed June 22, 2017. http://www.global-local-forum.com/pages.asp?ref_page=9219&tra_n_id=3

² Gary Chambers. "Europe and beyond: the development of sub-state paradiplomacy with special reference to Catalonia." Accessed July 31, 2017. <http://rjisp.politice.ro/sites/default/files/pictures/chambers.pdf>

³ Interview with Key Informant, Narok County Communications on behalf of H.E Governor. 13th June 2017

government, national, regional and international levels¹. Thus, Sub-State governments are no longer minor actors in intergovernmental interactions and we see them striving to gain international recognition and access to global networks through their institutions. They are in a constant quest for alliances with other actors and through their interactions with other devolved units, they exchange learnings on the procedures of operating as non-state actors. It's important to note that Sub-State diplomacy is closely associated with the mobilization of territorial political interests as it serves as a tool for achieving domestic policy. In addition, Sub-State governments have engaged in subnational trans-sovereign activities that have often propelled them politically far beyond the national frontiers².

The new devolved system of government in Kenya provides Sub-State governments (referred to as Counties) with diverse opportunities to access the international scene. This has led to the development of linkages between the Counties and decision making institutions of other states.

2.1.2 Economic Development

Economic development is a major driver of international interactions with Sub-State governments giving it a high priority. While highly institutionalized, the international interests of Sub-State governments tend to be more limited in nature and render a high importance on coordinated economic interactions across borders. Sub-State

¹ "Distribution of Powers between Central Governments and Sub-national Governments." *Committee of Experts on Public Administration*. June 13, 2017.

<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan048445.pdf>

² Gary Chambers. "Europe and beyond: the development of sub-state paradiplomacy with special reference to Catalonia." Accessed July 31, 2017.

<http://rjssp.politice.ro/sites/default/files/pictures/chambers.pdf>

governments mainly seek to promote foreign direct investment into their regions taking advantage of international trade liberalization through free trade and removal of trade barriers¹. They also seek international markets for their small and medium enterprises and cooperate in areas of technological research and development. Sub-State governments within Kenya have actively engaged in the global economy². They have promoted cross-border cooperation as a means to strengthen their local economies, sought out development assistance and exchanged governance experiences with their foreign peers. The Kenyan national government has been supportive of the Sub-State diplomacy of the counties and sees it as a complementary strategy for attaining the development objectives of the Kenya's foreign policy.

It has gone a step further and collaborated with the Sub-State governments on some foreign economic interactions. Hence the multi layered system of diplomacy is present and active and the diplomacy of Sub-State governments is viewed as playing an important part in the localisation of national foreign policy.

2.1.3 Education

Matters of education have become increasingly internationalized and we find that education is both exported and imported³. Sub-State governments have promoted cooperation and exchanges in the areas of education through a wide network of student exchanges and cooperation in the areas of research and doctoral studies.

¹ Paquin, Stéphane, and Guy LaChappelle. *Mastering globalization: new sub-states' governance and strategies*. London: Routledge, 2005

²Interview with Key Informant, Narok County Communications on behalf of H.E Governor. 13th June 2017.

³ Jane Knight. "Internationalization of Education." Accessed August 15, 2017. http://www.aqu.cat/elButlleti/butlleti75/articles1_en.html#.WaVcVyig_IU

2.1.4 Culture

Culture has been promoted as a means to nation building and as identity politics¹. It has been linked to economic development and used by Sub-State governments for public diplomacy, place marketing and image-making. Some Sub-State governments actively promote specific virtues of their own regions. For instance, Lamu and Mombasa have promoted the Swahili culture and sought to endear tourism hence endorsing the continuing linkages between culture and enterprise. Generally, culture is often a contentious field. Arguments range from what would be the content of culture, its' role in international interactions and whether it should be promoted in its own right. In Kenya, the national government has sought to promote cultural pluralism in its international trade interactions. Sub-State governments are consequently enacting international actions that do not interfere with foreign policy and where interference is inevitable same always under the control of the Ministry of Foreign Affairs.

2.1.5 Environment

All Sub-State governments surveyed are committed to conservation and environmental protection². By virtue of their domestic competences in the environmental protection policy area, Sub-State governments have acquired an indirect foreign policy competence and have become dynamic actors in international relations, even when this has not been explicitly provided for in the constitution. They have sought to advance their interests on environmental issues.

¹ Alina Stoica, Ioan Horga, Maria Ribeiro Eds. "Culture and Paradiplomatic Identity." Accessed September 20, 2017. <http://www.cambridgescholars.com/download/sample/63064>

² Michael Keating. "The International Engagement of Sub-State Governments." Accessed August 11, 2017.

http://www.parliament.scot/S4_EuropeanandExternalRelationsCommittee/Meeting%20Papers/Michael_Keating_report.pdf

2.1.6 Ethical Fields

Through Sub-State Diplomacy, Sub-State governments have sought to strategically exploit the use of Soft Power in their international interactions¹. Thus focus has been given to public diplomacy which has played an important role in the promotion of soft power overseas.

2.1.7 Security

Sub-State governments are increasingly co-operating with other cities, states and international agencies on matters of international security as devolved governments are drawn into issues of international concern such as terrorism, migration, people trafficking and drug trafficking². The Sub-State governments in Kenya surveyed have local security policies that lay within the frameworks of international security provisions.

2.2 Sub-State Governments means of Diplomacy

Sub-State governments gain international access through various means and channels.

These include:

2.2.1 Diaspora

The diaspora community plays a key role in the conduct of Kenyan foreign policy. Sub-State governments have been seen to engage the diaspora community through cultural

¹ Neves, Miguel. "Paradiplomacy, Knowledge Regions and the Consolidation of Soft Power." Accessed March 08, 2017. http://repositorio.ual.pt/bitstream/11144/478/1/en_vol1_n1_art2.pdf

² Marcos Gilberto. "Paradiplomacy, Security Policies and City Networks: the Case of the Mercocities Citizen Security Thematic Unit." *Contexto Internacional*, 39, no. 3 (2017): 570-573

activities since this cultural communities are seen as a vital economic resource for the devolved units¹.

2.2.2 Public Diplomacy

Sub-State governments have been seen to promote favourable images of their regions within the international arena. This place-marketing venture has been used to educate the world and promote the regions as being favourable for tourism, for investments and even for living²

2.2.3 Networking

Informal networking has been deemed important in Sub-State diplomacy engagements. Sub-State governments have utilised strategically positioned people to gather knowledge on important happenings, vital contacts to engage with and places where they can exercise their influence. They have been seen to use their compatriots in international bodies to exert their influence in the international system through for instance gathering information for special use such as lobbying³.

2.3 Key Findings

From the data collected, we can deduce that globalization, decentralization, democratization and regionalization play a significant role in advancing the roles sub-state governments play in the international arena. The growing international relations of sub-state governments occur both within federal states and unitary systems of

¹Interview with Key Informant, Narok County Communications on behalf of H.E Governor. 13th June 2017.

² Interview with Key Informant, CEC, Nairobi County. 15th June 2017.

³ Interview with Key Informant, CEC, Mombasa County. 7th June 2017.

government¹. By having a formal constitution, federal systems of government have more autonomy in terms of decision making on both economic and political issues. On the other hand centralized systems of government have a greater fusion of both political and economic powers between the central and sub-state governments. The existence of a formal federal constitution and the degree of power decentralization or centralization determines the extent to which sub-states can engage in diplomacy. It remains however that while it's impossible to curtail the role of Sub-States governments within the international arena, Central governments retain concerns over the degree of their Sub-State governments' international participation as they are at times in conflict with national interests. These concerns are especially critical where Sub-States governments drive for autonomy and recognition as a state. It remains however that Central governments have to retain authority in the conduct of foreign affairs. For example in the cases of Catalonia and Scotland² while there is a degree of foreign policy autonomy enjoyed by these regions, the Central governments retain the overall authority in the conduct of foreign policy and ensures that these regions participation in the international arena is within the rules of foreign policy.

It is worthwhile to note that some autonomous entities will in pursuant of their own interest pursue their own foreign policy which in turn influences the foreign policy of their Central government as is the case with Flanders/Belgium³. On the other end of the spectrum, Central governments can limit international participation of its sub-state

¹ Cornago, Noé. "On the normalization of sub-state diplomacy." *The Hague Journal of Diplomacy*, 5, no. 1-2 (2010): 11-36.

² Keating, Michael. *Nations against the state: the new politics of nationalism in Quebec, Catalonia and Scotland*. New York: Springer, 1996.

³ Wolff, Stefan. "Paradiplomacy: scope, opportunities and challenges." *The Bologna Centre Journal of International Affairs* 10, no. 1 (2007): 141-150.

governments leading to an over reliance on the Central governments in representation of its interests abroad as is the case with Scotland/UK. Overall, global changes that bring about diplomatic complexities in the international arena have also changed the very concept of sovereignty. Central states no longer bear the ultimate power and role in the conduct of diplomacy. It is thus prudent for states to realise that these new players in the international arena are part of the new era. Countries such as the United Kingdom have been at the forefront in pushing for regionalization with a goal to create ten regional government offices (RGOs)¹. These offices have been tasked with the roles of improving the state's economic competitiveness by identifying regional economic problems and enhancing trade capacities within the smaller territories. Thus by achieving these goals, the RGOs have been instrumental in responding to local businesses needs for improvement in the trading environment and enhancement of competitiveness. Decentralization has also been in the states agenda with further autonomy being pushed for Wales and Northern Ireland, Scotland. In 1999, Regional Development (RDAs)² were established to improve the region's economic competitiveness and enhance cooperation and partnership between regional authorities and relevant subjects. These partnerships have been geared on promoting investments, greater employment and business efficiency.

