

HUMAN RIGHTS IN THE RECONFIGURATION OF AID RELATIONS: THE CASE OF  
CHINA- KENYA RELATIONS

BY

LILIAN TUNAI MULATI

C50/CTY/PT/24023/2011

A THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND SOCIAL SCIENCES IN  
PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF THE DEGREE  
OF MASTER OF ARTS (INTERNATIONAL RELATIONS AND DIPLOMACY),  
KENYATTA UNIVERSITY.

NOVEMBER 2016

**Declaration**

I declare that this is my original work and has not been presented for a degree award in any other university.

Signature..... Date.....

LILIAN TUNAI MULATI

This thesis has been submitted for examination with our approval as University Supervisors

Signature..... Date.....

DR. JOSEPH WASONGA

Department of History, Archaeology and Political studies

Kenyatta University

Signature..... Date.....

DR. DANSON ESSESE

Department of History, Archaeology and Political studies

Kenyatta University

## **Dedication**

I dedicate this work to my father Samuel Mulati Wafula and mother Agnes Naliaka Mulati for their undying support in my academic pursuit.

## **Acknowledgement**

This work would not have been possible were it not for the Almighty God. Secondly, I sincerely thank my supervisors, Dr. Joseph Wasonga and Dr. Danson Esesse. I immensely benefitted from their constructive intellectual criticism and guidance. They went out of their way to read and give suggestions that improved this work a great deal.

I also thank the entire staff of the Department of History, Archaeology and Political Studies for their moral support during my studies. Special gratitude goes to my informants who made this research a success by willingly giving me the information needed in the various interviews. I also acknowledge the help of librarians in the Post-Modern Library, Kenyatta University, Jomo Kenyatta Memorial Library of University of Nairobi, McGauley Library at Catholic University and the Kenya National Archives for helping me locate books and materials useful to this study. I cannot forget my classmates: Kristin Ademba, Simon Muga, Allan Wafula, Mwangi Mugo, Anthony Kihara and Mercy Ndirangu, together we shared the challenges of academic life and encouraged each other when the going got tough. I also appreciate my friends; Obadiah Ongere, Veronica Kimani, Benardette Kiarie, Angela Atonga, Julian Kihara, Joyhildah Khayundi and Dorine Owako for the support they gave me during this study. Finally, my sincere gratitude goes to my family for the encouragement, advice and financial support.

## **Abstract**

The study explored human rights in the reconfiguration of aid relations with a particular focus to China- Kenya relations. The study used other African countries such as Zimbabwe, Sudan, and Angola as cases of illustration to ground the thesis' argument. The study sought to realize the following objectives: find out the dominant features of China-Africa foreign aid relations, analyze the nature of China-Kenya relations since independence, survey the trend of Kenya's foreign aid relations, and examine possible links between China-Kenya foreign aid relations and Kenya's human rights profile. To achieve these objectives, the study used both primary and secondary data. Primary data was obtained using interview guides while secondary data was subjected to critical textual analysis and interpretation to test the relevance and accuracy of the document for the purpose of the study. The obtained qualitative data was analysed thematically. The study sought to find out if we could theoretically situate China- Kenya relation among the trend that has defined the relationship between China and other African countries. Thus two variables were analyzed; foreign aid and human rights. The study adopted the Rational Choice theory to explain the Sino Kenyan relations. Sampling was based on purposive technique. Based on these principles, the premises of this study were analysed and it was observed that since 2002, when the NARC government took over power the shift towards China became unprecedented with China rising to become Kenya's main foreign aid partner. The study found out that China-Kenya relation since independence has been defined by prevailing global political trends. The study concludes that what is engineering the relations between the two countries partly are pull factors (attractive conditions) and the main pull factor is China's no strings attached policy. The study reveals that China's economic concerns far outweigh its interest in enhancing human rights in the country. Although the study highlights the importance of China to Kenya as an important economic partner, it proposes the need to put in place measures to guarantee transparency in dealings between the two countries.

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## **Abbreviations and Acronyms**

CPR: Civil and Political Rights

CNPC: China National Petroleum Corporation

DRC: Democratic Republic of Congo

ESCR: Economic, Social and Cultural Rights

FDI: Foreign Direct Investment

FOCAC: Forum on China- Africa Cooperation

IMF: International Monetary Fund

KANU: Kenya African National Union

KHRC: Kenya Human Rights Commission

KNHRC: Kenya National Human Rights Commission

NARC: National Rainbow Coalition

NGO: Non Governmental Organization

NACOSTI: National Commission for Science, Technology and Innovation

OECD: Organization for Economic Cooperation and Development

UN: United Nations

UNEP: United Nations Environment Programme

USA: United States of America

USSR: Union of Soviet Socialist Republic

## **Operational Definition of Terms**

**Cold War:** An ideological war between the Communist bloc led by USSR and

Capitalist bloc led by USA which developed after the Second World War.

**Human Rights:** These are basic rights and freedoms to which all humans are entitled to.

**Reconfiguration:** to change the formation of something or restructuring.

**Foreign Aid:** voluntary transfer of resources from one country to another.

**Neo-Colonialism:** the influence of developed countries in the respective internal affairs of the countries of the developing world.

**Non-Interference:** It is a policy of staying out of another country's internal affairs.

**Aid Conditionalities:** Conditions that have to be met by a recipient country in order to have an aid agreement or continue to receive aid.

**Summit Diplomacy:** is a type of conference diplomacy used by international governments in which the heads of state meet for face to face negotiations.

**Sino-Kenya relations:** refers to bilateral relations between China and Kenya

**China's one principle:** It's a policy that states that there is only one China in the world, Taiwan is part of China and the government of the People's Republic of China is the sole legal government representing the whole of China



# **CHAPTER ONE**

## **BACKGROUND TO THE STUDY**

### **1.0 Introduction**

The emergence of foreign aid as a factor in international relations began during and following World War II. This was used to rebuild the economies of Western Europe and to contain the Soviet expansion in the aftermath of World War II. This was realized through the Marshall Plan initiated in June 1947 by General George C. Marshall, the then U.S. Secretary of State. It is worth noting that the emergence of international human rights as a factor in international relations is traceable to the post Second World War era and it is within the same historical context that we can trace the place of foreign aid in international relations.

The trial of Nazi war criminals at Nuremberg constituted a benchmark of human rights in international relations (Ratner & Abrams, 2001). On 10<sup>th</sup> December 1948 in Paris the United Nations adopted the Universal Declaration of Human Rights. The declaration represented the first global expression of rights to which all human beings are inherently entitled to (Foot, 2000). The two factors mentioned above would later interact to define trends in international relations to the present society.

During Cold War period (1945-1990), the US and the Soviet Union in an effort to win allies to maintain a state of bipolar balance of power ended up frustrating Human Rights standards. These blocs advanced foreign aid to developing countries in disregard of the stipulated Human Rights standards (Tellet, 2005). In the process, they propped up corrupt dictators and human rights abusers such as Mobutu Sese Seko of Zaire, now the Democratic Republic of Congo. Mobutu

became one of Africa's most brutal dictators and despite continued reports of human rights abuses in Zaire, the US continued to supply aid (Lippmann, 1998). The United States rationalized this by pointing out that it was fighting communism and Soviet influence in Africa, a goal that was non-negotiable in the U.S. foreign policy before the end of the Cold War (Human rights watch, 1998).

With the collapse of bipolar configuration of Cold War in 1989-90, the world and the aid system got restructured. This was due to the collapse of the authoritarian and totalitarian states in the former USSR, Eastern Europe and Africa (Shatzmiller, 2005). In this reconfiguration of the world system, African states lost much of the political luster and strategic importance they had during Cold War (Husband, 2001). The demise of the bipolar system made United States and her allies in Western Europe to remain the dominant actors in world politics by forming the Organization for Economic Cooperation and Development (OECD) countries.

The policy of OECD countries was that the allocation of foreign aid should be linked to political reforms and respect for basic Human Rights in recipient countries. This policy came to be referred to as aid conditionalities. Carey (2007) defines aid conditionalities as conditions that have to be met by a recipient country or entity in order to have an aid agreement or continue to receive aid. This means that foreign aid can be used as a policy instrument to push for changes in developing countries. Since foreign aid flows are the main source of external finance in many developing countries, Carey (2007) argues that making foreign aid allocation connected to Human Rights conditions in aid-recipient countries could be a powerful tool to improve the protection of universal Human Rights.

Significantly, the end of Cold War brought about extensive human rights violations. A good example the Rwanda genocide of 1994, the ethnic cleansing in Bosnia, electoral violence and the extra judicial killings in Kenya (Geoffrey, 2006). These made most states in the developing world to miss on foreign aid. An example of this is the US led aid sanctions against Zimbabwe, Sudan and Ethiopia. As such, human rights related sanctions left developing countries struggling economically with little improvement of human rights standards.

Against the background of this foreign aid isolation, China emerged as an alternative source of foreign aid. As Europe and U.S continued to marginalize some African countries on account of poor Human Rights records, China embraced the marginalized countries referring to them as the developing brothers. In May 1996, China's president Jiang Zemin paid a state visit to six African countries; Kenya, Ethiopia, Egypt, Mali, Namibia and Zimbabwe (Payne & Cassandra, 1998).

This marked the beginning of China's renewed interest in Africa with the Chinese investment activity in Africa skyrocketing in the years that followed. Today, China finances more infrastructure projects in Africa than the World Bank. It also provides large loans and grants to African governments (Condon, 2012). In October 2000, the Forum on China-Africa Cooperation (FOCAC) was established to strengthen the relationship between China and Africa. China is currently Africa's largest trading partner (Muekalia, 2004) than any other developed country.

Underpinning China's foreign aid policy that does not focus on upholding human rights is the principle of non-interference. Jean (2005) explains that the non-interference principle means that China respects African countries' choice of political system and development path suited to their own national conditions. China does not interfere in the internal affairs of African countries but supports them in their just struggles for safeguarding their independence, sovereignty and

territorial integrity.” Brierly (1963) defines non-interference as a foreign policy principle of staying out of another country’s internal affairs. An illustration of China’s non-interference policy is when in 2007, China publicly endorsed the controversial policy of slum demolition around Harare and Bulawayo in Zimbabwe which left 700,000 people homeless.

It was argued that UN’s intervention in Zimbabwe to stop the demolition would amount to meddling in Zimbabwe’s internal affairs (Shinn, 2008). Another illustration of the non-interference policy was when China defended her relationship with Sudan on the Darfur’s situation arguing that what was happening in Darfur was an internal affair that could be left to the Sudanese government to handle. Regardless of what was happening in Darfur, China maintained significant economic and diplomatic ties to Sudan. This meant that China seemed not to care much about the human rights violations in Darfur where thousands of people were being killed and displaced by the Sudanese government (Ahmed, 2010, pp.1-6).

Chinese officials declared that the relation between Africa and China is a partnership among equals (Sujian & Liang, 2008). Here we find a contrast between China-Africa relations on the one hand and Western-Africa relation on the other hand. While the West attaches guidelines and restrictions to its foreign aid allocations, China has adopted a ‘no-strings attached’ policy. Consequently, most developing countries that were missing on foreign aid have moved towards China. Perhaps, it can be postulated that China’s choice not to make human rights part of its engagement with Africa makes it a very attractive partner to African governments wary of foreign countries pointing out their human rights excesses. A significant observation is that similar to most African countries, China’s Human Rights record does not meet those standards prescribed as International Human Rights norms. Numerous human rights groups have pointed

out human rights violation by the Chinese government. The most publicized are related to policies such as capital punishment, neglect of freedom of press, lack of rights of labourers and repression of Christians, Tibetans, Buddhist and Falun gong religious groups (McGeown, 2012).

Similarly, countries in Africa with close relations with China such as Zimbabwe, Sudan and Democratic Republic of Congo score less in international human rights standards (Eisenmann, 2005). According to the State Department Country Reports on Human Rights released in 2007, the three mentioned countries above were listed in Africa as facing serious human rights challenges such as ethnic cleansing, slavery, child soldiers, prisoner abuse, persecution of human rights defenders and religious persecution.

From the foregoing can we insinuate that China's policy of non-interference, on one hand, and African States poor records of Human Rights, on the other, constitute an instance of mutual compatibility in foreign aid relation? China's main aim is to exploit natural resources in Africa and get market for her goods whereas African states need a foreign aid partner who doesn't interfere with their countries' internal affairs by giving aid without conditions. China- Kenya foreign relation can be contextualized within this framework.

The Sino-Kenya relation dates back to 14<sup>th</sup> December 1963, when China opened her embassy in Nairobi (Kamau, 2007). According to Onjala (2008), the Chinese embassy in Kenya is arguably their largest embassy in Africa both in terms of size and employees. The early post-independence period saw fairly developed bilateral ties between the two countries. However, after 1965, this relation was lowered to the level of agency diplomacy when Kenya declared the Chinese charge' d' affaires persona non grata ordering him out of Kenya. In response China expelled the Kenya charge' d' affaires (East African Standard, Nairobi, 8 June 1967, p. 6). But towards the beginning

of the 1970s it gradually began to return to normal diplomatic relation as they restored the embassy relationship (Onjala, 2008).

In 1978, when President Daniel Arap Moi came to power, the relations between the two countries were restored. The president himself visited China three times in September 1980, October 1988 and May 1994 while between 1980 and 2002, 20 top level Chinese diplomatic entourages came to Kenya (Barber, Lionel & Andrew, 2006). During president Moi's tenure, Kenya witnessed one of the worst human rights violations in its history: detention without trial, torture, arbitrary arrest and police brutality reminiscent of the colonial era became the order of the day (Adar, 1999).

Moreover, the commission formed to investigate the 1997 ethnic clashes confirmed state complicity in human rights violations (Aboom, 1992). The former president viewed the pro-democracy and human rights advocates in Kenya as unpatriotic, disloyal and ungrateful individuals influenced by foreign masters (Mutua, 1993). Orwa (1989) argues that in spite of occasional disagreements, president Moi still regarded Western Europe and North America countries as close allies.

When the NARC government came to power by the end of 2002, Kenya's closeness to China became unprecedented. According to Chege (2008), China-Kenya economic relations during President Kibaki's era began with high level political contacts between the two states. The president himself made an official visit to China in August 2005, accompanied by eleven Kenyan trade and investment seeking delegations. This was followed by a highly successful Chinese trade exhibition in Nairobi in mid-2006. High powered officials from China such as Wu Banguo and chairman of NPC standing committee and vice Premier Zeng Piyan also visited Kenya

during President Kibaki's era in 2004 and 2005 respectively.. These visits aimed at expressing the willingness and commitment to bilateral friendly cooperation between the two countries (Onyango & Odhiambo, 2007).

According to Kioko (2012), China has enhanced its presence in Kenya in infrastructure such as the construction of the Nairobi-Thika superhighway. China also established Confucius institutes in local universities such as Kenyatta University and University of Nairobi to teach Mandarin. Other areas of aid provided by China to Kenya include renovation of the Moi International sports Centre Kasarani, methane generating pit and the expansion project of Moi Teaching and Referral Hospital in Eldoret. Kenya was also granted the preferred Tourist Destination in 2004, thus arrivals from China have doubled (Kaplinsky, 2007). In 2012, an estimated 41,000 Chinese visited Kenya for business and pleasure (Munene, 2013). There have also been increased Foreign Direct Investment (FDI) in Kenya by the Chinese business community in the fields of infrastructure, education, agriculture and mining (Onjalla, 2008).

Indicators that there is remarkable trend in the relationship between China and Kenya are evident. Munene (2013) observes that during the inauguration of President Uhuru Kenyatta and his deputy William Ruto on 9<sup>th</sup> April 2013, China's flag was the only pennant of a foreign country outside Africa that occupied a flagstaff. Significantly, Beijing sent a high ranking special envoy to the ceremony while the Western nations were only represented by their ambassadors. Beijing's choice was a pointer to the kind of foreign policy the Kenyatta administration was likely to pursue. President Kenyatta made his first state visit outside Africa to China from August 19<sup>th</sup> to 23<sup>rd</sup> 2013 (Ongiri, 2013). According to the current State House spokesman Manoah

Esipisu, the trip was both official and working as the president had diplomatic and bilateral engagements with China's state officials and investors (Ongiri, 2013).

The reason for the new foreign policy option has not been extensively articulated as scholars on Kenya foreign policy seemingly have not focused on this phenomenal trend. Orwa (1986) presents an analysis of Kenya's foreign policy under two regimes; Kenyatta's (1963-78) and Moi (1978-2002). His concern in the study is how a regime change leads to a shift in foreign policy relationship. Kenya's foreign policy has been a subject of several academic researches. Some of the researches include Korwa (1986) where he analyses Kenya's foreign policy towards Somalia between 1963-1983. Oloo (1995) analyses the role of parliament in foreign policy making process in Kenya; Omollo (1994) analyses how Germany used foreign policy as an instrument of foreign policy towards Kenya; Nasongo (1992) analyzed Norway aid to explain interstate relations; Oluoch (2009) looks at Kenya's foreign policy towards Israel between 1963-2002 and Moegi (1993) analyzed the patterns of conflicts and cooperation that characterized the relations between Kenya and USA from 1963-1991. Kioko (2012) explains China-Kenya relation from economic perspective arguing that Kenya's political stability in the region makes it a conducive environment for Chinese investment. The above mentioned researches do not raise the question regarding the link between foreign aid relations and human rights. In addition, they do not explain the recent trend of China-Kenya relationship.

Generally as mentioned earlier, the recent trend in China-Africa relations can be explained as an instance of mutual advantage. Can we situate China-Kenya relations within the broader context of China-Africa relation? This formed the core interest of this study that sought to find out what underpins the unprecedented China-Kenya relations.

## **1.1 Statement of the Problem**

While the West attaches strict guidelines, restrictions and conditionalities to its foreign aid disbursement, China has adopted a ‘no-strings attached policy.’ China’s choice not to make human rights part of its engagement with Africa has made it an attractive partner to African governments who are wary of Western countries’ human rights excesses. However, most of these African countries such as Sudan and Zimbabwe have been accused of serious human rights violations.

Kenya has significantly shifted her preference to China since 2002 when the NARC government took over power. Although Kenya’s human rights standards especially in the recent past have not been good, it has not been as gross as those of Zimbabwe and Sudan. Whereas the bilateral relations between China and Zimbabwe and China and Sudan is motivated, at least in part by poor human rights profile (Eisenmann, 2005), the nature of China-Kenya relations has not been clearly defined. The study therefore sought to find out if we can contextually situate China-Kenya relation among the trend that has defined the relationship between China and other African countries expressed in terms of a relation of mutual advantages.

## **1.2 Research Questions**

The study seeks to answer the following questions:

1. What are the defining features of China-Africa foreign aid relations?
2. What defines China-Kenya relations since independence?
3. What has been the trend of Kenya’s foreign aid relations with the donor countries?

4. Is there a possible link between China-Kenya foreign aid relations and Kenya's human rights profile?

### **1.3 Research Objectives**

This study aims to achieve the following objectives:

1. To explore the dominant features of China-Africa foreign aid relations.
2. To analyze the nature of China-Kenya relations since independence.
3. To examine the trend of Kenya's foreign aid relations.
4. Examine possible links between China-Kenya foreign aid relations and Kenya's human rights profile.

### **1.4 Research Premises**

The study is based on the following premises:

1. China-Africa foreign aid relations are defined by mutual benefit and the principle of non-interference.
2. China-Kenya relation since independence has been defined by prevailing global political trends.
3. Kenya has significantly shifted its foreign aid relations from West to China since 2002
4. There is a possible link between China-Kenya aid relations and Kenya's human rights profile.

### **1.5 Justification and Significance**

This study is beneficial to different stakeholders in international relations. To begin with, the study is a contribution to the ongoing studies on foreign relations. There have been a number of studies on Kenya foreign relations namely Korwa 1983; Oloo 1984; Omolo 1985; Orwa 1986; Nasongo 1992; Okoth 1999; Onjala 2008 and Mahoney 2010. This particular study focuses on the recent developments in China-Kenya relations and brings in the variables of human rights and foreign aid conditionalities and how the two variables could be interlinked in defining the nature of this relation. China's 'no strings attached policy' has allowed most African governments to receive financial aid regardless of its internal affairs, policies and human rights standards (Taylor, 2009). As such, this study examined this assumption in an attempt to find out if this assumption explains China-Kenya relation.

Secondly, a number of studies indicate that China's interest in countries such as Angola, Nigeria, Sudan, Zimbabwe and the DRC which have high deposit of natural resources coupled with massive human rights violation (Mahomey, 2010). Kenya does not fall in this category in that her human rights standards are not as bad and it does not have major natural resources as the above mentioned countries. Moreover, during the Cold War period Kenya was pro-Western bloc and refused aid from China on the basis of ideological differences (Mahomey, 2010). Thus the recent turn is a change that calls for interrogation and this study sought to fill this explanatory gap.

### **1.6 Scope and Site of the Study**

The study sought to find out what underpins the unprecedented China-Kenya relations from 1963 to 2013. This study's focus was on the emergence of aid conditionalities which started from 1989 with

the end of Cold War. This is because during the period 1963-1989 Kenya was firmly locked up in the Western circle but after the Cold War period, Kenya started courting non Western countries especially China. In terms of content, the study focused on two variables, namely Kenya's human rights standards and Chinese foreign aid to establish how they are linked. The two variables played an important role in this study that sought to establish the underpinnings the unprecedented Kenya-China relations.

This study did not locate the site of the study because the scope of international relations comprehends globalization and states sovereignty. Thus China-Kenya relation which falls under international relations is a broader issue that traverses geographical locations.

## **1.7 Literature Review and Theoretical Framework**

### **1.7.1 Review of Relevant Literature**

The literature review focused on studies on foreign aid relations and their link to human rights. It also focused on studies on China-Africa relations so as to find out if they explain the emerging Sino-Kenya relations.

#### **1.7.1.1 Foreign Aid**

Foreign aid is defined as financial flows, technical assistance and commodities from bilateral and multilateral agencies that are designed to promote economic development and welfare as their main objective (Chakravarti, 2005). Multilateral agencies are organizations such as the World Bank and the International Monetary Fund (Krueger & Ruttan, 1989). Bilateral aid partners are individual donor countries such as Britain and China or donor agencies such as DANIDA, NORAD and USAID (Madeley, 1991).

Foreign aid became a significant element of international political economy after the Second World War under the Marshall Plan also known as the European Recovery Program (Gilpin, 1987). The Marshall Plan was aid directed towards war-ravaged western European countries by the United States. This aimed at rebuilding their economic, social and political infrastructure, to rebuild market for American products and to control communist advancement (Kegley & Wittkopf, 1996).

Foreign aid relation between African countries and foreign partners is traceable back to the 1960s when most African countries gained their independence. However, foreign aid became more significant when African economies declined following the mid 1970s oil crisis, severe droughts, persistent conflicts and poor governance which wreaked havoc on the economic and social conditions of the continent (Mkandawire & Soludu, 1999; Frank & Baird, 1975). The above conditions led to increased donor attention on Africa since aid would result in direct political benefits to the donor countries and also contribute to recipient's economic development (Frank & Baird, 1975).

Economic factors were of great significance in world politics in the 19<sup>th</sup> C, though economic policies were not self-consciously used to advance political objectives (Carr, 1945). Rosecrance (1973) argues that states use rewards of foreign assistance and loans to influence other states. As a result, foreign aid leads to direct political influence upon the recipients' country especially where aid is given by one country to offset aid given by another.

Hass (1972) is of the opinion that it is difficult to get countries change their political systems or policies in response to foreign assistance. He uses the case of Britain that has been a major

contributor to commonwealth countries over the years, yet countries such as Zimbabwe notably diverted from Britain's foreign aid policy. United States contributed large amounts of assistance to Greece, India, Pakistan, Taiwan, South Korea but these political systems have not adhered to the United States line in foreign policy.

Private aid to Israel by America has been very high, but this has not meant that America could dictate Israel's policy. Based on the above countries the study sought to find out if China's foreign aid has influenced Kenya's foreign policy. The study found out that to some extent China's aid has contributed to Kenya's unprecedented shift towards China. Garner (2007) sought to find out if Chinese foreign aid to Africa corresponded with its national security interests. From his eleven years of research, he found out that sometimes the aid packages corresponded with China's national security interests and at times they did not. Although he mentions China's 'no strings attached' policy, he does not include human rights in his study. He was concerned with the motivation to fund rather than the impact of funding on Africa. The present study on the other hand brought in human rights as a variable.

The issue of foreign aid effectiveness has occupied a central position in foreign aid scholarship. Dalgaard, Hansen and Tarp (2004, pp. 191-216) in their article "On the Empirics of Foreign Aid", found out that foreign aid has a positive impact on productivity in countries that are recipients. On their part, Burnside and Dollar (2000, pp. 847-868) found out that foreign aid positively impacted on the growth as long as the recipient country practiced good economic and political policies.

Whereas, Easterly (2003, pp. 22-48) in his paper “Can Foreign Aid Buy Growth?” assesses the impact of foreign aid and concludes that foreign aid does very little to promote economic growth in impoverished nations. Graham and O’Hanlon (1997, pp.96-104) in their article “Making Aid Work”, agrees with Easterly and advises countries and international organizations to withdraw aid, rather than increase it. These studies are relevant to this study because they help examine how foreign aid can help improve human rights record of the recipient country.

Other studies have found out that there is no significant link between foreign aid and human rights. Goldsmith (2001, pp. 123-148) in his study “Foreign Aid and Statehood in Africa”, did a cross-sectional time series analysis on African countries’ democratisation and foreign aid received. He found out that there was only a small causal effect between aid and democracy. Dunning (2004, pp. 409-423) expanded on Goldsmith’s study in “Conditioning the Effects of Aid: Cold War Politics, Donor Credibility, and Democracy in Africa”. He found out that in the period before Cold War, aid had no statistically significant impact on democracy.

However, in the second period after the end of the Cold War, aid had a positive impact on democracy. Knack (2004) undertook a similar study in his article focusing on all countries receiving official development assistance. Like Goldsmith and Dunning, Knack concludes that there is no significant link between foreign aid and democracy. The above studies focused on the effect of foreign aid on democracy and not specifically on human rights as this study did.

