

**AN ANALYSIS OF KENYA'S TARGETTED APPLICATION OF A
BLEND OF INTERNATIONAL LAW AND ECONOMIC DIPLOMACY
TOWARDS ACHIEVEMENT OF NATIONAL INTERESTS**

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DECLARATION

This project proposal is my original work and has not been presented for a degree award or any other award to any other University.

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This research proposal has been presented for examination with my approval as the student's supervisor.

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DEDICATION

This proposal is dedicated to my younger sister Mumbe Mwangangi, for her constructive criticism all through my research effort; my younger brother Mumangi Mwangangi for the support he gave and encouragement to press on with the studies by daring me to allow him to overtake me in the studies, and to my parents, Mr. and Mrs. Mwangangi for their support, nudging me on and inspiring me move on and complete this degree and other studies before. They have believed in me and raised the bar so high that I have to permanently work hard to catch up. I do believe that you are all looking at this with pride.

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ABSTRACT

Kenya recently made surprising concessions to two of her neighbours: willingness to share Migingo Island on Lake Victoria with Uganda despite insisting that it was within Kenya's territory; and the overtures to Somalia indicating a preference for an out-of-court settlement on the *Kenya v Somalia* case pending at the ICJ. In both cases, Kenya seemingly had an upper hand and most analysts had predicted a ruling in Kenya's favour. Relations between nations are guided by principles of international law, and Kenya has always argued in favour of upholding these principles in her diplomatic relations. In today's world, the economic realities and diplomatic dynamics obtaining in many governments are such that states are beginning to give additional responsibilities to the diplomatic personnel that they deploy abroad to take care of their internal socioeconomic and regional political interests with foreign powers. One such new and demanding role is economic diplomacy. It is the interest of this study to look at the interplay between international law and economic diplomacy in achieving national interests of states on the African continent: specifically, how Kenya makes strategic application of provisions of international law and economic diplomacy to safeguard its national interests; how economic diplomacy influences inter-state relationships within the African continent; and describe the challenges posed and opportunities created by the pursuit of economic diplomacy for the African governments. Kenya has provided the case for this study. It is critical to note that a state's grasping of the concept of economic diplomacy directly correlates with her level of policy preparedness around the concept. In this context, many a government's pursuit of economic diplomacy is based on an approach that combines both realism and liberalism ideals to better aid their understanding of this subject. Essentially, realism encompasses states as actors in the pursuit of national economic interests amid both vertical and horizontal

competition. Liberalism, on the other hand, emphasizes domestic and international cooperation and partnerships that thrust non-state actors as the main protagonists. In the course of this study, the researcher made good use of desktop research to compliment participant observation. This enabled the researcher to collate the relevant information while highlighting some critical aspects of the practice of economic diplomacy by African states. Because economic diplomacy is about national economic development and growth envisioned by the state, this study calls upon African states to urgently address corruption, lack of skilled economic diplomats and poor infrastructure in order to maximize the gains that come with opportunities that economic diplomacy promises in terms of a country's socio-political economy. The immediate import of this is that African governments will go out of their way to begin to domesticate inclusive economic diplomacy which would require them to pinpoint the interests at stake, appropriately identify their side of involvement on the basis of the domestic and international influences that play out to determine economic growth for their people. In this regard, those governments cannot afford any ambiguity in policy formulation and strategies implementation in order to realize effective economic diplomacy.

ABBREVIATIONS AND ACRONYMS

ACP-EU	African Caribbean and Pacific – European Union
AEC	African Economic Community
APSEA	Association of Professional Societies in East Africa
AU	African Union
BPRT	Business Premises Rent Tribunal
CET	Common External Tariff
CFTA	Continental Free Trade Area
COMESA	Common Markets for Eastern and Southern Africa
DET	Department of External Trade
DIT	Department of Internal Trade
EAA	Eastern African Association
EABC	East African Business Council
EAC	East African Community
EACU	East African Customs Union
EALA	East African Legislative Assembly
ECA	Economic Commission for Africa
ECOWAS	Economic Organization of West African States
EPC	Export Promotion Council
EPZ	Export Processing Zones

ERS Creation	Economic Recovery Strategy for Employment and Wealth
FDI	Foreign Direct Investment
FKE	Federation of Kenya Employers
FPEAK	Fresh Produce Exporters Association of Kenya
FTA	Free Trade Area
GDP	Gross Domestic Product
ICAP	Investment Climate Action Plan
ICC	International Criminal Court
ICDC	Industrial and Commercial Development Corporation
ICJ	International Court of Justice
ICT	Information, Communication and Technology
IGAD	Inter-Governmental Authority for Development
IMF	International Monetary Fund
IOR-ARC	Indian Ocean Rim-Association for Regional Cooperation
IT	Information Technology
ITC	International Trade Centre
KIA	Kenya Investment Authority
KNCC&I	Kenya National Chamber of Commerce and Industry
LAPSSET	Lamu Port, South Sudan and Ethiopia Transport corridor
LDC	Least Developed Countries
MDGs	Millennium Development Goals

MEAC	Ministry of East African Community
MFA	Ministry of Foreign Affairs
MoT	Ministry of Trade
NATO	North American Treaty Organization
NESC	National Economic and Social Council
NGO	Non-Governmental Organisation
NTP	National Trade Policy
OAU	Organization of African Unity
REC	Regional Economic Communities
RECs	Regional Economic Communities
SADC	Southern Africa Development Community
SMEs	Small and Medium Size Enterprises
TFTA	Comesa-EAC-SADC Tripartite Free Trade Area
TTRI	Trade Tariff Restrictive Index
UHC	Universal Health Care
UK	United Kingdom
US	United States
WTO	World Trade Organisation

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CHAPTER ONE: INTRODUCTION

1.1 Background of the study

Before the emergence of the nation state, leaders relied on conquest and military prowess to build their economic prosperity. With the development of what became to be known as international law in an increasingly organised world community, perceived adherence to international norms has replaced the somewhat anarchical survival of the fittest, with the United Nations' Charter demanding respect for all nations, big and small. The effect of this has been the strategic application by nations of a blend of legal principles and economic arrangements that favour the achievement of their national interests – which themselves often vary with time and space.

Globally, each government relies strongly on long-term economic successes to provide necessary resources. On the flip side, countries collapsed as a result of diverting resources from productive activities meant for uplifting the peoples' livelihoods. The rapid globalization of the world economy and related transactions in the 21st century has created greater competition for economic resources that are scarce. Therefore, governments that look to increase their international trade and stimulate their national economies have embraced the concept of economic diplomacy as a means to accelerate their socio-economic development.

Economic diplomacy has existed in practice for centuries, long before the codification of diplomatic law, or indeed international law, and has created opportunities for governments to entrench their relations and influence on the international arena for purposes of pushing their economic agenda, be it trade or investment, for the benefit of their people. This calls into sharp focus the roles played by such government representation facilities as embassies, consulates

and other public sector representative offices. In some cases, domestic institutions such as investment and export promotion offices as well as diplomatic bilateral or multilateral activities like trade and state visits to pitch for their peoples' economic progress. In fact, countries have found themselves using economic diplomacy to also push for the international recognition of their local manufacturers as a way to strengthen local manufacturing and protect their peoples' jobs.

The fulcrum of Kenya's foreign policy is regional integration. All regional initiatives that the Kenya government is involved in, such as championing the common protocol of the East African Community (EAC), signing the treaty for the Common Market for Eastern and Southern Africa (COMESA) and others, testify to the fact that the country's national development is a component of the developmental needs of her neighbours, within the East African region as part of the world's socio-economic structures. Therefore, the regional integration strategies that Kenya puts in place in pursuit of her economic diplomacy remain critical in sustaining her influence as regional economic hub. In respect of that, Kenya initiated the call for the formation of regional economic communities (RECs) coupled with a push for free trade within the RECs. As a result, the country has launched an aggressive economic campaign to harness a larger regional market that would attract investors, hence push up the country's investment by allowing for free movement of her goods, products and services across the regional borders. This is coupled with reciprocal access to the Kenyan market of products that come from other nations that are manufactured or produced in the Eastern African nations. The economic benefits anticipated by the country from such an initiative are huge in terms of the country's gross domestic income for her people and sustenance of regional peaceful co-existence for purposes of deepening inter-governmental trade.

Regionally, Kenya is an economic powerhouse keen on maintaining the portfolio of her regional and internal trade partners. This, more than anything else, could explain why the country is always at the forefront championing initiatives that promote internal and regional peace and security to avert internal and regional conflicts that could disrupt both local and regional trade and investment. Such major steps have assured Kenya of increased market for her goods, products and services and enhanced her economic prosperity through the use of advanced technology especially in the renewable energy sector to lower cost of electric power for small and medium size enterprises (SMEs) and boost not only their productive capacities but also the ability to create employment for the country's huge residual manpower.

The country's heavy investment in the information, communication and technology sector in the recent past (ICT) is also geared towards propelling her fortunes as a most preferred regional ICT hub for international investors.

It is clear that Kenya's positioning economically regionally has helped her reap a lot from the smaller neighboring economies. Much as there is increased trading between Kenya and the individual East African states, the country continues to attract more investors both locally and internationally compared to her regional counterparts. Kenya's economic diplomacy is conducted through integration and cooperation within East Africa. It's one of the pillars of foreign engagement through Foreign Direct Investment and engagement in other economic activities like tourism and Agriculture.