Globalization has brought about a mutual interconnectedness and interdependence in different spheres of life. People are more tolerant of other cultures as they get exposed

¹ Sorens, Jason. "The partisan logic of decentralization in Europe." *Regional & Federal Studies* 19, no. 2 (2009): 255-27

² Roberts, Peter. "Henrik Halkier, Mike Danson and Charlotte Damborg (eds), "Regional Development Agencies in Europe" (Book Review)." *Town Planning Review* 70, no. 1 (1999): 125. doi:10.3828/tpr.70.1.u342030g371080m3.

to different ways of life of other people. It has become easier and to move across the globe merging different civilizations, languages and interests. With the global movement of its citizens, states have had to interact with other states in which they would have otherwise had no interest in. Communication has been made easier with information travelling faster than ever before and reaching far flung places which traditionally would not have been reached. Trade has traversed state borders with businesses getting increasingly concerned about favourable conditions of doing business. For many multinational companies, situating their industries in low-cost countries is deemed more favourable than in their parent country as the profits gained are a great incentive.

Both states and Sub-State governments act to attract these multinational organizations in their regions so as to promote economic growth and the wellbeing of its people¹. Central government's role is however much more limited to strategic projects and thus Sub-State governments' role in enabling a conducive business environment for diverse businesses from high net worth to low net worth remains critical. This is because, only at Sub-State level can some economic partnerships be fruitful when it comes to cooperation with local businesses and local actors. Sub-State governments therefore play a key role in promoting the sustainability and competitiveness of the economies of their regions and Central governments need to realize this key role and devolve part of their powers to them.

¹ Interview with Key Informant, CEC, Murang'a County. 3rd July 2017.

Regionalization thus takes advantage of globalization and in most instances complements the Central government's role¹. Decentralization of some powers strengthens the states operations as the Sub-States takes advantages of globalization to complement the national government interests. While there exists a fear by central governments that power devolutions to regions may strengthen their calls for political autonomy, this is not necessarily so for all regions. Some regions seek for higher legitimacy and demand for acceptability of their policies particularly so because they deduce that they are responsible for the development of their regions.

The results of my research indicate that with a greater political autonomy, Sub-State governments are able to overcome challenges brought forth by globalization and in turn work on the opportunities presented to grow their local economies. I conclude that diplomacy of Sub-State governments is on the basis of globalization, regionalization, decentralization and democratization. Democratization in this instance has opened political space for Sub-State governments to engage in international affairs especially in countries such as Brazil and South Africa. Decentralization on the other hand gave Sub-State governments powers and relevant resources for the conduct of diplomacy.

2.4 Chapter Analysis

This findings of this study notes that neo-functionalism theory plays a suitable role in elucidating the development of sub-state diplomacy. The theory recognizes that there are other actors in the international system apart states and these actors are in pursuant

¹ Hettne, Björn. *"Globalization and the new regionalism: the second great transformation."* London: Palgrave Macmillan, 1999.

of self-interests within the international arena. These actors include Sub-State governments who play a key role at the international, national and even Sub-State levels. From this chapter, we deduce that through decentralization, regionalisation, globalization and democratization Sub-State governments assume key roles in the pursuit of welfare objectives brought about by the state's political and economic integration. This is while recognizing the roles regional institutions play in influencing the decision processes by member states.

The theory acknowledges that globalization a derivative of integration increases interconnectedness in the international system hence espousing the trend of sub-state governments' engagement in diplomacy. Neo-functionalism theory spill-over logic expounds that treaties negotiated between central governments and other states often involve issues that lay within the jurisdiction of devolved units leading to the linkages of Sub-State governments with international relations. Therefore while the Central governments play key roles in the integration of states, integration in one sector often leads to further integration in other sectors

CHAPTER FOUR

CROSSROADS OF SUB-STATE DIPLOMACY: UNDERLYING CHALLENGES.

3.0 Introduction

In the last four decades, the number of actors engaged in international affairs has grown in size and increased in diversities¹. Although national governments still hold the constitutional power to direct foreign policy and conclude international treaties² their control of foreign affairs has been increasingly challenged. These challenges of States monopoly over international affairs have taken effect through four important developments. First apart from the Ministry of Foreign Affairs, other ministries within the National Executive have direct interactions with their bureaucratic counterparts abroad with some clearly violating the rules of engagement in which they are required to liaise with the centralized ministries in the pursuant of international activities. Second, other branches of the national government, particularly the Legislature and occasionally the Judiciary, have substantially increased their contact with their international counterparts. In general, the participation of the Legislature in international affairs is confined to aspects such as ratification of ambassadors and consular appointments, the revision of the foreign policy which is led the Executive and the domestic approval of treaties. Nevertheless, both the legislature and judiciary have been seen to engage in international activities on issues and areas of own interest. Third, Sub-State governments have significantly engaged in Sub-State diplomacy due to

¹ Thomas Weiss. "The Rise of Non-State Actors in Global Governance" Accessed March 27, 2017. <http://acuns.org/wp-content/uploads/2013/11/gg-weiss.pdf>

² Richard Haas. "Sovereignty." Accessed March 19, 2017. <http://foreignpolicy.com/2009/10/20/sovereignty/>

globalization factors leading to a crop up of new challenges in the conduct of foreign policy. Finally, in the fourth aspect, non-state actors such as diverse interest groups, non-governmental organizations and multinational corporations have increased their participation in international interactions through social adding onto the challenges of foreign policy implementation¹.

Since the implementation of the new constitution in Kenya in 2010, Sub-State diplomacy in Kenya has been plagued with occurrences of diplomatic blunders, abuse of foreign trips by sub-state government officials, as well as general inefficiency in the planning, implementation and pursuant of international activities². Generally, the Sub-State governments face political, constitutional, compliance and resource challenges.

3.1 Challenges in the Implementation of Foreign Policy

3.1.1 Political challenges

Changes in political leadership in some regions has had negative effects in the pursuant and implementation of already negotiated Memorandum of Understanding, gravely affecting international relations undertakings. Political differences between Sub-State leaders and the State have sometimes adversely affected their relationships. However from this study, the Sub-State governments in its conduct of diplomacy have not met political challenges from the current ruling party (Jubilee) nor from the national government as a whole. Besides in all the Sub-State governments surveyed, the leaders

¹ Muhittin Ataman. "The Impact of Non-State Actors on World Politics: A Challenge to Nation-States." Accessed March 20, 2017.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.472.5430&rep=rep1&type=pdf>

²Interview with Mr. Raphael Musyoka, state office at the Liaison, Parliamentary and County Affairs directorate. Ministry of Foreign Affairs. 18th August 2017.

have been in support of their counties instituting and sustaining friendly international relations particularly those that are of mutual benefit both socially and economically¹.

3.1.2 Constitutional challenges

The National Executive in Kenya is responsible for enactment and implementation of Foreign policy, the states international relations in addition to international agreements negotiations and signing. Hence the President has the overall responsibility of Kenya's foreign policy and its international relations. The Kenyan constitution² fourth schedule Article 185 (2), 186 (1) and 187 (2)) does not grant its Sub-State governments the role of executing international relations and hence does not recognize them as actors in the international sphere. Through the Ministry of Foreign Affairs the Sub-State governments are guided in matters foreign policy. In addition, these counties are autonomous in legislating on some issues in accordance to their constitutional mandate and they use this legislative autonomy to engage in international interactions.

3.1.3 Lack of compliance challenges

The Sub-State governments have been plagued with challenges that have included lack of compliance with the Kenya Foreign Policy framework when it comes to international visits and the signing of Memorandum of Understandings (MOUs)³. In the initial years of devolution, prioritization was a challenge with Sub-State governments engaged in numerous initiatives whereas there was no clear rationale for such engagements and where rationale was present there was no follow through. Thus with the lack of a clear

¹Interview with Key Informant, Narok County Communications on behalf of H.E Governor. 13th June 2017.

² *The Constitution of Kenya*. Nairobi: Government Printer, 2001.

³Interview with Mr. Raphael Musyoka, state office at the Liaison, Parliamentary and County Affairs directorate. Ministry of Foreign Affairs. 18th August 2017.

strategy to actualise Memorandum of Understandings and not following proper processes of implementation the conduct of foreign policy has been in jeopardy. Some Sub-State governments have in instances acted on their own on matters of international concern without informing the Ministry of Foreign Affairs which is the coordinating ministry. To compound on the challenges, the mechanisms for participating in international negotiations or those for engaging with international organizations are not always clear and most times are not based on shared understandings. The lack of a joint council between the Ministry of Foreign Affairs and the County governments to oversee the planning, implementation and promotion of international affairs has posed as a challenge in the implementation of foreign policy. In addition, the lack of proper planning, poor research, poor infrastructure and bureaucracy by Sub-State governments has added to these challenges. To counter these challenges, both the Ministry of Foreign Affairs and the Sub-State Governments have to demonstrate political will and commit the necessary resources required for the success of Sub-State diplomacy.