### **1.7.1.2 Human Rights**

The benchmark for the protection of human rights as an international obligation was set in the aftermath of the Second World War, after the trial at Nuremberg of the Nazi war criminals (Steiner & Alston, 1988). On 10<sup>th</sup> December 1948 in Paris, the United Nations General

Assembly adopted the Universal Declaration of Human Rights (Foot, 2000). Over the past fifty years, more and more countries have signed these treaties and conventions. Neumayer (2005) raises a critical question: “does International Human Rights Treaties Improve Respect for Human Rights?” Neumayer found out that treaty ratification had little impact on Human Rights. Neumayer’s observation is relevant to this study in the sense that Kenya is a member of the United Nations and it has domesticated some human rights treaties, yet her human rights standards are still wanting and the trend of domestication has been slow. Within Human Rights, there is a discourse that centers on universality of Human Rights verses cultural relativism (Wilson, 1997, p. 14). Proponents of cultural relativism who are mostly Third World countries hold that one’s culture plays a large role in what one considers to be right and wrong.

They argue that since cultures are different, Human Rights cannot be the same all over the world. Proponents of universality of human rights, who are mostly Western countries, hold that Human Rights cut across the cultural divide due to the fact that all people are humans (Steiner & Alston, 1988). Falk (2002) avers that the Universal Declaration of Human Rights is based on the claim that the safeguarding of the dignity of the individual, individual freedom and democracy are all based on natural rights theory. Wilson (1997) adds that human rights have become a leading force in international law and in order to participate in the international community, one has to recognize the universality of human rights. This explains Western countries policy that “the allocation of foreign aid should be linked to political reform and respect for basic Human Rights in recipient countries” (Carey, 2007).

Other scholars have also focused on the link between democracy and human rights. Mutua (2002) states that democracy and Human Rights go hand in hand in that the more democratic a country is, the better its range and protection of Human Rights. Is this the case in Africa? Okoth, (1994) argues that most countries in Africa have constitutions with a clause on Bill of Rights, but Human Rights injustices are common and the rule of law is non-existent. He gives an example of Zimbabwe where the president has changed the constitution thus the separation of power is not upheld and that the judiciary does not protect the Bill of Rights. This means human rights standards are questionable.

According to Thomas, Hannah, Julissa and Leland (2009), many African countries are missing on aid from Western countries because Western countries use foreign aid to influence the behaviours of aid recipients regarding Human Rights and economic reforms. Mancheri (2012) argues that this makes most African countries to turn to donors who give foreign assistance without conditions of human rights observance. If this is the reason then this observation answers the question why African countries turn to China.

Observably, China does not embrace 'Western style' human rights policy thus it has been ranked alongside Sudan and Cuba, as countries with the worst Human Rights abuse in the world (Ahmed, 2010). Chinese infrastructural projects have been found to precipitate human rights violations in Namibia, Angola and Zambia. It has been found out in these countries that employers repeatedly ignore local minimum wage laws and affirmative action requirements, while refusing to pay social security and allowances (Jauch & Zakaria, 2009).

In response to such criticism, Chinese authorities assert that civil and political rights (CPR) should not be given primacy over economic, social, and cultural rights (ESCR). According to Chinese authorities, deviations from an economic growth path for the sake of CSR are not justifiable (Zakaria, 1994). The present study disagrees with the above argument because human rights are indivisible since you can't separate CPR and ESCR. In addition to the above observation, China rejects universality of human rights (Brown & Sriram, 2008). This observation helps assess China-Kenya position on universal human rights standards and how this fits in the mutual relation manifest in the foreign aid extended to Kenya.

### **1.7.1.3 China-Africa Relations**

A survey of a number of countries in Africa shows that China tends to give aid to countries with poor human rights standards or those that are corrupt. For instance, the China-Angola foreign aid support yet Angola is an autocratically ruled state that is corrupt, inefficient with persistent poverty (Rothberg & Gisselquist, 2007). Angola also has enormous oil reserves, producing as much annually as Kuwait (Mouwad, 2007). Human Rights Watch (2004) reported that in a five-year period, \$4.2 billion worth of oil revenues were siphoned off of Angola's public accounts.

This amount to 10 percent of GDP in a country where most people live on less than \$2 day (World Bank Report NO: 353362-AO, 2004). Due to this, the International Monetary Fund (IMF) in 2004 attached transparency requirement measures to loans given to Angola for post-war reconstruction efforts. As a result, the Angolan government released a statement saying that Western financial markets impose conditions on developing countries that are nearly unbearable and sometimes politically unacceptable (Taylor, 2004).

Regarding this, China's Exim Bank offered \$2 billion worth of loans, with no conditionalities regarding corruption or transparency attached. As such, Angola turned down the IMF's assistance and agreed to provide China with 40,000 barrels of oil per day in exchange of the loan (Taylor, 2006). Western media and aid organizations denounced China for helping Angola to avoid pressure to clean up corruption (Swann & McQuillen, 2006). The second illustration regards the China-Sudan relations. In the late 1990s, after American and Canadian companies abandoned South Sudanese oil fields in response to North American consumer and investor hostility, China stepped in and filled the void (Rothberg, 2008).

The state-owned China National Petroleum Corporation (CNPC) owns the largest share in Sudan's largest oil venture (Taylor, 2004). Khartoum used Chinese oil money to fund its ethnic cleansing of southern insurgents in Western Sudan (Brown, 2008). China also sold to Sudan \$100 million worth of aircraft and small arms between 1996 and 2003 in violation of a UN embargo (Brautigam, 2009). According to the IRIN Humanitarian news and analysis (March 23, 2006), the Chinese ambassador to South Africa, Liu Guijin, explained that, "they don't believe in embargoes, that just means that people suffer from a practical consideration, embargoes and sanctions can't solve problems."

The third illustration is the China-Zambia relations where anti-Chinese sentiments became an issue in domestic Zambian politics. In the 2006 presidential election, the opposition candidate, Michael Sata, ran on the platform that the Chinese exploitation of Zambia's resources and mistreatment of workers needed to be countered (Chimangeni, 2007). Due to this, Chinese officials announced that they would withhold further investments until after the election. The

incumbent, pro-China candidate, Rupiah Banda, won the elections. Immediately after his victory, China announced it would forgive \$211 million of Zambia's outstanding debt (Keenan, 2007).

Whereas the relations between China-Zimbabwe, China-Sudan, China-Angola and China-Zambia are motivated, at least in part by poor human rights profile, the nature of China-Kenya relations had not been clearly defined. That is why this thesis sought to find out if we could theoretically situate China- Kenya relations in the trend that has defined the relationship between China and other African countries. A trend we can refer to as a relation of mutual advantages.

In 1954, Chinese premier Zhou Enlai gave five principles of China's foreign policy. These included: mutual respect for other country's sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equality and mutual benefit and peaceful coexistence (Bergsten, 2008). Webster (2012) argues that these principles form the basis upon which China relates with other countries especially in Africa. During his 1963 visit to several African countries, Premier Zhou Enlai articulated the eight principles of China's foreign aid. These included equality and mutual benefit in providing aid, no conditions for any privileges, imposing the lightest possible burden on recipients, help the country gradually achieve self-reliance, aid projects require little investment but quick results, provide best quality equipment of its own manufacture, ensure the recipient country masters new techniques and Chinese experts cannot enjoy special amenities (Bruce, 1960). Principles three and five are particularly important to this study. Dikotter (2010) observes that regardless of regime change, China has maintained consistency in its foreign policy. It is hardly surprising that several African leaders refer to China as their "all weather friend" (Ndola, 2009 & Guoji, 2010).

China's principles and enacting differs vastly sometimes for instance her principle of mutual non-interference. China firmly believes that it should not, and will not; engage in activities that infringe upon the sovereignty of other nations. In return, she does not permit other countries to interfere in her own internal affairs (Condon, 2012). Yu (1972) is of a different opinion where he argues that throughout 1960s and 1970s, China actively supported guerrillas, and provided financial and material support in Zaire (present-day D.R.C.), Malawi, Zimbabwe, Angola, Rwanda and Burundi. China justified its conduct by claiming to support anti-colonial movements and thus helping African countries win freedom and sovereignty from various European states. This observation laid good ground for the study in assessing how China's 'non-interference' policy relates with Kenya's human rights standards.

Chinese investment activity in Africa has skyrocketed in the post-Cold War period. Condon (2012) observes that China finances more infrastructure projects and provides large cheap loans and grants to African governments than the World Bank. For instance, the China Exim Bank provides large subsidized concessional loans to developing countries with interest rates at significantly below market value (Lawson & Chan-Fishel, 2007). The loan terms generally require that at least 50 percent of the money is spent on Chinese goods or services such as materials and construction firms (Brautigam, 2008).

These loans are explicitly or implicitly tied to guarantees to market access of African resources such as oil (Alden & Davies, 2006). The aid conditionality is different from the West since it is not tied to observance of human rights and democracy. In 2008, the Congolese government brokered a deal with Beijing for the construction of massive cobalt and copper mines, 1,800

miles of railways, 2,000 miles of roads, hundreds of clinics, hospitals, and schools, and two new universities. The total value of these investments reached \$6 billion-almost half of Congo's GDP. In exchange, China now has the right to extract 12 million tons of copper and cobalt over the next 25 years (Howard, 2010). The Congo deal is referred to as the "resource for infrastructure swap."

Gathii (2001) argues that China's interventions in infrastructural, agricultural as well as educational and medical fields in Africa are not merely ephemeral. She proposes that China's involvement must be examined in the context of Africa's political leadership. This is because the interests of Africa's leadership are not consistent with the majority of African people. Easterly (2006) argues that the deals African leaders have entered into with China must therefore be examined against a different threshold than merely because of the vast increase in China's economic presence in Africa over the last decade or so. Notably, this study does not presume that Human Rights conditionality as undertaken by Western countries is the path that China-African relations should take to promote human rights. This is because in some instances, despite the western aid conditionalities human rights abuses have persisted.

Recent commentary accused China of plundering the African continent, co-opting its dictators, flouting labour laws and environmental standards. Webster (2012) makes a counterintuitive claim in his paper; China's Human Rights footprint in Africa. Where he argues that China's engagement with Africa has improved Human Rights conditions of millions of Africans' particularly in the educational, agricultural, infrastructural and medical fields. Webster (2012)

argues that unlike Western countries, China avoids the hypocrisy of claiming that human rights are central to its foreign policy.

He proposes that a 'balanced assessment' must include the hundreds of infrastructure projects, agricultural experiments, educational facilities, pilot projects and other components of Beijing's Africa policy. China's official policy statement on its trade and aid relationship with African nation states is based on the principle of non-interference as already mentioned. This study adopts the assumption that mutual economic benefit is the main priority of Chinese involvement in Africa, even if this means ignoring corruption and human rights abuses resulting from the cash flows.

On their part, Coyne and Ryan (2008) argue that China should use its economic leverage as a political tool, and threaten to cut off financial ties to recipients who repeatedly violate human rights. The West, which typically conditions its loans on initiatives like promotion of democracy and reduction of corruption claim that aid rewards the behavior of dictators and actively funds the oppression of reformists. Morrissey (2004) differs with the above statement by arguing that the political conditionality practiced by the West in Africa over the past decades has failed to actually affect change. Morrissey came to this conclusion after doing a literature survey evaluating the effectiveness of conditionality to force change on trade policy reform.

In addition to the critique that aid conditionality simply does not work, Uvin (2004) argues that it is unethical and that it causes more harm than it fixes. This study has found out that those who are in most need of development assistance often live under autocratic oppression. Therefore cutting off aid to dictatorial regimes means that the poorest are made to suffer for the sins of their rulers. The second argument concerning conditionality, and one that is particularly popular with

the Chinese, is that it is a form of interventionism that violates the sovereignty of the targeted nation (Wade, 2008). Uvin and Biagiotti (2004) argue that the West proclaims the existence of universal norms and principles that most of the world had no involvement in codifying yet are forced to observe them.

There is a lot of valuable information in literature on Human Rights and foreign aid. Most of these studies focus on donor countries and Africa in determining the cause of gross Human Rights abuses still present in the world today. Therefore this study used foreign aid as an explanatory variable to explain Human Rights. As such, the study sought to find out whether China's policy of non-interference on one hand and Kenya's poor records of Human Rights constitute mutual compatibility in foreign aid relation. It enquires if China's foreign aid leads to Human Rights violations in Kenya and if the apparent mutual compatibility is what is driving Kenya to troop towards China.

### **1.7.2 Theoretical Framework**

Theories provide a framework for logical, systematic explanations and analysis of a given objective in a scientific enquiry (Smith, Baylis & Owens, 2008). The central object in this study is the link between China's foreign aid to Kenya relations and human rights. Foreign aid falls within the broader framework of international relation. Therefore, Scholars study foreign aid from the angle of theories of international relations and various perspectives in social science (Van der Ven, 2011 & Lancaster, 2007).

The dominant theories used to explain foreign aid relations are realism, liberalism, dependency and underdevelopment theories, and the rational choice theory. Dunne and Schmidt (2008) argue that realism has remained a dominant theory in international relations. It is centered upon four

propositions: the international system is anarchic, states are the most important actors in the international system, states are rational actors who tend to pursue self-interest and the primary concern of all states is survival.

Realists advocate that states are the dominant actors in the international system which is characterized by anarchy. Under the chaotic environment in the international system, states struggle for their own survival by competing to accumulate power at the expense of other states. According to realists, foreign aid is a tool used by states to help maintain the status quo of the international system and to realize foreign policy interests of the donor country. While making the recipient countries conform to the norms and rules of the international behaviour as set by the rich and powerful states (Tisch & Wallace, 1994).

If one considers foreign aid relations from the perspective of a powerful donor-country, then realism makes sense. Realism, however, does not adequately explain why a recipient country would seek foreign aid at the expense of national interests which has been the case in the history of foreign aid relations. For example, foreign aid relations between the USA and Zaire under Mobutu were not motivated by Congolese national interests but subjective interests of an individual leader. Although Fraser (2009) and Underhill (2006) have argued that both donor and recipient countries design their foreign aid policy to achieve their self-interest, we cannot ignore the levels of self-interest between the donor and the recipient. With respect to Kenya, it is not clear what level of analysis we would place on the 'Look East policy' as realism explains it at state level.

Dependency and underdevelopment theory has also been widely used to describe foreign aid relations between the developed donor countries and the recipient countries. Baldwin (1980)

defines dependence in terms of reliance on others, lack of self-sustenance and self-sufficiency. In such a dependence relationship, one party may choose to terminate the relationship with little or no costs while the other party can do so only at considerable costs (McKinley, 1977). Thus the reliant state operates in a subordinate or dependent position while the dominant party establishes a dependent relationship because it generates a degree of control or influence over the dependent state.

Babu (1981), in his writings on African socialism argues that foreign aid creates dependence on technology, industries, culture, capital and ideologies from the donor country. This dependency generates a special umbilical cord syndrome that ties African economies to the metropolitan distorting their traditional economies. On his part, Moon (1983) argues that the main use of aid is the potential of the donor to control the recipient.

Since foreign aid flows are the main source of external finance in many developing countries, making aid allocation connected to human rights conditions in aid-recipient countries has been perceived to be a powerful tool to improve the protection of universal human rights. This theory however does not explain adequately why a dependent nation would shift dependency from one donor to another. These theoretical perspectives are significant because they help us to interrogate which theory grounds the Sino-Kenya relations.

Liberalists on the other hand recognize the political and security concerns of donor countries but prioritizes humanitarian concerns (Tisch & Wallace, 1994). The theory claims that liberal states should intervene in other sovereign states only to pursue liberal objectives like humanitarian aid. Scholars such as Mahomey (2010) argue that this is not absolutely the case with China. China is interested in African countries with high deposit of natural resources such as Angola, Nigeria,

Sudan, Zimbabwe, and the DRC. Dunne and Schmidt (2008) also claim that this is not the case as states are rational actors who tend to pursue self-interest and the primary concern of all states is survival. Exploitation rather than mutual benefit has defined foreign aid relation.

Rational choice theory has been used as a framework for understanding social and economic behavior. The theory uses a specific and narrower definition of 'rationality' simply to mean that an individual balances costs against benefits to arrive at an action that maximizes personal advantage (Bicchieri, 2003). Because of the relative success in the field of economics, the theory has also become increasingly employed in social sciences such as sociology and political science in recent decades (Fernandez, 2008). In the field of political science, rational choice theory has had a far reaching impact especially in the study of interest groups, elections, behaviour in legislature, coalitions and bureaucracy (Schram, Sanford, & Caterino, 2006). The study adopted Rational Choice theory to explain Sino-Kenya relations.

The basic idea of rational choice theory is that patterns of behaviour in societies reflect choices made by individuals as they try to maximize their benefits and minimize their costs. For the sake of this study, the individuals are the presidents who in Kenya are the key foreign policy shapers. In relation to this study, one can argue that China's policy of non interference on one hand and Kenya's poor records of human rights constitutes mutual compatibility in foreign aid relation.

Foley (1998), a proponent of the rational choice theory, observes that in general people choose the object that provides the greatest reward at the lowest cost. Therefore, mutual compatibility is what drives Kenya to troop towards China as they continue to receive aid with no conditions on human rights and democracy, thus China provides the greatest reward at a lower cost. Although models used in rational choice theory are diverse, all assume individuals choose the best action

according to unchanging, stable preference functions and constraints facing them. This research, at least in part, is an examination of the existing theories of international relations with the focus being on their explanatory power of foreign aid relations. The study found out that Rational Choice theory can be used to explain why a dependent nation would shift dependency from one donor to another.

## **1.8 Research Methodology**

This study's aim was to find out what underpins the unprecedented China-Kenya relations. To achieve this, the study adopted an explanatory case study research approach to collect the relevant data and analyze it. Mitchell and Bernauer (2004) define an explanatory case study research as the study that seeks to find out "what made this happen." This is relevant to this study which sought to find out the reason behind the China-Kenya relations.

### **1.8.1 Sampling Design**

The study used purposive sampling. Being a qualitative study, the focus was on in-depth information and not making inferences or generalizations. Therefore respondents were selected using purposive sampling. Mugenda and Mugenda (1990) define purposive sampling as a sampling technique that allows a researcher to use cases that have the required information with respect to the objective of his or her study. These respondents were selected based on the office or position they held or are holding at present and also through recommendation of others in the field. These included officials from the Ministry of Foreign Affairs, officials from the human rights commissions, academicians and political analysts.

## **1.8.2 Data Collection Procedure**

The study engaged both Secondary and Primary sources of data. The researcher collected primary data through informant interviews and secondary data through library research.

### **1.8.2.1 Secondary Sources**

These sources reflect the knowledge of those who might not have evidence of the actual events. This was vital in determining the gaps in knowledge and formed a useful building block for this study. The study relied on books, journals, institutional documents, reports, internet sources, public records, historical documents and newspapers. I sought these data from the Postmodern Library at Kenyatta University, the Catholic University Library, Hekima Institute of Peace and International Studies Library, Kenya National Archives, Human Rights Commissions reports and relevant records from the Ministry of Foreign Affairs.

### **1.8.2.2 Primary Sources**

Primary sources are original documents and those sources that have not gone through the process of interpretation. The researcher accessed this information directly from those who witnessed an event or have first-hand knowledge of it. Mugenda and Mugenda (1990) classified primary sources into written and oral sources. Written primary sources that were used in this study consisted of public documents such as government bills, government declarations, political party bills, publications issued by the foreign ministry, embassy of China, human rights commissions and formal treaties between Kenya and China. Given the special nature of foreign policy and the fact that it is often made through words, the study also analysed public statements made by members of cabinet and politicians. This included public speeches, debates, articles published in newspapers, statements made during press conference and interviews given to the media.

The second form of primary sources is oral. Oral sources were used in this study to compliment written sources. The study sourced this information through key informant interviews. The interviews were conducted according to the position, knowledge and professional background of the respondents. First, officials from the Ministry of Foreign Affairs were interviewed. This ministry was selected based on the role it plays in foreign policy making and implementation.

Second, the researcher interviewed officials of the Kenya National Commission on Human Rights (KNCHR) to get relevant information on Kenya's human rights standards. The above body is mandated to investigate, provide redress for human rights violations, research and monitor the compliance of human rights norms and standards in Kenya. Lastly, experts in foreign policy issues were also interviewed. The interviews were guided by an interview schedule designed to find out what underpinned the unprecedented China-Kenya relations.

### **1.8.3 Research Instruments**

Warwick and Linger (1975) states that researchers should settle on instruments, which provide high accuracy, generalized and explanatory power with low cost, rapid speed and a minimum of management demands. The field of international relations focuses primarily on states rather than individuals. Thus international relations cannot be studied systematically using field experimental methods (Hyde, 2007). In this study interview schedules were used as the main instrument for data collection.

An interview schedule guides a researcher to obtain data required to meet specific objectives of the study and to standardize the interview situation so that interviewers can ask the same questions in the same manner. The study used open ended questions so as to get greater depth of

the response. Copies of the interview schedule for the different categories of stakeholders are attached to this thesis. In order to inspire openness on behalf of the respondents, the research did not work with a tape recorder but instead took notes as the interview progressed so that information was not left out owing to forgetfulness or omission.

#### **1.8.4 Data Analysis**

The study culminated in analysis of the collected raw data. Since the data collected was qualitative, shortly after each interview the researcher would go over the notes taken during the interview and make a transcript. The reason for making a transcript was to exclude the possibility of making long quotations and keep track of its validity and ease analysis. So as to reduce information to a more limited set of attributes, content analysis was done. The research findings were presented in narrative and table form. The method was useful in summarizing and organizing data to make meaning and observe foreign aid trends. The authenticity of the data collected was attained through historical criticism, evaluation and comparison of the collected information with the existing one.

#### **1.8.5 Data Management and Ethical Considerations**

Before the start of data collection, the researcher obtained the permit to carry out the research. The respondents were chosen on voluntary consent where the respondents were willing to participate in the research. The respondents were protected by keeping the information confidential and their identity concealed using numbers. For the case of written documents used in this study, plagiarism has been avoided. The findings of this research will be published and copies availed to the ministry of education, foreign affairs and trade for access by interested persons.

## **CHAPTER TWO**

### **2.0 Dominant Features of China-Africa Foreign Aid Relations**

#### **2.1 Introduction**

This chapter analyses China-Africa relations in general and Kenya in particular. Chege (2002) observes that few subjects in contemporary international relations cause as much excitement and controversy as the current rise of economic initiatives by China in Africa. The chapter examines dominant features of China-Africa foreign aid relations to establish if China-Africa and China-Kenya relations are defined by the same features. Among key issues discussed are historical ties between China and Africa, China's foreign aid policy and finally the defining features of China-Africa foreign aid relations.

#### **2.2 China-Africa Historical Ties and Development**

In 1949, the democratic revolutionary forces led by Chinese Communist Party defeated the reactionary Kuomintang (KMT) forces and took control of the entire Chinese territory except for Taiwan (Tieya, 1957). A new government of China, the People's Republic of China, was founded and proclaimed to replace the previous government, the Republic of China. The People's Republic of China became the sole legal government of the whole of China, bringing the historical status of the Republic of China as the central government to an end. It is an established rule of international law that a shift of government in a state neither changes that State's legal personality, nor does it affect the sovereignty and territorial integrity of that State. The new regime takes the place of the former regime in all aspects affecting the international rights and obligations of the State (Jennings & Watts, 1992).

Rotberg (2008) writes that China was attracted to Africa as early as the T'ang dynasty (A.D. 618 – 907). From Kenya, a number of giraffes and other animals were strapped to the tumbling decks and transported across the sea to the imperial palace in Beijing. From then on, through Tang, Song, Yuan, Ming and Qing Dynasties, the contacts between China and Africa became more and more frequent. Kioko (2012) argues that China and Africa have had common historical misfortunes and struggles which have helped forge deep friendships among the Chinese and African people.

They have been semi colony and colony in succession, suffered colonial aggression and rule for long period, carried out struggles against imperialism, and struggled for national liberation. According to Li Anshan as cited by Rotberg (2008), China's African policy can be divided into three periods, namely: 1949–1977, a period of normal development; 1978–1994, a transitional period; and 1995 to date, as a period of rapid development. Within these periods, there has been gradual shift in Chinese policy towards economic development which was later followed by new foreign policy of independence, peace and development.

After the founding of People's Republic of China (PRC) in 1950, China's foreign policy was hemmed in by international politics (Alden, 2007). Reviewing the old-age friendship between China and Africa, 1960s was a fruitful period as 19 African countries became independent and Sino-African diplomatic relations were established and developed. From December 1963 to June 1965, the late Chinese Premier Zhou En-Lai visited Africa three times successively touring 11 African countries. These were Egypt, Morocco, Algeria, Sudan, Guinea, Ghana, Mali, Somali, Zaire, Tanganyika and Uganda (Wenping, 2003).

Premier Zhou's Africa tour promoted Sino-African relations to a high level. During his visit, Premier Zhou proposed the Five Principles for developing relations between China, Africa and Arab states. The Five Principles were: Support African and Arab people against imperialism, old and neo colonialism and their struggle for national independence; Support African and Arab states pursuing a policy of peace, neutrality and nonalignment; Support African and Arab people who wish to realize their unification and unity in the way which they choose by themselves; Support African and Arab states resolve their disputes through peaceful consultation; Advocate that the sovereignty of African and Arab states should be respected by all countries, against the aggression and interference from any aspects (Rotberg, 2008). The five principles were meant to guide the diplomatic relations between China and African states.

In the late 1960s, influenced by the "Cultural Revolution" in China, Sino-African relations suffered setbacks. From 1965 to 1967, five African countries Burundi, Dahomey (now Benin), Ghana, Tunisia and Kenya successively cut off the diplomatic relations with China. The situation got reversed in 1970s, as China established diplomatic relations with 25 African countries and resumed diplomatic relations with the above five African countries (Rotberg 2008). Diplomatically, China has established embassies in 38 of Sub-Saharan Africa's 48 countries and exchanged military attaches with 14 African nations. As Wright (1976) notes, African countries gave strong support when China rehabilitated its legal seat in the United Nations in 1971.

Since 1978, China has adopted a policy regarding economic development as the core agenda in Africa. While strengthening the friendly political relations with African countries, China has turned its focus on economic and trade relations, emphasizing to conduct varied economic and technical cooperation on the basis of equality and mutual benefit (Wenping, 2003). In 1982,

the Communist party of China (CPC), proposed the four principles for developing economic cooperation with African countries; equality and mutual benefit; stress practical results; varied forms and co -development.

In the 1990s, with the end of the Cold War, Sino- African relations entered a new era of all-round cooperation in the fields of political, economic and culture exchanges. High level visits have been frequent since 1990s. Former Chinese President Jiang Zemin visited Africa four times. As of December 2007, President Hu Jintao had paid five visits to the continent- twice as vice president and three times as president. Rotberg (2008) writes that in 2006, twenty one African parties sent delegates to China while CPC delegations visited Africa. China and Africa's shared reliance can be evidenced in Beijing Summit of the Forum on China-Africa Cooperation (FOCAC) which is held every third year. In 2006 the summit included the heads of state, government officials and representatives from forty eight African countries.