Kenya's compound annual growth of almost 80 per cent from 2007 to 2012, ranks it as the fifth biggest Foreign Direct Investor in Africa.

1.2 Statement of the Problem

In an increasingly globalized world, countries are finding themselves in an increasingly tight position in realizing their national interest. This pushes different nations to find creative ways to achieve their national interest while still maintaining cordial relations with other nations in the international stage. Economic diplomacy according to Rana is the multi-faceted process through which nations attempt to achieve their national gain through economically beneficial exchanges. In these exchanges it's expected that the nation initiating the exchange will have a comparative advantage. Hence economic diplomacy and economic development should go hand in hand, in the sense that economic diplomacy should trigger economic development in a given nation. Economic diplomacy, in turn, needs to be strictly guided by international law. However there seems to be a disconnect between economic diplomacy and economic development in Africa as evidenced by literature from most of the countries. Many of the countries within Africa have sizable gross domestic product (GDP) and economic growth rate but the citizens on the ground do not get the chance to experience the benefits that come with economic development. Without the correlation, the citizens of Africa continue to wallow in poverty even though their countries are continuously entering in to economic development deals and loans from donors.

The national debts are continuously increasing even though the money does not seem to improve the situation in the countries as hoped. Thus, the likely scenario is that in the near future, the African economies will buckle under the pressure of the national debts and over expenditures. The taxes are increased to lay off some of the debts but the incomes stay the

same meaning the spending power of the individuals reduce beyond capacity to live a decent life.

1.3 **Research Questions**

This study will be seeking to answer the following questions:

- a) How does Kenya use international law and economic diplomacy to achieve her national interest?
- b) How does economic diplomacy influence Kenya's relationship with East African countries?
- c) What are the challenges faced and opportunities created by economic diplomacy in Kenya?

1.4 **Objectives of the study**

- i. To study how international law and economic diplomacy are applied to achieve national interest in Kenya.
- ii. To analyse how diplomatic laws and economic diplomacy both influence Kenya's relationship with countries in East Africa.
- iii. To describe the challenges faced and opportunities created by Kenya's blend of economic diplomacy.

1.5 Literature Review

Throughout the world, both academic and official government documents regularly bear the use of the term economic diplomacy, from which documents a glimpse of what entails economic diplomacy is given. The one common thing that scholars and governments agree upon is that economic diplomacy is very wide in perspectives and multifaceted in terms of techniques deployed in its pursuit by governments to advance their economic interests on the global development arena.

As such, the concept has come to acquire different interpretations. In some quarters, it is perceived purely comprising a country's international relations or economics, while in other quarters it is preferably considered as international political economy or diplomacy studies. However, there is a very thin line separating any two or more of these concepts. For example, there are instances where economic diplomacy is treated as a country's trade, commercial, financial or aid diplomacy, or better still, economic statecraft or economic security. This comes about because most discussions around economic diplomacy centre on individual's understanding of what the term means and signifies. The universal truth, however, is that economic diplomacy is quite multidisciplinary in approach and it would be exceedingly limiting to appreciate its impact if it were to be restricted within economic or diplomatic domains. Globally, countries thrive on very diverse cultural, historical, and organizational processes which come into play to drive the country's economic diplomacy agenda. Whereas it is true that conceptualizing economic diplomacy is difficult, generally countries with better governance processes and superior internal social structures to bridge the cultural, historical, and organizational differences that they might have with other countries, have greater leverage at economic diplomacy.

How countries strive to bridge their inter-governmental differences has proved problematic more so given that the very few past attempts to develop a universal understanding and build an analytical and conceptual framework of what entails economic diplomacy have not generated any meaningful enthusiasm among nations. It has been particularly divisive to attempt to separate economic diplomacy from a country's domestic environment on the strength of the perception of economic diplomacy as being largely concerned with state actions at the international arena. However, the converse argument is that governments pursue economic diplomacy purposely to promote national economic welfare and security and, therefore, has everything to do with the prevailing local environment in which the states operate and bring aboard private sector actors and other local interest groups.

Clearly, economic diplomacy is intricately tied to a country's both local and international economic development interests which call upon governments to engage sound processes in making key economic decisions. Through economic diplomacy, countries take their drive for greater economic prosperity and political stability to the international platform; which then justifies the need for use of a variety of economic and legal instruments, where the latter refers to actions, negotiations and cost-benefit calculations that have a primarily legal or political nature, whereas the former mainly involves acts that target the promotion of trade and investment, where the need to maximize business opportunity is the main driver. It is equally clear that in between the strictly legal and strictly commercial extremes, countries engage in activities that are not strictly political or economic in nature, thus open proof that economic diplomacy is greatly a delicate blend of political and economic acts.

It is worth restating that economic diplomacy cultivates trust between countries depending on the different approaches they deploy for that purpose. But, like with everything else in the field

of high politics, economic diplomacy could also result in other positive benefits that are non-economic in nature because of the impact of geo-political relations.

1.6 Justification of the Study

Little has been studied about economic diplomacy especially in Africa. The study is focused on exploring the new diplomacy that is being explored by countries and is the focus of Kenya's new government under the leadership of President Uhuru Kenyatta.

1.6.1 Academic justification

Most scholars have not written much on this as diplomacy was initially focused on legal, political and cultural considerations. As stated earlier, Economic Diplomacy is probably older than political Diplomacy, but it has always remained the "covert" aspect of diplomacy, and thus only recently a subject of academic studies, and even then, this mainly remained a preserve of the western states, rather than African states like Kenya.

1.6.2 Policy justification

There have been studies of Kenya's foreign economic policy, but rarely before have we seen a deliberate move to play international politics that directly influence the national economic gains. It is hoped that the results of this study will go a long way exposing the thoughts behind the considerations of policy makers as well as inform future policy makers on the key principles that would inform the decisions that are made, since, in effect, every state is usually more concerned about their respective national interests. The study will come up with tactics

and methods which Kenya has been using to dominate economic development in East Africa despite facing stiff competition from Ethiopia, South Africa and Nigeria.

In conclusion, the study will serve as a guideline to the Kenyan government and in the new cabinet docket for East Africa Affairs, and will assist policy makers on ways of enhancing economic diplomacy Africa. The study will also recommend ways in which the government can use to improve its practice of economic diplomacy in Africa and the world in general.

1.7 Theoretical Framework

Concerned with how state institutions use diplomacy to advance national interests, this study will draw a lot from liberalism. Such principles as free and fair elections, rule of law and protection of civil liberties underpin liberalism. Countries that effectively apply these principles without violating the peoples' constitutional and basic human rights are generally defined as liberal and, in most cases, are perceived to enjoy higher socio-economic development within their borders. Such countries, therefore, provide case studies for best practices on matters governance to other countries that are grappling with governance issues. In this context, liberalism has a lot to contribute to international relations between countries. Governments operate to that their people enjoy all the basic rights. This is the basic tenet of liberalism, in respect of which, it helps us to interrogate how government institutions behave and how inter-governmental economic connections work out for the people with a view to check violent use of state power by governments. Therefore, liberals argue, a government that is overbearing, like a monarchy or dictatorship, cannot be trusted with power since it runs a political system that thrives on the exercise of unchecked power hence cannot protect the life

and liberty of its citizens. For the liberal, the individual's welfare forms the fundamental basis for a just society. This, therefore, means that a liberal system must have the right institutions for the guaranteed protection of the rights of the individual while checking on the powers exercised by the state locally, regionally and internationally. It thus goes without say that liberals believe that the foreign activities of a state have a strong influence on the liberty at home; for instance, the boardroom negotiations between the Kenyan government and the Ugandan government over the disputed ownership of the Migingo Island have a direct influence on the freedoms and livelihoods of the local villages who have previously complained of constant harassment by the Ugandan police and military. For liberals, militaristic foreign policies are an instant red flag particularly because the moment a state begins to build up military power, that signifies the possibility of war which could be either to thwart external aggression or instigate suppression of internal revolt thus oppression of the citizens. With this in mind, liberalism often comes in to institutionalize civilian power at the expense of military.

Human society will always experience conflict arising from resources sharing but, whatever the case, the importance of having issues resolved in a liberal and idealistic manner that promotes peaceful co-existence cannot be sidestepped. Therefore, economic diplomacy must also encourage global peace initiatives by promoting mechanisms that entrench good governance at state level.

1.8 Hypotheses

1. There is a direct relationship between the fidelity to international law and application of economic diplomacy on one hand, and national interest in Kenya.
2. Kenya's selective application of a blend of international law and economic diplomacy plays an important role in maintaining its relationship with East African countries.
3. Economic diplomacy enhances development in Africa despite its challenges.

1.9 Research Methodology

1.9.1 Research Design

This study seeks to use both primary data and secondary sources. The secondary sources will include policy documents, books, strategic plans, peer reviewed journals, newspaper and magazine articles, and other relevant resources. The researcher intends to generate primary data that will be acquired through sources such as personal interviews as well as responses from questionnaires.

1.9.2 Target Population

The target population for this study is the mid to senior administrative staff in the ministry of foreign affairs in Kenya.

1.9.3 Population Sample

Purposive sampling will be used to select the sample of the population that will be used as respondents to this study. The sample size will be 10 per cent of the senior administrative staff in the Ministry of Foreign Affairs and International Trade.