3.1.4 Resource challenges

Devolution being a new phenomenon in Kenya, most Sub-State Governments do not have the experience required for the conduct of international relations¹. For a majority of them, they lack personnel who are qualified in conducting international relations and lack negotiation skills required for the international arena. To counteract the lack of skills, the Ministry of Foreign Affairs has embarked on training programmes for the county staff. While they have been able to train quite a large number of personnel, it has been established that the trained staff are not effectively passing on the knowledge

¹Interview with Mr. Raphael Musyoka, state office at the Liaison, Parliamentary and County Affairs directorate. Ministry of Foreign Affairs. 18th August 2017.

and skills acquired onto other members of staff within the counties. Another resource challenge comes in the form of lack of financial resources to operationalize the Memorandum of Understandings with many Sub-State governments spending way above their budget in conducting diplomacy. Conversely, the sovereign nature of states render the idea of autonomous Sub-State governments untenable. The efforts to decisively address these deficiencies and make sub-state diplomacy more responsive to subnational and national development priorities have proven to be difficult. Although most Sub-State governments have put in place administrative systems to better manage sub-state diplomacy across different departments and regions, a weak culture of accountability in this sphere of government means that compliance with, and enforcement of appropriate regulatory frameworks has been inadequate. With the conduct of foreign policy and international relations considered to be the preserve of the national government, none of 47 Sub-State governments in Kenya has a separate departmental portfolio with a dedicated political head and bureaucracy to provide strategic leadership to sub-state diplomacy. The responsibility to coordinate Sub-State diplomacy is therefore left to diverse personnel within the counties who lack the technical capacity to provide strategic guidance on international relations.

3.2 Key Findings

On the basis of my empirical research, key challenges to the implementation of foreign policy are centred on four main aspects. These include lack of resources, lack of compliance, constitutional and political challenges. These common challenges vary from one state to another and from one region to another. They fall under the categories of insufficient monetary resources, thin budgets, lack of sufficient highly skilled staff in international affairs matters, insufficient number of personnel, lack of skills and

knowledge in the conduct of foreign policy, ignorance of official legal framework that guide the conduct of Sub-State governments, lack of compliance by Sub-State governments to the set legal frameworks of foreign policy conduct and insufficient political support. There has been ongoing efforts aimed at resolving some of these challenges. For instance the Ministry of Foreign Affairs and Trade has embarked on Training officials within the Sub-State governments on international affairs areas such as diplomatic protocol, how to attract foreign direct investment and to receive international donations, strategies to conduct international cooperation and so forth¹.

Initially at the commencement of devolved system of government, many Sub-State governments embarked on too many initiatives with no clear objectives and some which were not followed through. Prioritisation hence has been deemed important and key to avoid such developments. It has also been noted that some Sub-States governments conduct foreign policy without informing the Ministry of Foreign Affairs and trade hence not complying with the laid down rules and framework of foreign policy. In some instances the guidelines of participating in international organizations and international partnerships have not been clear nor based on shared understandings mostly due to ignorance on the Sub-State governments part.

Regions such as Quebec and Bavaria have resolved such issues by creating set action plans that are coordinated by the relevant ministry charged with foreign affairs matters with input from other ministries². Basque government on the other hand has guaranteed

¹ Interview with Key Informant. Ministry of Foreign Affairs. 27th July 2017.

² Criekemans David. "Regional sub-state diplomacy from a comparative perspective: Quebec, Scotland, Bavaria, Catalonia, Wallonia and Flanders." *The Hague Journal of Diplomacy*, 5, no.1 (2010): 37-64

coherence, prioritization and working mechanisms within its devolved government and also with the Central state. Prioritization on the basis of geographical focus, sectorial need or by policy fields is key in order for Sub-State governments to get maximum returns on their limited resources and personnel. Hence devolved governments should embark on activities that have the most impact to its regions and its people and avoid those activities that do not deliver much in return.

Political factors govern the relations between Central governments and Sub-State governments and while there may be differing parties at play, it is key for states to be accommodative of the Sub-State leaders, find common shared ground and support Sub-State governments conduct of diplomacy albeit under regulated frameworks¹. In my research, there is a general understanding that foreign policy is exclusively under the Central government's power which handles issues of high politics. On the other hand Sub-State governments' responsibility is mainly on issues of low politics and they are allowed to participate in foreign policy conduct under the guidance of the Ministry of Foreign Affairs.

In conclusion, the empirical findings support the hypothesis that Sub-State governments face political, resources, constitutional and compliance challenges in foreign policy implementation. Resolutions to the challenges lie in the levels of interactions between the Central and sub-state governments. State are at the forefront in ensuring the smooth conduct of foreign policy and in turn Sub-State governments have the responsibility to operate within the guidelines and frameworks set for them².

¹ Interview with Key informant. Nairobi County Government. July 31st 2017

² Interview with Key Informant. Ministry of Foreign Affairs. June 16th 2017

Without this, conflicts emerge and the benefits that would have been gained from complementary activities in both levels of government are lost.

3.3 Chapter Analysis

From the findings of this study, it is accurate to deduce that foreign implementation by Sub-State governments' engender challenges in the conduct of foreign policy. Neo-functional theory argue that non-state actors act in pursuit of self-interest and from this perspective Sub-State governments pursue diplomacy in support of their own individualistic interests as they seek survival and promotion of their interests. These interests are sometimes complementary to or in conflict with the Central government's interest.

CHAPTER FIVE

EXPRESSING SUB-STATE DIPLOMACY AND THE LIAISONS THEREIN

4.0 Introduction

Globally, Central governments have traditionally had a constitutional prerogative over foreign affairs and hence States constitutional frameworks have guided Sub-State governments participation in international affairs through the provision of different degrees of autonomy depending on each country¹. The constitution has both empowered and curtailed international activities of Sub-State governments by providing a framework for foreign policy conduct.

4.1 Mechanisms and Framework for the Conduct of Foreign Policy

There are different mechanisms and frameworks present that guide the conduct of foreign policy and below study covers the framework and mechanisms in place for the Kenyan context.

4.1.1 The Kenyan Constitution

A country's constitution to quote Burton's Legal Thesaurus "is the fundamental law, written or unwritten, that establishes the character of a government by defining the basic principles to which a society must conform; by describing the organization of the government and regulation, distribution, and limitations on the functions of different government departments; and by prescribing the extent and manner of the exercise of

¹ "Crossroads of diplomacy: new challenges, new solutions." *Netherlands Institute of International Relations*. May 19, 2017.

https://www.clingendael.org/sites/default/files/pdfs/20071000_cdsp_paper_manojlovic.pdf

its sovereign powers¹". Kenya promulgated its new constitution in 2010 to replace the 1963 constitution. Within it lies the guidelines on the conduct of foreign policy. Chapter 1 article 2. (6) of the Kenyan constitution² states that any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution. In terms of Chapter 9 article 131. (1) The President is both the Head of State and head of the national executive. Chapter 9 article 132. (2) States that the President shall nominate and, with the approval of the National Assembly, appoint, and may dismiss high commissioners, ambassadors and diplomatic and consular representatives. There has been cases where some Sub-State governments have contravened the constitutional directive and appointed envoys for foreign representation abroad. This was attributed to ignorance by the Sub-State governments

The Treaty Making and Ratification Act No. 45 of 2012³, states that "subject to the provisions of this Act, the national executive shall be responsible for initiating the treaty making process, negotiating and ratifying treaties. The responsibility provided for in subsection (1) may be delegated to a relevant State department". Sub-State governments (Counties) are not recognised by the Constitution as subjects of international law hence they are not mandated to make treaties nor ratify international agreements. Sub-State governments can only present their interests internationally through the Ministry of Foreign Affairs. From my survey, some Sub-State Governments officials have contravened the rules of this Act in their international negotiations which has put the State in a precarious situation as any treaty ratified

¹ Burton's Legal Thesaurus. "Constitution." <http://legal-dictionary.thefreedictionary.com/constitution>

² *The Constitution of Kenya*. Nairobi: Government. Printer, 2001.

³ Kenya Law. "Treaty Making and Ratification."
<http://kenyalaw.org/lex//actview.xhtml?actid=No.%2045%20of%202012>

outside the guidelines of the Act is rendered null and void. Sub-State governments however can enter into Memoranda of Understanding (MoUs) which are not legally binding¹ and they are not mandated to enter into legally binding contracts as per constitutional rules.

