

**INFLUENCE OF LEADERS' PERSONALITIES ON FOREIGN POLICY DECISION
MAKING: THE CASE OF KENYA – INTERNATIONAL CRIMINAL COURT
RELATIONS BETWEEN 2013 AND 2017**

BY

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DECLARATION

Declaration by the Student

This is my original work and has not been presented for award of academic degree at Maseno University or any other university.

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DEDICATION

I dedicate this work to God Almighty who gave me good health and the ability to think. My grandmother Eudia Agola, whom I wished stayed two years longer to see the completion of this work. My wife Sally and our two playful children: Sean Agola and Adrianna Agola

I also dedicate this in a special way to the victims of 2007 – 2008 post – election violence whose voices and cries have been stifled and forced to sacrifice justice at the altar of peace. I think about you!

ABSTRACT

This study is on foreign policy decision making which has consistently been viewed through state – centric lens; with state interests advanced as the key influence on foreign policy decision making. This argument has held true for state relations with international legal regimes. However, nascent studies have depicted that leaders involved in decision making are pivotal in influencing the foreign policies of their states, hence bringing their personality into focus. Despite these scholarly revelations, Kenyan relation with The International Criminal Court (ICC) continues to be viewed from a state - centric perspective, with sovereignty struggles, erosion of immunity of Kenyan leaders, and the potential of the ICC to upset peace processes in Kenya, advanced as the main reason for the antagonistic Kenyan foreign policy towards the ICC. What has been obscured from this debate is how the personalities of Kenyan leaders’ have influenced Kenya’s antagonistic foreign policy towards the ICC. This study delved into the discussions on how and why leaders’ personalities influence states’ foreign policy decision making, using the case of Kenyan relations with the ICC. The study explored how three personality traits of Uhuru Kenyatta and William Ruto, influenced Kenya’s antagonistic foreign policy towards the ICC between 2013 and 2017. The study was guided by Leadership Trait Analysis approach advanced by Harmann (1980), and set out four specific objectives; to explore how nationalism of the two Kenyan leaders’ influenced Kenya’s antagonistic foreign policy towards ICC; to explore how Kenyan leaders’ belief in ability to control events influenced Kenya’s antagonistic foreign policy towards ICC; to explore how Kenyan leaders’ need for power influenced Kenya’s antagonistic foreign policy towards ICC, and to explore how and why the interplay of Kenyan leaders’ nationalism, belief in ability to control events and need for power influenced Kenya’s antagonistic foreign relations towards the ICC. The study is premised on multiple case research design, since it treats the two leaders as different cases, and utilizes quantitative content analysis of speeches and interviews of the two leaders, specifically with regard to the ICC. The data was sourced from select local and international news media houses, archived on their websites. The research undertook purposive sampling, targeting words spoken by each leader. The words formed the content which was analyzed using Profiler Plus software developed by Levine & Young (2014) using a coding procedure developed by Harman (2005). The result of the analysis was measured against a norming group of leaders developed by Hermann (2005) to determine if the leaders are high or low in the selected personality trait, and draw deduction on motive for the antagonistic Kenya – ICC relations between 2013 and 2017. Content analysis results revealed that the leaders were low in all the three traits explored. This explained how and why: the leaders built a team spirit among their group and followers with clarity of objective against the ICC, allowed the African Union and other African leaders to take responsibility for pursuing foreign policy actions against the ICC on behalf of Kenya, preferred the use of summits and conferences in dealing with local opposition to their antagonistic foreign policy towards the ICC, had no clear cut foreign policy towards the ICC, and were described as having shifty foreign policy goals on the ICC question. The study asserted that Kenyan leaders’ personalities influenced the country’s foreign policy towards the ICC. This called for a paradigm shift of analysis and discussions on the strained Kenyan relations with the ICC. Within the realm of International Relations, the study contributes to the continuing debate on state compliance and non – compliance with international legal regimes and treaties. The study recommends that the ICC should pay attention on personality of the leaders it seeks to prosecute, and forecast the impact that their personality traits will have on their cases at the ICC.