Economic deals that emanated from the Beijing 2006 forum between China and Africa amounted to \$1.9 billion (Business Day Johannesburg, April 24, 2007). President Hu Jintao announced during the forum that China would double aid to Africa, provide \$6 billion in preferential loans, establish a \$5 billion fund to facilitate Chinese investment, and provide \$1.4 billion in debt relief for overdue zero-interest loans (McGregor, 2006). Trade between Africa and China reached more than \$120 billion in 2010, a time when much of the rest of the world's economy was still in a slump. China provides more subsidized loans to Africa than the World Bank (The Economist, April 20, 2011). Speaking at the November 2006 China-Africa summit, Wenran Jiang, a political scientist from the University of Alberta, commented that "no major power had accomplished what China, a developing country, had done to bring 48 out of 53

African heads of state to Beijing for a conclave on aid, trade and economic cooperation” (The Guardian, November 4, 2006, p. 6). According to Kioko (2012), Chinese-African relations are characterized by summit diplomacy. Summit diplomacy is a type of conference diplomacy used by international governments in which the head of states meet for face to face negotiations. In 1950, Winston Churchill was the first person to describe a meeting of leaders of major powers countries as a summit. It is worth mentioning that summit diplomacy is not found in any other continent, except Africa.

The emergence of China as a new economic power and the deep relations it has with Africa has received global attention. As of 2011, China had diplomatic relations with fifty African countries and embassies in forty-nine of them, certainly a significant number compared to that of the US, which has diplomatic relations with fifty-four countries and embassies in forty-nine of them (Shinn, 2011). Writing in Africa’s leading periodical, *New African*, the Nigerian columnist Femi Akomolafe claimed to be joyous about the increased presence of China in Africa (Akomolafe, 2007). The economic control of Africa and its natural resources has become a major issue for opposing interests by the Western big powers (Van Dijk, 2009). The term neo-colonialism has been used to describe the relations between China and Africa (Rotberg, 2008). Neo-colonialism is the maintenance of the economic model of colonialism after a colonized territory has acquired formal political independence.

Taylor (2009) argues that China’s exchange is similar to that of the colonial era, with China exploiting Africa’s natural resources, exporting oil and other raw materials to China, and flooding the continent with cheap manufactured goods, while turning a blind eye to its tyranny. German development ministry parliamentary secretary Karin Kortmann has led the charge,

warning in the aftermath of China's US\$1.9 billion new trade deals with African countries that "our African partners really have to watch out that they will not be facing a new process of colonization" (Cheng, 2007, p. 18).

On the issue of re-colonisation, Beuret and Michel (2008) estimated the number of Chinese in Africa to be around 750,000 arguing that this could not be described as colonizing Africa. Similarly, Martyn Davies, director of the Centre for Chinese Studies at Stellenbosch University in South Africa argued that Chinese presence in Africa could not be described as re-colonisation in fairness. He pointed out that 'there are 2,000 Chinese companies in Singapore and no one speaks of colonization, yet there are only 900 in Africa, the second largest continent in the world and everybody is speaking of colonization (Financial Times, 2008).

Gaye and Brautigam (2002), argue that China-Africa relation is not different from the relations Africa had with the West. Yet still, others are worried about the fact that Beijing was cooperating with regimes denounced by the international community such as Sudan and Zimbabwe (Van Dijk, 2009). Hoslag (2006) tends to see China-Africa relations as a "mercantilist" zero-sum game, in which Africa is most likely to lose while China gains. In many ways, this literature reproduces the old Marxist-oriented "underdevelopment" and "dependency" theories of the 1960s and 1970s, under which exploitation of African natural resources by Western multinationals led to extended African poverty and super profits to the West (Packenham, 1992).

McCormick (2008) argues that the One China principle is one of the political foundations for the founding and development of China's relations with African countries and regional organizations. The one China principle states that there is only one China in the world, Taiwan is part of China and the government of the PRC is the sole legal government representing the whole

of China. The regime existing in Taiwan is a local authority within the territory of China (Wei, 1999). The Government of the People's Republic of China, as the new regime, therefore is the sole legal representative of China. As subject of international law, PRC has automatically succeeded the former regime in exercising the sovereignty of China including Taiwan (White Paper on The One- China Principle and The Taiwan Issue, February 2000). The One China Principle is significant to this study because African governments abide by it in exchange for trade deals, debt forgiveness, and aid packages from China (Alessi, 2012).

One-China Principle gained the understanding and support of more countries and international organizations. It has also been accepted by the international community at large. The Chinese government appreciates African countries' refusal to have official relations and contacts with Taiwan in support of China's great cause of reunification. From the late 1980s until the early 1990s, China created a strong relationship with Africa in order to respond to Taiwan's "flexible diplomacy," and to oppose their goal for "one China, one Taiwan."

China also wanted to end Taiwan's diplomatic presence in Africa (Tubilewicz, 2002). It is worth noting that only four countries in Africa still recognize Taiwan. These are Swaziland, Burkina Faso, Gambia, São Tomé and Príncipe (Shinn, 2011). Basu (2013) observes that because of the One China Principle, African countries have helped China defeat attempts by Taiwan to participate in the United Nations, the World Health Organisation and other international bodies accessible to other countries across the world.

In October 1971, the United Nations General Assembly adopted its 26<sup>th</sup> session Resolution 2758, which expelled the representatives of the Taiwan authorities and restored the seat and all the lawful rights of the government of the PRC in the United Nations (General Assembly,

Resolution 2758, 1971). In September 1972, China and Japan signed a Joint Statement, announcing establishment of diplomatic relations between the two countries, and that Japan recognized the government of the PRC as the only legitimate government of China.

In December 1978, China and the U.S. issued the Joint Communiqué on the establishment of diplomatic relations, in which the U.S. recognized the government of the People's Republic of China as the sole legal government of China and acknowledged the Chinese position that there is but one China and Taiwan is a part of China (Wei, 1999). Up to now, 161 countries have established diplomatic relations with the PRC where they acknowledge the One-China Principle and promise to handle their relations with Taiwan within the one-China framework.

This study found out that China has evolved the One-China Principle precisely in an endeavor to develop normal diplomatic relations with other countries. The One-China principle also seeks to safeguard state sovereignty and territorial integrity. The benefit African governments' get from abiding by the principle are the offers the PRC government gives to those who abide by the policy as mentioned earlier. These offers include diplomatic relations, trade deals, debt forgiveness, and aid packages from China

### **2.3 China's Foreign Aid Policy**

Since the founding of the People's Republic of China in 1950, Chinese leadership has wrestled with the dilemmas of the need to restore the country to its historical standing as a leading power against the milieu of its own development challenges (Xiaoxing, 2005). According to Alden (2007), in 1978, Deng Xiaoping set China on a development road which produced three decades of double digit growth with income per capita of US\$1,700 in 2005. Alden further states that

China's approach to foreign policy was based on the following: observe calmly, secure our position, hide our capabilities and bide our time, be good at maintaining a low profile and never claim leadership.

According to Pere (2006), Chinese foreign policy has six themes namely: China is a peace-loving nation and opposes the use of force in international disputes, with the exception of Taiwan; China is a developing country that pursues unity with the third world countries; China is co-operative in international affairs, and supportive of international organizations and international treaties; Chinese foreign policy is independent and autonomous; China is an aspiring great power with growing national strength and rising international status; China pursues people-centered development and policies.

On his part, Premier Zhou proposed the Eight Principles Governing China's Aid to other countries which defined the basic political and economic norms for developing Sino-African relations (Rotberg, 2008). The Eight Principles are as follows: aid should not be considered as a unilateral grant, but as mutual help; neither conditions nor privilege should be attached to the aid; to reduce the burden of the recipient countries, the repayment period could be extended for no-interest or low-interest loans; the purpose of aid is to help recipient countries develop independently; to increase the income of recipient countries, Chinese programs should produce faster results with less investment; China will provide the best equipment and materials for the recipient countries, and promises to replace them if the quality is not what was stipulated in the agreement; guarantee that technicians in recipient countries will master relevant technology when technical assistance is provided; experts from China should never enjoy any privileges and should receive the same treatment as the local experts in recipient countries. Under these

principles, China and Africa established a new kind of relationship which is unprecedented in the history of international relations.

Brautigam (2009) observes that China does not have an official distinction between what is considered foreign aid, or what the West calls official development assistance (ODA), and development initiatives that are more similar to trade and investment agreements. Whereas the United States Agency for International Development (USAID) has a close relationship with the Department of State, America's foreign policy center, most of China's aid is controlled by the Ministry of Commerce and China's Export-Import Bank (Exim Bank) whose central mandate is to strengthen China's economy (Brautigam, 2009). China Exim Bank provides large subsidized concessional loans to developing countries with interest rates at significantly below market value (Chan-Fishel & Lawson, 2007).

China's foreign aid approach is closely tied to two national objectives which are to secure commodities such as oil and rare earths for consumption in China. Alden and Davies (2006) argue that China's loans are often explicitly or implicitly tied to guarantees to market access of African resources mainly oil to which one can argue that it's a form of conditionality. The present study focused on Congo, Sudan and Angola to illustrate the above policy. In 2008, the Congolese government brokered a deal with Beijing for the construction of massive cobalt and copper mines; 1,800 miles of railways; 2,000 miles of roads; hundreds of clinics, hospitals, and schools; and two new universities. The total value of these investments reached \$6 billion, approximately half of Congo's GDP. In exchange, China was given a right to extract 12 million tons of copper and cobalt over the next 25 years (French, 2010).

Sudan's total oil reserves are currently estimated at five billion barrels. China's National Petroleum Corporation began oil exploration in Sudan in 1995 and since then, it has expanded steadily (Looy, 2006). In 1997, the US imposed economic and trade sanctions on Sudan and China moved in to fill the gap that Western countries had left. Currently, China National Petroleum is the largest shareholder and essentially controls Sudanese energy sector as the main investor in Sudanese oil production.

According to the World Trade Organization, oil exports to China accounted for 64% of Sudan's total oil exports in 2004 (WTO, 2006). China covered the cost of most of the US\$15 billion 932-mile pipeline to Port Sudan where it is building a tanker terminal (Malaquiais, 2005). Looy (2006) argues that in 2005, approximately 10,000 Chinese workers were employed in Sudan. As such, China has diversified its oil resources and become less dependent on other oil-producing countries while Sudan has found a reliable economic partner not concerned about its political situation. To procure oil for its expanding economy, China has supported the Sudanese government both financially and politically and ignored any related ethical issues. In other words, energy security overrides other concerns in as far as China's foreign aid is concerned.

Angola is currently recovering from a thirty-year civil war and donors from Western countries are assisting in the reconstruction of institutions and the economy. Servant (2005) observes that China is also present in Angola, assisting in infrastructure reconstruction. According to Malaquias (2005), China offered Angola a 'soft' loan of US\$2 billion in March 2004. The terms of the loan specify its repayment within 17 years at an interest rate of 1.5%. The money was earmarked for reconstruction and development projects such as railways, electricity and administrative buildings.

Another term of the agreement was that China can import 10,000 barrels of oil a day from Angola. As a result, Angola currently exports 25% of its oil to China. The loan, which was initially intended for the reconstruction of the country, is being used for other purposes as well. According to Global Witness (2006), some of the money was used for government propaganda in the 2006 elections. Global Witness has declared that part of the problem lies in the country's unwillingness to be more transparent about its oil revenues as it prefers to sign commercial loans backed by oil. Looy (2006) argues that China's loan is undermining the international pressure put on the government to invest in the development of Angola.

The second national objective of China's foreign aid is to support China's own export-led domestic growth by creating new African markets. Africa does not only export natural resources and commodities to China but many goods are also imported from China (Butler, 2005). Alden (2005) argues that even though the African market is relatively small for consumer goods China has found a ready market for its cheap, low-quality consumer products. As a result, China imports threaten to take control of the African market. Emara (2006) argues that China focuses its exports on countries with large populations such as South Africa, Nigeria, Egypt, Morocco and Algeria. These five countries, with their relatively high purchasing power by African standards, together account for 58% of African imports from China (China Statistical Yearbook, 2005). From the analysis of China's foreign aid relations, the dominant features of China-Africa foreign aid relation emerge.

#### **2.4 Defining Features of China-Africa Foreign Aid Relation**

The major defining features of China-Africa foreign aid relation that the study analysed is the non-interference policy and the 'no strings attached' policy adopted by China.

### **2.4.1 Non-interference Policy**

Since the 1950s, China has effectively used the doctrine of non-interference to guide its foreign policy agenda in the developing world. The Chinese leadership originally enumerated these principles in 1954 when China tried to reach out to non- communist countries of Asia (Nathan, 1997). The policy of non-interference is embedded in the Five Principles of Peaceful Coexistence that largely precludes Chinese leaders from intervening in the internal affairs of another country (Rotberg, 2008). According to Condon (2012), China’s official policy statement on its aid relationship with African nations states that as a first principle, China respects African countries’ choice in political system and development path suited to their own national conditions, does not interfere in internal affairs of African countries, and supports them in their just struggles for safeguarding their independence, sovereignty and territorial integrity.

China’s non-interference policy and respect for sovereignty means that it pays little attention to the negative externalities that arise from its foreign aid. China has refused to use its economic or diplomatic power as leverage against governments that commit even the most extreme human rights abuses or corrupt practices. It justifies its “clean hands” stance by pointing to its long standing policy on non-interference. According to Taylor (2006), China believes its domestic human rights issues are nobody’s business, so it has no interest in meddling in the internal affairs of others.

Although non-interference policy applies to military interventions and regime change, the principle has been China's policy in its investment and economic interactions with Africa and the rest of the world (Van Dijk, 2009). China's economic relations with Africa, in line with its non-interference policy and its non-prescriptive nature were received enthusiastically by most

African governments. However, the non-interference policy is more popular among the leadership than the ordinary citizens as the policy does not force leaders to accept democratic standards in order to partner with China.

China's non-interference policy is a refreshing departure from the Western prescriptive policy which forces African governments into the so-called "Washington consensus" with its structural adjustment policies designed to mold Africa in the image of the West. Structural adjustment and other Western driven economic prescriptions for Africa have proved hard for African countries and unfit for African political, social and economic realities (Alula, 2013).

The non-interference policy emphasizes on the state as the principle actor for economic development, contrary to the West's emphasis of the state and on the private-sector. This means that African nations with a yet to mature private-sector fully embraced China as their economic partner and source of capital for development (Beuret & Michel, 2008). African leaders have grown impatient with Washington's neoliberal agenda, leading them to readily embrace another option— a promise of economic growth with limited to no political preconditions (InfoSud, 2010).

In its recent economic and diplomatic engagements in Africa, the policy has come under intense scrutiny. The West has persistently criticized China for allegedly using non-interference opportunistically to ensure an uninterrupted flow of vital resources and to continue arms sales to rogue regimes of Sudan and Zimbabwe (Adisu & Okoroafo, 2010). In most of its engagements with African states, Beijing is primarily concerned with continued access to Africa's strategic resources (Alessi & Hanson, 2012). These include its heavy investments in the Angolan and

Sudanese oil industries; substantial interest in Zambian copper and even its recent attempt to secure some shares from new oil finds in Ghana, Uganda and Kenya (Rotberg, 2008).

Involvement in such strategic sectors raise stakes for competition and meddling as both internal and external interests intersect in the acquisition and development of such resources. In 2010, for example, state-owned Chinese international oil company, CNOOC, forcefully lobbied the Ghanaian government to wrestle the \$4 billion oil shares on sale by Kosmos Energy from ExxonMobil (Aidoo, 2012). With such competitive resource deals comes the increasing lure to continuously flirt with the powerful domestic actors to ensure uninterrupted access to these strategic resources while minimizing local discontent. This dilemma continues to challenge non-interference as a policy that sets Beijing apart from the West in Africa.

The Arab Spring and other political movements that have swept through parts of the region have also strained China's non-interference policy. Some of China's strategic responses during the Arab Spring, such as its decision to meet with Libyan opposition forces in Qatar before the demise of Muammar Gaddafi, have revealed the elasticity of non-interference, as Beijing positioned itself as a relevant power in the aftermath of the political and social turbulence (Aidoo, 2012). In this case, China arguably broke with the tenets of non-interference for the sake of a resourceful posterity.

The conflict between Sudan and South Sudan has progressed with persistent calls for China to act selflessly by playing the role of responsible global power instead of a resource driven global power grab. After a succession of such aloofness under the pretext of non-interference, the ultimate question becomes how long will Beijing stand by this policy as domestic conflicts endanger its vital economic interests in Africa? This study concluded that as China reaches into

the African continent and continues to strike resource deals and open up markets for Chinese goods, upholding the policy of non-interference is increasingly becoming difficult to sustain.

Beijing has been challenged to distinguish its policies and engagements from those of the West in Africa. The policy of non-interference has always been Beijing's answer to questions about its policy and economic gains in Africa. However, with the new generation of leadership, China faces hard times ahead. Aidoo (2012) states that in many African countries, the "strongmen" who most vigorously embraced China including Meles Zenawi, Muammar Gaddafi, Hosni Mubarak, and Abdoulaye Wade are no longer in office. They have been replaced by elected leaders accountable to their people or leaders that have been forewarned by the violent or sudden demise of their predecessors. Beijing has to deal with this new generation of African leadership who might want a clean break from the past and hence may approach China and its non-interference policy with caution. Hence, the display of recent anti-Chinese sentiments in places such as Zambia and Sudan, and the increasing deportation of Chinese from African countries such as Angola, Ghana and Nigeria (Brautigam, 2009).

To deal with these growing pains in Sino-African relations, and chart a different path from that of the West in Africa, Beijing has a task of being both a responsible power and a respectful partner. With its almost addictive quest for resources and markets, Beijing will have to contextualize this policy in Africa taking into account the changing politics on the continent. Even though persistently described as a façade by the West, non-interference has variedly won the hearts of some African leaders who perceived it as a much-needed break from the West (Alula, 2013). Due to the non interference policy discussed above, China has adopted a no strings attached approach in her aid relations.

### **2.4.2 No Strings attached Policy**

While the West conditions its loans on initiatives such as democracy, respect for human rights and corruption reduction, China gives this money with few or no conditions attached (Condon, 2012). The strings attached approach owes its origin to the post Cold War period. During the Cold War period (1945-1989), the United States and the Union of Soviet Socialist Republic gave foreign aid to developing countries in disregard of human rights standards so as to win allies on their side (Teltel, 2005).

With the collapse of the bipolar configuration of the Cold War, United States and her allies in Western Europe remained the dominant actors in world politics. They formed the Organization for Economic Cooperation and Development (OECD) countries (Shatzmiller, 2005). OECD policy was that allocation of foreign aid should be linked to political reform and respect for basic Human Rights in recipient countries (Carey, 2007). This policy came to be referred to as 'aid conditionalities'.

Since foreign aid flows are the main source of external finance in many developing countries, Carey (2007) argues that making aid allocation connected to Human Rights conditions in aid-recipient countries could be a powerful tool to improve protection of universal Human Rights. The aid system was being restructured at a period when African states had lost the political luster they had during the Cold War period (Husband, 2001). Significantly, the post-Cold War period witnessed massive human rights violations which made most states in the developing world; especially in Africa to miss on foreign aid. These human rights related sanctions left developing countries struggling economically but with no much improvement of human rights standard. An

example of this is the United States aid sanction against Zimbabwe, Sudan and Ethiopia (Geoffrey, 2006).

Against the background of this foreign aid isolation, China emerged as an alternative foreign aid partner. Unlike the West, China does not require recipients of development funding to implement anti-corruption measures (Taylor, 2006). This should not be a surprising fact, given that corruption is still commonplace within Chinese businesses themselves. According to Transparency International's 2008 Bribe Payer's Index, Chinese companies were ranked 21<sup>st</sup> out of 22 countries, for their propensity to bribe overseas (Transparency International, 2008). In addition, Chinese infrastructure projects have been found to precipitate notorious human rights violations. In Namibia, South Africa, and Zambia, it has been found that managers repeatedly ignore local minimum wage laws and affirmative action requirements, while refusing to pay social security and allowances (Jauch & Sakaria, 2009). As a result of this, China has been labeled a rogue state.

Writing for South Africa's influential *Business Day*, columnist Alan Beattie warned that the money China poured in, despite protestations of good intent, does have potentially malignant consequences for the economies and politics of the continent, citing adverse environmental factors and the risk of unsustainable public debt (*Business Day*, April 24, 2007:6). It is worth noting that the problem of big power support for tyrannies abusing human rights in Africa is not one that can be restricted to China as the French also supported Chad's Idriss Deby (*The Economist*, March 15, 2008).

The divergence of priorities in Africa between China and the West was displayed in a single day's worth of news. On April 28, 2006, the Dutch government announced that it was

suspending nearly \$150 million in aid to Kenya because of its failure to counter corruption. At the same time in Nairobi, China was signing a major oil exploration agreement in exchange for road building, the construction of a sports center, and infrastructure support for rice growers (BBC News, April 28, 2006). Due to China's no strings attached approach that originates from her non-interference policy, China's aid doesn't come with conditions of human rights watch and minimizing corruption. It is useful to take a closer look at a few cases where the 'no strings attached' policy has been applied by China in Africa due to the non-interference policy. The study focused on Angola, Sudan and Zambia.

#### **2:4:2:1 China-Angola**

As mentioned earlier, Angola is an autocratically ruled state ranked forty-two out of forty-eight sub-Saharan African states on the 2007 Index of African Governance list (Rorberg & Gisselquist, 2007). It has enormous oil reserves, producing as much annually as Kuwait (Mouawad, 2007). According to the Human Rights Watch 2004 report, in a five-year period, \$4.2 billion worth of oil revenues were siphoned off from Angola's public accounts. This amounts to around 10 percent of GDP, in a country where most people live on less than \$2 day.

As a result of this in 2004, the International Monetary Fund (IMF) attached transparency measures requirements to the loans it provided Angola for post-war reconstruction efforts. The ruling elite were reluctant to sign such a deal but they were desperately in need of the funds. Unexpectedly, China's Exim Bank offered \$2 billion worth of loans, with no conditionalities regarding corruption or transparency attached. According to Taylor (2004), the Angolan government said that Western financial markets impose unbearable and sometimes politically

unacceptable conditions on developing countries. Angola turned down the IMF's assistance and agreed to provide 40,000 barrels of oil per day to China (Keenan, 2005).

Western media and aid organizations denounced China for helping Angola to avoid pressure to clean up corruption (Swann & McQuillen, 2006). The country director for CARE commented that the big Chinese loan gives a lot more flexibility for Angola not to comply with the conditions for other deals. It allows the government to escape transparency (UN Integrated Regional Information Networks, 2005). The Chinese loans are currently used to restore three rail lines to Angola's mineral exports, construct a new airport, and build low-income housing (Zhao, 2012).

Brown and Brautigam (2008) argue that even though there is still enormous corruption, roads, clinics, and schools are being built. How well the growth translates into reduction in inequality, however, is yet to be seen. It is worth noting that Angolans have also begun to publish an account of their oil revenues and expenditures on the website of their Ministry of Finance, taking steps toward transparency even without IMF loan pressures (Brautigam, 2008).

#### **2:4:2:2 China - Sudan**

In the late 1990s, after American and Canadian companies abandoned South Sudanese oil fields in response to North American consumer and investor hostility, China stepped in and filled the void (Rotberg, 2008). The state-owned China National Petroleum Corporation (CNPC) owns the largest share in Sudan's largest oil venture, the Greater Nile Petroleum Operating Company (Taylor, 2012). Not only did Khartoum use Chinese oil money to fund its ethnic cleansing of southern insurgents, but China sold them the weapons (Brown, 2008).

In violation of a UN embargo, \$100 million worth of aircraft and small arms were sold to Sudanese President Omar Al-Bashir between 1996 and 2003 (Brautigam,2008). In response to this, the Chinese ambassador to South Africa, Liu Guijin explained that China doesn't believe in embargoes as they make people to suffer and they can't solve problems (IRIN Humanitarian News and Analysis, 2012). In addition, the Chinese Deputy Foreign Minister Zhou Wenzhong was quoted as saying, "Business is business. We try to separate politics from business. . . . I think the internal situation in Sudan is an internal affair" (quoted in Taylor, 2005, p. 16).

The UN Security Council passed Resolution 1556 demanding that the Sudanese government disarm and bring to justice leaders who had incited and carried out human-rights abuses. In addition, the Security Council threatened to consider further sanctions on Sudan if the government failed to comply. In response, China being a permanent member threatened to use her veto power by urging the West to 'cool down' (HRW, 2005). China's position on the UN Security Council means that Sudan has avoided serious sanctions by the West. Due to its no strings attached policy, China has assisted Sudan financially and militarily even though it was aware of the widespread ethnic cleansing taking place in Darfur. Human Rights Watch has for this reason accused China of cooperating in the genocide in Darfur since 2003.

#### **2:4:2:3 China-Zambia**

In Zambia, the Chinese have been found to be violating human rights. In 1998 the China Non-Ferrous Metals Corporation (CNMC) bought 85 percent of the Chambishi copper mine, in the heart of Zambia's copper belt mine for \$20 million (Brautigam, 2008). The project was hailed as a prime example of how foreign investment can bring jobs and spread technology to Africa. In

April 2005, an explosion occurred at the mine killing fifty one Zambian workers due to poor safety standards by the Chinese.

A year later, the Chinese banned union activity and began paying Zambian employees less than the \$67-a-month minimum wage. This led to demonstrations and six Zambian workers were shot by a Chinese supervisor. A similar incident occurred in April 2011, when eleven protestors at a demonstration against poor working conditions were shot and wounded by Chinese managers (Palitza, 2011).

Belk (2012) argues that China's investment in Zambia surpassed \$1 billion in 2010 and it is estimated that 20,000 Zambian jobs were created in the copper mines and support industries. 60 percent of Zambia's population still lives below the poverty line according to the 2012 World Bank Report. Most of China's investment is ploughed back into the mining industry, with only 10 percent invested in agriculture, retail, and manufacturing. One can argue that this is a case where economic growth has not translated into significant poverty reduction.