4.1.2 Ministry of Foreign Affairs

In most countries, the conduct of foreign policy has lied within the forays of the Ministry of Foreign Affairs which is the main bureaucratic agency in charge creation, compliance and implementation of foreign policy². With the growing number of actors with diverse interests in international relations, the main challenge faced by the ministry of foreign affairs has been on conducting a foreign policy that is representative of the different national interests but at the same time unified and coherent externally. That is it portrays an external unity, internal diversity³. In Kenya, the constitution has granted mandates to the national government on the issue of capacity building and technical assistance to counties as per Schedule 4 (32). The Liaison, Parliamentary and County Affairs directorate⁴ was established within the Ministry of Foreign Affairs in 2013 as a focal point for the facilitation of Parliament and County affairs in their official engagements. The roles of the directorate include capacity building in engagements with the International Community, foreign policy and protocol. This directorate act at the department in charge of coordinating the foreign policy conduct of Sub-State

¹ Claude Schenker. "Practice Guide to International Treaties." https://www.eda.admin.ch/dam/eda/en/documents/publications/Voelkerrecht/Praxisleitfaden-Voelkerrechtliche-Vertraege_en.pdf

² Ministry of Foreign Affairs. "Functions of the Ministry." Accessed June 28, 2017. <http://www.mfa.go.ke/functions-of-the-ministry/>

³ Blindenbacher, Raoul, and Arnold Koller. *Federalism in a Changing World: Learning from Each Other: scientific background, proceedings and plenary speeches of the International Conference on Federalism 2002*. Montreal: McGill-Queens University Press, 2003.

⁴ Ministry of Foreign Affairs. "Liaison, Parliamentary and County Affairs." Accessed June 28, 2017. <http://www.mfa.go.ke/liaison-parliamentary-county-affairs/>

governments. It facilitates official foreign travel for Sub-State government officials, organizes workshops to train county personnel on Kenya's international obligations and foreign policy and facilitates official engagements between county governments and visiting diplomatic corps and foreign officials¹.

4.1.3 Devolution System of Government

Article 200 of the Kenyan Constitution² gives Parliament the mandate to enact legislation that guides devolution of government. The County Government Act, 2012 came into operation on March 4th 2013. Within the devolution system of government, the national government is in charge of foreign policy, the conduct of international affairs and international trade. Each Sub-State government has a County Public Service Board who are mandated to advise Sub-State governments (Counties) on their responsibilities under international treaties and conventions³. Some parallel functions within the Sub-State governments for instance trade regulation and development, environmental conservation, drug trafficking and crime prevention have a significant nexus with issues of international concern. Through trade and development Sub-State governments have enacted policies to market themselves internationally and attract Foreign Direct Investment (FDI) into their regions. Hence Sub-State governments are playing a complementary role to the Central government responsibilities.

¹Interview with Mr. Raphael Musyoka, state office at the Liaison, Parliamentary and County Affairs directorate. Ministry of Foreign Affairs. 18th August 2017.

² *The Constitution of Kenya*. Nairobi: Government. Printer, 2001.

³ International Commission of Jurists.-Kenya. "Handbook on Devolution." Accessed June 11, 2017. <http://www.icj-kenya.org/ju-directory-2?searchword=devolution&searchphrase=all>

4.1.4 Relations with the Central Government

While the international activities of Sub-State governments are growing globally, the relationships with Central governments vary from collaboration to conflict. While normalization of Sub-State diplomacy has enabled the Sub-State governments to operate in a progressively complex environment, some tension with the Central government still remain as devolved governments seek their own individual international links away from the Central government arrangements. In addition tensions arise due to party politics where nationalist party leaders seek international influence and recognition hence leading to conflicts with the Central government. Conflicts over symbolic issues such as protocol and precedent, flying of flags and the use of His Excellency titles has been at the forefront of conflicts¹.

4.2 Key Findings

While the number of actors in international affairs has increased globally, Central governments maintain constitutional power in the conduct of foreign policy. Some regions have granted greater powers to Sub-States governments in their conduct of foreign policy than other states.

There are four key ways in which the constitution grants powers to Sub-State governments; 1) Complementary; Central government had control in the conduct of foreign policy but Sub-State governments have constitutional powers to engage in foreign policy conduct in some policy. 2) Consultative; whereby Central governments consult Sub-State governments albeit the fact that the Sub-State governments have no

¹Interview with Mr. Raphael Musyoka, state office at the Liaison, Parliamentary and County Affairs directorate. Ministry of Foreign Affairs. 18th August 2017.

constitutional powers in foreign policy implementation. 3) Inclusive; whereby Sub-State governments participate fully in foreign policy making and implementation and have constitutional powers to do so. 4) Exclusive; where Central governments control foreign policy conduct and Sub-State governments have no constitutional powers to implement foreign policy¹. It is more likely that foreign policy conduct will be inclusive in consolidated parliamentary democracies and complementary in democracies with presidential plus local government systems. Belgium is one of the countries that practice an inclusive foreign policy conduct. The country upholds a constitutional monarchy with a parliamentary democracy. Within their constitution, the Central government is granted authority on matters formally assigned to it by the constitution while the communities and regions have competencies in matters of self-interest. Hence there exists the philosophy of equality amongst all governments in Belgium with no hierarchy of norms.

The Belgium constitution establishes that conduct of international relations is directed by the King and he regulates issues such as international cooperation, treaties conclusion, and all matters as assigned by the constitution. While the King has major powers in the control of foreign policy his powers are not exclusive. The Prime minister is tasked with representing Belgium's interests abroad and leading the government. Hence he is majorly involved in establishing contacts with other governments, heads of governments and international bodies such as the United Nations and the European Union. He is also tasked with attending the European Union's head of states and

¹ Crikemans David. "Regional sub-state diplomacy from a comparative perspective: Quebec, Scotland, Bavaria, Catalonia, Wallonia and Flanders." *The Hague Journal of Diplomacy*, 5, no.1 (2010): 37-64

government summit. Both the Monarch and the Prime minister act as key actors in the conduct of Belgium's foreign policy however the Ministry of Foreign Affairs, Foreign Trade and Development Cooperation is responsible for the foreign policy implementation. It does so in key thematic areas such as; Coordination and European affairs, consular matters, legal affairs, bilateral undertakings, multilateral and globalization affairs, cooperation and development. Negotiation of international treaties is conducted by the legislative arm of government both at federal and Sub-State government levels. Information on treaty negotiations is passed onto both levels of government and a draft treaty presented for scrutiny before it's signed. Belgium Sub-State governments thus are strong international actors in their own right and possesses an international personality whereby the constitution provides for and compels them to engage in international relations. The legal affairs directorate manages the mixed treaties between the Central government and the Sub-State governments.

One of the principle that guides the division of power between the Central governments and the sub-state government establishes that if a Belgium Sub-State government is internally competent in an area of concern then it goes without saying that it is also competent externally. Following this principle, Belgium Sub-State governments have a right to their own diplomatic representation to international organizations and other countries. Similarly they have a right to conclude international treaties. Thus the Belgium Central government cannot conclude treaties on issues that fall within the jurisdiction of the Sub-State governments. To avoid emerging conflicts, an institution was established to guide the coherence of Belgium's foreign policy. The Inter-ministerial Committee on Foreign Policy (ICFP) seeks to bring together representations from the different levels of government and acts as a mechanism for dialogue and

decision making¹. A second principle provides that all Belgium Sub-State governments have a role to play in the making and implementation of foreign policy establishing equality amongst all Sub-State governments in Belgium.

In countries such as Germany and France, the constitution grants the Sub-State governments the powers to regulate cooperation and conclude treaties in the areas of education and culture. Germany is composed of a Central government and Sub-State governments known as Länder. Each Länder has its own constitution and basic law stipulates that Länder exercises state powers on issues provided within the law. However Germany's foreign policy control and implementation is conducted by the federal or Central government and covers issues such as immigration, international trade customs and border security. The Federal Foreign Office is tasked with representing Germany's interest within the international arena. The Länder concludes treaties with the consent of Central governments and Central government consults Länder in treaties that touch on issues within the Länder jurisdiction. Hence there is interdependency between the Central government and the Länder. Generally, the constitutional framework and institutions present within Central governments determine the limits of Sub-States governments' engagement in conduct of international affairs.

¹ Sepos Angelos. "EU Policy-Making in Federal States: The Case of Belgium." *Regional & Federal Studies*, 13, no. 2 (2003): 57-83.

4.3 Chapter Analysis

To achieve the priorities and goals of foreign policy, different institutions and mechanisms play a fundamental role. The study notes that constitutional rules and domestic institutions in decentralized systems determine the implementation of foreign policy by Sub-State governments. Neo-functionalism as a theory offers the premise of cooperation under the authority of Central institutions. Institutionalized intergovernmental cooperation between the Central and Sub-State government offers for connected sets of rules both formal and informal that lay the framework for international behaviour, provides international engagement limits and shape expectations while providing for synchronization. Given that the constitution in most states grant the Central government exclusive rights in foreign policy creation and implementation, the activities of Sub-State governments are not part of the States Foreign policy in a legal point of view. Sub-State governments do not have exclusive ministries within their devolved structures to guide in conduct of foreign policy. Thus Centralized institutions, mechanisms and legal frameworks are to guide and offer a complementary role to the Central governments conduct of foreign policy.

In conclusion, Neo-functionalism supports the hypothesis that constitutional rules and domestic institutions in decentralized systems determine the implementation of foreign policy by Sub-State governments. Central governments should thus ensure that the state agencies tasked with the implementation of foreign policy provides as oversight role over the conduct of foreign policy by Sub-State governments, appropriate the necessary budgets and training and overall provide for positive incentives that propel Sub-State governments conduct of foreign policy to be of a complementary role.