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LIST OF ABBREVIATIONS

ASP – Assembly of State Parties

AU – African Union

BACE – Belief in Own Ability to Control Events

CSOs - Civil Society Organizations

DC - Data Code

GoK – Government of Kenya

ICC – International Criminal Court

KPTJ - Kenyans for Peace with Truth and Justice

KTN – Kenya Television Network

LTA – Leadership Trait Analysis

NAT – Nationalism

NTV – Nation Television

PWR – Need for Power

RI – 1 – Ruto’s Interview with Folly Bah Thibault on Talk to Al Jazeera

RI -2 - Ruto’s Interview with Hussein Mohamed on the Big Question at Citizen TV

RI – 3 – Ruto’s Interview with Everline Wambui on Newsmakers at Citizen TV

RI – 4 – Rutos’s Interview with various journalists at The Hague, retrieve from Nation TV

RS – 1 – Ruto’s Speech at Pre – Jamuhuri Day Celebrations retrieved from KTN

RS – 2 – Ruto’s Speech at Jamuhuri Day Celebration retrieved from KTN

RS – 3 – Ruto’s Speech at Mashujaa Day Celebrations retrieved from KTN

UI – 1 – Kenyatta’s Interview with Marc Perelman on France 24 TV

UI – 2 – Kenyatta’s Interview with Daniel Pelz on DW News – DW African Desk

UI – 3 – Kenyatta’s Interview with Hussein Mohamed on Citizen TV

UI – 4 – Kenyatta’s Interview with Hussein Mohamed on Citizen TV

UNEP – United Nations Environmental Program

US – 1 – Kenyatta’s Speech at the 26th African Union Summit

US – 2 – Kenyatta’s Speech at the Joint Sitting of the Kenyan Parliament

US – 3 – Kenyatta’s Speech at Pre – Jamuhuri Day celebrations

USA - United States of America

OPERATIONALIZATION OF TERMS

The following terms have been used in the study as defined below:

Personality: Personality is the combination of characteristics or qualities that form an individual's distinctive character and behaviour

Personality Trait: Personality traits are characteristics and qualities that help define an individual's personality

Utterance: Utterance is something uttered. especially: an oral or written statement. Refers to the words as spoken by the subjects of the study, in this case, the words as said in the speeches and interview analysis.

Excerpt: Excerpt refers to a portion of a full speech or interview extracted for contextual analysis

Typology: Typology is a system used for sorting speeches and interviews into groups according to the subject who uttered them

Presidency: The Presidency is the office of the president which includes the president and the deputy president

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

There is a dearth of scholarly endeavors on how and why Uhuru Kenyatta and William Ruto's personalities influenced Kenya's relations with the ICC. This is despite existing evidence, that leaders' personalities influence their states' foreign policy outcomes. Since foreign policy decisions are made by leaders, their personalities are therefore worth investigating. This chapter makes the case for introduction of President Uhuru Kenyatta and Deputy President William Ruto's personalities into the debates on Kenya relations with the ICC. The study has fragmented the leaders' personalities into three traits; belief in their own ability to control events, nationalism and need for power, as identified through Leadership Trait Analysis (LTA) approach, to enable a comprehensive exploration.

The first section of the chapter presents the background to the study. It elaborates the key arguments on personality, and its centrality in foreign policy analysis. The second section of the chapter seeks to showcase the exclusion of Kenyatta and Ruto's personalities in scholarly analysis and discussions on Kenya's foreign policy towards the ICC. The section further grounds the arguments around three personality traits which are explored in this research: ability to control events, nationalism and need for power, as they played out in other scholarly findings on the ICC question in Kenya. The third section focuses on the statement of the problem of this study. The fourth section of the chapter highlights the overall objective, and the four specific objectives of the study. It further nuances the questions that guide the research. The fifth section of the chapter explains the theory guiding the study, and explains how the theory underpins all

the aspects of the study. The sixth section details the significance of this study to theory, foreign policy and international law. The seventh section documents the scope and limitation of the research, and how the study delimited such limitations. The final section of the chapter presents an outline of the thesis, and ready's the reader on what to expect in the succeeding chapters of the thesis.