Anti-Chinese sentiment has become an increasingly important issue in domestic Zambian politics. In the 2006 presidential election, the opposition candidate, Michael Sata, ran on the platform that the Chinese exploitation of Zambia's resources and mistreatment of workers needed to be countered:

Chinese are just flooding the country with human beings instead of investment and the government is jumping. We have to be careful because if we leave them unchecked, we will regret it. China is sucking from us. We are becoming poorer because they are getting our wealth." (Chimangeni, 2007, p.5)

As a result, Chinese officials announced that they would withhold further investments until after the election.

The incumbent pro-China candidate, Rupiah Banda, won by a small margin and immediately after his victory, China announced it would forgive \$211 million of Zambia's outstanding debt (Keenan, 2007). In 2010, Banda and Sata faced off again and this time Sata was the victor. In the run-up to the polls, there were numerous reports that Chinese government were funding Banda's campaign; a common rumor was that the Banda-branded lollipops handed out on the streets came straight from China (Redvers, 2011). As such, Sata's victory was hailed as an anti-China referendum in Africa.

The West watch "China's no strings" attached policy in Africa with displeasure. China's involvement in Africa with "rogue states" and corrupt governments has received endless criticism from the West. They argue that China should use its economic leverage as a political tool, and threaten to cut off financial ties to recipients that repeatedly violate human rights. They claim that such aid from China rewards the behavior of dictators and actively funds the oppression of reformists (Coyne & Ryan, 2008). Former President of the World Bank, Paul Wolfowitz, claimed that international financial institutions are "losing projects in Asia and Africa to Chinese banks because the Chinese don't bother about social or human rights conditions" (Beattie & Callan, 2006, p.18).

European Investment Bank president accused the Chinese of "unscrupulous" behavior (Beattie & Parker, 2006). The head of the US-China Economic and Security Review Commission testified before Congress that China is offering a wealth of assistance in building African infrastructure without concern about whether the benefits are accruing to the African people or only corrupt leaders (U.S House of Representative, Committee in International Relations(109<sup>th</sup> Congress, 1<sup>st</sup> Session, July 28, 2005).

In reaction to the criticisms from the West, Chinese authorities have asserted that civil and political rights should not be given primacy over economic, social, and cultural rights (Zakaria, 1994). In China's view, economic, social and cultural rights are achieved through economic development and investment, and deviations from economic growth path for the sake of civil and political rights is unjustifiable. China also expressed a strong conviction of the non-universality of human rights (Brown & Sriram, 2012). The domestic Chinese legal system and civil society are also less developed to fight the practices of the government and corporations. Whereas an oil company based in the West can be held accountable in a domestic court for being complicit in human rights abuses, and American corporations are regularly prosecuted under the Foreign Corrupt Practices Act, no such mechanism exists in China (Brown, 2012).

According to Morrissey (2012), the political conditionalities by the West in Africa over the past decades have failed to affect change. This study partly disagrees with Morrissey argument because most African governments such as Kenya, Tanzania, Zambia and Togo adopted pluralism in the 1990s because of the pressure and conditions from donors. In addition to the critique that aid conditionality simply does not work, there are further criticisms that it is unethical, or that it causes more harm than fixing (Uvin, 2004). Most of these criticisms hinge on the fact that those who are in the most need of development assistance often live under autocratic oppression that is not their making. Cutting off aid to dictatorial regimes means that the poorest are made to suffer for the sins of their rulers.

A second ethical argument concerning conditionality, and one that is particularly popular with the Chinese, is that it is a form of intervention that violates the sovereignty of the targeted nation.

Uvin and Biagiotti (2012) argue that political conditionality is mainly an attempt, in a haphazard and largely bilateral manner, to impose Western values on third world countries, further eroding their sovereignty and weakening their position. Of course, the trade-off between human rights and sovereignty is an oft-discussed duality of international law and policy. The West proclaims the existence of universal norms and principles that most of the world had no involvement in codifying. The questionable legitimacy of these norms constitutes a major rift between the developed and developing world. As much as the West proclaims that China's non-interference approach is bad for Africa, there are many nations-authoritarian and democratic-stepping up to take China's money (Van Dijk, 2009).

There is an emerging debate on whether China's engagement in Africa is a singular interest or is for mutual benefit. When the Chinese Premier Zhao Ziyang visited eleven African countries in December 1982, he bolstered the 'Four Principles' of Chinese cooperation with Africa: equality and mutual benefit; an emphasis on practical results; diversity in form and economic development (Taylor, 2001). The democratically-elected president of Senegal, Abdoulaye Wade, published a piece in the *Financial Times* that touched on the Sino-African relations. He wrote that the Chinese do not have a colonial hangover like the West. What the Chinese do in Africa is for "mutual economic benefit," which to him is a refreshingly non-condescending approach to development (*Financial Times*, January 24, 2008). In addition to that Li (2007) argues that for all the criticisms about their lack of transparency, the Chinese goals are plain to see: let's both get rich. For those that believe that foreign aid has crippled Africa and burdened it with bureaucratic inefficiencies and corruption, China's bare-bones market approach is seen as a way out of the mess that the West has made.

Opinions on mutual economic benefits between China-Africa relations differ among scholars. For instance, Thierry Bangui, a development consultant and a native of the Central African Republic and Fweley Diangitukua, a Congolese economist, believe that the mutual benefit is a hoax (InfoSud, 2010). They argue that China importing its own workforce to work in aid projects granted to Africa is disadvantage for Africa but beneficial to China since it allows China to solve its domestic unemployment problem. They claim that China offers astronomical projects to Africa but fewer jobs are created in recipient countries, especially for locals (Gaye, 2006).

The same observation has been made by Beuret and Michel (2008), Alessi and Hanson (2012) who argue that part of the Chinese government's policy is to encourage Chinese entrepreneurs to travel abroad and seek greener pastures and that Africa happens to be the destination of these entrepreneurs. These investors are believed to come with fierce competition as they are supported by the Chinese government, especially in the informal economic sector, which is normally a reserved area for local entrepreneurs.

It has been pointed out that this has caused conflict between the disadvantaged locals and Chinese entrepreneurs. For instance, in Dakar, there were reports that half of the local traders were bankrupt because of cheap China goods imported by Chinese businessmen. Consequently, unemployment was said to be on the rise and that life was increasingly difficult by the day (Adisu et al. 2010). The study found out that mutual economic benefit cannot exist between two countries with different economies; the stronger economy stands to benefit more from such a relationship. In the case of China-Kenya relations, China stands to benefit more from the relationship. The relation can be explained in terms of mutual advantage and not mutual benefit.

China believes that its successful ‘growth at any cost’ strategy at home can be applied in Africa. According to a professor of African Studies in Beijing, “common sense about human rights and sovereignty is only one of the common values shared by China and Africa, “there is no doubt that China’s success in Africa has partly benefited from it, and those common values have laid solid foundations for further promoting bilateral relations in future” (Servant, 2005, p.12). After a Tanzanian criticized the Chinese for driving out small businesses at the World Social Forum in Nairobi, a Chinese representative responded by saying that:

We Chinese had to make the same hard decision on whether to accept foreign investment many, many years ago. You have to make the right decision or you will lose, lose, and lose. You have to decide right or you will remain poor.” (Brautigam, 2009,p. 22)

According to Shaw (2012), China is itself a developing country, which in the not-too-distant past had 85 percent of its population living below the poverty line.

Some African leaders feel they have a lot to learn from China’s successes. The President of Zimbabwe, Robert Mugabe, in striking and metaphorically speaking stated that “the sun has set in the West and has risen from the East” to state his frustrations at the West and his confidence in China (Gaye, 2008, p. 49). Some analysts see the relations as positive commitment to the development of Africa (Rotberg, 2008; Eisenman & Kurlantzick, 2006). It is therefore, not surprising that African leaders continue to seek ways to develop their countries with the assistance of China as conditions imposed by Africa’s traditional donors did not lead to any definitive economic independence.

There is a growing body of literature that argues that the West is demanding too much too soon from African governments on their progress toward human rights, transparency and democracy. Uvin (2004) argues that these demands are getting in the way of economic growth, which may

itself be a precondition for good governance. Conditionality is often said to cause more harm than good because it impedes the natural growth process of governance. African governments are deprived of the responsibility of determining their own future. Political competence and accountability grow by learning and by doing, and Western intervention circumvents this mechanism.

Khan (2006) exposes this dilemma by looking at corruption and development. He points out that in the East Asian “tiger economies” growth was pursued with little regard for corruption. Levels of corruption were very high during the early period of rapid economic growth and poverty reduction, property rights were not stable in critical respects, the rule of law was far from satisfactory, and accountability was often far removed from the democratic ideal. Corruption is bad but Khan argues that cronyism and graft have been present in every country’s early stages of capitalist government, from the United States during the industrial revolution, to China today.

Indeed the empowerment of civil society, elimination of corruption, and labour reform has been an ongoing process in the developed world. This view is consistent with China’s own perception of itself. Like other East Asian nations, China has had substantial economic growth without making major progress toward the rule of law or respect for human rights (Stephenson, 2006). This best explains why China is not squeamish about associating with the authoritarian governments of Angola and Zimbabwe because its own experience with development has been, ‘grow first, rights later.’ China is the prime example of an “authoritarian developmental state,” wherein the government retains the authority to actively intervene in the state to promote its transition from an agrarian to industrialized capitalist economy (Thakur, 2009).

## **2.5 Conclusion**

It was the objective of this chapter to find out what defines China-Africa foreign aid relations. The chapter has identified China's non-interference policy as the main feature that defines China-Africa relations. Due to its non-interference policy, China's aid is packaged with a no-strings attached approach. The chapter has analyzed China's relations with Angola, Sudan and Zambia where the no strings attached policy has been applied as case illustrations. From the above analysis, we can conclude that China's policy of non-interference on one hand and African states' poor human rights records constitute instances of mutual compatibility in foreign aid relation. Where China's main aim is to exploit natural resources in Africa and get market for her goods while African states need a foreign aid partner who doesn't interfere with their countries' internal affairs by giving aid without conditions.

The study found out that upholding the non interference policy is increasingly becoming difficult to sustain by China. This is because China continues to strike resource deals and open up markets for Chinese goods. Involvement in strategic sectors like oil raises the stake for meddling as both internal and external interests intersect in the acquisition of such resources. Aidoo (2012), Alessi and Hanson (2012) argue that the non interference policy endangers China's vital economic interests in Africa. In many African countries leaders who embraced China's foreign aid such as Meles Zenawi, Muammar Gaddafi, Hosni Mubarak, Abdoulaye Wade, Mwai Kibaki are no longer in office. They have been replaced by a new generation of leaders who might want to break from the past hence approach China and its non interference policy with caution.

The chapter has also established that the emergence of China as a new economic power and the deep relation it has with Africa has received attention from the West. The economic control of

Africa and its natural resources have become the major issues for opposing interests by the big powers with the term re-colonialisation being used to describe the relations between China and Africa (Rotberg, 2008). African governments see China's engagement as a point of departure from Western neocolonialism and political conditions as China poses a refreshing alternative to the traditional engagement models of the West. Unlike the West, that calls for improved human rights practices, economic policy reform and more democratic governance systems. China does not impose or demand political or economic reforms in exchange for its technical and financial assistance (Shinn, 2011).

The chapter also looked at the emerging debate on whether China's engagement in Africa is a singular interest or is for mutual benefit. The chapter found out that opinions on the mutual economic benefit between China-Africa relations differ among scholars. For those that believe that foreign aid has crippled Africa and burdened it with bureaucratic inefficiencies and corruption, China's bare-bones market approach is seen as a way out of the mess that the West has made. On the other hand China importing its own workforce to work in aid projects granted to Africa is disadvantage for Africa but beneficial to China since it allows China to solve its domestic unemployment problem.

The findings of this chapter built the other chapters as the study sought to find out if China-Kenya foreign aid relations can be explained in terms of what has defined China-Africa foreign aid relations. Chapter three focuses on China-Kenya relations since independence to 2012 in an attempt to establish what has defined the relations

## **CHAPTER THREE**

### **3.0 China-Kenya Relations from Independence to 2012**

#### **3.1 Introduction**

In the previous chapter, we examined the dominant features of China-Africa foreign aid relations. We established that the non-interference policy and the no strings attached policy define China-Africa foreign aid relations. In addition to the defining features we also looked at China's foreign policy. The policy is centered on six themes, namely; China is a peace-loving nation and opposes the use of force in international disputes, with the exception of Taiwan. China is a developing country, and pursues unity with the third world countries. China is cooperative in international affairs, and supportive of international organizations and international treaties. Chinese foreign policy is independent and autonomous. China is an aspiring great power with growing national strength and rising international status. China pursues 'people-centered' development and policies. In all these aspects, the chapter has established that for many African states, both politically and economically, China is a more attractive model than the US or the EU. Since Kenya-China aid relation is considered within the broader framework of China foreign aid policy these features help to deeply examine China- Kenya relation. Chapter three analyzes China-Kenya relations since independence with an aim of finding out what has been defining this relation.

In political science, three levels of analysis are widely used to understand highly complex problems in world politics; individual, state and system. Levels of analysis illuminate different reasons for why countries go to war, sign treaties or pursue alliances (Baylis, Smith and Owens, 2011). Is it due to personalities of individual leaders, values of particular nations or the

characteristics of the international system as a whole? The study adopted the individual level of analysis to analyze China-Kenya Relations since Independence to 2012 solely focusing on the presidents. Individual level of analysis states that the personalities of leaders shape foreign policy as they take active role in determining international relations (Mingst and Ivan, 2010). Instances where individual level of analysis is used is for example to explain Second World War through Adolf Hitler's leadership or end of the Cold War to the relationship between President Reagan and Soviet leader Gorbachev (Roskin and Berry, 2009).

It's against this background that the chapter argues that Kenya's foreign policy has, in most instances, been moulded and directed by the President. Consequently, the policy is contextualized through the President's selection of his foreign policy key champion, the Cabinet Secretary of Foreign Affairs and the prevailing international geo-political environment. The final authority on foreign policy formulation, conduct and projection lies in the hands of the President; therefore the president is the chief foreign policy shaper. Therefore, in its attempt to find out what has defined the relations between China- Kenya since independence, this chapter looked at the eras of different presidents. There have been four presidents in Kenya namely the late Jomo Kenyatta, Daniel arap Moi, Mwai Kibaki, and currently, Uhuru Kenyatta. Kenya's presidents in the past five decades have been a study in different personalities and abilities. They reacted differently to international geo-political situations. Each faced different challenges, including their personal input in actual conduct of foreign relations. The chapter is divided into three historical periods, namely Jomo Kenyatta's regime (1963-1978), Daniel Arap Moi's regime (1978-2002) and Mwai Kibaki's regime (2002-2012).

### **3.2: Kenya-China Relation in Jomo Kenyatta's Regime (1963-1978)**

In the first decade of independence (1963-73), Kenya operated in a bipolar world split between the Cold War rivals of the capitalist West led by the USA and the communist East led by the USSR (Sandrook, 1971). At independence in 1963, Kenya was already earmarked as a key regional player in the East-West rivalry. In this case, Kenya was perceived by the two world power blocs as a key country in the Eastern Africa region whose international political and economic relations were valuable, if not critical.

As the most advanced country in the region with a fairly well developed infrastructure and a deep natural harbour close to the Gulf of Eden, Kenya's conduct of foreign policy was of keen interest to the rival power blocs. Atwood (1967) in his memoirs portrays the intensity of the battle to win over Kenya from a combined diplomatic offensive by the Soviet Union and China. While the US fought through Jomo Kenyatta and Tom Mboya, the East's proxy was Jaramogi Oginga Odinga.

Jomo Kenyatta's foreign policy revolved around a neutral phraseology; non-interference in the internal affairs of sovereign states, non-aligned in the larger East-West global power politics and a supporter of the decolonization movements in Africa (Thomas, 1992). Despite public rhetorical posturing by its leadership, Kenya was deeply integrated into the Western-world's sphere of influence (Flint, 1965). Kenya's most significant ally in the West was Great Britain. The two nations had maintained uninterrupted friendly relations since independence. Britain remained Kenya's principal trading partner, chief source of economic and military assistance, and its major provider of private investment capital (The Economist Intelligence Unit, 1998).

The diplomatic relation between Kenya and China dates back to December 14<sup>th</sup> 1963 when the People's Republic of China opened their embassy in Nairobi. On February 5, 1964 Wang Yutien was appointed China's ambassador to Kenya. This was courtesy of the radical left wing of the ruling party KANU led by the then KANU vice president and Minister for Home Affairs Jaramogi Oginga Odinga. Jaramogi Oginga Odinga led a high-powered Kenyan delegation to Beijing in May 1964 to discuss enhanced ties between the two countries.

The delegation consisted mainly of his allies in the party. While in Beijing, Odinga asked China to join independent African states in a war against apartheid South Africa and the remaining colonial territories on the continent. His ally, information minister Achieng Ouko, followed suit in August 1964 and met the Chinese vice Premier, military commander, and Minister for foreign affairs Marshall Chen Yi. This was a major achievement considering Marshall Chen Yi's high profile in China's political establishment at the time (Chege, 2008).

In July 1964, the Chinese ambassador paid a visit to the then Minister of Finance, James Gichuru to negotiate economic and technical cooperation between the two countries. They agreed on the dispatch of a Chinese delegation of 15 experts to Kenya in order to nail down specific areas of economic cooperation (Chege, 2008). Meanwhile the relevant departments in the Kenya government were invited to forward suitable project proposals to the Ministry of Finance. From a long list of proposals from the Kenyan side, the Chinese delegation in early 1965 committed itself to the construction of a textile factory and a sugar refinery (Kenya National Archives, File AE/14/70, 1965). None of these proposals saw the light of day. Instead they fell victim to internal political schism within the Kenyan government. The political schism was between the radical left in the ruling party led by Jaramogi Oginga Odinga and the right wing of the party led

by President Jomo Kenyatta and KANU party Secretary General Tom J. Mboya (Attwood, 1967).

The radical left wing favoured socialism and closer ties to the Soviet bloc and China while the right wing preferred a mixed economy, predominantly driven by the private sector but with ample room for producer cooperatives, state-operated enterprises, and small-holder production for the market. Kenyatta and Mboya were suspicious of Chinese political intentions in Kenya at the time and were determined to increase cooperation between Kenya, the United States, Britain and Western Europe (Gertzel, 1967).

From December 1963 to June 1965, the late Chinese Premier Zhou En-Lai visited Africa three times successively touring 11 African countries. These were Egypt, Morocco, Algeria, Sudan, Guinea, Ghana, Mali, Somali, Zaire, Tanganyika and Uganda (Wenping, 2003). Premier Zhou's African tour promoted Sino-African relations to a high level. During his visit, Premier Zhou proposed the Five Principles for developing relations between China, Africa and Arab states as discussed in chapter two. The Kenyatta government's immediate response was that the Chinese premier's expectations did not apply to Kenya, as Kenya had already completed its anti-colonial revolution (Chege, 2008).

The initial stages saw good bilateral ties between China- Kenya, but after 1965 the relations between the two countries were tense and were lowered to the *charge d'affaires* level (Kioko, 2012). Morton (1999) in his biography of former President Moi, *The Making of an African Statesman*, asserts that the British intelligence had kept a watchful eye on Odinga's close ties with the Eastern bloc countries, in particular, the then Soviet Union and China and were

convinced that he was keen on invoking their support to make Kenya a more socialist-friendly country. Morton (1999) writes that by 1966, both Kenyatta and his supporters in the West, especially Britain, were more than convinced that Odinga was a major threat that had to be neutralized. This was effected in the same year when Odinga lost the powerful position of KANU's vice-president at the Limuru party conference, which saw the creation of eight vice-presidents in the ruling Party.

In March 1966, Kenya expelled the third secretary in the Chinese Embassy, Yao Chun, on suspicions of plotting subversion. Yao Chun had protested the adoption of a motion by Kenya's Senate condemning Chou En-Lai's remarks on the five principles for developing relations between China and Africa (Chege, 2008). In the growing internal breach, the anti-China side in Kenyan Parliament warned against imperialism from the Eastern bloc, led by cabinet ministers close to Kenyatta and Mboya. As the left and right wing in the ruling party fought it out, China became more closely identified with the left wing of the ruling party, much as the Western states were associated with the right wing (Gertzel, 1968). The Chinese Embassy protested against speeches made by Tom Mboya, J.N. Osogo, and Daniel arap Moi in parliament, claiming that they had subjected the Peoples' Republic of China "to slander, vilification and grave provocation" (*East African Standard*, Nairobi, July 13, 1966: 6).

In August 1966, demonstrations were held outside the Kenya embassy in Beijing, with posters protesting Kenya's reactionary politics. The Kenyan government handed a protest note to the Chinese embassy in Nairobi, but unable to get a satisfactory explanation, it recalled Kenya's ambassador to China. In apparent retaliation, youths affiliated to the right wing of KANU staged a counter demonstration outside the Chinese embassy in Nairobi, during which some of the

embassy's windows were also broken (Chege, 2008). The relations between the two states deteriorated, ending in a diplomatic break in 1967.

In June 1967, Kenya declared the Chinese chargé d'affaires *persona non grata* ordering him out of Kenya (*East African Standard*, Nairobi, 8 June, 1967, p. 2). In response, China expelled the Kenya chargé d'affaires in July 1967, leaving the Kenya embassy without any top-level representation. With the ambassadors and their deputies now out of their stations, China and Kenya had severed diplomatic relations. This remained the case for 11 years until Mao Zedong and Jomo Kenyatta had exited from the scene (Chege, 2008). At the time of Kenyatta's death in August 1978, Kenya's foreign policy was firmly anchored on the Western sphere.

From the above analysis, it emerges that the China-Kenya relations between the period 1963-1978 was defined by the Cold war which was the prevailing global political ideology at that time. This was clearly seen from the epic struggle between the two factions in KANU, the radical left wing who favoured socialism with closer ties to the Soviet bloc and China, while the right wing was determined to increase cooperation between Kenya, the United States, Britain, and Western Europe (Gertzel, 1967). When the left side which was pro-China left government in April 1966, the relations between the two states deteriorated, ending in a diplomatic break in 1967.

### **3.3: Kenya-China Relation in Daniel arap Moi's Regime (1978-2002)**

The year 1978 saw president Daniel Arap Moi come to power, as Kenyatta's successor. He pursued the same foreign policy template with minor variations (Mwega, 2009). By the end of 1980, Kenya was still seen as a client-state of the West and two episodes graphically captured

that. One involved the murder of a Kenyan woman, Monica Njeri, by a US sailor known as Frank Sandstrone in Mombasa. The sailor was freed despite huge public outcry and outrage. The other involved Kenya boycotting the 1980 Moscow Olympics by urging the US to protest the Soviet Union's invasion of Afghanistan in 1979. These two episodes exposed a Kenyan foreign policy ensnared and beholden to the whims and dictates of the Western bloc (Mwega, 2009). By the end of the second decade of Kenya's independence in 1983, Kenya was the biggest ally to the Western bloc in Eastern Africa. Kenya had signed a number of security-cum-military cooperation agreements and mutual defence pacts with the US, Britain and Israel.

With the end of Cold war, fundamental shifts occurred in the configuration and realignment of global power relations. The collapse of the Berlin Wall and the Soviet Union in 1989-1990 caught Moi and his foreign policy advisors wrong-footed. Changing the contours of diplomacy was the emergence of a uni-polar world order, the increasing influence of emerging economies such as China and India and the resurgence of Russia in global politics. The West started agitating for new political dispensations in their client states including pluralism and internal democracy (Koeberle, 2003).

In 1982, president Moi had obtained an amendment to Kenya's constitution making Kenya a *de jure*, one party state. His administration also adopted a new set of electoral procedures that placed new controls on the press (Goldsmith, 2001). Soon after, Western aid agencies imposed an aid conditionality requiring the government to allow multiple parties, to establish an impartial elections board, to reinstate secret ballot and to relax censorship of the press. The West demanded for change with the democratic tide or bear the consequences (Lawson, 2013). By

1993, Moi, Mobutu Sese Seko of Congo, Kamuzu Banda of Malawi, the apartheid rulers in South Africa and other beneficiaries of Western-bloc that paid little or no premium on internal democracy during Cold War era started missing out on foreign aid (Barkan, 1994).

President Moi started warming up to newer friends and economic-cum-trade partners especially from the growing Orient due to the West's conditions on pluralism and internal democracy (Elmi, 2012). In particular, the rapidly developing countries of China, India, South Korea and other middle income non-Western nations like Turkey, Brazil and even Iran became potential suitors. President Moi, the same man who had accused China of plotting revolution in Kenya in the 1960s, was reaching out to the People's Republic of China (*East African Standard*, Nairobi, July 13, 1966). Kenya dispatched an ambassador to China at the end of 1978, thus opening the embassy that had been technically closed in 1967. China also appointed an ambassador to Kenya (Chege, 1980). This saw the relations between China and Kenya restored.

Ji Pengfei, the then vice premier of China's State Council, visited Kenya in August 1980 and Kenya's president Moi paid a state visit to China a month later, the first of the three trips to China before his retirement in 2002. As a result of Moi's first visit to China, Kenya and China signed two agreements. The first one was on economic and technological cooperation, covering a wide variety of projects: a new sports stadium, technical support to two new universities, scholarships, military and cultural exchanges. The second one was a trade agreement between Kenya and China (Alden & Oliveira, 2008).

The most important component of the economic cooperation agreement was the Moi International Sports Center now known as the Safaricom stadium located outside the Nairobi's central business district. It was the biggest sporting facility in Eastern and Central Africa region. It included a sports stadium with a seating capacity of 60,000 people, an Olympic-size swimming pool, and a modern gymnasium thrown into the bargain. It was intended to host the fourth All-Africa games in 1987 to showcase the new China-African cooperation to all of Africa. It was built at the cost of 930 million Kenya shillings, 48 % of which was financed by Kenya and 52% was funded by an interest-free loan from China. This marked a break from the Chinese commodity financed projects of the 1960s such as the aborted Kenya Textile Mill in 1964 (Chege, 2008).

Under the economic cooperation grant, China also constructed a new teaching hospital at the then brand new Moi University in Eldoret, the Gambogi-Serem highway, and built the Faculty of Arts complex at Egerton University. It is worth noting that all these projects were located in Moi's Rift Valley Province homeland, although they served the nation. China committed itself to providing 10 scholarships annually to Kenya and two top-level military exchanges per year. Keen to develop its own tourist industry, China in 1980 requested Kenya to train Chinese students in tourist management at Utalii College in Nairobi, Kenya's flagship training institution for skills in the tourism industry (Ministry of Tourism, February 5, 2007). Chinese officials also seemed interested to learn from Kenya's tea and coffee products that were to feature two decades later in its agricultural modernization drive.