1.9.4 Data Collection Tools

The researcher seeks to incorporate the use of two data collection tools specifically designed to collect relevant data. Whereas it is important to administer the questionnaire in person to the respondent as a way of ensuring that the researcher is able to gather all relevant data, in cases where it is not possible to hold an oral face-to-face interview, the researcher will send a questionnaire to identified respondents through their declared email addresses. The researcher shall be open to having to conduct some of the data collection through phone calls and sticking to the developed interview guide that is attached here.

1.9.5 Data Presentation and Analysis

The study will collect both qualitative and quantitative data. This will then be analysed using the Statistical Package for Social Sciences (SPSS) before it is presented to the public after analysis. The analyzed data will be presented by use of tables, pie charts and bar graphs.

1.10 Chapter Outline

Chapter 1: Background to the Study

Chapter 2: Relationship between economic diplomacy and national interest in Africa.

Chapter 3: How economic diplomacy influences the Kenya's relationship with other African nations.

Chapter 4: Challenges and opportunities presented by economic diplomacy in Kenya

Chapter 5: Presentation of findings and data analysis

Chapter 6: Conclusions and Recommendation

CHAPTER TWO: RELATIONSHIP BETWEEN ECONOMIC DIPLOMACY AND NATIONAL INTEREST IN AFRICA

2.1 Introduction

The gist of this chapter is to explore the legal and diplomatic efforts that African countries have put in their endeavor to address issues of national interests. It will also show how the African Union through its members has navigated national interests of individual countries to form a cohesive regional body. Given the many members of the African Union as well as the different economies, political structures and geographical size it will be important to investigate how the organization is able to address issues of national interests.

2.2 Historical diplomatic effort in Africa to achieve members' national interests

The more recent overtures would be more important to this study, but it is worth noting that these overtures started many centuries ago. The African Union was established in 2000, following the 1999 Sirte Extra-ordinary session. The constitutive act of the union was adopted, and this later led to the Lusaka Summit of 2001, which drew the road map for the implementation of the union. Rome Summit adopted the Constitutive Act of the Union which culminated in the Lusaka Summit of 2001. It is the Lusaka Summit which drew the road map how the African Union would be implemented. However, the African Union was launched at the Durban Summit of 2002 where its 1st assembly of the heads of state of the 53-member countries was convened. The Constitutive Act that was signed by all the 53 member countries had grandiose plans as to how the African Union would chart its way to achieving regional unity. This unity agenda was found to be very crucial as is spelt out in the first objective of the

Constitutive Act under article 3(a). The political, social, and economic integration of the continent was envisioned in Article 3(c).

Economic integration is very pertinent if the continent is to be competitive internationally as well as proffer sustainable lifestyles for its people. In addition the Union saw it befitting to establish various deadlines as regards the actualization of regional economic communities. A five year phase was set up that would work out a plan to actualize the deliberations of the Abuja treaty.

2.3 Rationale for the Quest for Africa's Unity

The idea of African unity owes its origin to the black Diaspora, where Pan-Africanism began as a cultural and political movement aimed at grouping blacks together in a bid to oppose colonial rule that was not only oppressive but also discriminatory. Pan-Africanism nurtured the spirit of brotherhood, solidarity as well as looking out for one another and was the mother and father of continental unity. However, the very ideas of Pan-Africanism seems to have been betrayed by the Manchester Congress which advocated for all Africans living abroad to return home and fight for individual independence of their countries. This move led to power struggles as each country sought to protect and preserve their territory and inter-state power struggles emerged. In addition, the Manchester Congress emphasized on west African regionalism as opposed to continentalism.

The formation of West African territories as building blocks for achieving African unity meant that Africa was starting to be divided into regional blocks knowingly or unknowingly for African leaders. The Manchester Congress also injected into African politics the concept of

economic and social development via cooperation. Manchester Congress introduced the idea of inter African cooperation to African leaders and for a long time anchored Africa's development on cooperating in security, economic, political, cultural, good governance, and peace issues. In April 1958, independent African states convened in Accra, Ghana with an agenda to work out a unification of the Africa continent but individual countries' national interests thwarted this idea, with each country advocating for inviolability of national independence, sovereignty and territorial integrity.

Issues to do with national interests are as old as the continent's independence with each country stressing the need to protect its sovereignty. In as much as the countries advocated for a united Africa, there was a lot of skepticism as regards surrendering their individual sovereignty. African unity therefore was dependent on nation states themselves and that is why success of federalism in Africa was thought to be at the regional level. This informed the need for African states in a particular region to conglomerate together to form federal regional blocks where they could retain their sovereignty as they still interacted with other countries on a need to form a united Africa. Various federal regional blocks were formed.

The Maghreb integration was in high spirits as independent states of morocco and Algeria supported Algeria's quest for independence. However, neither the Algerian war nor the Arab-Israel conflict was enough to rise above the differences within the region and the integration failed to materialize. The Union of Nile that brought together Egypt, Sudan and later Uganda was driven by the strategic importance of river Nile to these countries. However, the union collapsed in 1955 due to Egypt's interference with Sudan's internal affairs. Egypt's quest to influence the internal affairs of Sudan could have been precipitated by the need to ensure that

its national interests were actualized and that it would not lack continuous flow of water in its river banks from the Nile River.

The East African federal regional block, which saw Tanzania and Uganda opt for functional integration in form of the East African community (EAC), did not materialize because of the drive for nationalism more so from Kenya. As a result, EAC only lasted a decade from 1967 to 1977. The Ghana-Guinea Union is the only group of independent states that came closer to political integration in 1958. When Mali joined the union in 1959 the stage looked set for other African countries to lope in. Nkrumah hoped that the union would be an impetus to a federal system in Africa, however, the union of African states failed to attract any additional countries after Mali. The division was necessitated by many factors key among them; ideological differences, personality of leaders, and national interest considerations. Each group was driven by national interests and the benefits that would accrue, for example in the Casablanca group Egypt saw a chance to increase its influence in Africa and to gain support from African states against Israel.

Amidst this entire hullabaloo there was consensus that inter-African functional integration incorporating economic, cultural, scientific and technical cooperation was necessary. When Nkrumah proposed the creation of a commission to work out the details of creating a plan for continental common market, monetary zone and a central bank, that idea was stiffly opposed. The division of Africa into West, North, Central East and Southern as we know it today was the brainchild of Tafawa Balewa who accepted African unity as a goal but opined that the most practical approach to African integration would be the start of regional groupings. He proposed division of Africa into five regions namely; North Africa comprising of Arab states, Central Africa, Southern Africa (from Angola to Mozambique), West Africa (from Mauritania to

Nigeria) and East Africa (from Ethiopia to Tanzania). This was widely accepted by the majority of leaders who saw it befitting to start integration from regions.

We can therefore conclude that the birth of regional groupings was fast tracked by different groupings approach on how African unity would be achieved. This was a boon to regions in Africa more so those that had immense resources if they could capitalize on their strength as opposed to allowing politics and suspicion have their way. The Organization of African Union (OAU) was formed with the key objective being liberation of those countries⁴⁴ that were still under the colonial rule. This quest increased African countries cohesion even though there were ideological differences as regards the final shape the organization would take which could have led to the collapse of the OAU. It is not lost to assert that the formation of the OAU was one of the very many steps of promoting unity in the continent and cementing solidarity of African states⁴⁵. However, there was the need to restructure the objectives of the OAU since after independence of apartheid South Africa an aim of liberating African countries from colonialism was null and void. The OAU having achieved much of its work had to be reconstituted and hence.

2.4 Sovereignty Factor

The integration process in Africa was greatly hampered by fear of losing individual country's sovereignty. Suffice to say that when a country integrates with others to the extent of forming a monetary union, it means giving up its own currency and adopting the regional currency. Majority of the African countries are identified by their currencies, coat of arms, national anthem, and national flag.

There is a feeling that once a country gives up its currency it loses its sovereignty. More so, some countries have very strong economies and currencies and the thought of merging their currencies with those that have relatively weak economies is unacceptable. This therefore means that in as much as the RECs pursue monetary union the need to preserve the independence of borders is a hindrance. Suffice to say that the majority of African countries are very particular about their borders and any attempts to encroach or even deny them enjoy cross-border business would be rejected. In addition, the foundations of OAU were anchored on achieving independence for each African country.

The principle of non-interference and non-alignment was being adopted by some countries although every country was focusing on voicing out disgust with colonialism. As a result giving up sovereignty by any African country was seen as unrealistic. This sovereignty issue has had a lot of limitations in achieving full integration monetary, politically and federal integration wise as is the case for the EU. In addition, the fact that identification of a country based on its borders⁴⁷ has been the order of the day since gaining independence from colonialists hence majority of African countries are very particular as regards their sovereignty. Therefore, giving up a country's sovereignty in Africa is quite difficult hence the reason why most African regional groupings are unable to form political federations.

2.5 The African Union

The African Union Constitutive Act is a binding legal document, signed by all the 53 member countries in July 2002, and which spells out the road map for the Africa Union (AU) as it works towards achieving African Unity. African Leaders were unanimous on the need to speak

in one voice and make AU as a force to be reckoned with internationally. The head of states saw the need to have a continent which was imbued by the need for economic, political, social, cultural, scientific, and technological and security prosperity. This would be achieved through investment in first hand resources that the continent enjoys namely; agriculture, tourism, natural resources like oil, gas, minerals and forestry.