CHAPTER SIX

DATA ANALYSIS AND PRESENTATION OF DATA FINDINGS

5.0 Introduction

This chapter provides the findings and an analysis of data following the three research questions that guided the study. Data that was collected is analysed and presented with the focus of contributing to knowledge on the rising challenges of implementing foreign policy with a focus on Sub-State diplomacy in Kenya.

5.1 Data Collection

Multiple sources of data were used in this research that included both primary and secondary data. Questionnaires and in depth interviews were used to collect primary data while existing literature sources were used to collect secondary data. To begin with, Sub-State diplomatic practice in Kenya was mapped on the basis on existing secondary data that included scholarly literature, policy documents and governmental websites. 25 questionnaires were administered to county officials that included 15 members of the County Executive Committee (CEC's), 6 County secretaries, 2 Governors and 2 County Directors of Communication. While the aim at the beginning of the study was to interview 10 County Governors only 6 were available for interviews. In addition 3 questionnaires were issued to the Ministry of Foreign Affairs representatives and 2 interviews conducted. The departments that were surveyed within the Ministry of Foreign Affairs included Protocol and The Liaison, Parliamentary and County Affairs directorate.

In-depth interviews were aimed at an in-depth understanding on the practice of Sub-State diplomacy, its context, challenges and mechanisms of operation. The data collected from interviews was not directly recorded as per the requests of the respondents who regarded information on Sub-State diplomacy as sensitive hence were hesitant on being recorded. Nevertheless, in-depth notes were taken during the interview. On the other hand, questionnaires issued had both open and close ended questions and provided for the gathering of a significant amount of data at relatively little cost and in relatively short period of time.

Primary sources of data on the topic of sub-state diplomacy were also analysed. They included policy documents, the Kenyan constitution and government reports. Secondary sources of data comprised of both academic and non-academic literature such as websites.

5.2 Data Analysis

In the analysis of the findings, data was broken down into smaller units and analysed using statistical techniques to describe, condense and evaluate data. The research study aimed at responding to: What are the key global trends and structures in the advancement of Sub-State diplomacy? What are the challenges encountered from foreign policy implementation by Sub-State Governments? What are the constitutional and institutional mechanisms in place that guide the conduct of Foreign policy? From the analysis conducted, the following was derived:

5.2. 1 Key Global Trends in the Advancement of Sub-State Diplomacy

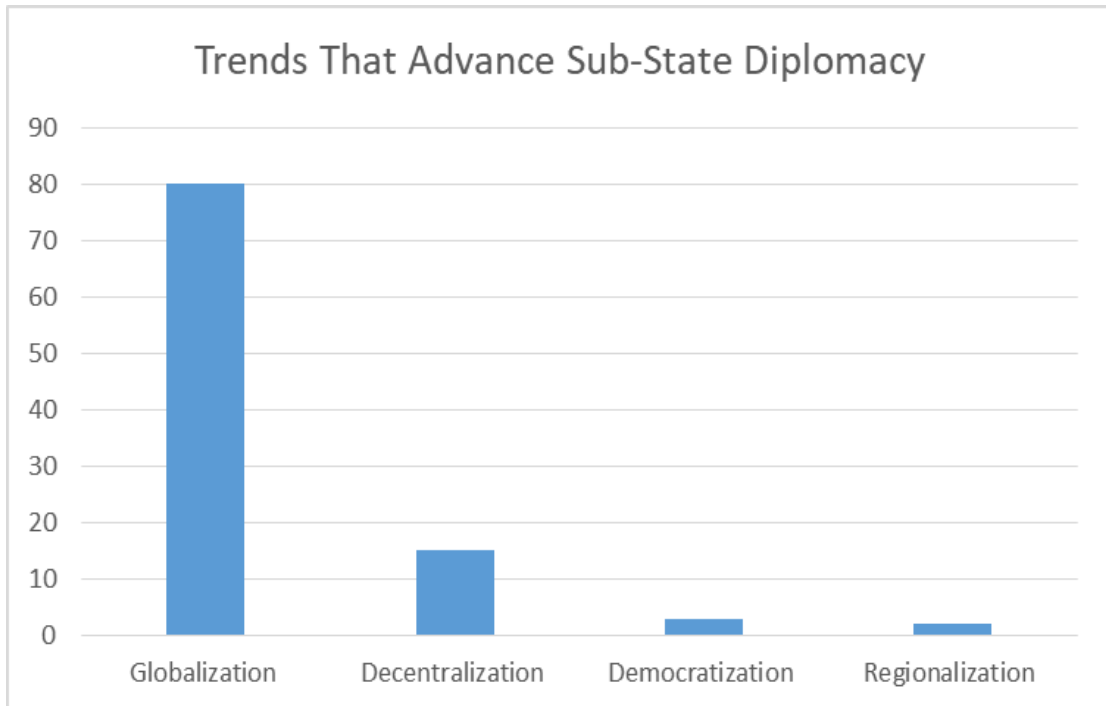


Figure 1: Trends that Advance Sub-State Diplomacy

Figure 1 shows how key trends in the global arena advance Sub-State governments' participation in international relations.

It is evident that in the current era of globalization, nation-states can no longer be regarded as the preeminent spatial markers of international relations. The globalization effects on Sub-State diplomacy is evident from this study carried out in the case of the Kenyan state. Respondents interviewed arguably were of the view that globalization has an 80% effect on Sub-State governments engagement in Sub-State diplomacy.

5.2.2 Challenges raised by Sub-State Governments in the Foreign Policy

Implementation by Central Government

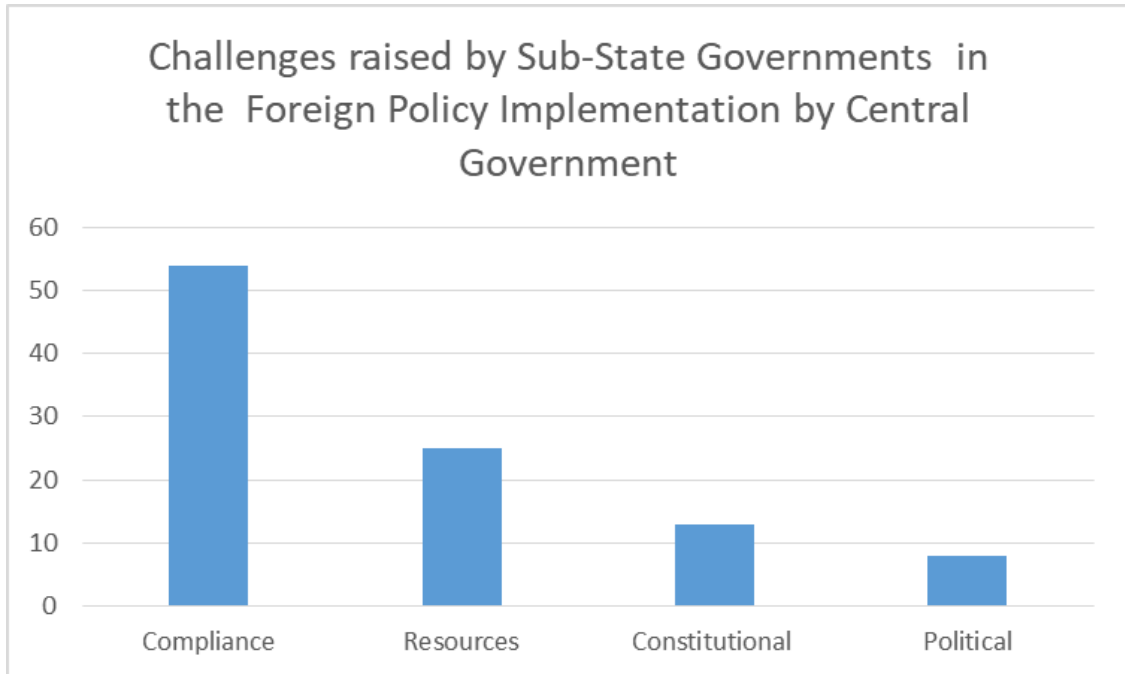


Figure 2: Challenges raised by Sub-State Governments in the Foreign Policy Implementation by Central Government

Figure 2 shows how the emerging challenges generated through foreign policy implementation by sub-state governments.

Sub-State governments face political, constitutional, resources, compliance and implementation challenges in relation to foreign policy implementation. The most important challenge that surveyed respondents highlighted was the lack of proper compliance in the implementation of foreign policy by Sub-State government agents.