President Moi's state visit opened the way for diplomatic exchanges and negotiations at lower levels of government. A number of Kenyan leaders visited China including David Okiki Amayo, president of the KANU in September 1986. Between 1991 and 2000, two Kenyan foreign ministers led delegations to China, Wilson Ndolo Ayah in 1991 and in October 2000 Bonaya Godana headed a delegation to attend the Beijing Ministerial Meeting of the Sino-African Cooperation Forum. But this was a trickle compared to the number of top-level Chinese delegations that came to Kenya during that period.

Between 1980 and 2002, 20 top-level Chinese diplomatic entourages came to Kenya. They included Vice Premier (1980), Prime Minister Zhao Ziyang (1983), Foreign Minister Wu Xueqian (1987), President Jiang Zemin (1996), secretary general of the State Council Wang Zhongyu (2000), and Prime Minister Zhu Rongji (2002) (China-Kenya Embassy Website). These visits in turn spurred lower-level technical exchanges and activities such that by 2000 in Kenya, the press reported an important development or commercial initiative involving China every month of the year. At this point it should be observed that China did not just come to Kenya as a donor but as a rapidly modernizing developing economy making the transition from Communist-era. China was also in Kenya to learn from areas where Kenya had made outstanding progress such as agriculture and tourism (Draper & Biacuana, 2010).

In April 2002, President Daniel arap Moi held talks with visiting Chinese Premier Zhu Rongji at State House. The talks were on bilateral ties and issues of common concern between China and Kenya. Extending a warm welcome to Zhu, president Moi said that the people of Kenya and China enjoyed profound friendship, and that Zhu's visit was bound to further enhance the friendly and cooperative relations between the two countries. President Moi further reaffirmed

the Kenyan government's adherence to the One-China policy, and expressed his appreciation for the close cooperation between the two countries in international affairs. Zhu on the other hand said that China and Kenya have a long history of traditional friendship (*Beijing Times*, Thursday, April 25<sup>th</sup> 2002, p. 2). The Chinese premier expressed confidence that the two countries will continue their good cooperation in international affairs in the future. The premier also appreciated Kenyan government's consistent adherence to the one-China principle and supporting China on the human rights issue. Following the talk, the two sides signed, among others, a memorandum of understanding in agricultural cooperation and an agreement on the economic and technological cooperation.

Since president Moi assumed the presidency in 1978, the friendly and cooperative relations between the two countries had constantly been consolidating and improving. By the time president Moi left office in 2002, he had succeeded in endearing himself to the political authorities of the People's Republic of China. President Moi's government had a wanting human rights record but China overlooked these realities as it strengthened its economic relations with Kenya. Western governments such as Britain and France had equally done the same till the late 1990s when they introduced conditions.

President Moi's era, laid the foundations for improved cooperation with China, diversifying the country's investment sources. President Moi's main motivation was to diversify the sources of Kenya's external development funds and to secure new development projects for his Rift Valley home region in order to shore up his political base. Thus the relation between China-Kenya in the period 1978-2002, during the Daniel arap Moi's era was defined by personal interest and the prevailing global political trend which was the collapse of Communism.

### **3.4: Kenya-China Relation in Mwai Kibaki's Reign (2002-2012)**

In December 2002, president Moi's government gave way to a broad based reform coalition, the National Alliance Rainbow Coalition, which won the general elections. Mwai Kibaki was elected the third president of Kenya. When President Mwai Kibaki took office in January 2003, his government instituted a broad governance and economic reform program that produced economic recovery within three years and accelerated growth. This resulted in the longest period of sustained growth (2003–2007) since Kenyatta years. GDP growth rose from 2.9 percent in 2003 to a projected 7.1 percent in 2007. Poverty levels declined from 56 percent in 1997 to 46 percent in 2006, according to the best household expenditure survey (CBS, 2007).

On taking over power from KANU that had ruled Kenya for 40 years, the NARC government was received with warm hands by the traditional donors like the UK, Norway, France and the U.S who had blacklisted president Moi's government (Branch, 2011). Top officials of the new government openly declared that they 'shall go East' if United Kingdom and United States, the traditional allies kept on lecturing the government on corruption. One may ask, is Kenya capable of ditching her traditional Western traditional allies in favour of the East? The study found out that it's possible for a recipient country to ditch one donor for the other. What started as an innocent exchange between former British Ambassador to Kenya, Mr Edward Clay, and a few powerful members of the cabinet over allegations of corruption culminated into a diplomatic clash between Kenya and her Western traditional allies- the UK and the US (Oluoch, 2006).

Kiberenge (2012) argues that it could not have been a coincidence for senior ministers to engage in a public row with the representative of the former colonial master, at a time when the Kenya-

China relationship was blossoming. While government officials maintained that the new Kenyan government was basically interested in tapping the many economic opportunities that China represents as the fastest growing economy. Some senior ministers known to be close to president Kibaki, were not shy to attribute former British High Commissioner to Kenya Sir Edward Clay's much publicized allegations of high-level corruption in the government, to the sulking by the British for losing some lucrative contracts they have controlled for four decades, to Chinese companies among others from the East.

President Kibaki paid state visits to Washington and London soon after coming to power. But he also turned to the East and paid similar high level official visits to Beijing, New Delhi and Tokyo. President Kibaki was not expected to pay such high profile visits so soon to what the Western-bloc believed were not traditional major economic trading partners. This led to an outcry from western diplomats, investors and financiers though the Kibaki government appeared not alarmed by Western bloc protestations (*New York Times*, 24<sup>th</sup> January, 2008). The former president, was willing to further deepen and expand the friendly cooperation between the two countries (Kioko, 2012).

According to Chege (2008), China-Kenya economic relations in the Kibaki era began with high-level political contacts between the two states followed by a series of agreements. President Mwai Kibaki made an official visit to China in August 2005, accompanied by 11 Kenyan trade- and investment-seeking delegations. This was the first official visit to China by a Kenyan head of state in 11 years. During this visit President Mwai Kibaki held extensive talks with President Hu Jintao and Chinese government officials which resulted in a five-part agreement. The agreement

covered official development assistance in grants for infrastructure and energy, extended air services between the two countries, technical assistance for assessment and classification of standards in industrial products, modernization of equipment and training at the state-owned Kenya Broadcasting Corporation (Gadzala, 2009).

The delegation also visited Shanghai, where discussions with its mayor Han Zheng, on the functioning of special export industrial zones were held. The same delegation explored prospects in tourism, joint ventures in power generation and machinery. The outcome of this visit was a highly successful Chinese trade exhibition, in Nairobi in mid-2006. The NARC's government had quietly embarked on a "Look East Policy" that laid emphasis on improved relations with countries from the East. Although not stated as an official policy, Kibaki's government seem bent on breaking what has always been perceived by the previous government as Western condescending attitude and lectures on human rights and democracy (Kurlantzick, 2007).

Dr Chris Murungaru, the then transport minister was banned from visiting both US and UK, due to alleged involvement in grand corruption (*Daily Nation*, Thursday, February 16<sup>th</sup> 2008, pp.1-2). The move was interpreted as a sign of deteriorating relations and a revenge-driven attempt to hit at the president. Dr Murungaru categorically claimed that attacks against the Kenyan government over official corruption and his subsequent ban from visiting US and UK, arose from the changing fortunes of British contractors who once dominated the lucrative defence and security contracts. This monopoly has been shattered following the government's decision to allow competition from companies from the East. Dr Murungaru further noted that the new government's decision to woo investors from the East was inevitable because traditional investors from the West were shying away from Kenya (*The Guardian*, February 19<sup>th</sup>, 2008). Dr

Chris Murungaru who was later sacked as a result of concerted pressure from foreign missions in Kenya - accused Britain of not only taking advantage of the then political environment to benefit from lopsided procurement procedures.

True to Dr Murungaru's words, five British firms lost business in the first two years of the NARC regime to firms from China, Japan, Spain, Russia and France. This was unlike president Moi's time, when British firms were the favourite contractors for the department of defence and often got lucrative contracts without competition. For instance, De La Rue, the security-printing firm from Britain which had printed Kenya's currency since independence without competition. The NARC government was giving indications that it was prepared to invite other bidders to bid (*People's Daily*, April 29, 2011). Mullin (2009), observes that Chinese goods previously shunned for being counterfeit were fast replacing Indian goods in downtown Nairobi. In 2006, 50 Chinese companies had invested in 96 projects valued at Ksh 4 billion, while at the Nairobi Trade Fair held in September 2006 Chinese companies comprised the majority of the exhibitors (Odhiambo, 2011).

According to the then Kenya's assistant minister for Foreign Affairs, Moses Wetangula Kenya had no intention of abandoning her traditional allies in favour of the newly-found China friendship. He argued that the relationship between Kenya and UK goes back to the days of Imperial British East African Company (IBEAC), the precursor to the British colonial rule and cannot be determined by one individual. "Everybody is dying to have Chinese economic cake, Kenya included. We are just adding on to the list of important partners and the move is not as a result of any gap in relations with the West". He continued, "we are just waking up to reality of

new momentum that China is the fastest growing economy in the world, and recently overtook US as the largest consumer of raw materials, thus Kenya cannot be left out of the opportunity. It would be a mistake for anybody to think that our relationship with the East is in place of the West, it is simply in addition” (Oluoch, 2006, p. 12).

Since the early years of independence, Kenya had not witnessed diplomatic circuit lively and full of public and private intrigue between the Western-bloc envoys and the Chinese diplomat officials as was witnessed in the period 2003-2007. The only difference was that the Western diplomats were playing catch up to their Chinese counterparts, investors, business leaders and even increasingly Chinese tourists (Elmi, 2012). China and to a lesser extent, India, were engaging in infrastructure, mining, service and technological contracts that at the height of the Western-bloc heyday would have been unthinkable. For most Western-bloc diplomats, investors and Bretton Woods financial giants, this was a major reversal of fortunes. In April 2006, President Hu Jintao visited Kenya, as part of a five-nation tour that took him to the United States, Saudi Arabia, Morocco, and Nigeria (Jones, 2011). This indicated the seriousness with which China was taking Kenya.

From Table 3.1 below, it can be observed that China’s contribution in aid to Kenya increased from 0.08 percent of total external assistance in 2002, to 13 percent in 2005. China rose from among the lowest contributors of development assistance to Kenya to become the largest bilateral donor in 2005, second overall to the European Union. As such, China had clearly become an important and popular player in Kenya.

**Table 3.1: Distribution of Aid Sources to Kenya showing China’s contribution between 2002-2005 (in million U.S dollars)**

<b>Sources</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>Multilateral</b>	181	229	266	242
<b>China</b>	0.20	6.5	7.1	56
<b>Other Bilateral</b>	272.8	300.5	342.9	379
<b>Total</b>	454	536	616	677
<b>China’s Share (%)</b>	0.08	2	2	13

Source: UNDP, Kenya Development Cooperation Report (Nairobi: UNDP, 2006)

While direct foreign investment from the West to Kenya was declining during President Kibaki’s era, Kenya’s fixation with the traditional European tourism market was affected. The UK and US issued travel advisories to its citizens over what they perceived as the existence of terrorism cells in Kenya. As this was happening a new route was being negotiated from Nairobi via Dubai to Guangzhou and not Beijing. This led to the drafting of the Kenya-China Tourism Protocol. The then Tourism minister Raphael Tuju flew to Beijing to sign the Protocol with his Chinese counterpart (Kenya’s Ministry of Tourism, February 5<sup>th</sup>, 2007). As a result, the Chinese came to Kenya in large numbers first as tourists, then later as investors, road builders, real estate developers and development partners. Besides negative travel advisories, the US excluded Kenya from the Millennium Challenge Account, which is rewarded to African countries that have made major leaps in the area of good governance.

With the NARC government in Kenya that had raised hopes for better governance, Kenya had anticipated to benefit from the account (Copson, 2007). China then came to her rescue from 2002 that saw trade between China and Kenya increasing by 46%, mainly due to Kenyan imports from China. This also raised exports to the East African region countries to about \$7.5 billion (Njeru, 2003). For instance, Kenya imported Ksh 13 billion (\$ 1.8 billion) worth of goods from China in the 2010, while Kenya exported Ksh 903 million (\$12 million) worth of goods, mainly black tea, coffee and leather goods (Samora, 2011). Regardless of this development, it has to be noted that the increased trade between China and Kenya stood in favour of China.

Chege (2008) argues that the attraction of Chinese development assistance lies in its bureaucratic simplicity, in comparison to the donor red tape that in part motivated by Paris Declaration toward high efficiency through improved coordination between donors. He further observes that Kenya's attraction to Chinese projects springs from China's habit of not asking questions about human rights and democracy in African states the reason for which China has been censured for its operations in Sudan and Zimbabwe. This observation was key to this study that attempted to find out what motivates Kenya towards China.

During president Kibaki's era, the Chinese managed to get major infrastructure projects, mining and resource concessions that would previously have been the preserve of Western companies (Kibirenge, 2012). For president Kibaki and his team, the Western-bloc public and private protestations were not only insincere, but borne out of a culture of entitlement that the Western contractors were used to in the past on account of Kenya being beholden to the Western countries. The Western-bloc argued that Kenya needed to evaluate its position more closely as

the Chinese and other Eastern suitors were pursuing their interests without due regard to the welfare of Kenya (Copson, 2007).

During his visit to China in August 2010, president Kibaki witnessed the signing of an agreement allowing Huawei Technology Company of Shenzhen to provide wireless communication link to all government divisional offices. This service was initially undertaken by UK companies (*China Daily*, September 21, 2010). The Chinese assistance in health, infrastructure, energy and education by then was more than Ksh 8 billion (\$109 million). Over 10 ministers in the Kibaki government visited China bringing with them tourism, ICT, economic and technical cooperation.

This was a clear departure from the former President Daniel arap Moi's approach who despite his poor record on human rights, retained close ties with the UK through lucrative contracts some of which date back to independence in 1963 when the former president Kenyatta was in power. This is mainly because, Kenya being a strong ally of the West during the entire Cold War period, ensured that China was locked out from any meaningful relationship with Kenya. The UK paid back by engaging in what they termed as "silent diplomacy", even at a time when other Western countries were pointing out human rights abuse and cutting bilateral aid to Kenya (Barkan, 1994).

In an interview with the director of Foreign Service (training and research) from the institute of diplomacy, S. Kiragu (personal communication, February 10, 2015). He pointed out that Kenya is China's gateway to the emerging markets of Somalia and Southern Sudan and other regional countries such as Uganda and Rwanda. He also pointed out how a Chinese company established

a \$3 million factory to produce concrete poles at a time when campaign against deforestation was threatening the timber industry. He also went ahead to say that besides establishing a China Trade Centre in the up-market outskirts of Nairobi, China continued to supply high-tech telecommunications equipment that were cheaper and of inferior quality compared to their Western competitors. His sentiments further explained the shift towards the East.

Under president Kibaki's watch, barriers to Sino-Kenya relations came down. One barrier was that there were only two major airlines, Ethiopian and South African, which had direct flights to Beijing from their respective capitals, Addis and Johannesburg. To overcome this problem the then Kenya's ambassador to China, Ambassador Dr. Wario negotiated a Bilateral Air Service Agreement which would allow Kenya Airways flights to China. Kenya Airways began flights to Hong Kong via Bangkok (Okulo, 2012).

Ties between China and Kenya did not stop only at business, from August 8<sup>th</sup> to 14<sup>th</sup> 2005; Kenya hosted a week-long Chinese Cultural Festival. The festival was held in Nairobi and the coastal city of Mombasa. The festival co-organized by the Chinese Embassy in Nairobi and the then Kenya's Ministry of Gender, Sports, Culture and Social Services, was part of celebrations to mark the 600th anniversary of legendary navigation led by Chinese mariner and explorer Zheng. The festival yielded positive developments and opportunities as Kenyan authorities approved the setting up of a Chinese radio station in Nairobi, the first Chinese broadcasting station to operate outside China.

The China-Kenya Investment Forum convened in March 2006, provided an entry point for Chinese investors to explore investment opportunities in Kenya and to meet potential Kenyan

partners. Another entry point for Kenya's foreign policy towards China was the Forum on China-Africa Cooperation (FOCAC), a platform established by China and African partners for collective consultation and dialogue as part of South-South Cooperation (Foreign Policy Framework, Ministry of Foreign Affairs, 2009).

Kenya's foreign policy goal with regard to China was to expand bilateral political and economic ties, especially in the fields of economic development, trade, health, tourism and infrastructure. According to Masta (2009), the volume of Kenya's bilateral trade with China reached a record high of \$480 million US dollars in 2005. China exports to Kenya amounted to US\$460 million compared to US\$20 million worth of imports from Kenya. The study found out that this challenges China's principle of mutual benefit as the trade heavily favoured China.

The Chinese choice of partners and its diplomatic philosophy, which preaches non-interference in other countries' internal affairs, was attractive to Kibaki's government, given that Western powers were disillusioned after the government failed to stick to its timetable of economic and political reforms (Kurlantzick, 2007). The reasons behind this can be seen in the trade trends, the rise in official development assistance, investment in the construction industry (particularly roads), and the prospecting for oil in northeast Kenya and at the coast. One major area of conflict between president Kibaki's government and the Western powers was the issue of corruption, in which they accused Kibaki's government of paying lip service to the war on graft. President Kibaki seemed bent on breaking what had been perceived by the previous government as Western condescending attitude and lectures on human rights and democracy.

### **3.5: Kenya-China Relation in Uhuru Kenyatta's Reign (2013-Present)**

The study did not focus much on president Uhuru because his first term is not yet over though he seems to have a vibrant foreign policy approach having made eighty seven trips in three years in office. Notwithstanding his personal predicament and of his deputy at the International Criminal Court when they took over office, President Kenyatta made clear his intentions to steer Kenya to greater heights at the global diplomatic arena. With a new government, there was an assumption that the government would continue with president Kibaki's 'Look East policy'. This perception arose from the strained relationship between Kenya and the Western countries over the International Criminal Court cases (Brown and Sriram, 2012).

Munene (2013) observes that during the inauguration of President Uhuru Kenyatta and his deputy William Ruto on 9<sup>th</sup> April 2013, China's flag was the only pennant of a foreign country outside Africa that occupied a flagstaff. Significantly, Beijing sent a high ranking special envoy to the ceremony while the Western nations were only represented by their ambassadors. Diplomatically this could be interpreted to show the seriousness China was taking Kenya. President Kenyatta made his first state visit outside Africa to China from August 19<sup>th</sup> to 23<sup>rd</sup> 2013. According to state house spokesman Manoah Esipisu, the trip was both official and working as the president had diplomatic and bilateral engagements with China's state officials and investors (Ongiri, 2013).

The Chinese Prime Minister Li Keqiang visited Kenya on May 10<sup>th</sup> 2014. President Uhuru Kenyatta and the Chinese Prime minister signed 17 agreements that were expected to unlock billions of shillings to boost Kenya's economy with railway, health, wildlife and security sectors getting a major boost. Key among them was the multi-billion Standard Gauge Railway (SGR),

which is expected to cost Ksh 327 billion for the Mombasa-Nairobi phase with China funding 85 per cent of the project. (*East African Standard*, May 12, 2014). The two leaders also agreed that a China-Africa Development Bank would be set up in Nairobi and Beijing would pump in about Ksh 170 billion. Another major project was the China-Africa Research Centre that was to be funded at a cost of Ksh 5.1 billion. On wildlife conservation, which has been in the spotlight following increased poaching partly blamed on growing demand for ivory and rhino horn in China, Mr Li announced a Ksh 860 million financial support for wildlife conservation in Kenya. Addressing the press at state house during Mr Li's visit, President Kenyatta stressed that the Kenyan government was keen on ensuring a steady relationship with China. This was a pointer to the kind of foreign policy the Kenyatta administration was likely to pursue.

The coming of President Obama to Kenya on 24<sup>th</sup> to 26<sup>th</sup> July 2015 brought a new twist to Kenya's foreign policy. It expressed the renewal of the relationship and direction of the Kenya-US partnership. This was an affirmation of the Jubilee government commitment to widen the network of trade and development partners around the globe. President Obama's visit came with a basket of goodies for Kenya. Key pledges the American president made during the visit was increased funding for the war against terror, a special fund for women and youth entrepreneurs as well as an extension of the US visa period from one to five years. The US government also pledged to pump in more money through the power Africa project, an initiative that seeks to connect more households with electricity. On the anti-poaching campaign, president Obama said his government had prohibited the sale of ivory in the US. President Obama also reiterated the commitment of his country to help President Kenyatta deal with corruption in government, offering technical support towards the same (*Daily Nation*, Nairobi, July 26<sup>th</sup>, 2015, pp. 4-5).

The visit to Kenya by Chinese Prime Minister Li Keqiang on May 10<sup>th</sup> 2014 and president Obama's visit from 24<sup>th</sup> July 2015 shows a 'colder' cold war between USA and China. The war is not ideological as it were between capitalists and communists but they are fighting over developing countries. Notwithstanding Kenya's hitherto traditional pro-western foreign policy posture, President Uhuru Kenyatta leaves few doubts that Kenya seeks a drastic and dramatic new foreign policy engagement with its traditional allies. President Uhuru Kenyatta has been sending a clear and unambiguous message; that the Jubilee Coalition leadership is intent on pursuing a more forceful and driven foreign policy having made eighty seven foreign trips in his three years in office.

### **3.5 Conclusion**

It was the objective of this chapter to analyse China-Kenya relations since independence with an aim of finding out what has defined this relation. The study used the individual level of analysis to analyse China- Kenya relation. Thus the chapter was divided into historical periods, namely Jomo Kenyatta 1963-1978, Daniel Arap Moi 1978-2002, Mwai Kibaki 2002-2012, and Uhuru Kenyatta (2012-present). The chapter has demonstrated that the presidents being the chief foreign policy shapers reacted differently to international geo-political situations based on their personalities and abilities.

The study found out that in the period 1963-1978, during the late Jomo Kenyatta's era the relations between China-Kenya was defined by the Cold War which was the prevailing global political trend at that time. This was seen from the epic struggle between the two factions in KANU, the radical left wing who favoured closer ties with the Eastern block the Soviet Union

and China. The right wing was determined to increase cooperation between Kenya, the United States, Britain, and Western Europe.

In the period 1978-2002, during President Moi's era, the relation between China-Kenya was defined by personal interest and the prevailing global political trends which was the collapse of Communism. The Chinese choice of partners and its diplomatic philosophy, which preaches non-interference in other countries' internal affairs, was very attractive to the Kibaki's government, given that Western powers had become disillusioned after the government failed to stick to its timetable of economic and political reforms that came during the post Cold War period.

The study did not focus much on president Uhuru Kenyatta since his first term is not yet over thus not much can be said on his approach to foreign policy trend. However, the visit to Kenya by Chinese Prime Minister Li Keqiang on May 10<sup>th</sup> 2014 and president Obama's visit from 24<sup>th</sup> July 2015 shows a 'colder' Cold War between USA and China. Although the war is not ideological as it were between capitalists and communist, it seems that they are fighting over developing countries.

The chapter concludes that China-Kenya relations since independence has been defined by personalities of the presidents, personal interest and prevailing global political trends such as the Cold War and post-Cold War world order. Each president faced different challenges, including their personal input in actual conduct of foreign relations. In the next chapter, the study will solely focus on Kenya's foreign aid, looking at the historical developments so as to highlight continuities and discontinuities which helped expose the trend.

## **CHAPTER FOUR**

### **4.0 Trends in Kenya's Foreign Aid Relations from 1963-2012**

#### **4.1 Introduction**

Chapter three analysed China-Kenya relations since independence based on the eras of different presidents. The chapter established that China-Kenya relations since independence has been defined by personalities of the presidents, personal interest and prevailing global political trends like the Cold War and post Cold War period. This chapter focuses on Kenya's foreign aid trends, looking at the historical developments so as to highlight continuities and discontinuities which helped expose the trend. The chapter is divided into two themes: historical overview of foreign aid and Kenya's foreign aid relations from independence to 2012 focusing on the main sectors of the economy; education, health, infrastructure and agriculture.

#### **4.2 Historical Overview of Foreign Aid**

Since 1945, the role of foreign aid has been significant in international relations. Following the end of the Second World War, the World Bank and the International Monetary Fund were set up by major world powers to assist European countries dealing with severe developmental problems. On the other hand the World Bank comprises the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA) which gives interest free loans with a maturity of 35- 40 years to the world's poorest countries.

About 50 per cent of these loans are given to African nations (Burton, Nesiba, & Brown, 2010). The IMF's purpose is to promote international monetary co-operation and to facilitate the growth of international trade. It does this by assisting its members experiencing balance of payment difficulties to shorten the duration and lessen the degree of disequilibrium in the international

balance of payments of members (Alden, 2005). Therefore, apart from providing policy advice and capacity building, the World Bank and the International Monetary Fund are major donors to Africa.

The late 1950s and early 1960s saw most African countries gain their independence from colonial masters (Glennie, 2008). A major goal of most of the African countries then was to increase literacy levels, decrease poverty levels and improve economic growth. African countries were extremely low on capital to undertake these programs hence they resorted to foreign aid. In 1964, the African Development Bank (ADB) was founded with support from the World Bank (WB) and the International Monetary Fund (IMF). During the Cold War, both the US and USSR tried to counter and contain the spread of ideologies held by the other. Foreign aid was used by the two as a way of deterring each other from getting support of other nations.

Following World War II, almost a third of the world's land came under Russian control. In 1947, US President Harry Truman, speaking of communist pressure, said that '[he] believed that it must be the policy of the US to support free people who are resisting outside pressures. The free people of the world look to us for support in maintaining their freedom' (Kiruthu, Kapiyo & Kimori, 2011, p. 75). Two months later, the US congress voted 400 million US dollars to assist Greece and Turkey. The USA went further and introduced a large scale programme called the Marshall Plan to assist countries devastated by the war. Russia and her satellites rejected the offer and set up the Council for Mutual Economic Assistance (Comecon) which was equivalent of the Marshall Plan. However Comecon could not match the Marshall Plan as the Russian economy was weak (Carmody, 2011). Most countries that received foreign aid at that time were

considered allies to the super powers. The highest point of ODA to Africa was during the Cold War period when Africa replaced South and Central Asia moving from receiving around 12 per cent of global aid in 1960 to around 35 per cent by 1980.

