I’ve see the hills and they’ve turned to no mountains, but I’ve seen mere skills and they’ve turned to great talents. Day by day we are gaining our grip on our 1st Anniversary and I must say it has been a great year, if not more.

Welcoming you to the 11th issue of Kenyan Legal Magazine, we introduce to you our newest partner, Human Rights Without Frontiers International under the new column "The Human Rights Dialogue". Based in Brussels, Belgium.

Also main feature in this issue, Duncan Ombo explores the issue of same Sex matrimonial unions in Kenya, and the world at large, as well looking into its legal and social history; Maybe its a simple denial we’re living in; Find out in this issue.

This being the last blush before we celebrate our 1st Anniversary, believe me that progress doesn't have to be a slow process. Real Issues, Real Kenya. Welcome

REGARDS,

Michael

Michael Opondo O.

www.michaelopondo.wordpress.com

Managing Editor,

KENYAN LEGAL

---

The Kenyan Legal Team

The Secretariat

Michael O. Opondo: Managing Editor.
Sheila Mokaya: Assistant Editor.
Cindy Amuka: Associate Editor.
Patricia Ngare: Content Manager.
Dennis Gicheru: Director Partnerships
Anthony Mwangi: Co-Director Partnerships.
Arnold Odiembo: Director Communications.
Linda Wangui: Co-Director Communications.

The Branch Co-Ordinators

Kenneth Kimathi: Kenyatta University (School of Law)
Gabriel Pelu: J.K.U.A.T (School of Law)
Hamida Abass: Strathmore University (School of Law)
Duncan Ombo: Mt. Kenya University (School of Law)
Samuel Onyango: Riara University (School of Law)
Anita Simiyu: Kabarak University (School of Law)
Victor Kaula: Moi University (School of Law)
Victor Orwa: University of Nairobi (School of Law)
The Hidden Agenda behind the USA-Africa Leaders’ Summit Held at Washington DC

By Joseph Agwata,
Alumnus Kenyatta University School of Law
josephokarl99@gmail.com

Recently, the US Department of Commerce together with the foreign department organized what was dubbed as US-African business Forum that was held in Washington DC between dates 4-6 of August 2014 and was attended by more than 50 heads of states and governments, and a contingent of both African and US investors. The theme of the summit was “investing in the next generation”. The forum focused on the area of trade and investment between the US and the African states. The forum also was also intended to discuss the ways of stimulating growth, unlocking Africa’s potential and creating an enabling investment environment in Africa.

During the opening of the Summit, US President Barack Obama gave a keynote address that highlighted the focus and aim of the summit. First and foremost, he recognized the role of Africa in driving the economic growth of the US and the rest of the world. He further took cognizance of the fact that Africa is the fastest growing economies in the world and that the US is not ready to be left behind in taking advantage of the growing investment opportunities in Africa.

President Obama also took a swipe at China for its perceived “exploitative and don’t care attitude” and seemed to suggest that the influence of China in Africa is largely a give and take kind of relationship which is geared towards enriching a few individuals at the expense of the citizens. Mr. Obama urged the Africa leaders to look for genuine and equal partners who will help unleash the next era of growth in Africa. In verbatim he stated that:

“United States is determined to be a partner in Africa’s success s, a good, equal partner and the partner for development. We don’t look to Africa simply for its natural resources, we recognize Africa for its greatest resource; which is its people, its talents and their potential. We don’t simply want to extract minerals from grounds for our own growth, we want to build genuine partnership, to create jobs and opportunities for all our people and then unleash the next era of African growth. That is the kind of partnership America asks”

From the above phrase it can also be implied that President Obama is of the view that China’s increasing influence in Africa and Kenya in
particular is not based on a win-win kind of relationship but that of give and take kind of relationship and that, they are only interested on what they can gain out of such kind of relationship; that is Africa's natural resources.

Although to some extent, there is truth behind what Mr. Obama said, US is seems to be worried more about the increasing influence of the west than having a genuine concerns for Africa. By stating that: “we don’t look to Africa simply for its natural resources” will on the face of it seem to suggests that US is not interested in what they can get out of Africa but on building a genuine relationship based on mutual benefit and equal partnership which is not always the case.

United States just like any other developed nation in the world is concerned with increased bilateral trade and investment opportunities in Africa which will help grow their economy. It is therefore, matters not whether a country chooses to trade with the East or West but whether that kind of trade will in turn spur economic growth and improve the livelihood of the citizens.

I am very much pleased with what came out of the summit in Washington where US investors pledged to put multi-billion dollar investment in Africa in form of grants, foreign direct investments (fdi) in the various sectors of the economy. However, until those pledges are turned into real investments with real benefits to the people, they remain just mere pledges.

A decade ago, Africa was regarded as a dark continent with dark past and dark people; a continent of hopelessness devoid of any meaningful development but today the narrative seems to have changed. Africa is now regarded as a major tourist destination and a continent full of investment opportunities. The big question is: what has changed?

Call it taking your rightful place among the best or recognizing your worth; that is the new Africa. I’m delighted with the new Africa, a continent where everybody in the world wants to come and invest. A continent full of rich natural resources, diversity of cultures and investment opportunities. Never again will Africa be regarded as a dark continent but a continent with hope and a bright future.

Back to the main agenda behind the recently held summit in the US. Truth be told, the main reason why for the increasing influence of China in Kenya and the rest of the other African Countries is because they don’t mix business with politics of the day. They’re not concerned about the rule of law and good governance which forms the core of US’ foreign policy. They don’t dictate or interfere with the internal affairs of the countries they trade with and that appears to big secret to their success.

Don’t misunderstand me as attacking US’ foreign policy, because I am not attacking US’ Foreign Policy because I’m one of the people who believe that US foreign policy is one of the best in the modern day society where democracy and the rule of law must reign supreme at all times, all I am simply saying is that, that this kind of policy does not ogre well with African leaders because it is perceived as a form of neocolonialism and against the doctrine of sovereignty.

A good example of such foreign policy that left many African heads of state disilluisoned, is the US’ foreign policy which indicated that as a requirement for foreign aid, African states will be required to enact laws allowing for gay rights. Although this policy was meant to protect a minority segment in the society, it has further damaged the relationship between African states and the US because they believe that allowing for gay rights leave alone gay marriages is unAfrican and against Christian values.

Therefore, if the charm-offensive by the US to scale down the influence of China in Africa is to succeed, then United States must be prepared to make though and rather unpopular decisions like changing its foreign policy on internal interference in the auspice of promoting democracy and good governance.

Similarly, the US government should concentrate more on exploring ways and means of countering the spreading influence of China in
Africa as opposed to the orthodox means they are currently employing of portraying China as a self-centered and cunning partner up to exploit Africans for their own benefit.

Additionally, the US government should provide cheaper credit and guarantees to their local companies to enable them bid and win contracts in Africa and the rest of the world. Otherwise, China will soon dethrone them as the major trading partner in Africa.

Lastly, with report by World Economic Situation and Prospects (WESP) 2014 revealing that growth prospects in Africa remains relatively robust with GDP expected to accelerate to 4.7 per cent in 2014 supported by improvements in the global economies and regional business environment and easing infrastructure constraints hence increasing trade and investment ties with emerging economies; United States must act with speed and take its place least it loses its grip in Africa.

---

*Joseph Agwata is an Alumnus of Kenyatta University School of Law (LL.B 2014).*