5.2.3 Compliance to Constitutional and Institutional Mechanisms That Guide the Conduct of Foreign Policy

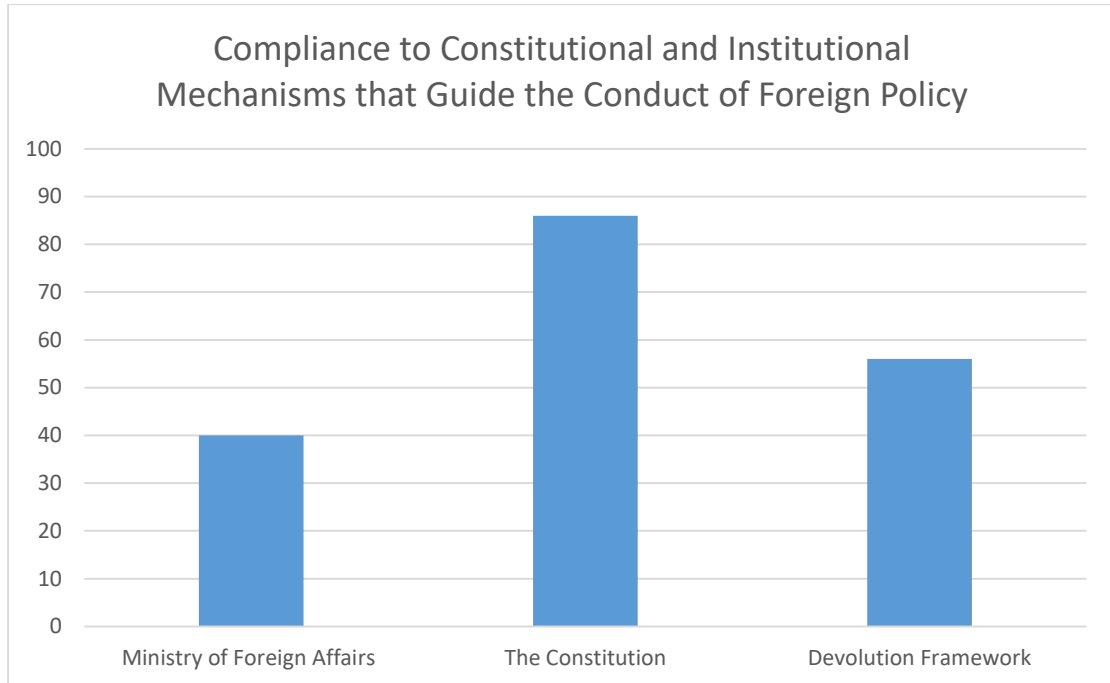


Figure 3: Compliance to Constitutional and Institutional Mechanisms that Guide the Conduct of Foreign Policy

Figure 3 shows the levels of compliance to constitutional rules and domestic institutions in decentralized systems play a key role in the implementation of foreign policy by Sub-State governments. The Ministry of foreign affairs acts as the institution through which Sub-State governments conduct foreign policy and compliance to its rules and regulations is at the lowest level of 40% while the compliance levels to the constitution that plays a leading role in providing the rules of foreign policy conduct is at 86%. The devolution framework provides for the underpinnings upon which Sub-State governments operate and compliance upon the rules and guidelines of foreign policy implementation is at 56%.

5.3 Overview of findings

Chapter three focused on the global trends and structures that advance Sub-State diplomacy and the practice of Sub-State diplomacy, its nature and scope was analysed. The key findings of this chapter was that globalization and the increased interdependence in the international arena generates motivations for Sub-State governments' participation in international relations.

In chapter four, an analysis of the data was done to find out what are the challenges that Sub-State governments raise in the implementation of foreign policy by Central governments. The main findings in this chapter were that political challenges coupled with constitutional imitations, lack of resources and lack of compliance to set rules and institutional mechanisms of foreign policy conduct hindered effective foreign policy implementation. Of all the challenges lack of compliance by Sub-State governments to foreign policy conduct rules and institutional frameworks was a causal factor.

Chapter five focused on the constitutional and institutional mechanisms in place that guide the conduct of Foreign policy. The main findings of this chapter was that there were low levels of compliance to the constitutional and institutional mechanism in place. It was clear from my research that the Kenyan constitution together with the Devolution Acts guide the conduct of Sub-State governments in the implementation of foreign policy. The Ministry of Foreign Affairs in turn coordinate the implementation of Foreign policy for instance signing of Memorandum of Understandings, international visits and protocol services. An additional finding in this chapter is that the engagements of Sub-State governments in diplomacy is complementary to the Central government's role in foreign policy implementation.

5.4 Conclusion

Sub-state diplomacy by Sub-State governments has largely been explained using variables such as globalization, federalism, regionalism and nationalism through neo-liberal theories of globalization and economic interdependence. Therefore Sub-State governments engage in Sub-State diplomacy as a pragmatic response to the opportunities and challenges forged forth by rapid globalization and economic interdependence. The growing normalization of Sub-State diplomacy and internationalization of domestic policies explain the growing international role of Sub-State governments. With this changing trend of diplomacy in the international arena, challenges emerge that affect the implementation of foreign policy by Central governments. Amongst all the challenges, compliance, resources, constitutional and political, non-compliance to set rules and institutional framework pose as the biggest challenge. It's important to note that the international involvement of Sub-State governments has been shaped by the country's constitutional and institutional mechanisms which have been mandated to have the major role in the conduct of foreign policy thus limiting the Sub-State governments' extent to which they can engage in sub-state diplomacy.

CHAPTER SEVEN

CONCLUSION, RECOMMENDATIONS AND FUTURE RESEARCH NEEDS

6.0 Introduction

This chapter begins by drawing the conclusions of this study and then proceeds to provide recommendations. The chapter ends by highlighting possible future research needs that were discovered based on the findings. The purpose of this study was to contribute to knowledge on the rising challenges of implementing foreign policy with a focus on Sub-State diplomacy in Kenya.

6.1 Conclusions of the Study

From the findings, this research has met the objectives of the study and achieved the goals the study set out to accomplish which included contribution to academic literature covering the role of Sub-State governments in the Sub-State diplomacy and informing policy with recommendations for further improvement of the Kenyan foreign policy. The study concludes that while Sub-State governments have become important actors in Foreign policy implementation, the national government still maintains its role as the central actor in the conduct of foreign policy. Sub-State governments involvement in foreign policy is determined by the governing constitution and institutional mechanisms in place. In Kenya, the National Executive maintains the main roles of foreign policy implementation and Sub-State governments are guided by the constitution, the Ministry of Foreign Affairs and Devolution acts.

6.2 Recommendations

Policy Recommendations

With the increased activities of Sub-State governments in international affairs, it is recommended that:

1. Sub-State governments engagement in foreign policy must be complementary to the national government and Sub-State governments are obligated to render support to the Central government's foreign policy objectives through the enactment of appropriate policies.
2. The Central government must assist Sub-State governments develop administrative capacity through qualified and skilful staff to coordinate the conduct of foreign policy.
3. The Central government should consult Sub-State governments during treaty negotiations particular on issues that touch on them.
4. The Ministry of Foreign affairs in partnership with the Sub-State governments should establish an implementation, monitoring and evaluation plan for all the Memorandum of Understandings signed by the Sub-State governments.
5. Sub-State governments should established a specific unit tasked with the responsibility of all international affairs conducts. This department should take the responsibility of providing appropriate administrative and technical support to the county personnel on all issues of international relations and also act as the office tasked with coordinating interactions with the Ministry of Foreign Affairs.

Academic recommendations

The field of Sub-State diplomacy is relatively new in Kenya and on this basis my recommendations are that:

1. Sub-State diplomacy should be a focus topic in institutions of higher learning with in-depth discussions provided for the subject area.
2. Materials in terms of information resources on this subject area should be made available in the Public libraries.
3. More research on this topic expressly in the case of Kenya should be pursued.

6.3 Areas of Further Study

Sub-State diplomacy as an area of study has been a complex phenomenon moulded by global dynamics and individualized nationalistic contexts and different scholars have interpreted the concept differently. Hence better elucidations of this phenomenon will be important and further research geared on different variables not covered in this study should be developed in the study of Sub-State diplomacy. Secondly, while there exists a myriad of scholarly work on Sub-State diplomacy within the western hemisphere there is limited academic writings on Sub-State diplomacy within the Africa setting and in particularly Kenya. The Kenyan case can be attributed to the newly incepted concept of devolution hence a proposed future research direction would be to continue with the study of Sub-State diplomacy by the Sub-State governments in Kenya and Africa as a whole. This would offset the geographical imbalance that exists in available scholarly work.

BIBLIOGRAPHY

Books

Blindenbacher, Raoul, and Arnold Koller. *Federalism in a Changing World: Learning from Each Other: scientific background, proceedings and plenary speeches of the International Conference on Federalism 2002*. Montreal: McGill-Queens University Press, 2003.

Breslin, Shaun, and Glenn D. Hook. *Micro regionalism and world order*. New York: Palgrave Macmillan, 2002.

Burton, William C. *Burtons legal thesaurus: over 10,000 synonyms, terms, and expressions specifically related to the legal profession*. New York: McGraw-Hill, 1980.

Caputo, John D., and Mark Yount. *Foucault and the critique of institutions*. University Park (Pa.): Pennsylvania State University Press, 1993.

Collis, Jill, and Roger Hussey. *Business research: a practical guide for undergraduate & postgraduate students*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2014.

Haas Ernst. *Beyond the nation state: Functionalism and international organization*. Colchester: ECPR Press, 2008.

Haas Ernst. *The uniting of Europe: political, social, and economic forces 1950-1957*. Stanford: Stanford University Press, 1968.

Hettne, Björn. *"Globalization and the new regionalism: the second great transformation."* London: Palgrave Macmillan, 1999.