However, with the collapse of communist rule in Europe in 1989/1990, aid programs lost their Cold war underpinnings. The first major pledging of the new aid era was during the development conference in Monterrey in 2002. President George W. Bush promised a 50 % increase in aid to Africa by the U.S development assistance by 2007. Between 2001 and 2006, the Bush administration quadrupled aid to Africa from \$ 1.4 billion to \$ 5.6 billion a year. The U.S again increased its ODA to Africa by 4.4 % in 2007 (Glennie, 2008). Apart from supporting programs geared towards promotion of democracy and free markets, the US, through the USAID has supported HIV/AIDS programs in most African countries such as Ethiopia, Kenya, Nigeria and South Africa (Rogers & Stern, 2002). On the other hand, in October 2007, Alistair Darling, the UK chancellor recommitted his government to doubling aid to Africa (Glennie, 2008). The EU as a main donor, agreed to double aid to Africa by 2010 even as Japan appeared the only major donor lowering its aid, as Korea (a new OECD member) pledged to raise aid to 0.1 % of GNI, around \$ 1 billion by 2010. Consequently, the African Development Bank was the main beneficiary of aid increases having donors pledging to raise their contributions by over 50 % between 2008 and 2010.

According to Edinger and Naidu (2008) in the last two decades, China has increased its assistance to African countries. Since the mid -1990s, China has used foreign aid to achieve

broader strategic objectives, including strengthening links with resource rich African economies. Hence the biggest beneficiaries are Angola, Nigeria, Sudan, and Zimbabwe which account for over 80 % of the total Chinese aid to the region. China's interest in Africa has been regarded as unclear as it prefers to keep the deals secret and does not share OECD's strict insistence on separating aid from other flows (CRS, 2009). In 2008, China's President Hu Jintao, at a summit with African leaders, outlined the eight point plans explained in chapter two that stated China's intention to Africa, a cancellation of debts of these developing countries and a pledge to double aid to Africa by 2009. Under these principles, China and Africa established a new kind of equality and mutual support relationship unprecedented in the history of international relations (Rotberg, 2008). China also stated it would provide \$ 20 billion to Africa in a bid to finance trade and infrastructure (Mawdsley and McCann, 2011).

As such, China has implemented a strategy similar to that propagated by development theorists in the 1950s. These strategies included those that focused on letting the recipient state take the lead in distributing aid while also placing a heavy emphasis on capital infusion in large-scale projects (Brautigam, 2009). Equally important is the fact that China's delivery of aid is more direct and is the reason why countries such as Kenya are attracted to her. China has bare-bones bureaucratic simplicity, in comparison to the donor red tape that is in part motivated by the Paris Declaration toward higher efficiency through improved coordination between donors (Chege, 2008). China itself has promoted the idea that its development is more responsive to recipient countries' immediate needs. The Chinese ambassador to Kenya noted that the Chinese projects effectively improve the standard of living of the people of Kenya and the region (Chinese

Embassy in Kenya, 2012, online). This was restated in official policy documents provided by the Chinese Embassy in Ottawa.

During the period when aid has risen over time as a percent of income in Africa, Africa's growth rate has concurrently fallen. One wonders why this paradox. Thirlwall (1997) attempted to explain this through the 'aid quantity argument.' He argues that it is unfair and misleading to cite aid amounts in aggregate terms. He points out that while aggregating decades of aid provided to Africa may make that amount of aid sound significant, the average "receipts" per African per week or day are negligible. For example, a claim that Africa has received \$500 billion in aid over a fifty year period averages to only about ten dollars per person per year or twenty cents per person per week.

With proponents of aid even pushing harder for more aid to Africa, it is expected that this may happen. Despite this call for more aid, Meredith (2005) argues that the culture of aid has left Africa more debt-laden, more vulnerable, inflation prone to the vagaries of the currency market and more unattractive to investment of higher quality. While it might be true that aid has increased the risk of civil conflict and unrest in sub-Saharan Africa and distorted leadership in Africa, two arguments have been put forth to justify more foreign aid to Africa. The first argument seeks to establish the essential rightness of foreign aid and the West's moral obligation to provide it. Helping Africa through foreign aid is not only charitable but morally correct, and repairs the conditions of injustice and inequality that permeate the international political economy (Corkin, 2011). The second argument is that Aid provides governments with a resource

for making the multiple investments in health, education and economic infrastructure needed to break cycles of deprivation (Carkovic & Levine, 2005).

The study found out that despite the negative aspect, in cases where aid money is channeled to development based projects, such as investment in new technologies, improvement of health sectors, building of roads and improving the agricultural sector, aid has been a big contributor to economic growth and development in Africa. The study agrees with the two arguments that justify the need for more aid to Africa arguing that there is a clear moral urgency for humanitarian and charity based aid to assist when disaster strikes.

#### **4.3 Kenya's Foreign Aid Relations from Independence to 2012**

Flint (1965) argues that despite Kenya attaining independence from Great Britain in 1963, it has been struggling economically for self-sustenance. Kenya is not dependent on aid for purposes of a functioning economy; it does however need donor funds to help bolster development spending. Kenya is ranked 4<sup>th</sup> in the top 10 category list of countries receiving the most aid in Africa. Kenya is also ranked amongst the 47 countries in sub-Saharan Africa which are developing and amongst the world's 43 low income economies (Data Worldbank.org, 2012). Iiorah (2008) argues that the endemic nature of Africa's dependency on foreign aid supports the view that the continent is incapable of an existence free from aid. Kenya is amongst Africa's rapidly developing countries after Nigeria and South Africa with a 'huge appetite' for foreign aid. Much of the foreign aid received in Kenya is mainly geared towards education, health, and economic infrastructure. Kenya has seen substantial foreign investment and significant amounts of

development Aid from Russia, China and others from the high developed countries of the United States, Britain, France, and the Scandinavian countries (Oya and Nicolas, 2010).

Kenya receives different types of foreign aid but for purposes of this study only three main types of aid were identified. They include bilateral aid from one donor country to Kenya; multilateral aid where a group of countries working together give aid to the country and voluntary aid given by charities and voluntary organizations. The high inflows of money during Kenya's post-independence era made the country highly dependent on foreign aid, averaged at US\$205 million annually in 1970s to slightly over US\$1 billion annually in the 1990s (Holthan & Hazelwood, 1976).

Kenya has undertaken various economic reforms to comply with donor conditions and wishes. However, whether these reforms have in a way helped to alleviate poverty and enhance economic development and growth is still not very clear. Although Kenya has not been described as a fragile state by the World Bank, the country exhibits some fragile characteristics such as high levels of poverty, regional disparities, corruption as well as high youth unemployment, which, if not effectively addressed, might pose threats to the country's overall stability. Other factors of fragility include terrorist activities and ethnic tensions compounded with post-colonial land allocation that left certain communities feeling dispossessed and created long standing sources of unrest (African Development Bank Group: Kenya Country Strategy Paper, 2014 - 2018).

Table 4.3.1 below provides a brief overview of international aid to Kenya from 1980 to 2006. It gives a feel of the magnitude and significance of aid to the country by comparing it to global

trends. It looks at trends in international aid to Kenya since the 1980s, because this is the period when the country experienced relatively unpredictable flows of international aid compared to earlier years. It goes up to 2006 because after the slackening of donor support in the 1990s, there has been an increased aid flow since 2002 after the change of governments. The increase in foreign aid reflected renewed donor confidence in the new government's resolve for proper management of the economy and situating adequate government measures against graft and corruption.

**Table 4.3.1: Evolution and pattern of total aid to Kenya (1980-2006)**

Year	ODA at 2006 price US\$ million	ODA at current prices, US\$ million	Kenya's share of developing countries ODA percentage	Kenya's share of Africa's ODA percentage	ODA as share of GNI percentage	Bilateral as share of total ODA percentage	Budget as share of total ODA percentage
1980	836.72	393.44	1.2	3.8	5.84	70.1	4.1
1981	1015.62	446.48	1.4	4.3	7.85	80.0	0.0
1982	1115.87	481.59	1.6	4.6	9.00	70.1	17.4
1983	915.24	396.1	1.4	4.0	7.40	85.8	11.1
1984	988.02	402.93	1.3	3.7	7.38	81.0	4.7
1985	1016.97	426.66	1.3	3.5	7.16	82.0	12.2
1986	880.38	442.96	1.2	3.3	6.27	87.9	6.4
1987	926.21	557.18	1.3	3.6	7.29	80.5	4.1
1988	1263.78	832.03	1.9	4.9	10.69	73.0	14.9
1989	1623.18	1059.69	2.3	5.9	13.92	58.2	7.9
1990	1608.11	1181.29	2.1	4.7	15.35	62.6	3.2
1991	1168.68	916.46	1.5	3.7	12.33	65.8	9.0
1992	1083.52	883.02	1.5	3.6	12.67	57.7	3.3
1993	1132.17	906.02	1.6	4.3	19.97	45.3	0.0
1994	811.47	675.32	1.1	2.9	8.02	57.9	0.0
1995	766.48	731.36	1.2	3.4	9.18	61.1	4.3
1996	675.28	594.68	1.1	3.0	6.39	57.8	21.9
1997	555.74	447.78	0.9	2.5	4.60	67.1	0.0
1998	522.9	414.74	0.8	2.3	3.77	66.3	0.0
1999	379.76	309.85	0.6	1.9	2.52	82.3	0.0
2000	659.5	509.94	1.0	3.3	4.16	57.8	22.2
2001	642.17	461.55	0.9	2.8	3.59	58.6	0.0

2002	508.2	391.04	0.6	1.8	2.94	75.3	0.0
2003	603.46	521.45	0.7	1.9	3.51	62.2	0.7
2004	682.12	654.42	0.8	2.2	3.97	71.6	10.9
2005	785.98	767.98	0.7	2.2	3.86	68.1	0.0
2006	943.4	943.4	0.9	2.2	4.00	82.4	0.0

Source: OECD-DAC database; IMF, International Financial Statistics

According to OECD-DAC statistics, while Kenya experienced a dramatic build-up in nominal aid flows in the 1980s, there was a slackening of donor support in the 1990s. Nominal aid flows increased from US\$ 393.4 million in 1980 to an average peak of US\$ 1120.5 million in 1989-90, before declining to a low of US\$ 308.85 million in 1999. According to O'Brien and Ryan (2001), Kenya was a logical candidate to receive such large inflows in the 1970s and 1980s, before their subsequent decline for the following reason. The primary motivations for providing aid at that time were developmental so as to promote economic growth and poverty alleviation in poor countries; commercial to cement commercial and financial relations with the aid recipient, open markets and ensure opportunities for investors, contractors, and suppliers from the aid-giving countries; and political to maintain the allegiance of governments that were politically aligned with the donor, especially prominent feature of aid during the Cold War period.

Throughout the Cold War years, Kenya consistently aligned itself with the West both economically and politically. However, the end of Cold War, which eliminated the geo-political motivation for foreign aid, coincided with a weakening of economic reform efforts. There was, as well, a hardening of political lines within the country just as donors were adding good governance and democratization to their criteria for judging the worthiness of aid recipients (McCormick, 2007). Since 1993, however, net Official Development Assistance (ODA) to

Kenya started declining dramatically, with two major episodes of “aid freeze” and donor withdrawals as the government reneged on its commitments to donors (Mule, 2002). The drop in aid in the 1990s reflected Kenya’s own falling out with donors over the implementation of Structural Adjustment Programmes (SAPs) and the general decline in aid following the end of the Cold War.

After 2002, the aid situation in Kenya started to improve, with a gradual increase in net ODA. Increased aid flows since 2002 were as a result of increased government borrowing to finance development projects on infrastructure as well as increased inflows of grants to support government efforts in social sectors and humanitarian responses to droughts following successful Consultative Group (CG) meetings in 2003 and 2005 (UNDP, 2006). The increase in foreign aid therefore reflected renewed donor confidence in the new government’s resolve for proper management of the economy and situating adequate government measures against graft and corruption. In real terms, net ODA to Kenya accounted for US \$943 million in 2006, ranking 23<sup>rd</sup> among 150 aid recipient developing countries (UNDP, 2006).

#### **4.4 Foreign Aid in the main Sectors of the Kenyan Economy since Independence**

Under this section, the study focused on education, health, infrastructure and agricultural sectors. This is significant to this chapter which sought to bring out the trend in Kenya’s foreign aid as different donors both from the West and the East have funded these major sectors of the economy.

#### **4.4.1 Education Sector**

After independence, the new government was committed to improving education in Kenya. This was not the case, as the government lacked capacity to establish more schools, especially after the 1975 oil crisis and 1980s recession (Glennie, 2008). The foreign aid that came in was focused on skill development evidenced by an increase in university enrollment from 2000 in 1970 through to 40,000 in 1989. In contrast, more than 200,000 primary teachers remained untrained while the pupil to school ratio was increasing (Eshiwani, 1993). The main educational donors at this time were UNESCO, the UNICEF, and the World Bank.

The three organizations placed an emphasis on basic education unlike the policy in Kenya (World Bank Report). The Kenyan government was slow in responding to this help as it concentrated on development of Harambee Schools. There was a return to community based development where parents were to cater for tuition fees, teaching materials and also cover the costs for building materials. The rising costs and reluctance of the government to accept donor assistance led to a decline in school enrollment in the eighties and early nineties.

In 2002, the NARC government was keen to improve the level of education in Kenya thus the Kenya Education Sector Program was formed as a new way to channel donor funds to education. In fact, for more than four decades Free Primary Education had been elusive and its attainment in 2002 was a stern show of intent by the new government. The NARC government slowly gained support from donors and this became evident of the increased interest by the international community to contribute to educational reforms and expansion.

In 2004, senior education officers attended several training sessions organized by the World Bank and the outcome of this training was Kenya Education Sector Support Program (KESSP). KESSP is an education development tool with an emphasis on primary education though it also covers other sectors apart from primary education. Roughly ten percent of its budget comes from foreign donors. The major donor to this program has been the Department for International Development (DFID).

In the year 2005, the Kenyan government signed a joint financing agreement with DFID and the World Bank. Proceeds from this agreement and UNICEF are added to the KESSP pool. KESSP mandate is to produce occasional and satisfactory financial reports to the foreign donors (Somerset, 2009). However; most foreign donors wanted the ministry of education to report aid expenditure on their terms and not that of the government of Kenya. In some cases, the World Bank takes too long to sign reports prepared by the Ministry of Education for the donors.

This causes delay in the disbursement of funds by the donors, which in turn hampers the education system in Kenya. However, still with allegations of corruption, the FPE fund has suffered major setbacks in the recent years, with some donors even threatening to pull out. But despite all these, one can argue that donor aid especially from the West has been largely responsible for the swift development of the education system in Kenya since President Kibaki took power.

#### **4.4.2 Health Sector**

After independence, the country was keen to produce a healthy working nation. Jomo Kenyatta's government embarked on developing programs aimed at improving the health sector. However, the development of the health sector in the country together with the provision of medical care to its citizens required funds. Bilateral donors such as Britain and the U.S played a major role in the funding of the health sector in the young nation. With health policies such as the National Health Insurance Fund (NHIF), the government showed its commitment to the donor community towards having a healthy nation. The donors therefore, financed most of the developments in the health sectors by building health facilities and providing medicine (African development bank group, 2014).

Foreign aid takes a substantial share in the funding of the health sector. On average, the donor funding to the health sector is 10% of the total funding (Mwega, 2009). The donor funding is in both the public and the private health sector. Donor aid is responsible for the development of health facilities, prevention, education, and cure. In the 1980s, the support from donors continued to increase because of the challenges in the health sector and the awareness of the global community to these challenges. The aid increased with a high factor compared to the increase factor of the other aid in the country. The increase in aid during this time was due to the emergence of HIV/AIDS. Consequently, over time, the HIV/AIDS prevalence rate increased and the aid to Kenya's health sector consequently increased. Other challenges that led to increased aid during this time were the malaria challenge, polio challenge and influenza which claimed many lives in the 1980s and the 1990s.

Kenya ranks high on the countries receiving the largest amount of aid in the health sector. In 1996, Kenya ranked 11<sup>th</sup>, between 1999 and 2001, it ranked 6<sup>th</sup> and 9<sup>th</sup> between 2002 and 2004 (Carllson, Jerker, Somolekae & Van de Walle, 1997). Moreover, in the Kibaki era, between the year 2004 to 2005, Kenya received the highest foreign aid in the health sector. The streamlining of the governance in the new regime and the promise to end corruption attracted the donor community to the country, which consequently increased donor funding to the health sector. During this time, the number of donors to the country also increased significantly, reaching a record of 18 donors in the year 2004 and the year 2005 (Bliss, 2014). It emerges that foreign aid takes a substantial share in the funding of the health sector. Most of the donors in the health sector are countries from the West. These include WFP, UNICEF, France, World Bank, DFID and USG. Countries from the East haven't invested much in the health sector.

#### **4.4.3 Infrastructural Development in Kenya**

The government of Kenya has been committed to funding infrastructural development projects. The recurrent expenditure on infrastructure has risen from 32 billion in 2008 to 40 billion in 2011. Expenditure on the road network constitutes more than 50% of the public expenditure on infrastructure. The budgeted amount on expenditure has also increased from 52 billion in 2007 to a record high 109 billion in 2011 (World Bank, 2008). All this has been possible with the help of external donors. Foreign aid is responsible for the existence of several major projects in Kenya. Perhaps the biggest role of the donor market has been in the construction of Thika Road Project funded by the Chinese government.

Commissioned in December 2009 by the former President Mwai Kibaki, the Kshs. 32 billion project revolutionized the way road projects in Kenya are done. The Kenyan government only contributed 8 Billion of the total expenditure (Ndung'u, 2003). The Japanese Government also funded the expansion of the Port of Mombasa and development of surrounding areas to the tune of Kshs. 29 billion. Though funding has been for the improvement of the road network, there is also the Nyeri Town Water Supply System funded by several development agencies in Germany. This was a commercialization project where the funders have some autonomy in the decision making process concerning the projects. As a result, water supply and sanitation in the town massively improved. The Nairobi Water Supply Project could not have been possible without the help of donors such as the World Bank and the African Development Bank (World Bank, 2008). The aim of the project was to increase water supply to Nairobi from 192,000 meters cubed to 492,000 meters cubed by the year 2002 (United Nations, 2007).

In Kenya's 2011/2012 budget, China was the largest source of funds to construct roads, rail and other general infrastructure upgrades in Kenya, surpassing all DAC states as illustrated in Table 4.4.3.1 below.

**Table 4.4.3.1 Government of Kenya 2011/2012 estimates of development expenditure**

<b>Assistance category</b>	<b>Project</b>	<b>Amount</b>
Grants and Loan	<ul style="list-style-type: none"> <li>• Gambogi –Serem road</li> </ul>	\$4,836,993 M
	<ul style="list-style-type: none"> <li>• Kenya power and distribution system and modernization project</li> </ul>	\$49,579,183M
	<ul style="list-style-type: none"> <li>• Kenya E-government</li> </ul>	\$1,408,720M
	<ul style="list-style-type: none"> <li>• Nairobi Eastern and Northern bypass project</li> </ul>	\$26,602,435M
	<ul style="list-style-type: none"> <li>• Nairobi Thika Highway improvement project</li> </ul>	\$48,367,689M
	<ul style="list-style-type: none"> <li>• Drilling of Olkaria Geothermal wells</li> </ul>	\$38,694,151M
	<ul style="list-style-type: none"> <li>• University and Technical training institution</li> </ul>	\$29,867,00M
	<ul style="list-style-type: none"> <li>• Enterprise messaging and collaboration system</li> </ul>	\$46,916,586M
		TOTAL=\$246,269,985M

**Source:** Data Government of Kenya 2011/2012 estimates of development expenditure Kenya, 2011

In retaliation, China has provided more than \$250 million to build and rehabilitate more than 900 Km of roads in Kenya since 2006 (Fiott, 2010). For this reason, both the Kenyan and Chinese government have stressed that the projects should be considered to be 'win-win'. The Kenyan president, while visiting China in 2010, proclaimed that China is "a critical ally in Kenya's economic revival that has led to major infrastructural development in the country" (China Daily,

2010, online). Kenya's former Prime Minister, Raila Odinga, also reiterated this shift by stating, "Kenya and China have graduated into all-weather and all-time friends" (Chinese embassy in Kenya, 2012a, online).

**Table 4.4.3.2: Rehabilitation of roads by Chinese firms 2004-2009**

Name of project	Contractor	Contract sum (USD)	Length (KM)	Duration (months)
Nairobi Roads	China Shengli	32,547,430	53.85	18
Maji ya chumvi-Miritini	China Road	27,883,829	35	18
Lanet-Njoro turn off	China Road	32,956,667	32	24
Njoro turn off-Timboroa	China Road	53,038,158	84	30

**Source:** Kenya (2008) annex 2; author's calculations

**Table 4.4.3.3: Road construction by Chinese firms 2004-2009**

Name of project	Contractor	Contract sum (USD)	Length (KM)	Duration (months)
Dundori-Olkalau	China Wu Yi	42,172,473	100.3	24
Wote-Makindu	China Road	22,246,683	66	24
Isiolo-Merille	China Wu Yi	58,988,617	136	30
Emali-Loitiktok	Synohydro	51,254,672	100	30
Kipsagak-Serem	China Wu Yi	16,515,426	53.5	26

**Source:** Kenya (2008) annex 3; author's calculations

China has been cited by the Kenyan government as the natural partner to develop the port in Lamu, on the Indian Ocean. The port is estimated to cost \$4 billion, which cash-strapped Kenya does not have. In 2009, Kenya turned to China, after a deal with Qatar that had asked Qatar to

finance the new port in exchange for 40,000 hectares of agricultural land failed to materialise. In fact, when Kenya turned to China the former Prime Minister, Raila Odinga, declared, in an interview with the *Financial Times*, that "the Chinese offer the full package" meaning that China would also provide financing, the technical assistance, and the construction companies to see through the project (Jopson, 2009). The construction of the new port in Lamu is one part of a \$24 billion infrastructure project that included oil pipelines, railroads, and highways connecting to Ethiopia and South Sudan. Undoubtedly, Kenya has pointed to various projects undertaken due to Chinese loans and grants, though questions have been raised about the true implications of China's aid in the infrastructure sector.

#### **4.4.4 Agriculture**

Agriculture is Kenya's largest source of employment and income since majority of Kenyans depend on agriculture for their livelihood. It is responsible for 26% of Kenya's GDP, second after the service sector (Kenya, 2010). More than 70% of the labour force is employed in the agricultural sector which produces 23% of value added, and 8% of merchandise exports. It also provides raw materials for Kenya's agro-industries, which account for 70% of its industrial production (Legovini, 2002). Half of the sector's output remains subsistence production. However, due to Kenya's heavy reliance on the agricultural sector, and especially on rain-fed agriculture, it is left vulnerable to cycles of boom and bust (US, 2007).

Agriculture is critical for the economic development and poverty reduction of a country. In Kenya, it contributes to about 25 to 30 per cent of the GDP of the country as the rural areas depend upon agriculture for their livelihood (Agricultural Sector Development Strategy 2009-

2020). Agriculture is essential by providing food to the expanding population, providing employment, improving the welfare of rural people, increase of rural income, foreign earnings for imports of capital goods through the increase in agricultural exports and increase of agricultural products.

The expansion of the agricultural output and productivity tends to raise demand for manufactured goods, extend the market and the expansion of the industrial sector. 80 per cent of Kenya is arid and semi- arid, thus suitable agriculture can only be achieved through irrigation. This therefore factors in the financial aspect where the government is compelled to seek donor support. Over the years, various donors have given aid to the government of Kenya, for instance Kenya received 80 billion in 2008 when it was in dire need for food (Agricultural Sector Development Strategy 2009-2020).

Food and Agricultural Organization (FAO) donated Kshs 2.4 billion for the purchase of fertilizers, new seeds, livestock feed and vaccine. This is to name a few of projects that donors have supported. World Food Programme has also been influential in funding food to schools through the school feeding program to ensure children in drought struck areas especially in Northern parts of Kenya go to school. The role of foreign aid has also assisted in irrigation programs and the construction of dams in parts of Ukambani and Turkana regions.

Consequently, the agricultural sector has contributed to the economic growth of the country. In 2006, the GDP expanded by 6.1% compared to 5.7% in 2005 despite the drought experienced during this time. These tremendous results are credited to the agriculture and infrastructure

sectors. Coffee production in Kenya also recorded a significant increase of 6.9% to stand at 48.3 thousand tons from 45.2 thousand tons in 2005. In addition, maize production also grew from 32.2 million bags in 2005 to 36.1 million bags in 2006 (Kenya Economic Survey, 2007).

Donors particularly the World Bank, European Union and USAID have been involved in policy dialogue with the Kenyan government. The Bura Irrigation and Settlement Scheme (BISS) were funded by the European Development Bank and the World Bank. Japan, Holland, Finland, and Britain also provided soft loans and grants to ensure the project was a success. The total cost to complete BISS took a staggering 800 Million, almost a whole year's Kenyan Budget (Ryan, 2001). To date, the project remains one of the most capital-intensive projects in the world.

The Tana River Development Project was completed with donor funds especially from the Japanese government. The Japanese devoted 6,120 Billion Japanese Yens to the Tana River project and other projects in Kenya (Ecosystems Limited, 2008). Kenya and China signed a MOU in 2011 to increase cooperation in the agricultural sector through an initiative to increase Kenyan capacity while they also agreed to "collaboration as agricultural mechanization, waste water management, agro-processing and machinery and collaboration with Kenya Agricultural Research Institute in water harvesting and remote sensing" (Ministry of Commerce of China, 2011, online).

Kenya has received increased technical assistance and training in the agriculture sector from China. For instance, one form of assistance publicized was an exchange between Lanzhou University and various agricultural departments and agencies within Kenya. This exchange was

meant to assist Kenya improve its capacity in dealing with water conservation and research into water conservation (Ministry of Commerce of China, 2011). The tours by members of the university included the training of Kenyans in coping with drought conditions that afflicted the country in 2011. Moreover, the Chinese university delegation delivered free equipment and other technologies to be utilized in Kenya (Ministry of Commerce of China, 2011). Donors particularly the World Bank, European Union, USAID, Japan, Holland, Finland, and Britain have played a major role in funding the agricultural sector.

From the above analysis of foreign aid in the main sectors of the economy namely education, health, infrastructure and agriculture, the study found out that China has increased technical assistance and training in the agriculture sector in recent years but its presence in the agricultural sector has not been felt much as compared to the infrastructural sector. China has funded major and more infrastructural developments in Kenya as compared to the Western countries. According to McCormick (2007), China's aid is geared towards the improvement of infrastructure while Western aid focuses more on matters of governance and social development.