Africa is a primary source of these strategic resources for China which desperately needs these raw materials for its population and other European countries. However, for economic prosperity to be achieved, the AU recognized the need to bring together the African countries together by forming regional economic communities. These would be the stepping stones towards forming an African Economic Community. Regardless of the situation on the ground, the AU must not be a bystander when ordinary citizens die due to poor governance on the continent. The recent history of the African continent is replete with wars and loss of innocent lives. Examples of such are seen in Liberia, Sierra Leone, Libya, Mali, Sudan, Guinea Bissau and, lately, South Sudan where lives were lost with between slow to no intervention from the AU. The North American Treaty Organization (NATO) had to move in to fight Gaddafi in Libya. The responsive preparedness of the AU will continue to draw indifference if the Union continues to hide behind the principle of Noninterference enshrined in the AU Constitutive Act. Though binding and meant to protect sovereignty, there might arise challenges if it is going to be observed at the expense of peoples' lives.

It is worth noting that Article 4 (h) of the Constitutive Act gives the AU an express mandate of intervention and interference with the sovereignty of any country member state of the AU which is suspected of violating the rights of its citizens by way of acts of genocide, war crimes or crimes against humanity, the union has never demonstrated enthusiasm in such intervention,

instead choosing to preserve the economic relations. The status quo was once again evident in the case of Libya. The AU members did not take any decisive steps against Gaddafi as he had given the organization financial support.

The situation in Liberia, Sierra Leone, Sudan, Southern Sudan, and Democratic Republic of Congo, Gabon, Angola, Egypt, Algeria and Tunisia called for the AU to act. Fighting continues in DRC Congo unabated, because particular members of the AU would not want to intervene since this would mean loss of smuggled minerals that bring them huge revenues. This quest for achieving national interests is so rampant in the AU that very many people lose lives while the AU member countries just offer lip service solutions. At times individual Regional Economic Communities (RECs) have been forced to swing into full gear to solve the problems. A case in point is Economic Organization of West African States (ECOWAS) which took upon itself to try and resolve the Mali coup and Cote d'Ivoire issues. In addition, African countries continue to maintain relations with Sudan whose president Omar Al-Bashir has a warrant of arrest issued against him for crimes against humanity. Countries that are signatory to the International Criminal Court (ICC) have an obligation to arrest and hand over Al-Bashir to the court whenever he steps in their country. However, Kenya had the audacity to invite Bashir in August 2010 during the promulgation of the new constitution.

African leaders present happily exchanged pleasantries with Omar Al-Bashir. Why did Kenya not arrest Bashir? A majority of its flights to Europe use Sudan's air space and also Sudan government provides employment opportunities to Kenya's citizens. Arresting Bashir would have greatly had a negative impact in Kenya's interests. Only Malawi has had the audacity of categorically stating that it would arrest Bashir and in 2012 it forfeited hosting the AU General Assembly as African leaders vehemently condemned Joyce Banda's utterances. Sudan is a

large producer of oil and other minerals and many African countries are its customers. This therefore means that African countries would rather have their national interests met as opposed to having Bashir taken to the ICC.

In the recent celebration of 50 years since formation of AU (formerly OAU) in May 2013 in Addis-Ababa, Ethiopia African leaders unanimously opposed Kenya's cases being tried at The Hague, Netherlands and each leader made scathing attacks on the ICC. The idea was that Africa should be left to deal with its problems and as such AU should pull out of the ICC. The AU was trying to whip its members to cease being a signatory to the Rome Statute so as to ensure that none of its citizens is taken to The Hague. However, we should remember that it is each country's parliament that can sanction such a move even if the AU whips its member countries. The issue is to ensure that AU addresses problems facing the continent forgetting the fact that when one arises they neither intervene nor offer long term solutions. It should not be lost to note that the AU continues to lose numerous job opportunities to the Chinese and many African countries continue to be exploited by China in its quest to tap into the vast resources in Africa more so oil. However, very few countries will point out this fact since China has really invested not only in African countries but also in the AU itself whose ultra-modern AU headquarters in Ethiopia was funded by the Chinese government. This was a gift by the Chinese to the African Union. The AU will remain silent even as China exploits its member countries since it doesn't want to jeopardize its interests within china. With national interests taking centre stage among the AU member states, serious violations of rights, non-adherence to the rule of law and other principles of good governance such as meaningful democracy and institutional strengthening are effectively ignored.

2.6 The Inter-governmental Authority for Development (IGAD)

IGAD, previously specifically named a drought management entity, was formed for the main purpose of addressing the issues brought about by consistent droughts that had ravaged the East and Horn of Africa region. It was found necessary to address this problem by forming a Regional Economic Community that would bring together countries that experienced this problem. It would later emerge that IGAD could be used as a vessel to attract foreign investment due to its role in promoting investment and trade both domestically in the respective member states, as well as across their common borders.

The formation of a REC that concerns itself purely with addressing drought shows that the region really was in shambles, food security wise. Food insecurity in the region could have been precipitated by lack of adequate peace more so in Somalia, Ethiopia, Sudan, Djibouti, Uganda and Eritrea. A lot of emphasis was on winning the war as opposed to cultivation of land. Addis and Khartoum were fighting secession wars against Eritrea and Southern Sudan respectively. Those wars inhibited agricultural activities leading to ravaging famine and hunger in the region. Somalia was also grappling with critical internal governance issues that could hardly provide an enabling environment for agricultural activities. This therefore led to the food insecurity in a number of the IGAD states. The lack of proper security and civil strife in some of the countries negatively affected the development of infrastructure in those countries thus hampering transport and communication within the region leading to the need to develop and improve regional infrastructure in terms of transport, telecommunications and energy.

Also, insecurity in Somalia must concern IGAD and, within the framework of regional integration and cooperation, resources should thus be mobilized to work out short, medium,

and long term measures to restore Somalia's stability. The need for that should be driven by the fact that Somalia's instability has ripple effects on her neighbours particularly Ethiopia and Kenya in terms of influx of refugees and terrorists which has eroded investor confidence in the region over the years. Kenya, Ethiopia and Uganda have had to resort to military interventions to ensure that Somalia observed the rule of law, pursued good governance by creating strong civil institutions, and generally became peaceful again. This has been witnessed in form of troops from those countries being deployed to oversee peace keeping and peace building in Somalia as first steps towards liberating the country from Al-Shabaab and other militia groups.

2.7 Conclusion

From the time of colonization, Africa has made significant development steps. The continent is now growing at a favorable rate despite the numerous challenges that it faced. Much of the issues plaguing the continent have had redress both legally and socially. African governments are now looking to develop the countries more than ever, Politics in Africa is also moving towards issue-based as opposed to the previous ethnic, and religious based politics. Pursuance of the Millennium Development Goals (MDGs) has given the continent a strong basis upon which it can initiate economic development policies.

Africa is now receiving better trade deals from the rest of the world. Development partners are taking their roles more serious than in the past when most of the countries only wanted to exploit the continent for its vast natural resources. International relations allow Africa to make gains as much as the development partners because of better bilateral ties. The trade imbalance that characterized Africa's international trade is reducing. The strengthening of the trade blocs

in Africa also gave the countries better bargaining power and regional trade improved thus allowing one another to develop. Africa's economic development is on the upswing because of the positive policies and activities that the different countries have all implemented.

CHAPTER THREE: HOW ECONOMIC DIPLOMACY INFLUENCES KENYA'S RELATIONSHIP WITH OTHER AFRICAN NATIONS

1. Introduction

The thrust of Kenya in its pursuit of its foreign policy in the region is, inter alia, to push up the scale the country's economic diplomacy and, in the process, ensure advancement of her people's economic prosperity. This calls upon the Kenya government to put measures in place to trade vigorously and with decorum on the international stage. With this, her relationship with other countries, particularly on the African continent, is critical.

3.2 Creation of large regional markets

It is now four years since Kenya published its very first foreign policy framework. This document not only highlights how Kenya relates with the international community but also defines the principles underpinning the country's foreign dealings. The policy paper identifies five pillars which, singly and variously, drive Kenya's international mission. The pillars are:

- a) The Economic Pillar
- b) The Environmental Pillar
- c) The Cultural Pillar
- d) The Diaspora

In considering the first pillar, Kenya's approach focuses on the enhancement of regional integration and strengthening bilateral links.

Kenya's regional cooperation is not just a means to achieving economic growth within those blocs but also a means to catalyze the elusive continental political integration taking on the economic path. According to Nairobi, the net effect of those efforts is that intra-African trade would greatly be boosted and this would have an effect of greatly reducing the perceived economic marginalization by the world economy. With Kenya at the forefront advocating for regional and continental integration, the question of what is in all this for Kenya and her people lingers.

Notably, for Kenya, creating a larger export market, improving her attractiveness as a leading African tourist destination and increasing her competitiveness for foreign direct investments has always been the underlying objective.

As a result, Kenya has readily spearheaded efforts aimed at creating large regional markets which effort has resulted in formulating cooperation legal instruments that established such markets as the Intergovernmental Authority on Development (IGAD), the International Conference on the Great Lakes Region (ICGLR), the charters creating the East African Community (EAC), and the Common Market for Eastern and Southern Africa (COMESA), and the African Union (AU). Kenya has not only signed, but has been known to take an active lead in the formation of these pacts, thus having the net effect of strategically positioning Kenya as a regional and communication hub serving a vast area of eastern Africa in its own right; whereupon the country is used by many as an entry point or gateway to Africa's hinterland countries like Southern Sudan, Rwanda, eastern Congo, Burundi and Uganda thereby giving the country an edge in terms of geo-political and economic influence over her African compatriots.