Keating, Michael. *Nations against the state: the new politics of nationalism in Quebec, Catalonia and Scotland*. New York: Springer, 1996.

Kerr Pauline. *Diplomacy in a globalizing world: theories and practices*. Oxford: Oxford University Press, 2013.

Kirk-Greene, Anthony. *Diplomacy and Diplomats: The Formation of Foreign Service Cadres in Black Africa. Foreign Relations of African States*. London: Butterworths, 1974.

Macharia Munene. *The United States and Africa: from independence to the end of the Cold War*. Nairobi: E.A Educational Publishers Ltd, 1995.

Medeiros Marcelo. *Subnational State Actors and their Roles in Regional Governance. Closing or Widening the Gap?* London: Routledge, 2007.

Murunga, Godwin R., and Shadrack W. Nasong'o. *Kenya: The struggle for democracy*. London: Zed Books, 2007.

Ngethe, Njuguna, and Wasunna Owino. *From sessional paper no. 10 to structural adjustment: towards indigenising the policy debate*. Nairobi, Kenya: Institute of Policy Analysis and Research, 1996.

Paquin, Stéphane, and Guy LaChappelle. *Mastering globalization: new sub-states' governance and strategies*. London: Routledge, 2005

Stoke, Harold. *The Foreign Relations of the Federal State*. Baltimore: Johns Hopkins Press, 1931.

The Constitution of Kenya. Nairobi: Government. Printer, 2001.

Weiler Conrad. *Localizing foreign policy: Non-central governments and multi-layered diplomacy*. London: Palgrave Macmillan, 1993.

Wright, Stephen. *African foreign policies*. Colorado: Westview Press, 1999.

Journals

Annan, Kofi. "The causes of conflict and the promotion of durable peace and sustainable development in Africa." *African Renaissance*, 1, no. 3 (2004): 9-42.

Barkan, Joel D. "Kenya after Moi." *Foreign Affairs*, 83, no. 1 (2004): 87-100.

Cornago, Noé. "On the normalization of sub-state diplomacy." *The Hague Journal of Diplomacy*, 5, no. 1-2 (2010): 11-36.

Criekemans David. "Regional sub-state diplomacy from a comparative perspective: Quebec, Scotland, Bavaria, Catalonia, Wallonia and Flanders." *The Hague Journal of Diplomacy*, 5, no.1 (2010): 37-64

Duchacek Ivo. "The international dimension of subnational self-government". *The journal of federalism*, 14, no. 4 (1984): 5-31.

Hocking Brian. "Perforated sovereignties and international relations: trans-sovereign contacts of subnational governments." *Canadian Journal of Political Science*, 22, no.2 (1989): 64-66

Holsti Kalevi. "Bilateral institutions and Transgovernmental relations between Canada and the United States." *International Organization*, 28, no. 4 (1974)

Keating Micheal. "Regions and international affairs: motives, opportunities and strategies." *Regional & Federal Studies*, 9, no. 1 (1999): 1-16

Larsen, Laragh. "Notions of Nation in Nairobi's Nyayo-Era Monuments." *African Studies*, 70, no. 2 (2011): 264-283.

Lecours Andre. "Paradiplomacy: Reflections on the foreign policy and international relations of regions" *International Negotiation*, 7, no.1 (2002): 91-114

Marcos Gilberto. "Paradiplomacy, Security Policies and City Networks: the Case of the Mercocities Citizen Security Thematic Unit." *Contexto Internacional*, 39, no. 3 (2017): 570-573

Mueller, Susanne D. "Kenya and the International Criminal Court (ICC): politics, the election and the law." *Journal of Eastern African Studies*, 8, no. 1 (2014): 25-42.

Roberts, Peter. "Henrik Halkier, Mike Danson and Charlotte Damborg (eds), "Regional Development Agencies in Europe" (Book Review)." *Town Planning Review* 70, no. 1 (1999): 125. doi:10.3828/tpr.70.1.u342030g371080m3.

Sepos Angelos. "EU Policy-Making in Federal States: The Case of Belgium." *Regional & Federal Studies*, 13, no. 2 (2003): 57-83.

Shinn, David. "Fighting terrorism in East Africa and the Horn." *Foreign Service Journal*, 81, no. 9 (2004): 40.

Soldatos Panayotis. "Subnational units' paradiplomacy in the context of European integration." *Journal of European Integration*, 15, no.2 (1992): 129-134

Sorens, Jason. "The partisan logic of decentralization in Europe." *Regional & Federal Studies* 19, no. 2 (2009): 255-27

Walter Mattli. "Europe before the Court: a political theory of legal integration." *International organization*, 47, no.1 (1993): 41-76

Wolff Stefan. "Paradiplomacy: scope, opportunities and challenges." *The Bologna Centre Journal of International Affairs*, 10, no.1 (2007): 141-150

Policy Papers

"City diplomacy: the expanding role of cities in international politics." *Netherlands Institute of International Relations*. May 19, 2017. https://www.uclg.org/sites/default/files/20070400_cdsp_paper_pluijm.pdf

"Crossroads of diplomacy: new challenges, new solutions." *Netherlands Institute of International Relations*. May 19, 2017. https://www.clingendael.org/sites/default/files/pdfs/20071000_cdsp_paper_manojlovi c.pdf

“Distribution of Powers between Central Governments and Sub-national Governments.” *Committee of Experts on Public Administration*. June 13, 2017. <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan048445.pdf>

“Paradiplomacy and stateless nations: a reference to the Basque Country”. *Concordia University and Spanish National Research Council*. March 22, 2017. <http://digital.csic.es/bitstream/10261/1472/1/dt-0106.pdf>

Websites

Alina Stoica, Ioan Horga, Maria Ribeiro Eds. “Culture and Paradiplomatic Identity.” Accessed September 20, 2017. <http://www.cambridgescholars.com/download/sample/63064>

Caze Nathan. “Paradiplomacy within the globalization debate: the tendencies of subnational government’s engagements in transnational city twinning between 2010 and 2014.” Accessed July 30, 2017. <https://repositorio.ucb.br/jspui/handle/10869/5854>.

Claude Schenker. “Practice Guide to International Treaties.” Accessed July 31, 2017. https://www.eda.admin.ch/dam/eda/en/documents/publications/Voelkerrecht/Praxisleitfaden-Voelkerrechtliche-Vertraege_en.pdf.

Encyclopaedia Britannica, “Jamhuri Day.” Accessed October 22, 2017. <https://www.britannica.com/topic/Jamhuri-Day>.

Foreign policy. “Dictionary.com Unabridged.” Random House, Inc. Accessed October 31, 2017. <http://www.dictionary.com/browse/foreign-policy>

Gary Chambers. “Europe and beyond: the development of sub-state paradiplomacy with special reference to Catalonia.” Accessed July 31, 2017. <http://rjsp.politice.ro/sites/default/files/pictures/chambers.pdf>

International Commission of Jurists.-Kenya. "Handbook on Devolution." Accessed June 11, 2017.

<http://www.icj-kenya.org/ju-directory-2?searchword=devolution&searchphrase=all>

Jane Knight. “Internationalization of Education.” Accessed August 15, 2017. http://www.aqu.cat/elButlleti/butlleti75/articles1_en.html#.WaVcVyig_IU

Kenya Law. “Treaty Making and Ratification.” Accessed August 11, 2017. <http://kenyalaw.org/lex//actview.xql?actid=No.%2045%20of%202012>

Kenya Vision2030. Accessed October 18, 2017. <http://www.vision2030.go.ke/>.

Manuel Duran. "Paradiplomacy has changed and is still changing the nature of diplomacy." Accessed June 22, 2017. http://www.global-local-forum.com/pages.asp?ref_page=9219&tra_n_id=3

Michael Keating. "The International Engagement of Sub-State Governments." Accessed August 11, 2017. http://www.parliament.scot/S4_EuropeanandExternalRelationsCommittee/Meeting%20Papers/Michael_Keating_report.pdf

Ministry of Foreign Affairs and International Trade. "STRATEGIC PLAN 2013 /14 - 2017/18." Accessed August 27, 2017. <http://www.mfa.go.ke/wp-content/uploads/2016/09/Strategic-Plan-final.pdf>

Ministry of Foreign Affairs. "Functions of the Ministry." Accessed June 28, 2017. <http://www.mfa.go.ke/functions-of-the-ministry/>

Ministry of Foreign Affairs. "Kenya Foreign Policy." Accessed June 30, 2017. <http://www.mfa.go.ke/wp-content/uploads/2016/09/Kenya-Foreign-Policy.pdf>

Ministry of Foreign Affairs. "Liaison, Parliamentary and County Affairs." Accessed June 28, 2017. <http://www.mfa.go.ke/liaison-parliamentary-county-affairs/>

Muhittin Ataman. "The Impact of Non-State Actors on World Politics: A Challenge to Nation-States." Accessed March 20, 2017. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.472.5430&rep=rep1&type=pdf>

Neves, Miguel. "Paradiplomacy, Knowledge Regions and the Consolidation of Soft Power." Accessed March 08, 2017. http://repositorio.ual.pt/bitstream/11144/478/1/en_vol1_n1_art2.pdf

President Kenyatta's inauguration speech. Accessed October 11, 2017. <https://www.capitalfm.co.ke/eblog/2013/04/09/president-kenyattas-inauguration-speech/>

Richard Haas. "Sovereignty." Accessed March 19, 2017. <http://foreignpolicy.com/2009/10/20/sovereignty/>

Rosamond Ben. "Theories of European integration." Accessed March 1, 2017. <https://blackboard.angelo.edu/bbcswebdav/institution/LFA/CSS/Course%20Material/CCSS3321/Readings/Rosamond%20-%20Theories%20of%20European%20Integration%20-%202000%20-%202050-73.pdf>

Schmitter Philippe. "Neo-neofunctionalism." Accessed March 03, 2017. <http://www.eui.eu/Documents/DepartmentsCentres/SPS/Profiles/Schmitter/NeoNeoFunctionalismRev.pdf>

Thomas Weiss. "The Rise of Non-State Actors in Global Governance" Accessed March 27, 2017. <http://acuns.org/wp-content/uploads/2013/11/gg-weiss.pdf>

Interviews

Interview with Key Informant, Narok County Communications on behalf of H.E Governor. 13th June 2017

Interview with Key Informant. Ministry of Foreign Affairs. 27th July 2017.