Table 4.4.5 below illustrates the loans and grants initially received from China after Kenya gained independence. Notably China adhered to Western development assistance theories dominant during this period. This advocated for massive capital infusion into developing countries to propel their development.

**Table 4.4.5 Loans and grants received from China in 1964**

<b>Year</b>	<b>Type of Assistance</b>	<b>Amount</b>	<b>Source</b>
May 1964	Grant: 200 bed hospital, technical school for 1000 students, credit financing of food processing and a radio station	\$2.8 M	Heri (1966), Copper (1975)
May 1964	Loan: 5 year repayment schedule to be used to pay for Chinese technicians	\$25M	Colley (1965)
June 1964	Loan: to build sugar and textile factories	\$70M	Masta (2009)

Source: (Poole, 1966).

Kenya relied on Western development partners commonly referred to as the OECD-DAC especially during the Cold War period where Kenya received large inflows (Berthelemy & Tichit, 2004). With the end of the Cold War period, there was a hardening of political lines within the country as donors were adding good governance and democratization to their criteria for judging the worthiness of aid recipients. Based on Kenya's poor human rights record donors started freezing aid to Kenya in the 1990s (Mc Cormick, 2007). President Moi started courting non-traditional Western benefactors especially China, the world's second biggest economy, which was aggressively expanding its interests across Africa (Branch, 2011).

China's ascendancy as a global economic power has seen it increase its presence in Kenya through foreign aid, trade and Foreign Direct Investment (Brautigam, 2011). Trade between the two countries has grown exponentially over the last decade and Chinese companies have an ever-expanding presence in the country. The FDI component has grown and an increasing number of Chinese multinational companies have started to locate 'branch' plants in Kenya (Gachenge, 2011). Indeed, Chinese construction firms are dominating when it comes to large (with a longer

period) construction projects in the country. The development assistance provided by China is mainly delivered through concessionary loans and grants (Larkin, 1971).

When the NARC government took over power in 2002, loans and grants from China became significant in size. China's share in total aid exceeded 1 % as illustrated in (Table 4.4.6) below.

**Table 4.4.6 Sources of Kenya's development aid, 2000-2005**

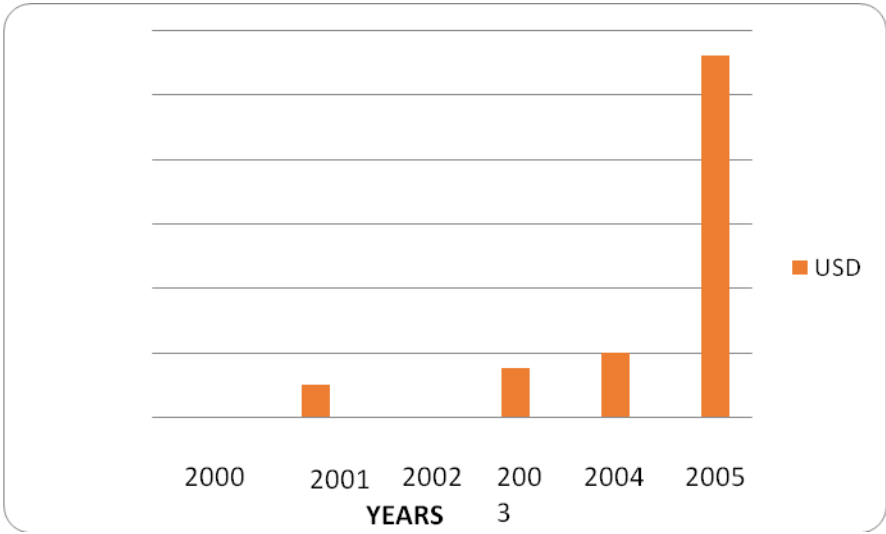
Sources	2002	2003	2004	2005
Multilateral	181	229	266	242
China	0.20	6.5	7.1	56
Other bilateral	272.8	300.5	342.9	379
Total	454	536	616	677
China share (%)	0.08	2	2	13

Source: UNDP, Kenya Development Cooperation Report (Nairobi: UNDP, 2006)

Since then, China appears in Kenyan national statistics among bilateral donors whereas before then, it was classified in the category of 'other donors' (Onjala, 2008). As a ratio of total loans and grants in Kenya, China accounted for 2 % of the total in 2003, 2% in 2004, and with the share increasing to 13% by 2005 (UNDP, 2006). Hence, China has risen from among the lowest contributors of development assistance in Kenya to become one of the largest by 2005, second only to the European Union (Masta, 2009). It's important to note that Aid disbursed to Kenya by different donors varies greatly from year to year, depending on the country's institutional capacity to absorb funds and delays in project preparation and tendering (Chege, 2008).

In 2006, China promised to increase this component of its development approach (Onjala, 2008). Within two years of agreement signed, China became one of Kenya's largest sources development aid. China's aid to Kenya has become a strong component of the foreign development assistance received in Kenya (Onjala, 2008) although figures from 2006-2010 have been hard to verify due to the lack of reporting. Figure 4.4.7 shows China's growing development assistance since 2002.

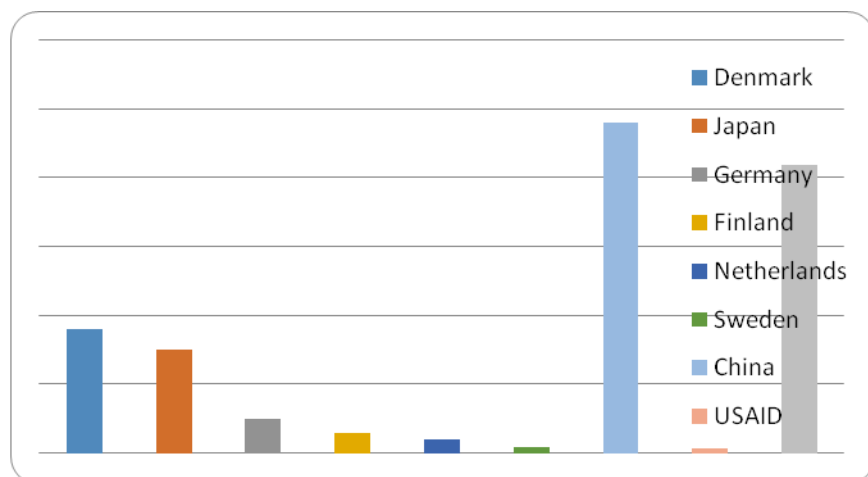
**Figure 4.4.7: China's development assistance to Kenya, 2000-2005**



**Source:** UNDP Development Cooperation Report Kenya Various (UNDP, 2005, P 38; UNDP, 2006, P.40)

Figure 4.4.8 below shows Kenya’s bilateral grants and loans estimates for the year 2011/2012. The table confirms that China is the largest source of loans and is the eighth largest source of grants outshining Kenya’s traditional donors like Britain, USA, Germany and Japan.

**Figure 4.4.8: 2011/2012 Bilateral grants and loans estimates**



**SOURCE:** Data Government of Kenya 2011/2012 Estimates of Development Expenditure (2011)

Development aid from China has mainly supported investment in infrastructure, equipment, plants, academic and technical training; and humanitarian relief (Mullin, 2009). This aid was utilized in road construction projects, modernization of power distribution, rural electrification, water, renovation of international sports centre, medical and drugs for fighting malaria and construction of a malaria research centre.

#### **4.5 Conclusion**

This chapter focused on Kenya's foreign aid trends looking at the historical developments. It has established that Kenya's main multilateral donors have traditionally been the EU, the World Bank and the African Development Bank, while her main bilateral partners were the United States, the United Kingdom, Japan, Germany, France, the Nordic countries and Italy (Momanyi, 2010). With the end of the Cold War, donors started adding good governance and democratization to their criteria for judging the worthiness of aid recipients. The chapter has established that Kenya has significantly shifted its foreign aid relation from the West to the East

since the post Cold war period. The then president, Daniel arap Moi, started tentatively courting non-traditional Western benefactors especially China.

When the NARC government took over power they quietly embarked on a “Look East Policy” that laid emphasis on improved relations with countries from the East. Since 2002, loans and grants from China became significant in size as illustrated in Table 4.4.6. Since then, China appears in Kenyan national statistics among bilateral donors whereas before, it was classified in the category of other donors. In an interview with an official from the ministry of foreign affairs, it emerged that the shift towards China is an unwritten policy.

Diplomacy is played on different fronts; table diplomacy and under the table or carpet diplomacy. Table diplomacy is done for the public to see, for public relations while under the table diplomacy is the actual diplomacy where strategy happens away from the public eye. Under the table diplomacy is where the real shift towards China is known. Since human rights and foreign aid are factors in international relations, the next chapter will examine possible links between China-Kenya foreign aid relations and Kenya’s human rights profile.

## CHAPTER FIVE

### 5.0 China-Kenya Foreign Aid Relations and Kenya's Human Rights Profile

#### 5.1 Introduction

Chapter five sought to answer the central question of this thesis: to find out if we could theoretically situate China-Kenya relations among the trend that has defined the relationship between China and other African countries. China's no strings attached policy, which is a policy that allows African governments to receive financial aid packages regardless of their human rights standards, makes China an attractive foreign partner as discussed earlier in chapter two. Where Countries such as Angola, Nigeria, Sudan and Zimbabwe have had massive human rights violations yet receive huge financial aid from China.

This chapter explores Kenya human rights trends alongside the foreign aid trends discussed in chapter four examining how human rights and foreign aid could be interlinked in defining the nature of China-Kenya relations. The chapter prospectively analyzed data that was acquired during the fieldwork that was arguably important in understanding the possible link between China-Kenya foreign aid relations and Kenya's human rights profile.

Chapter four established that China has gradually and consistently emerged as one of the dominant economic powers in the global arena. Given her attractive foreign aid policy, most African countries, and Kenya in particular, have turned to China for foreign aid assistance (Glennie, 2008). While the emerging trend is the case, political actors in Kenya, media and even Kenya foreign affairs department indicate what is referred to as the Look-East foreign policy. Look-East policy means Kenya is turning towards China thereby shifting away from traditional

foreign aid partners such as the US and Western Europe such as the UK. Reasons underpinning this development need to be examined.

A significant question guided this discussion: Why is aid from China more appealing than that from traditional donors? In chapter two the study found out that China's aid is more appealing than that from traditional donors because of China's non interference policy. Geoffrey (2006) on the other hand observes that China-Africa relations are motivated by China being less exploitative, rather emphasizing on mutual relation. The two policies were discussed further in this chapter in relation to Kenya's case.

## **5.2 Non-interference policy**

Condon (2012) defines non-interference as a policy where China 'respects African countries' choice in political system and development path suited to their own national conditions, and does not interfere in internal affairs of African countries. It also supports them in their just struggles for safeguarding their independence, sovereignty and territorial integrity. The West's conditionalities on pluralism and internal democracy are the ones that made President Moi to gradually warm up towards China (Elmi, 2012). By the time president Moi left office in 2002, he had succeeded in endearing himself to the political authorities of the People's Republic of China. President Moi's government had a wanting human rights record but China overlooked these realities as it strengthened its economic relations with Kenya (Koeberle, 2003). Some Western governments such as Britain and France had, equally done the same till the late 1990s when they introduced conditionalities (Lawson, 2013).

To find out if China's, non- interference policy that has guided her relation with most African states applies to Kenya. The researcher sought an interview with the deputy administrator in the Ministry of Foreign Affairs, R.Wasike (personal communication, January 20, 2015). His sentiments were that China interferes so much with Kenya; China officials are always at state house to influence political decisions. He went ahead to say that there are no relations without interference especially when countries with different economies interact. Thus the study concluded that the non-interference policy is just on paper.

On the same issue the researcher interviewed the director of Foreign Service department of training and research, at the institute of diplomacy, S. Kiragu (personal communication, February 10, 2015). He agreed that indeed China has a non-interference policy when it relates with a country, it is purely economic, and they don't interfere with internal affairs of a state. He agreed that Kenya is partly motivated by the policy since the West came up with conditionalities.

The third interviewee was from the Ministry of Foreign Affairs in charge of China's desk who chose to remain anonymous, respondent X (personal communication, February 12, 2015). He agreed that indeed China has a non-interference policy; they don't interfere with internal affairs of Kenya as their relation is purely economic. The policy that guides China is mutual respect. He argued that although China is also out to spread her communist ideas, they do it gradually, which is stronger than the conditions from the West. The third interviewee gave an example of the Lesbians, Gays, Transgender and Bisexual (LGTB) bill in Uganda which constrained Uganda's relations with the USA. He argued that if it was China, this would have been different due to the non-interference policy.

The study found out that Kenya, just like other African countries, is partly motivated by the policy of non interference since the West came up with conditionalities. Indeed there is a non-interference policy when China relates with a country although the policy is just on paper as China interferes in some instances. As mentioned earlier in the study upholding the non-interference policy is increasingly becoming difficult to sustain for China. In most of its engagements with African states, Beijing is primarily concerned with continued access to Africa's strategic resources. Involvement in such strategic sectors raises the stakes for competition and meddling as both internal and external interests intersect in the acquisition and development of such resources (Ngaire, 2008). This dilemma will continue to challenge non-interference as a policy that sets Beijing apart from the West in Africa.

In January 2008, Kenya became engulfed in post-election violence, which erupted following a contested election between the current opposition leader Raila Odinga and his Orange Democratic Movement (ODM) and the former President Mwai Kibaki's Party of National Unity (PNU). The conflict revolved around the presidential contest although president Kibaki was declared the winner (Prunier, 2008, online). The opposition, with evidence from European Union election observers, alleged that the Kibaki government committed election fraud on a grand scale in many districts throughout the country. In spite of these, Kibaki did not relinquish the presidency, inviting a crisis in the country as many people were killed and internally displaced (Branch, 2011).

In the aftermath of the violence a Commission of Inquiry into Post-Election Violence commonly referred to as the Waki Commission after its chairman was formed. The commission was established to investigate the facts and circumstances surrounding the violence, the conduct of

state security agencies in their handling of it, and to make recommendations. The report concluded that anyone found to have instigated or participated in the violence should not be given amnesty and also should be prosecuted under national and international law. A law that would establish a tribunal to put on trial those responsible failed to pass in parliament on three separate occasions (Brown & Sriram, 2012). Therefore, the ICC stepped in as a response to the perceived failure of local authorities to try to bring to justice the perpetrators of the violence.

Kenya adamantly protested the decision by arguing that it would bring to justice anyone responsible for the violence on its own. For this reason, Kenya lobbied the United Nations to try to prevent the ICC from putting on trial six prominent supporters from both major parties. Through its stated policy of non-interference, China emerged as a strong defender of Kenya during the International Criminal Court (ICC) trials (Jianping & Zhixiang, 2005). China on various occasions stated its support for the Kenyan government by arguing that this was a matter of national sovereignty. China assisted Kenya in trying to defer the case for one year to establish its own laws to put the accused on trial.

China's vice premier, Wang Qishan, when visiting Kenya in 2008, affirmed China's position on the ICC with regards to Kenya as China supported home grown solutions that would help Kenya overcome any challenges it faced including the ICC process (Presidential Press Service, 2008, online). At the UN, China also held further informal meetings with other countries to try to stop the ICC charges against the Kenyan nationals (Ochami, 2011, online). When holding the rotating presidency of the United Nations Security Council, China placed the concerns of Kenya on the agenda to try to convince other Security Council members adamantly opposed to the deferral. In

spite of these efforts, in March 2012, the ICC confirmed the charges and proceeded to take the six suspects to trial (AFP, 2012).

Brown and Sriram (2008) argue that the basis behind the protection of the Kenyans from ICC has been the diverging interpretation of human rights. China's support for the Kenyan government during the ICC case is compared to China's support of other illiberal regimes throughout the world. The Chinese government has always asserted that human rights should be considered within the purview of national sovereignty. For example, Taylor (2009) notes that the persistent call by Western leaders to universalize international human rights - which implicitly boil down to Western capitalist values - can be countered by Beijing and its African allies as reflecting neo-colonial impulses.

Copson (2007) on the other hand observes that China is a natural alternative partner of pariah states. Where China through its support of pariah states ensures her own human rights record is not subject to international criticism in forums such as the UN Human Rights Council. In addition, factors such as the Chinese government lack of action against pariah regimes which abuse human rights is motivated by its desire to protect its access to their resources and markets. It should be noted that China's influence over such governments can sometimes be exaggerated and in many instances they do not have decisive influence over the offending countries.

### **5.3 Mutual Relation between China and Kenya**

There has been debate on whether China's engagement in Africa is a singular interest or is for mutual benefit as discussed extensively in chapter two. Gaye (2006) argues that China importing its own workforce to work in aid projects granted to Africa is disadvantage for Africa but

beneficial to China since it allows her to solve its domestic unemployment problem. Similar observation is made by Beuret and Michael (2008), who argue that part of the Chinese government's policy is to encourage Chinese entrepreneurs to travel abroad and seek greener pastures. These investors come with fierce competition especially in the informal sector. In Dakar for instance, it has been reported that half of the local traders are bankrupt because of cheap goods brought in by Chinese businessmen. Based on these arguments, the study sought to find out the claim that China-Kenya relation is based on mutual relation.

In an interview with the former Kenyan ambassador to China, who chose to remain anonymous, respondent Y (personal communication, March 16, 2015), he pointed out that China is interested in Kenya because of the following reasons. First, Kenya is the strategic point to Africa. Secondly, Kenya is a pace setter in development in Africa and thirdly, Kenya is liberal compared to other African governments. He observed that development wise, Kenya benefits from the relations by citing the railway project and the Lamu port expansion project. Despite the above observation, the respondent felt that the economic sector and the tourism sector will suffer greatly because of China's unfavourable trading condition and Chinese being savers and not heavy spenders like the West. Thus in terms of benefit, the respondent felt that China being the giant economy stands to benefit more from the relations. Thus there is no mutual relation.

In an interview with an assistant administrator from the Institute of Diplomacy, B. Kariuki (personal communication, April 15, 2015), the interviewee argued that indeed there is a mutual relation but at different levels. Kenya has benefitted from the relation where the respondent gave examples of the foreign aid flow from China in form of scholarships, Confucius institutes, the China cultural centre built in Kenya, Chinese investors, tourists and market for goods such as

coffee and tea. For China, he identified areas such as market for their industries as China tends to get materials from her industries back at home, employment for her manpower that work on their projects and Kenya is added to her list of friends. It is worth noting that despite the above, he pointed out that the level of satisfaction varies as the stronger gain, because they have a bargaining power. The study concluded that there is no mutual relation between China and Kenya as China being the stronger economy stands to benefit more.

The major difference between China and the West is that the Chinese aid is devoid of human rights as conditionality (Brown & Sriram, 2008). The following section will explore Kenya's human rights trends alongside the foreign aid trends discussed in chapter two to come up with a possible link between the two variables

#### **5.4 Human rights in relation to foreign aid**

Human rights are fundamental moral rights of the person necessary for a life with human dignity (Forsythe, 2000). While human rights have a long history in theory and even in spasmodic practice, it was the American and French revolution that sought to create national policies based on broadly shared human rights (Donnelly, 1999). Despite the rhetoric of universality, human rights remained essentially a national matter, to be accepted or not, until 1945 when they were recognized in global international law. The emergence of international human rights as a factor in international relations is traceable to the post Second World War era during the trial at Nuremberg of the Nazi war criminals (Ratner & Abrams, 2001).

On 10<sup>th</sup> December 1948 at Paris, the United Nations adopted the Universal Declaration of Human Rights. The declaration represented the first global expression of rights to which all

human beings are inherently entitled. By the late 1990s, about 140 states had formally adhered to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Foot, 2000). This meant that human rights were no longer a matter within state domestic jurisdiction but states were to answer to the international community for their treatment of individuals.

With the collapse of the Cold War, the United States and her allies in Western Europe became dominant actors in world politics. They formed the Organization for Economic Cooperation and Development (OECD) countries. Their policy was that the allocation of foreign aid should be linked to political reform and respect for basic human rights in recipient countries. The recipient countries had to meet these conditionalities in order to continue receiving aid. This meant that aid was used as a policy instrument to push for particular changes in developing countries.

Since foreign aid is the main source of external finance in many developing countries, Carey (2007) argues that making aid allocation connected to Human Rights conditions in aid-recipient countries is a powerful tool to improve the protection of universal Human Rights. Those who support universal human rights such as Hoffman (1981), agree that anarchical international relations, without central government, meant that it was not easy to interject human rights considerations into the small policy space left over from intense national competition. It's against the background of this foreign aid isolation that China emerged as an alternative foreign aid partner. As Europe and U.S continued to marginalize Africa on account of poor Human Rights records, China embraced the continent referring to it as the developing brother (Alden, Large & Oliveira, 2008).

As discussed in Chapter two, China-Zimbabwe and China-Sudan relations are motivated by China's no strings attached policy based on the two countries poor human rights profile. This Chapter focused on human rights in Kenya, in a bid to find out if China-Kenya relations can be explained in terms of China relations with other African countries. Fiott (2010) observes that to both China and the U.S, Kenya is a strategic get way to Africa. It has a pool of human capital and power to mobilize Africa. For instance, in the Kenya ICC case, the whole of Africa through the African Union wanted to pull out of ICC.

During the first post-independence period, the state was suspected of complicity in several murders of prominent personalities deemed as threats to President Kenyatta's regime, including Pio Gama Pinto, Tom Mboya, J.M Kariuki, MP and lawyer Argwings Kodhek and former KADU leader and minister Ronald Ngala (Goldsworthy, 2008). President Daniel Moi's administration consistently received international criticism on its poor record of human rights. Under president Moi, security forces regularly subjected opposition leaders and pro-democracy activists to arbitrary arrest, detention without trial, abuse in custody, and deadly force. International aid donors and governments such as the United States, Germany, the United Kingdom, and Norway suspended aid allocations pending human rights improvement (Lawson, 2013). This made President Moi to gradually warm up to new friends and economic-cum-trade partners especially China though it was not articulated outwardly as a foreign policy trend (Elmi, 2012). China had a policy of no strings attached to foreign aid whereas the West's aid came with conditions on improving human rights and internal democracy.

The term under Mwai Kibaki (2002-2012) presidency was highlighted in this thesis as the period that scholars such as Oluoch (2006), Kioko (2012) and Chege (2008) believe Kenya made the unprecedented shift towards China. Although politically motivated human rights violations diminished and donors started warming up to the new government, other human rights abuses persisted, many under the hands of security forces, particularly the police (Sarah, 2010). The police force was viewed as the most corrupt entity in the country characterized by extorting bribes, complicity in criminal activity, and using excessive force against both criminal suspects and civil gatherings. Apart from police and penal system abuses, infringements of rights in the course of legal proceedings were widespread. Freedoms of speech and of the press were compromised through various forms of harassment of journalists and activists. Violence and discrimination against women were rife. Female genital mutilation (FGM) remained widespread, despite the 2001 legislation against it for girls under 16 (Amnesty international, 2010).

In November 2005, the Kenyan government banned political rallies by opposition parties. The former vice President Moody Awori stated that the government considered calls for nationwide rallies inappropriate and a threat to national security and citizens were cautioned not to attend the meetings (Daily Nation, 5<sup>th</sup> November, 2005). On 3 June 2007, President Mwai Kibaki stated that Mungiki members "should expect no mercy" (The Standard Newspaper, 3<sup>rd</sup> June, 2007). Two days after this announcement about 300 Mungiki members were arrested and at least 20 killed. The late John Michuki, at the time Minister for Internal Security, publicly stated following the killings, "We will pulverize and finish them off. Even those arrested over the

recent killings, I cannot tell you where they are today. What you will certainly hear is that so and so's burial is tomorrow" (*The East African Standard*, 6<sup>th</sup> June, 2007, pp. 1-2).

The Kenya National Commission on Human Rights' *Cry of Blood report on Extra-Judicial Killings and Disappearances* was published in September 2008 (KNCHR report, 2008). The KNCHR reported that the forced disappearances and extrajudicial killings appeared to be official policy. The report established patterns of conduct by the Kenya Police that constituted crimes against humanity. In November 2008, Wiki Leaks brought wide international attention to the KNCHR the *Cry of Blood* report. On 5 March 2009, two of the human rights investigators involved in the investigations documented in the report, Oscar Kamau Kingara and John Paul Oulu, were assassinated. Their assassinations were linked to security forces by non-governmental organisations (Amnesty International, 2011).

Freedom House, a US based NGO founded in October 1941 conducts research and advocacy on democracy, political freedom and human rights. The Freedom House provides annual country by country report on global political rights and civil liberties (Jabine & Claude, 1992). The following chart shows Kenya's historical ratings since 1972 to 2011 published annually by Freedom House. A rating of 1 is "free"; 7, "not free" the table helped this study in analyzing Kenya's stance on human rights standards based on political and civil rights.

**Table 5.4.1- Freedom House Report on Kenya's Historical Rating (Political and Civil Rights 1972-2011)**

<b>Year</b>	<b>Political Rights</b>	<b>Civil Liberties</b>	<b>Status</b>	<b>President</b>
1972	5	4	Partly Free	Jomo Kenyatta
1973	5	4	Partly Free	Jomo Kenyatta
1974	5	4	Partly Free	Jomo Kenyatta
1975	5	5	Partly Free	Jomo Kenyatta
1976	5	5	Partly Free	Jomo Kenyatta
1977	5	5	Partly Free	Jomo Kenyatta
1978	5	4	Partly Free	Jomo Kenyatta
1979	5	4	Partly Free	Daniel arap Moi
1980	5	4	Partly Free	Daniel arap Moi
1981	5	5	Partly Free	Daniel arap Moi
1982	5	5	Partly Free	Daniel arap Moi
1983	5	5	Partly Free	Daniel arap Moi

<b>Year</b>	<b>Political Rights</b>	<b>Civil Liberties</b>	<b>Status</b>	<b>President</b>
1984	6	5	Partly Free	Daniel arap Moi
1985	6	5	Partly Free	Daniel arap Moi
1986	6	5	Partly Free	Daniel arap Moi
1987	6	6	Not Free	Daniel arap Moi
1988	6	6	Not Free	Daniel arap Moi
1989	6	6	Not Free	Daniel arap Moi
1990	6	6	Not Free	Daniel arap Moi
1991	6	6	Not Free	Daniel arap Moi
1992	4	5	Partly Free	Daniel arap Moi
1993	5	6	Not Free	Daniel arap Moi
1994	6	6	Not Free	Daniel arap Moi
1995	7	6	Not Free	Daniel arap Moi
1996	7	6	Not Free	Daniel arap Moi

<b>Year</b>	<b>Political Rights</b>	<b>Civil Liberties</b>	<b>Status</b>	<b>President</b>
1997	6	6	Not Free	Daniel arap Moi
1998	6	5	Not Free	Daniel arap Moi
1999	6	5	Not Free	Daniel arap Moi
2000	6	5	Not Free	Daniel arap Moi
2001	6	5	Not Free	Daniel arap Moi
2002	4	4	Partly Free	Daniel arap Moi
2003	3	3	Partly Free	Mwai Kibaki
2004	3	3	Partly Free	Mwai Kibaki
2005	3	3	Partly Free	Mwai Kibaki
2006	3	3	Partly Free	Mwai Kibaki
2007	4	3	Partly Free	Mwai Kibaki
2008	4	3	Partly Free	Mwai Kibaki
2009	4	4	Partly Free	Mwai Kibaki

<b>Year</b>	<b>Political Rights</b>	<b>Civil Liberties</b>	<b>Status</b>	<b>President</b>
2010	4	3	Partly Free	Mwai Kibaki
2011	4	3	Partly Free	Mwai Kibaki

Source: Freedom House Report (2011, pp.6-8).