Beyond EAC, COMESA and IGAD, Kenya's aggressive involvement in regional integration initiatives has also roped in such outfits as ACP-EU and the IOR-ARC and could be understood in terms of her drive to cast the net of its foreign policy wider and inserting her regional influence. Kenya has signed an economic partnership agreement that opens co-operation between the EU and the EAC, and has spearheaded the signing of a tripartite FTA bringing together the EAC, COMESA and SADC, greatly boosting the country's economic potential affecting both its exports and essential imports, given the promise that these forums provide in terms of legalized non-tariff cross-border sharing of products, services, skilled and unskilled labour between Kenya and her neighbours.

Kenya perceives regional economic communities (RECs) as critical and desirable developmental path to her economic diplomacy. This is because RECs are instrumental in catalyzing processes for liberalized trade like free migration of essential skills, people, products and services, an important impetus for regional investment since the economic bloc is usually generally more attractive to both local and foreign investors. In this context, Kenya's main interest is the creation of large markets as the real motivation for regional trade. Besides, Kenya's adoption of 'silent diplomacy' or 'soft power' has also worked well positioning the country on high diplomatic pedestal more so as a host of some of the largest and well recognized global diplomatic missions and international agencies south of the Sahara.

3.3 Peaceful coexistence with neighbours

Compared with its neighbours prior to 2007 election related violence, Kenya was relatively an oasis of peace in a region that experienced multiple episodes of political instability. As a result,

the country became the most preferred destination for the hundreds of thousands of refugees fleeing the insecurity in their mother countries. Most of the countries neighboring Kenya had had a long history of political strife, national instability and insecurity, and collapsed economies. The brunt that Kenya has had to bear, as refugee host nation resulting from the long spells of internal conflicts and sporadic strife in her neighboring countries, over the years, pushed her into designing and implementing humanitarian interventions to cater for the high influx of refugees while also participating in intensive regional diplomatic negotiations to provide leadership in resolving the regional conflicts. For instance, the secession and institutionalization of a transitional government in the new state of South Sudan and the various interventions to install a functional government in Somalia are direct consequences of Kenya's aggressive involvement in the region's peace processes.

In spite of the monumental diplomatic success that Kenya registered in the Sudan and Somalia conflicts, the country has by and large avoided getting directly involved in internal affairs of other countries unless it is about working out ways to boost regional trade for the socioeconomic prosperity of the people. It is evident in in the country's draft policies and plans touching on her internal national economic recovery strategies and the special role that the private sector plays in the achievement of employment and wealth creation under these strategies, in the short term, and expansion of her regional business interests, in the long term. This way, Kenya renewed the push for the re-establishment of the EAC and assured that unchecked suspicions about her by the other member states due to political ideological differences, as was the case in 1977 under the prevailing pessimism widespread at that time at due to the then prevailing Cold War, will not lead to EAC's second collapse.

Scholars have noted that the ideological factors that could have possibly brought about the death of the EAC in its infancy in the late 1970s included distrust among partners, Kenya's belated industrial and commercial ego and her haughty attitude towards the less prosperous peers, incompatible political relations between Tanzania's Julius Nyerere and the Ugandan leader Idi Amin whose regime the former blatantly refused to recognize. The relations were further worsened by the markedly discordant approaches to foreign relations and policies.

However, as a signatory of the Peace and Security Pact, Kenya fully recognizes that peace and stability in Africa are the predisposing factors for entrenched economic development for the continent hence inculcating lasting peace, first with her neighbours, then regionally, cannot be overlooked for both long and short term economic gains for the citizens of these countries.

3.4 Pan African Deals

Pan-Africanism was essential both in the fight for independence and as a rallying call for African unity, both as a way of pressing for independence for the nations that were still colonized, but also for ensuring unity in pursuit of joint development and brotherhood in the common heritage. This ideology was to help the emerging states fight off imperialism and neocolonialism. This ideology led to the development of such institutions as the OAU which were thought to be important for collective negotiation and pursuit of meaningful foreign relations by the African states with non-African partners.

Pan-African brotherhood and fraternity champions free movement of people on the African continent. The Kenya government underscores that fact and is what informs the country's efforts at spearheading continental integration and cooperation. The country advances the

notion that African people could only be more appreciative of their diversity if they were freer to travel and live with one another on our continent. Such a move will eventually help the African people to do away with political balkanization of the African continent and erase negative politics of identity. On the basis of this premise, Kenya took the lead to ratify the “Continental Free Trade Area” (CFTA) deal. The CFTA instrument brings together 48 other African states and pushes for the removal of barriers impeding cross-border movement within the continent, which is in line with Kenya’s purpose to advance her open skies policy.

As an initial step towards pushing the Pan African agenda to the next level, the government recently made a major policy shift on the Visa rule for Africans visiting the country by directing that visas for any African wishing to visit Kenya will be received at the port of entry. The government waived visa requirements for citizens of countries in the East African Community and offered that henceforth such citizens will be treated like Kenyans whenever they visit the country and will need only their identity cards to work, do business, own property and farm in Kenya without any demand for reciprocity .

Kenya has also used the Pan African platform to vigorously pursue the strengthening of inter-governmental economic ties on air services, investment promotion and protection, and citizens’ rights among others. The launch of the direct flight from Nairobi to New York, USA is a case in point.

All this is Kenya’s frantic display of effort to boost mobility of African people as much as circulation of capital and commodities across the continent and globally while remaining true to her national interests to have a competitive and vibrant national economy that supports the innovative thriving of her private sector.

5. Conclusion

Kenya's regional economic diplomacy is about political morality and addressing trade imbalances. This explains why the country has embarked on sending high powered delegations to different capitals, regionally and globally, to negotiate for better international terms of trade as a means to foster friendlier regional diplomatic relations and sustain international cooperation for the socioeconomic benefit of her citizens.

CHAPTER 4: CHALLENGES AND OPPORTUNITIES PRESENTED BY ECONOMIC DIPLOMACY IN KENYA

4.1 Introduction

This Chapter is intended to delve into the highlights the potential for economic diplomacy in Kenya by identifying the different opportunities it provides for the country's economic growth. The focus of this Chapter is to look at the country's various economic instruments, how they advance the country's economic diplomacy, and the opportunities they provide for the country's socioeconomic development.

4.2 Economic Diplomacy and Opportunities for Economic Growth in Kenya

Under Vision 2030, Kenya seeks to transform her socioeconomic fortunes and become a newly industrialized country enjoying global competitiveness and prosperity by the year 2030. This policy document is anchored on clearly spelt out pillars: the political, social and economic, which are all geared towards a stable economy, good governance, enhanced equity and creation of wealth, development of modern infrastructure, reliable supply of energy, reforms in land use management, enhancement of human resources, public sector reforms, security, science, technology and innovation.

Of interest, therefore, is that Vision 2030 ties Kenya's progress to middle-income status to the attainment of the internationally agreed goals for socioeconomic development commonly referred to as the Millennium Development Goals (MDGs) which goals emphasize reduction and eventual eradication of extreme poverty and hunger, attainment of basic education for all,

equality and equity between the genders, lowering of mortality rates in children, better maternal health, elimination or reduction in new HIV/AIDS infections, dealing with all major diseases, sustainable management of the environmental, and improved relations with the international partners for development.

Another pillar – economic seeks attain and maintain a minimum growth rate of at least 10% per annum in order to ensure that each of the regions in the country can prosper. The pillar aims at improving the following sectors:

- a) Tourism;
- b) Agriculture,
- c) Wholesale and retail trade,
- d) Manufacturing;
- e) IT enabled services (BPOs); and
- f) Financial services.

The sectors listed above account for 57% of Kenya's GDP and provide nearly half of the formal employment held by the citizens in the country.

The social aspect of the policy paper encourages investing directly to ensure that all Kenyans can access and enjoy an improved quality of life in a just, cohesive, clean and secure social environment where every member of the society enjoys equitable social development. To this end, the Vision 2030 targets a “cross-section of human and social welfare projects” in the fields of:

- a) Education and training;

- b) Health;
- c) Environment;
- d) Housing and Urbanization;
- e) Youth and sports;
- f) Gender;
- g) Children; and
- h) Social development.

The political pillar envisions a political system that is anchored on issues and results, people-centred, accountable and democratic – thus heralding free, fair and violence-free elections, peacebuilding and reconciliation, rule of law, transparent processes and security among other political values.

To actualize this vision, Kenya has embarked on drawing an elaborate policy, commercial, legal, economic, institutional and media plans to drive her aggressive economic diplomacy campaigns to achieve her socio economic interests.

These plans have brought together all possible stakeholders drawn from all categories of our society, including private businesses to carry out promotional activities, marketing, negotiations, media and public awareness campaigns, lobbying and advocacy among other activities purposely to ensure better performance under proper application of the rule of law. Good policies enable a country, such as Kenya, to attract foreign investment – be it in the form of aid or other forms of investment and growth.

4.2.1 Cross-border and Transboundary Trade Ties

Improving her economy is Kenya's top diplomatic objective and in the last couple of years, the country has pursued an aggressive push for more trade opportunities across the globe but with notable focus on Africa. Kenya's focus on Africa is informed by the fact that trade among countries on the continent has not been given due attention in spite of the widespread global belief that Africa is an economic giant that needs to be economically awakened.