Interview with Mr. Raphael Musyoka, state office at the Liaison, Parliamentary and County Affairs directorate. Ministry of Foreign Affairs. 18th August 2017.

Interview with Key Informant, CEC, Mombasa County. 7th June 2017.

Interview with Key Informant, CEC, Nairobi County. 15th June 2017.

Interview with Key Informant. Ministry of Foreign Affairs. June 16th 2017

Interview with Key Informant, CEC, Murang'a County. 3rd July 2017.

Interview with Key informant. Nairobi County Government. July 31st 2017

APPENDICES
APPENDIX 1
QUESTIONNAIRE 1

Distinguished officials:

As a Masters student in International Studies at University of Nairobi, I am undertaking a research geared to exploring the engagements of county governments in international relations, diplomacy and foreign policy implementation. To that end I have designed a valuation questionnaire that will provide information about these engagements. The study aims at examining the rising challenges in foreign policy implementation by Sub-State governments (Counties) and the questionnaire will take no more than 30 minutes. Thank you for your cooperation and assistance.

My details are as follows:

Name: Sarah Wanja Kamande

Tel: 0721336797

Email: sarahwanja@gmail.com

Thank you for your cooperation and assistance.

1. Sub-State Government (County):

2. Date of response:

3. Name and position of the official who responds the survey:

4. Does your county have an office that handles matters related to international affairs?

a) Yes b) No

c) It is not an office, but a department in charge of international affairs

4a) If the answer is c), what is the name of the department in charge of international affairs?

5. What is the legal framework within which the office or government area in charge of international affairs operates? (Select all options that apply)

Rules of procedure The constitution Kenya Foreign Policy

Other (specify

6. Which are the main issues addressed by the office or area in charge of international affairs? (Select all options that apply)

Economic promotion abroad (attraction of foreign investment and/or exports promotion)

Organizing and/or coordinating visits abroad of the Governor or other officials of the county

- Organizing and/or coordinating visits of distinguished foreign officials to the county
- Organizing and/or coordinating international events in the county
- Signing and/or managing Inter-institutional Agreements
- Promotion of tourism
- Promotion of culture
- Promotion of educational exchanges
- Participation in regional organizations (specify: _____)
- Participation in international organizations (specify: _____)
- Participation in international networks (specify: _____)
- Other (specify: _____)

7. Approximately, how many Inter-institutional Agreements has the county signed with foreign actors? _____

8. Do you know the legal procedures for the formalization of Inter-institutional Agreements a) Yes b) No

9. Does your county have representation offices abroad?
Yes b) No

9a.) If the answer is yes, where? _____

9b.) If the answer is yes, what issues does it address? _____

10. Do you know the legal procedure at the MFA for the formalization of Inter-institutional Agreements

a) Yes b) No

10a.) If the answer is yes, what is your perception on this procedure?

Very efficient b) Efficient c) Little efficient d) Not efficient

11. What factors challenge the compliance of MFA guidelines by the counties?

(Select all options that apply)

Lack of an adequate legal framework

Low budget

Insufficient human resources

Lack of training of the local personnel in international affairs

Lack of adequate inter-institutional guidance

Lack of strategic planning

Lack of political support

I don't know

Other (specify: _____)

12. What is your assessment on the relation between MFA and the counties?

Very good b) Good c) Average d) Bad e) Very bad f) Non-
Existent

13. Is there any **compliance** mechanisms in place between MFA and the counties on international issues of common interest?

13a) Yes b) No

13b.) If the answer is yes, which are these mechanisms?

14. Does MFA have a communication strategy with the counties? a) Yes b) No

14a) If the answer is yes, which is such strategy? _____

15. Does the MFA have links with any of the following government actors on a regular basis? (Select all options that apply)

County Governors

County Senators

Other (specify: _____)

16. Additional comments or suggestions?

APPENDIX II
QUESTIONNAIRE 2

Distinguished officials:

As a Masters student in International Studies at University of Nairobi, am undertaking a research geared to exploring the engagements of county governments in international relations, diplomacy and foreign policy implementation. To that end I have designed a valuation questionnaire that will provide information about these engagements. The study aims at examining the rising challenges in foreign policy implementation by Sub-State governments (Counties) and the questionnaire will take no more than 30 minutes.

Thank you for your cooperation and assistance.

My details are as follows:

Name: Sarah Wanja Kamande

Tel: 0721336797

Email: sarahwanja@gmail.com

Thank you for your cooperation and assistance

(Note: MFA refers to the Ministry of Foreign Affairs)

1. Ministry of Foreign Affairs

2. Date of response:

3. Name and position of the official who responds the survey:

4. Does MFA have a specific office that coordinates international affairs matters with the counties?

a. Yes b) No

c) It is not an office, but a department in charge of international affairs

4a) If the answer is c), what is the name of the department that liaise with the counties? _____

5. When did the specific offices or departments begin interactions and compliance with the counties?

6. What is the legal framework within which the office or departments operate?

(Select all options that apply)

Rules of procedure The Constitution Kenya's foreign policy

Other (specify:

7. Which are the main issues addressed by the office or departments in relations to interactions with the counties? (Select all options that apply)

Economic promotion abroad (attraction of foreign investment and/or exports promotion)

Organizing and/or coordinating visits abroad of the Governor or other officials of the counties

Organizing and/or coordinating visits of distinguished foreign officials to the counties

Organizing and/or coordinating international events in the counties

Signing and/or managing Inter-institutional Agreements

Promotion of tourism

Promotion of culture

Promotion of educational exchanges

Participation in regional organizations

(Specify): _____

Participation in international organizations

(Specify): _____

Participation in international networks

(Specify): _____

Others (specify): _____

9. What factors challenge the compliance of MFA guidelines by the counties?

(Select all options that apply)

Lack of an adequate legal framework

Low budget

Insufficient human resources

Lack of training of the local personnel in international affairs

Lack of adequate inter-institutional guidelines

Lack of strategic planning

Lack of political support

Other (specify: _____)

8. What is your assessment on the relation between MFA and the counties?

Very good b) Good c) Average d) Bad

e) Very bad f) Non-Existent

9. Is there any compliance mechanism in place between MFA and the counties on international issues of common interest?

a. Yes b) No

10a.) If the answer is yes, which are these mechanisms?

10. Does MFA have a communication strategy with the counties?

a) Yes b) No

10 a. If the answer is yes, which is such strategy? _____

11. Does the MFA have links with any of the following government actors on a regular basis? (Select all options that apply)

County Governors

County Senators

Other (specify: _____)

12. Additional comments or suggestions? _____

APPENDIX III

Interview Guide

Distinguished officials:

As a Masters student in International Studies at University of Nairobi, am undertaking a research geared to exploring the engagements of county governments in international relations, diplomacy and foreign policy implementation. To that end I have designed a valuation interview guide that will provide information about these engagements. The study aims at examining the rising challenges in foreign policy implementation by Sub-State governments (Counties) and the Interview guide will take no more than 30 minutes. Thank you for your cooperation and assistance.

My details are as follows:

Name: Sarah Wanja Kamande

Tel: 0721336797

Email: sarahwanja@gmail.com

Rising Challenges in the Implementation of Foreign Policy

1. In your view, who are the main actors in international affairs within the county?
2. The county officials' engagement in the international arena has increased since the implementation of devolution. Can you identify some of the drivers that have triggered this?
3. How would you describe your county's' external relations in the global arena?

4. Kindly share with me your assessment of the gains and challenges the counties encounter in their engagements in the international arena
5. Could you identify the specific ways in which county officials engage in the international arena? In what thematic areas?
6. Whom would you say are the international actors that counties interact with?
7. Do the county officials develop their own rules of conduct? Or are there specific legal frameworks that guide the interactions?
8. In your opinion, is there any compliance mechanisms in place between the counties and the ministry of foreign affairs for issues of common interest?
9. What factors would you say challenge the operations of county officials in International affairs?
10. In your involvement with international affairs, are there needs that have been identified that would enable the county officials enhance their international mediations and negotiations?
11. Would you have any additional comments or suggestions?