From the above table 5.4.1, it was noted that at no point has Kenya had her status being free meaning Kenya human rights status has never met international human rights standards. During the reign of the former president Daniel Arap Moi, 1987-1991 and 1993-2001, the country's status was completely not free, meaning the country was experiencing gross human rights violations. Apparently this was the period when the policy of allocation of foreign aid was linked to political reform and respect for basic human rights in recipient countries which was brought by the OECD countries (Carey, 2007). This explains why international aid donors and governments such as the United States, Germany, the United Kingdom, and Norway suspended aid allocations to Kenya in the 1990's.

From the Freedom House Report, Kenya's status improved to partly free from 2003 when Mwai Kibaki came to power though still not up to the international human rights standards. This could be attributed to the setting up of the national human rights institution, the Kenya National Commission on Human Rights (KNCHR). KNCHR is an autonomous national human rights institution, established by the Kenya National Commission on Human Rights Act, 2011. It is a successor to the body of the same name established by an earlier Act of Parliament in 2002. The

original KNCHR became operational in July 2003, and following the promulgation of the Constitution of Kenya in August 2010, it was legally reconstituted as the Kenya National Human Rights and Equality Commission (under Article 59 of the Constitution). The 2011 legislation restructured the body, assigning the equality function to a new National Gender and Equality Commission and reestablishing the name of the KNCHR.

The main mission of the KNCHR, in its successive legal embodiments, has been to investigate and provide redress for human rights violations in Kenya, to research and monitor the compliance of human rights norms and standards, human rights education and training and campaigns, advocate, and collaborate with other stakeholders in Kenya and to ensure Kenya's compliance with international human rights standards.

On 4<sup>th</sup> March 2013, general elections were held which ushered in the Jubilee government under the leadership of President Uhuru Kenyatta and his deputy William Ruto. When they took over power, the two were facing charges on crimes against humanity at the International Criminal Court in The Hague. China came out very strongly supporting the Kenyan government during the ICC case. China's unwavering support for members within the government has demonstrated that China is protecting its strong ally both politically and economically, especially in the East African context. China's support has raised questions as to what the Kenyan political elites have given to China in return for this support. Importantly, the study found out that China seems to support Kenya to further its economic and geostrategic needs rather than letting the perpetrators of the election violence be put to an impartial trial.

On Kenya's human rights standards, I interviewed the former KNCHR chairperson, Dr. F. Jaoko (personal communication, April 22, 2015). In the interview, she stated that compared to other

African countries such as Zimbabwe and Sudan, Kenya's performance on human rights is much better based on the human rights treaties signed and ratified. She went on to say that Kenya might not measure to the international standards but Kenya is a thriving democracy that observes human rights. She also pointed out some of the international human rights treaties that Kenya has signed and ratified. They include the International Convention on the Elimination of All Forms of Racial Discrimination (2001), International Covenant on Economic, Social and Cultural Rights (1972), International Covenant on Civil and Political Rights (1972), Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1972), Convention on the Elimination of All Forms of Discrimination against Women (1984), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1997) and the Convention on the Rights of the Child (1990).

Treaties that haven't been signed nor ratified by Kenya that the former KNCHR chairperson identified includes the Convention on the Prevention and Punishment of the Crime of Genocide, Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

In an interview with a commissioner of KNCHR from the Research and Compliance Department, who chose to remain anonymous, respondent Z (personal communication, April 30, 2015, pointed out that during the last US-Africa summit the presidents of Sudan and Zimbabwe

were not invited because of their countries' human rights standards but Kenya was invited. According to her, NGO's were the ones depicting human rights standards in Kenya to be very bad so as to get money from the West yet the situation on the ground is not that gross. She also noted that it seems the West is lessening its standards on human rights to compete with China as it attracts back Africa. To back up the above observation, she gave the example of the recent US –Africa summit and the recent visit of President Obama to Tanzania and later to Kenya and Ethiopia.

On China's distinct notion of human rights, the researcher sought an interview with Professor Kisiang'ani (personal communication, March 10, 2015) of Kenyatta University from the department of History, Archaeology and Political Studies. He argued that China's aid has no conditions on democracy and human rights but this doesn't mean that China doesn't respect human rights. It's just that they have their own definition of human rights. According to China, the state comes first while for the West, an individual comes first. In addition to that Professor Kisiang'ani pointed out that China is not democratic and not purely communist. They practice state capitalism where they don't hold elections. What they have is a system where 3000 deputies who represent the people's interests meet twice a year. This lack of competitive politics denies people the freedom of expression but guarantees comfortable life. He felt that since the West and China view Human Rights differently it is hard to judge that some countries have poor human rights record while others observe human rights. The study concluded that the definition of human rights is flexible where China's definition is different from the Western one.

On African countries records on human rights, the researcher interviewed Dr E. Kisiangani, a senior researcher in the Institute of Security Studies (personal communication, February 20,

2015). He argued that the West came with conditions on human rights which put off many countries that were unable to meet the conditions. China's no strings attached policy is meant to counter the West. China is exploiting African countries aware of conditions from the West on human rights. According to Dr. Kisiangani, Africa needs tangible things such as infrastructure development which China gladly offers. His argument explains why most countries in Africa turn to China since it has poor human rights record. In Chapter two of this thesis, the cases have been clearly illustrated. Some of the countries focused include Sudan, Angola, Zambia and Zimbabwe.

China's involvement in Africa with "rogue states" and corrupt governments has received endless criticism from the West. The West argues that China should use its economic leverage as a political tool, and threaten to cut off financial ties to recipients that repeatedly violate human rights (Coyne & Ryan, 2008). The Chinese on the other hand argue that conditionalities are a form of interventions that violates the sovereignty of the targeted nation. Taylor (2006) observes that China has refused to use its economic or diplomatic power as leverage against governments that commit even the most extreme human rights abuses or corrupt practices. It justifies its "clean hands" stance by pointing to its long standing policy on non-interference. China thinks that her domestic human rights issues are nobody's business, so it has no interest in meddling in the internal affairs of others.

The study also sought to find out if foreign donors can help improve human rights standards in Kenya. On this the researcher interviewed Dr. J. Imbisi, lecturer Kenyatta University, department of History, Archaeology and Political Studies (personal communication, March 5, 2015). He

pointed out how conditions from donors led to the introduction of multipartism in Kenya which ushered in a new era of human rights observations. He argued that donors and civil societies sponsored by donors have helped a lot in improving human rights standards in Kenya. The study argues that this can only work when donors and governments work together. At times donors have their own motivations thus the donor conditions haven't worked with Sudan and Zimbabwe as discussed in chapter two.

It has been argued in the media and political arena that China's assistance to Kenya regardless of human rights standards encourages human rights violations by the government. Respondents had divided opinions on the argument. The director of Foreign Service (training and research) in the institute of diplomacy who has been mentioned earlier in the chapter argued that based on China's policy of non-interference, the relations between the two countries might result to continuation of human rights abuses as China doesn't interfere with internal issues of a country. A senior lecturer of the University of Nairobi, department of political science and public administration who chose to remain anonymous, respondent W (personal communication, April 10, 2015) had a different opinion. In an interview with him, he argued that there is no empirical evidence to support the above argument. As there are other agencies that watch over human rights in Kenya like the civil society and the International Criminal Court that keep the government in check.

The Chapter reveals that China's economic gains from Kenya far outweigh its interest in enhancing human rights in the country. From the findings of this Chapter, it emerges that China's support for Kenya during the ICC cases was one that would not jeopardize their economic dealings. China supported the withdrawal of the Kenyan cases from ICC arguing that that was interfering with Kenya's sovereignty. The Chapter highlights the importance of China to

Kenya as an important economic partner, but proposes the need to put in place measures to guarantee transparency in dealings between the two countries.

## **5.5 Conclusion**

The chapter was based on the assumption that there is a possible connection between China-Kenya aid relations and Kenya's human rights profile. The differences between China and the West is brought about by human rights as a factor in international relations. The two conflict because China's definition of human rights is different from the West. According to China, the state comes first while for the West an individual comes first.

The chapter illustrated how Kenya has witnessed instances of human rights violation since independence. Notably, during the reign of President Daniel Moi (1978-2002) international aid donors and governments such as the United States, Germany, the United Kingdom, and Norway suspended aid allocations, pending human rights improvement. The study found out that the West conditionalities on pluralism and internal democracy are what made President Moi to gradually warm up to China. As Premier Zhou's eight principles that govern China's aid to other countries stated that neither conditions nor privilege should be attached to the aid (Rotberg, 2008). This study argues that during former President Moi's reign human rights acted as a factor in determining aid reconfiguration in China-Kenya relations.

The study found out that the reason why Kenya is not meeting the international human rights standards is because some international rights conflict with Kenya's culture and security. For instance, the law on homosexuality and the handling of Somali refugees respectively. Forcing Kenya to adopt them interferes with Kenya's sovereignty. It is important to note that Kenya still likes the West as it is seen as the land of opportunities, but aid condition is the only challenge.

This best explains the excitement that was in the country when President Uhuru was invited to attend the Africa-US summit that ran from 6<sup>th</sup> to 9<sup>th</sup> August 2014 and when president Obama visited Kenya.

One of the objectives of this study was to find out if China-Kenya relations can be explained in terms of China's relation with other African countries. Chapter two found out that the relation between China- Zimbabwe and China-Sudan is motivated, at least in part by poor human rights profile. This chapter has established that Kenya is a thriving democracy that tries to observe human rights based on the international human rights treaties that have been signed and ratified. Thus the nature of Kenya-China relations cannot be explained fully in terms of China relations with other African countries as Kenya's human rights are not as gross compared to other African countries. Apart from human rights profile, Kenya associates with China because of economic reasons as everyone including USA associate with China.

The chapter concludes that what engineers the relations between China and Kenya are pull factors (attractive conditions) on the Kenyan part. The main pull factor is China's noninterference policy. As mentioned above Kenya respects human rights though not 100% but compared to other African countries such as Sudan, Zimbabwe and Uganda, Kenya's human rights are not as gross.

## CHAPTER SIX

### 6.0: Summary and Conclusion

The study sought to find out what underpins the unprecedented China-Kenya foreign aid relations. The study is conceived on the observation that during the Cold War period Kenya was pro-Western and refused aid from China on the basis of ideological differences thus unprecedented shift of Kenya towards China called for interrogation. Whereas the relation between Zimbabwe-China and Sudan-China is motivated, at least in part by poor human rights profile the nature of Kenya-China relations had not been clearly defined.

In Chapter One, a background upon which this research was anchored was provided. The objectives of the study were clearly outlined. A review of related literature, theoretical framework and the research design were also outlined in the same chapter. The study adopted Rational Choice theory to explain Sino Kenya relations. Foley (1998), a proponent of the rational choice theory observes that in general people will choose the object that provides the greatest reward at the lowest cost. In relation to this study, one can argue that China's policy of non interference on one hand and Kenya's poor records of human rights constitutes mutual compatibility in foreign aid relation. Therefore, mutual compatibility is what is driving Kenya to troop towards China as Kenya's continue to receive aid with no conditions on human rights and democracy, thus China provides the greatest reward at a lower cost.

In Chapter Two, the study examined the dominant features of China-African foreign aid relations. It was argued that for many African states, both politically and economically, China is a more attractive model than the WB, IMF, US or the EU. The defining feature of China-Africa foreign aid relations established by the chapter was the non-interference policy and the no strings

attached policy. With the non interference policy comes the no strings attached approach in aid allocation. This is a policy where China does not interfere in internal affairs of the recipient countries as it pays very little attention to the externalities that arise from its foreign aid. Unlike the West, China does not bother about the social or human rights conditions of the recipient countries. This was derived from Premier Zhou's Eight Principles governing China's Aid to other countries. The Chapter also established that mutual economic benefit cannot happen between countries with different economies as the stronger economy tends to benefit more. In the case of China-Africa relations, China tends to benefit more as it is the stronger economy.

In Chapter three, China-Kenya relations since independence to 2012 was analyzed to establish what has been motivating and shaping the relations. The study found out that Kenya's foreign policy in most instances has been moulded and directed by the President in power, who is the chief foreign policy shaper. The president being the chief foreign policy shaper reacted differently to international geo-political situations based on their personalities and abilities as the world has witnessed drastic changes in international politics and rules of diplomatic engagement. It emerged that the relations between China-Kenya during president Jomo Kenyatta's era was defined by the Cold War which was the prevailing global trend at the time. By the time president Kenyatta died in august 1978, Kenya's foreign policy was firmly anchored to the West. As Kenyatta's successor, Daniel arap Moi pursued the same foreign policy template with minor variations in a rapidly evolving policy environment.

What emerges from Chapter four is that China has gradually and consistently emerged as one of the dominant economic powers in the global arena. And that most African countries and Kenya in particular have turned to China for foreign aid. The chapter provided an analysis of the trend

in Kenya's foreign aid relations since independence. It argues that, traditionally, Kenya had relied on Western development partners especially during the Cold War period. With the end of the Cold War period, donors were adding good governance and democratization to their criteria for judging the worthiness of aid recipients.

Based on Kenya's poor human rights record donors started freezing aid to Kenya from the early 1990s. The then president Moi, started tentatively courting non-traditional Western benefactors especially China. China is the world's second biggest economy, which has been aggressively expanding its interests across Africa. Since 2002, when the NARC government took over power the shift towards China became unprecedented with China rising to become Kenya's main foreign aid partner.

Since the end of the Cold War, fundamental shifts have occurred in the configuration and realignment of global power relations. Also changing the contours of diplomacy was the emergence of a uni-polar world order, the increasing influence of emerging economies such as China and India and the resurgence of Russia in global politics. A shift in Kenya's international orientation and strategy became necessary after the revolutionary changes that followed the collapse of the Soviet Union and the end of the Cold War.

The West came up with conditionalities, including pluralism and internal democracy, which made President Moi to gradually warm up to newer friends and economic-cum-trade partners especially China. President Kibaki's major area of conflict with the West was the issue of corruption. Compared to his predecessors, President Kibaki seem bent on breaking what had been perceived as the Western condescending attitude and lectures on human rights and democracy. It's during his reign when the unprecedented shift towards China occurred. The

chapter concludes that China-Kenya relations since independence has been defined by personal interest and the prevailing global political trends which have been the Cold War and the post-Cold War period.

Chapter Five starts with examining emerging trends from the previous chapters then proceeded to examine possible links between China-Kenya foreign aid relations and Kenya's human rights profile. The Chapter established that there is a possible connection between China-Kenya aid relations and Kenya's human rights profile. Notably, during the reign of president Daniel arap Moi (1978-2002) international aid donors and governments such as the United States, Germany, the United Kingdom, and Norway suspended aid allocations pending human rights improvement.

This made President Moi to gradually warm up to newer friends and economic-cum-trade partners especially the rapidly growing China. What motivated president Moi to turn to China were Premier Zhou's eight principles that govern China's aid to other countries that stated that neither conditions nor privilege should be attached to the aid. By the time president Moi left office in 2002, he had succeeded in endearing of himself to the political authorities of the People's Republic of China.

During President Mwai Kibaki's term, politically motivated human rights violations diminished, but other human rights abuses persisted, many under the hands of security forces, particularly the police. Notably, the volume of Kenya's bilateral trade with China reached a record high of US\$480 million in 2005 as this has been highlighted as the period when Kenya made the unprecedented shift towards China. The Chapter established that what is engineering the relations between the two countries is China's non interference policy. The main pull factor being the no strings attached policy that accompanies China's aid. The study argues that one

can't assume the fact that Kenya is associating with China because of economic reasons as everyone including the USA is associating with China. The chapter also looked at the ICC, Kenya, and China. It was argued that China's support for the Kenyan government during the ICC case can be compared to China's support of other illiberal regimes throughout the world. The basis behind the protection of the Kenyans from the ICC is the diverging interpretation of human rights. The Chinese government has always asserted that human rights should be considered within the purview of national sovereignty.

In relation to the statement of the problem and the assumptions that guided this study, it is clear that Kenya has significantly shifted her aid preference to China. China-Kenya relations since independence have been defined by prevailing global political trends such as the Cold War and the post-Cold War period. Kenya's human rights standards especially have not been good, though it has not been as gross as those of Zimbabwe and Sudan. Therefore, what is engineering the relations between the two countries are pull factors and the main pull factor is the no strings attached policy. The study also found out that China-Kenya and China-Africa relations are defined by the same feature which is the non-interference policy. The study has further shown that the major difference between China and the West is that the Chinese aid is devoid of human rights as conditionality.

The study revealed that China's economic concerns far outweigh its interest in enhancing human rights in the country. From the findings of the study, it emerges that the stance adopted by China on the ICC cases facing Kenyan leaders was one that would not jeopardize their economic dealings. Although the study highlights the importance of China to Kenya as an important economic partner, it proposes the need to put in place measures to guarantee transparency in

dealings between the two countries. Moreover, the researcher felt that the field of foreign aid and human rights has a lot to be studied and this will help understand past and future Kenya's foreign policy trends.

### **6.1: Recommendations**

In application the study identifies China as an important economic partner to Kenya. Although the study found out that China's economic concerns outweighs its interest in enhancing human rights in the country. Therefore the study recommends measures be put in place to guarantee transparency in dealings between the two countries.

### **6.2: Areas of further research**

This work recommends some areas for further research:

- i. A comparative study between China- Kenya and Kenya versus the traditional donors
- ii. This study looked at China- Kenya relations focusing on two variables Human rights and foreign aid. Further research can be done on China- Kenya relations using different variables e.g country's economy versus human rights or democracy versus foreign aid.

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## APPENDICES

### A1: INTERVIEW SCHEDULE

#### a) Questions for personnel in the ministry of foreign affairs and international trade

1. In your opinion how would you describe Kenya foreign policy today?
2. Would you agree that there is a shift in Kenya's foreign policy trend?
3. It has been claimed in media and political pondia that Kenya has shifted its foreign aid relation from Western Europe and North America to China. Is this true?
4. If it's true what is it that is motivating this shift?
5. In foreign relations, in most cases, there should be some benefit to each party. Based on this, do you think both Kenya and China stands to benefit in their relations.
6. China has a policy of non-interference. Do you think this is what is motivating Kenya to lean towards China?
7. Most countries in Africa who have turned to China, such as Zimbabwe and Sudan have poor human rights record. What would you say about this?

#### b) Human Rights Agencies

1. What is Kenya's stance in international human rights treaties?
2. Since (KHRC, KNHRC, AFRICOG), is a body that monitors, documents and publicizes violations of human rights. How can you compare Kenya's human rights standards under various regimes which have passed?
3. In your opinion what motivates human rights violations in Kenya.
4. Can foreign donors help improve human rights standards in Kenya.
5. Western donor agencies argue that China's assistance to Kenya regardless of human rights abuses will encourage human rights violations by the government. Please would you comment on this?
6. Foreign aid has been tied to upholding human rights standards. Has this goal been achieved in relation to Kenya?

**c) Policy experts**

1. In your opinion what would you comment on Kenyan foreign policy
2. It has been claim in the media that Kenya is turning toward China at the expense of the West. Do you think this is true?
3. China's non-interference policy defines its foreign relation with Africa. Can we explain China-Kenya relation from the same perspective?
4. Do you think aid conditionalities from Western donors have improved human rights in Africa?
5. What would you consider as defining features of Kenyatta, Moi and Kibaki's foreign aid policies?
6. Kindly comment on Kenya's current political developments in the context of international human rights expectations.

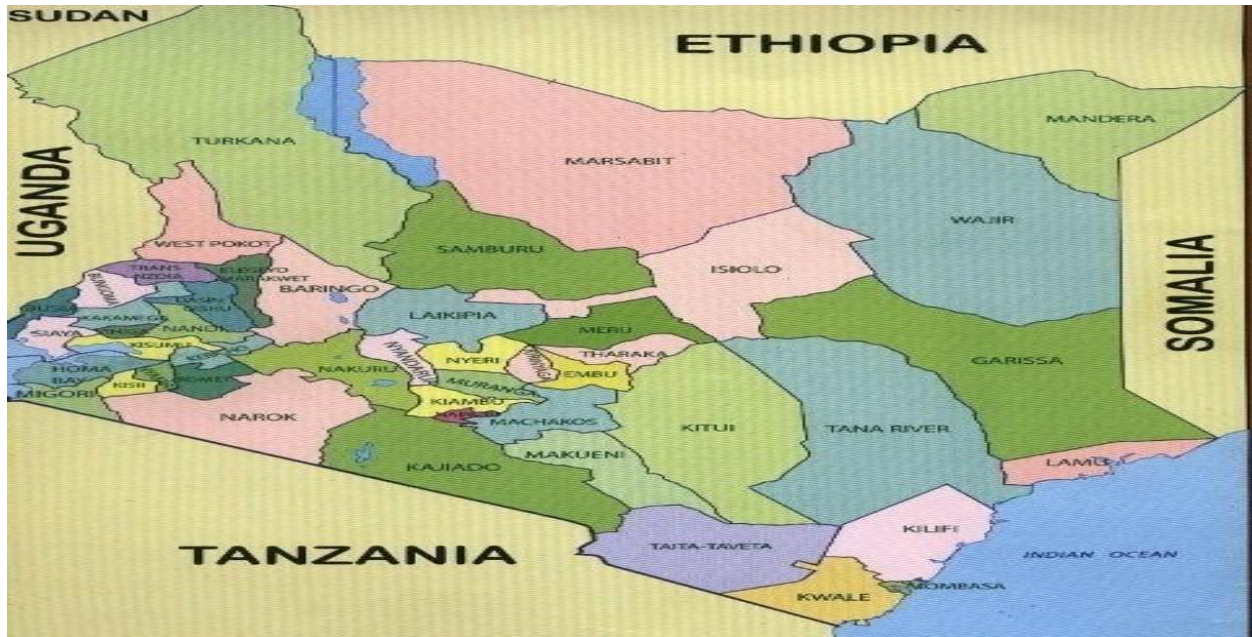
**A2: WORK PLAN**

<b>TASK</b>	<b>TIMELINE</b>
Proposal writing	July 2013- April 2014
Proposal submission	June 2014
Field work/ data collection	January 2015- April 2015
Data analysis	May 2015- August 2015
Thesis write up	September 2015- April 2016
Submission of thesis	June 2016

**A3: BUDGET**

<b>Activity</b>	<b>Item</b>	<b>Cost (Kshs)</b>
Developing the research proposal	Stationery, typing and photocopying of the proposal	20,000
Field data collection	Travelling	10,000
Analyzing and presentation	Stationery, typing and photocopying	20,000
Copy editing	_____	10,000
Binding of thesis	Bindery	5000
Miscellaneous	_____	5000
Total	_____	70,000

**A4: MAP OF KENYA AND CHINA**



Source: [www.mapsofworld.com/kenya/china](http://www.mapsofworld.com/kenya/china)

## A5: University Research Approval Letter



**KENYATTA UNIVERSITY  
GRADUATE SCHOOL**

E-mail: [kubps@yahoo.com](mailto:kubps@yahoo.com)  
[dean-graduate@ku.ac.ke](mailto:dean-graduate@ku.ac.ke)  
Website: [www.ku.ac.ke](http://www.ku.ac.ke)

P.O. Box 43844, 00100  
NAIROBI, KENYA  
Tel. 810901 Ext. 57530

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**Internal Memo**

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FROM: Dean, Graduate School

DATE: 19<sup>th</sup> July, 2014

TO: Ms. Lilian Tunai Mulati  
C/o History, Archaeology & Political Studies Dept.  
KENYATTA UNIVERSITY

REF: C50/C1Y/PT/24023/11

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SUBJECT: APPROVAL OF RESEARCH PROPOSAL

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This is to inform you that the Graduate School Board at its meeting of 16<sup>th</sup> July, 2014 approved your M.A. Research Proposal Entitled "Human Rights in the Reconfiguration of Aid Relations: The Case of China-Kenya Relations".

You may now proceed with your Data collection, subject to clearance with the Principal Secretary, Higher Education, Science and Technology.

As you embark on your data collection, please note that you will be required to submit to Graduate School completed supervision Tracking Forms per semester. The form has been developed to replace the progress Report Forms. The Supervision Tracking Forms are available at the University's Website under Graduate School webpage downloads.

Thank you.

**JOSEPHINE KENDI  
FOR: DEAN, GRADUATE SCHOOL**

c.c. Chairman, History, Archaeology & Political Studies Dept.

Supervisors:

1. Dr. Joseph Wasonga  
C/o History, Archaeology & Political Studies Dept.  
KENYATTA UNIVERSITY
2. Dr. Danson Essese  
C/o History, Archaeology & Political Studies Dept.  
KENYATTA UNIVERSITY


JK/cao



## A6: NACOSTI Research Permit

**THIS IS TO CERTIFY THAT:**

**MISS. LILIAN TUNAI MULATI**  
of **KENYATTA UNIVERSITY, 4377-30200**  
**NAIROBI, has been permitted to conduct**  
**research in Nairobi County**  
**on the topic: HUMAN RIGHTS IN THE**  
**RECONFIGURATION OF FOREIGN AID**  
**RELATION: THE CASE OF CHINA-KENYA**  
**RELATION**  
**for the period ending:**  
**23rd May, 2017**

**Permit No : NACOSTI/P/16/51820/11158**  
**Date Of Issue : 24th May, 2016**  
**Fee Received :Ksh 1000**

  
**Applicant's**  
**Signature**

  
  
**Director General**  
**National Commission for Science,**  
**Technology & Innovation**