As a result, the country's top leadership has led powerful delegations of local business personalities to different African countries with a view to strengthening trade ties with such countries while creating transboundary trade ties where none existed. These efforts have seen Kenya and Nigeria sign trade agreements to enhance bilateral trade in agriculture between the two countries. Nigeria is a critical partner in this agreement because it is Africa's largest economy and most populated country and Kenya stands to benefit the most given the market potential that Nigeria provides for the Kenyan agricultural products.

Another key African country to Kenya's socio economic wellbeing is Uganda, which, globally, is the leading net importer of Kenyan goods besides being a trading partner alongside the other neighboring East African countries. This is the main push factor that has led Kenya to strongly campaign for a more integrated East African Community (EAC).

The country's leadership is aware that a more vibrant, closely-integrated EAC bloc will ease barriers to commerce and trade leading to increased volumes of cross-border business thus providing Kenya's dominant economy with wider market reach for her wide spectrum of goods, particularly manufacturing products, as the EAC bloc seeks to tap the region's unexploited potential in terms of market capacity. This will rapidly expand Kenya's economy,

position the country as a trade hub, and leading centre for banking and finance in the EAC economic bloc.

4.2.2 The “Big Four” Agenda

Kenya’s national economic blueprint – touted as the “Big Four” agenda – lays emphasis on four key economic areas namely decent housing, universal healthcare, food security and manufacturing opens another front for the country to create new economic alliances within the diplomatic circles. The Agenda’s aim is to raise the country’s economic position and guarantee social security for her citizens, particularly the vulnerable and marginalized, by freeing them from indignity resulting from wanton inadequacy of food, employment, good health and shelter.

Although Kenya’s economy is agriculture-driven, the country is generally categorized as food deficient because demand for food has outstripped local production. As a result, a significant size of the population cannot meet the minimum dietary requirements, with many households unable to sustain a healthy and productive life. Thus many households have had to adopt coping strategies such as skipping meals and or foregoing non-food expenditures. Some households have gone to the extreme of engaging children in labor intensive activities to augment family income.

In the past, the government has come up with various interventionary policies to respond to the recurrent food crises in the country by enabling increased production and supply of food, stabilization of prices to make food affordable to the wider public, and enhanced income related policy interventions. In 1981, Kenya formulated the Sessional Paper No. 4; the

country's first food policy which birthed the National Food Need for the livestock sector. The policy was aimed at helping in the maintenance of household food sufficiency and to facilitate the equitable equitable distribution of a wide variety of foods of high nutritional value to all citizens. And in 1994, following the 1991-94 drought, Sessional Paper No.2 which aimed at promoting a market driven approach to food security was crafted.

In recent times, the government has also come up with measures aimed at ensuring universal healthcare (UHC) to her people. Programmes such as the Linda Mama (Free Maternity Service) and the drive for enrolment of people, particularly youths in schools, for health insurance can be seen in this light. However, increased burden of non-communicable diseases, frequent traffic accidents, shortage of medical equipment, lack of specialists and inadequate external funding are challenges that stand on the way to Kenya's achievement of UHC.

Similarly, Kenya also appreciates that a vibrant local manufacturing sector is vital in supporting the country's socioeconomic development particularly with regard to employment creation due to its high labour intensity and linkages of all sectors of the economy, including agriculture and other services. Because of that, the Kenya government has never been keener on growing her manufacturing sector

Pointedly, therefore, for Kenya to realize her 'Big Four' agenda, it is critical for the government to cultivate new partnerships that are able to supplement government effort to deliver on the 'Big Four' agenda at optimally at a cost that would not be a huge economic burden to the people.

However, Kenya's effort to expand her trade horizon has upset her traditional trade partners in the West but the reality remains that as the country attracts more investments and trade allies in

Africa and the Asian countries, the US and UK, and a number of other Western nations, remain Kenya's key trade partners going by the activities of her High Commissions and Missions abroad.

4.3 Challenges facing Kenya's Quest to Advance her Economic Diplomacy

Economic Diplomacy looks at the place of domestic decisions that states make, international negotiations that they engage in and the optimal manner in which all these processes interact. On that note, economic diplomacy mean different things to different countries, and also takes variable forms depending on the status of economic development in a the respective country. As countries experience this continuum of economic diplomacy, they are therefore, faced with challenges which need to be addressed.

In Kenya, some of the challenges on the path of Kenya's economic diplomacy include trade in counterfeits, skills mismatching local industry needs, threat of terrorism, low exports, corruption, high business taxation, high cost of power, and poor infrastructure.

4.3.1 Trade in Counterfeits

Kenya's manufacturing sector, largely dominated by foreign investors, run the risk of stagnation due to high levels of counterfeiting which discourages the investors from doing businesses in the country hence interrupting Kenya's economic diplomacy efforts and depressing the country's long term economic growth.

Counterfeiting is a serious challenge in Kenya as in other developing countries. Ordinarily, counterfeits – in Kenya’s case, mainly from China - come cheaper and they stifle the production of local goods thus undermine local economies such as Kenya’s. Importation of and trade in counterfeits is outlawed in Kenya’s because most counterfeiters evade taxation and occasion huge losses of foreign earnings in the country. Besides, their short lifespan and the difficulty in disposing them off compromise the country’s human and environmental health.

It is in respect of this that major players in Kenya’s fledgling manufacturing sector have come up to petition the government to take drastic diplomatic measures, besides cracking down on counterfeits, to address the flooding of local markets with offshore fakes and imitations and, crucially, seal all points of entry that counterfeiters exploit.

Like Ethiopia, Kenya also needs to create policies that protect local industries so as to correct the counterfeiting anomaly and, in the long term, have a win-win situation in the shift of low-cost manufacturing from China into the country. And what should be of immediate interest to the government is reversing local traders’ preference for China’s fast-moving cheaper stock, including those that can be made locally here, which thus disadvantage local manufacturers and eating away their ability to produce both for the local, regional and international markets. This could be realized fairly fast by government legislating against imports that could be locally manufactured.

4.3.2 Skills mismatching local industry needs

Some decades ago, a degree was once a ticket to the middle class in Kenya courtesy of a well-paying job. Locally, people in blue-collar employment are characteristically referred to as “Fundis” – Kiswahili for artisans. Because of the boom for white-collar jobs, blue-collar

employment opportunities in the country became stigmatized and people with such skills were considered as not being in the right place in their life.

However, in recent times, white-collar opportunities have gone down both in public and private sectors, creating room for fundis who are hardly available because of the skills gap that has existed in Kenya over time. The local industry needs in terms of skills in relation to what is available in the employment market is characterized by either a sharp shortage or acute mismatch of the skills. This has seen major industrial players come up with elaborate apprentice programmes to bridge the skills gap and safeguard Kenya's "Big Four" national development agenda besides spearheading her economic diplomacy policy in line with the country's economic blueprint – Vision 2030 – to realize both estimated and projected growth rates, as Figure 4.1 below shows.

Figure 4.1: GDP growth rate for Kenya (2010-

2018)

Source: World Bank (2018)

4.3.3 Threat of terrorism

The threat of terrorism has affected Kenya's economy in major ways, with its rippling effects felt much more in the tourism sector. It has been argued that terrorists essentially target tourists because this provides quick financial gains because of the concerns raised due to threat to life. Socioeconomic catastrophe for a country is when terrorism targets tourism, the impact of which more often than not results in a serious tourism crisis. From way back in 1998, Kenya has experienced a myriad of terrorist attacks with varying magnitude when, first, the American Embassy in Nairobi was bombed to the ground by elements of Al Qaeda terrorist group. Expectedly, such acts of terrorism, as Kenya has experienced, impede international travel activities as countries immediately move in to give travel advisories to their citizens and cancel international flights to affected destinations thus affecting the country's effort at implementing her economic diplomacy policy to open up the global trade opportunities for the benefit of her people.

In the immediate aftermath of terrorism attack, travel advisories are issued by foreign capitals and major regular and charter planes flying to Nairobi suspend operations thus heralding instant economic meltdown for Kenya as overseas markets immediately close down leading to loss of revenue by government and massive loss of jobs locally.

4.3.4 Low Exports

Whereas Kenya continues to pursue an aggressive economic diplomacy regionally and internationally, the country is yet to fully maximize the benefits of this endeavour. Notably, her

traditional Asian bilateral partners namely United Arab Emirates, India and China benefit more from the balance of trade than Kenya's own local economy.

Two years ago, Kenya registered a negative trade balance of Kshs. 1.11 trillion against an export volume of Kshs. 407 Billion against import volume of Kshs. 1.58 trillion. In the same period, Kenya's GDP was Kshs. 7.5 trillion and her GDP per capita was Kshs. 316k. The main contributors to Kenya's export basket were the United States (Kshs.5.24 billion), the Netherlands (Kshs. 4.67 billion), Uganda (Sh. 4.41billion), Pakistan (Sh.3.94 billion) and the United Kingdom (Sh. 3.86billion).

Kenya mostly imported from China (Shs. 559 billion), India (Shs. 246 billion), Japan (Shs. 71.1billion), the United Arab Emirates (Shs. 62.8billion) and South Africa (Shs. 55.7billion). This is a clear indication that Kenya is a net importer as opposed to being a reputable exporter. However, Kenya's main exports are internationally low-priced agro-based raw materials as the Table 4.1 on the next page indicates.

Table 4.1 Leading commodity Exports for Kenya (% share), 2012-2016

Commodity	2012	2013	2014	2015	2016
Tea	21	23	20	25	25
Horticulture	17	2	21	20	22
Coffee, unroasted	5	4	4	4	4

Articles of apparel and clothing accessories	4	5	6	6	6
Tobacco and tobacco manufactures	3	3	4	3	3
Iron and steel	3	3	3	2	3
Essential oils	3	2	2	2	2
Animal and Vegetable oils	3	2	1	1	1
Articles of plastics	2	2	2	2	2
Soda ash	2	2	2	1	1
Medicinal and pharmaceutical products	2	2	2	2	3

Source: KNBS, 2017

Much as this trend has projected Kenya's economic diplomacy in bad light, not all Kenya's bilateral ties with developed nations are so skewed against her domestic economic needs. Timely corrective high level government-to-government engagement has seen Kenya earn more from exports to European countries like the Netherlands, UK and France than it pays for imports from similar destinations. For instance, in the first quarter of 2018, Netherlands – which mostly imports Kenyan flowers and horticultural products – registered a Sh17.8 billion imports from Kenya compared to Sh7.3 billion it exported to Nairobi. Also, tea and coffee exports to the UK earned Kenya a total of Sh14.3 billion while UK exported to Kenya goods worth Sh10 billion only. Comparatively, during the same period, France bought goods from Kenya to the tune of Sh7.3 billion and exported goods worth Sh2.4 billion.

4.3.5 Corruption

Corruption is another major economic cancer that is retarding Kenya's growth and rapid march to newly industrialized status. At some point, Kenyans mobilized and petitioned the government to declare corruption a national disaster. Transparency International's 2017 Corruption Perception Index placed Kenya at position 143 out of 180 countries. What is depressing is that other African countries that scored worse than Kenya were either politically unstable or in conflict.

This definitely is not good music for Kenya – the most robust economy in the East and Horn of Africa region – which should know better than indulge in corruption given that the vice curtails planned national development for the peoples' benefit. Corruption expends Kenyan resources needed for developmental projects, drains the country's economy and denies the people the opportunity to enjoy better infrastructure.

This is a burden that Kenya cannot continue shouldering. In terms of the country's economic diplomacy policy, the need to make corruption expensive for perpetrators cannot be overlooked. As a country, Kenya literally needs to enculture herself to the value of reproductive work as the only genuine means to wealth creation and accumulation, heavily legally penalize corruption, repossess all proceeds of corruption, impose strict standards of ethical conduct in public offices, and intensify the national fight against the three ills namely poverty, ignorance and disease.

4.3.6 High cost of power

Another challenge to the effective implementation of Kenya's Diplomatic policy is the high cost of electricity in the country, which local manufacturers complain was basically pushing them out of business.

4.4 Conclusion

It is very exciting for Kenya that the renewed optimism regarding Africa's economic fortunes are aligning with the country's robust initiatives to step up her manufacturing sector, among others.

CHAPTER 5: PRESENTATION OF FINDINGS AND DATA ANALYSIS

5.1 Introduction

This research project set out to study the application of the delicate balance of international law and economic diplomacy is used to achieve Kenya's national interests: how economic diplomatic overtures influences Kenya's relationship with her neighbours in the East African Community region; and describe the challenges faced and opportunities created by Kenya's economic diplomacy. In the quest to respond to the stated objectives, the findings of this study sought to establish the nexus between Kenya's economy and the benefits derived from the politico-legal interaction with the surrounding economies in the East African region, besides attempting to establish the contribution of Kenya's application of diplomatic law and economic diplomacy in the achievement of its objectives; examine the factors that motivate Kenya to utilize economic diplomacy to achieve national interests; to investigate the factors vitiating Kenya's application of economic diplomacy in achieving its national interests and to be able to make proposals as to how these challenges may be overcome to bolster Kenya's application of economic diplomacy to benefit her citizens fully.

In this chapter, the study findings based on the specific research objectives, are presented and discussed. Analysis is based on the research instrument – semi structured questionnaire – used for the study. Specifically, the chapter provides feedback on the questionnaire percentage of questionnaires administered successfully – both directly and by return; the distinguishing characteristics of the respondents and analysis and interpretation of same. This information is presented in various formats including tables, pie charts and graphs.

5.2. Administration and Collection of Questionnaires

This research deliberately targeted 35 respondents through questionnaires, and this was achieved 100% return rate since the questionnaires were administered in-person and were picked immediately after the respondents had filled them.

5.3 Important Information about the Respondents

5.3.1 Age Differences among Respondents

Table 5.3 below displays response on the age of the respondents. The mean age was established as 41 years with most of the respondents being in the age category of 36-41. This indicated that most of the respondents commanded years of experience in this field and had served for a long time, thus more expertise.

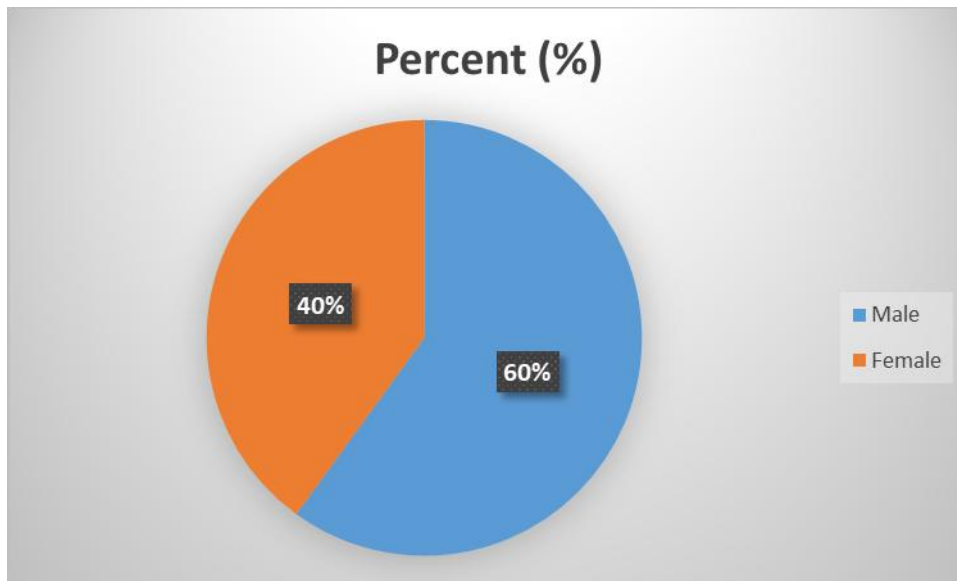
Age Interval	Frequency	Percentage (%)
<30	2	6
30 - 35	10	28
36 - 41	15	43
42 - 47	4	11
48 - 53	2	6
54 -59	1	3
59>	1	3
Total	35	100

Table 5.1 Ages of Respondents; Source: Field Data (2018)

5.3.2. Distinction of Respondents on Gender Basis

The research attracted sixty percent male respondents and forty percent female. This figure also reflected the general proportions of employees and experts in the relevant sectors that were targeted for the collection of primary data. Figure 5.1 below shows the distribution.

Figure 5.1: Gender of Respondents in percent



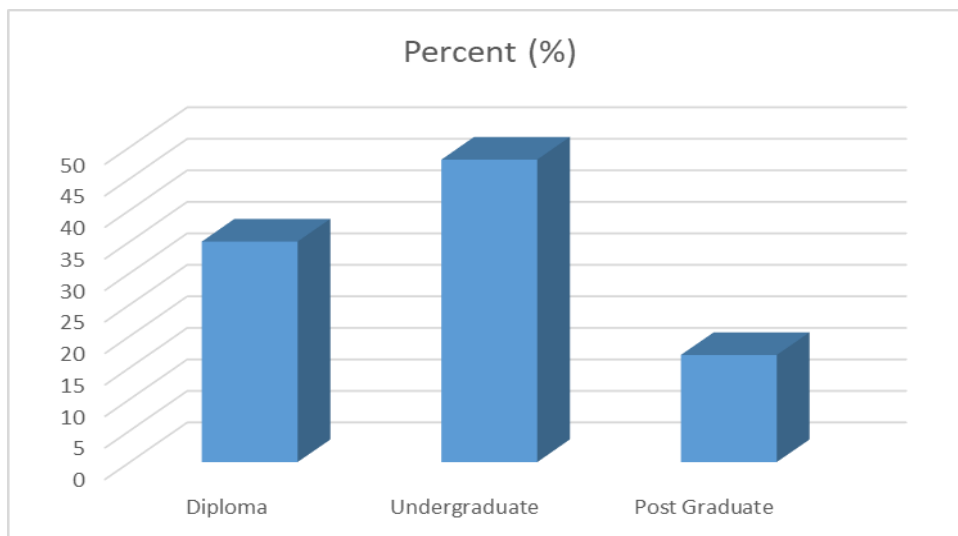
Source of information: Data Collected from the Field in October 2018

5.3.3 Respondents' Educational Levels

In a further analysis of the respondents, 35 percent of them disclosed that they had diploma qualifications as the highest level of education. 48% were educated to undergraduate level while 17 % had postgraduate qualifications. This was important to establish the relative reliability of their information and ability to respond to the issues in the questionnaire. This indicated that the respondents had the specialized skills in their areas of operation and that it

was easier for the researcher to obtain the kind of information that would be relevant to the fulfilment of the relevant objectives.

Figure 5.2: Highest Level of Education



Source: Field Data (2018)

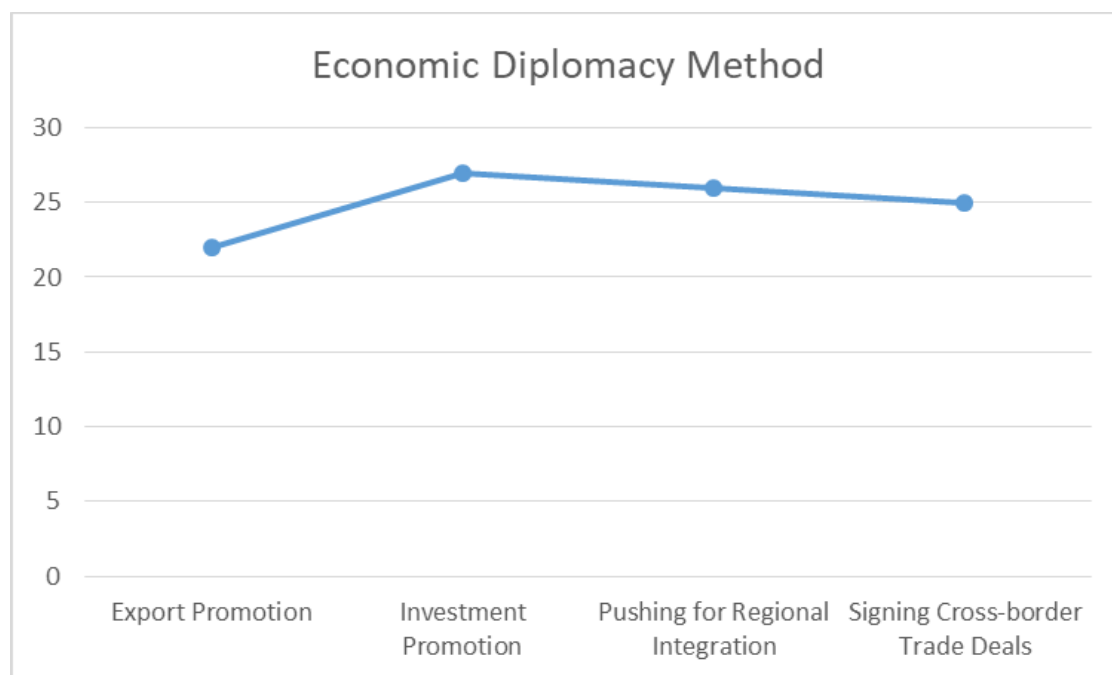
5.4 The Economic Diplomacy Applied by Kenya in East Africa

At least 86 per cent of the respondents were of the opinion that Kenya had positive relations with the other East African countries. In fact, during the interviews it turned out that the political concessions Kenya had made to the peers had been intended to eventually help the people of the republic of Kenya. The recent agreement by Kenya to share Migingo Island with Uganda was cited as an example. 95% of the respondent noted that Kenya's port of Mombasa played a key role in enhancing mutual trading activities between Kenya and other countries in the Eastern Africa Region. Uganda emerged as Kenya's greatest partner in cross-border trade.

5.5 Application of International Legal Principles and International Economic Mechanisms by Kenya to Influence Relations in the EAC Region

There are four main methods that Kenya applies in determining her relations with her neighbours, as Figure 5.3 below shows. Of the four methods, investment promotion enjoyed a slight advantage at 27% and export promotion lagging behind at 22%. The approaches contained a considerable amount of legal instruments in the way of signing cross-border legal instruments for the enhancement of bilateral and multilateral trade deals. Though not captured in the figure below, it also involved the signing of deals which may appear not to directly be trade deals, but which had the political and legal effect of promoting economic relations.

Figure 5.3 Kenya's economic diplomacy methods



Source: Field Data (2018)

5.6 Challenges Faced by Kenya in its Application of Economic Diplomacy

Among the challenges facing Kenya's economic diplomacy efforts, corruption especially at border clearance points, topped at 37 percent. Following closely at 25 percent was lack of skilled economic diplomats specialized in policy making in this. A significant 24 percent of the respondents felt that the country had a poor infrastructure that required improvement for the enhancement of the haulage of goods and transportation of services between various points in the region. Standing at 14 percent was the fact that the other countries did not have complete trust, and so were of the opinion that Kenya enjoyed undue economic advantage and dominance over the other states in the region, a fact that quite often leads to reactions and acts that are inconsistent with the proper and cohesive running towards integration and a smooth system.

CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

In this chapter, the researcher summarizes the study findings, draws conclusions and gives recommendations from the results of the study.

6.2 Summary of the Findings of the Research

6.2.1 Economic Interconnection between Kenya and the other East African Community Countries

It was clearly brought out in the research that Kenya is economically interconnected with countries in the East African Community region. This interconnection can be partly attributed to the formation of the regional trading bloc – the East African Community – that, among other things, encourages the member countries - Kenya, Uganda, Tanzania, Rwanda, Burundi, South Sudan - to trade with each other. The study also revealed that Kenya's major trading partner is Uganda, the country which is also the single largest recipient of exports from the manufacturing industry in Kenya.

6.2.2 To what extent does Kenya apply Economic Diplomacy to influence her relations with other nations within the East African Region

On economic diplomatic methods used by Kenya to influence economic relations with her East Africa neighbours, the study established that the four main methods included export

promotion, investment promotion, pushing for regional integration and signing cross-border trade ties, with investment promotion being the country's major incentive.

6.2.3 Factors Vitiating the Application of IL and ED by Kenya in the Region

The important findings of this research included factors that may hinder the full implementation of the targeted Economic Diplomacy mechanisms. These have been discussed in previous parts of this work, and include:

- ✓ Corruption;
- ✓ Lack of skilled economic diplomats;
- ✓ Poor infrastructure and
- ✓ Suspicion by her neighbours.

It was established that the government institutions which deal with licensing, border point checks and other protocol areas were not streamlined and trade was being affected by corrupt officials.

6.3 Conclusion

The following conclusions were made in the process of this research, which were vested on evidence gathered in the process of this evaluation: economic diplomacy is an important tool that any developing country, like Kenya, should employ to drive its economy; expanding Kenya's manufacturing sector will give Kenyan products due advantage in the region over

products from other countries within the EAC bloc; opening new diplomatic fronts while retaining traditional trade partners is crucial for Kenya's development.

6.4 Suggestions and Recommendations of the Study

The Researcher would wish to advance the following recommendations on the basis of this study:

1. The Kenya government to streamline her policy implementation strategies to curb corruption and improve on governance;
2. The government to establish anti-corruption monitoring at border clearance points and conduct strict disciplinary action against those found guilty of corruption;
3. Each of the countries in the East African region to streamline customs clearance procedures and come up with standard measures to cater for the whole region.

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APPENDICES

Appendix 1

INTERVIEW SCHEDULE

Dear Respondent,

I am a student at the College of Humanities and Social Sciences, Institute of Diplomacy and International Studies at the University of Nairobi (UoN) and conducting a study on Kenya's Targeted Application of International Law and Economic Diplomacy in Achieving National Interest in Africa.

This study is a partial fulfilment of the requirements for the Degree of Master of Arts in Diplomacy and your response will be confidentially purely only for academic purposes.

This research has three main objectives: to study how economic diplomacy is used to achieve national interest in Kenya; to study how economic diplomacy influences Kenya's relationship with countries in East Africa; and to describe the challenges faced and opportunities created by Kenya's economic diplomacy. The respondents (population) for this research are the senior administrative staff in the Ministry of Foreign Affairs in Kenya.

The questionnaire asks a variety of questions about whether there is a relationship between economic diplomacy and national interest in Africa; whether Kenya's economic diplomacy plays a role in helping Kenya maintain her relationship with East African countries; and whether economic diplomacy enhances development in Africa despite its challenges.

This questionnaire will take you less than 10 minutes to complete. If you have any questions or concerns about completing the questionnaire or about participating in this study, you may contact me on **0724453874** or wmwangani@outlook.com.

Please email the soft copy or scanned copy of the filled questionnaire. In case you are not able to email, let me know so I can make arrangements to collect the hard copy from you.

We would appreciate if you could take a few minutes to share your opinions with us.

Thank you very much for your time and your participation.

Yours Sincerely,

Wilson Mwangangi.

Background Information

Interview Date:.....

Respondent Gender: Female Male

Respondent Age:..... Years

Respondent Designation.....

Kindly take a few minutes to share your opinions with us.

1. Does Kenya use economic diplomacy to achieve her national interest? Yes No

a) If “Yes”, how?

.....
.....

b) If “No”, why?.....

.....
.....
.....

2. Does economic diplomacy influence Kenya’s relationship with her east African countries?

Yes No

a) If “Yes”, how?

.....
.....
.....
.....

b) If “No”, why?

.....
.....
.....

3. Are there opportunities created by economic diplomacy in Kenya? Yes No

a) If “Yes”, state three MAIN ones?

.....

.....
.....
.....

b) If “No”, why?

.....
.....
.....
.....

4. Are there challenges faced in the attempt to apply economic diplomacy in Kenya?

Yes No

If “Yes”, mention three MAIN ones?

.....
.....
.....

5. In your opinion, how could Kenya’s economic diplomacy be improved?

.....
.....
.....