1.2 Background to the Study

The hallmark of the study of foreign policy is the lack of consensus on the conceptualization of the fundamental level at which phenomena is premised. In this regard, Hudson (2005), Alden and Aran (2016) view foreign policy as a study with ever changing story of how states, institutions and peoples engage with one another within a dynamic international system. The lack of consensus is the beauty of this theoretical discipline. It forms a benchmark upon which research in the field of foreign policy is conceived, and theoretical approaches within the wider study of International Relations are exploited, with the view of adding to knowledge.

Hans Morgenthau (1978), a proponent of the realist school of International Relations, founded the most enduring debate on state – centric assumptions in foreign policy decision-making. The states, according to this school, constitute the only significant actors in international affairs. In this regard, foreign policy decisions are influenced by states' interests. These state interests are measured in terms of state sovereignty, recognition of statehood and control of territory and population of the state. Mearsheimer (2018) and Carr (1964) further this argument, and opine that the state, acting through its government is seen as a unitary and rational actor, pursuing national interests within an anarchic international system. These assumptions of the realist school have guided the debate on the foreign policy behavior of states. Studies guided by this school, postulate that states' foreign policies are determined by their national interests, which they pursue

in a self – help international system. In a nutshell, the realist school advances that foreign policy decisions of states are actions aimed at pursuing national interests within the anarchic international system.

However, within the realm of international political scholarship, there lacks consensus on the precise meaning of national interests. It is also the case that some leaders have often disguised their personal interests as national interest. The leaders have further pursued these personal interests, at the detriment of the real national interests (He, 2007; Wang, 2012). Nuechterlein (1976) adds that, the study of international politics as well as the art of diplomacy suffers from widespread ambiguity about the meaning of national interests. Resulting from this, some scholars have proposed that the concept of state interests should be abandoned. This lack of consensus begs the question of whether national interest by itself, can be adequately used to analyze and understand states' foreign policies, as proposed by the realist school.

Waltz (2001) digresses from the works of the realist school, and proposes a different view to foreign policy decision making. He introduces into International Relations scholarship, the level of analysis approach. While inquiring why war occurs, Waltz identified three images, which consequently form the levels of analysis, upon which we can explain why a nation may resort to go to war or seek peace (Buchanaa, 2002). These levels are; the human behavior, internal structure of state and international anarchy. With regard to the first image, Waltz lays the basis on human nature as the cause of war, hence the need to go deeper into the personalities of policy makers to appreciate foreign policy outcomes. The second image primarily focuses on the internal constitution of the state, with regard to its ideological underpinnings. The third image is that of the international anarchy, which lay concern on how the international system is structured rather than on who are the actors as proposed in the first and second images.

Studies within the discipline of foreign policy, (Frey, 1985; Breuning, 2007; Dyson, 2006; Suganami, 2009; Kesgin, 2012; and Schuring, 2018) have focused on foreign policy decision-making. These studies seek to un-lock the intricacies of state conduct in the international system. According to them, the individual as a unit of analysis in foreign policy decision making has gained currency. Frey (1985) asserts that there is need for actor designation in foreign policy, since actors determine what foreign policy is made and how. Khandal (2018) aptly puts it, that the role of the individual in the field of international relations and the sub field of foreign policy has been a recurrent theme. She further proposed that scholars should attempt to study powerful personalities as case studies, to determine what motivates them towards making certain foreign policy decisions. Suganami (2009), further opines that when discussing foreign policy decisions such as war, reference must be made on how the leaders think, feel or do. This is agreed to by Hudson (2005), who brings into the discourse, the actor – specific focus in foreign policy analysis. Hudson vindicates that all that occurs between and across nations is grounded in human decisions makers acting singly or in groups.

However, even within the group, the individual leader shapes the foreign policy decision of the state. Hermann et.al (2001), in examining how governments make foreign policy, suggests that authority is exercised by three types of units, key among these is leaders. They further opine that, if a regime has one individual in its leadership, who is vested with the authority – by the constitution, law, or general practice – to commit or withhold the resources of the government; once the leader’s foreign policy position is known, those with different points of view generally stop public expression of their own alternative positions out of respect for the leader or fear of repression. It is this stand that Hudson (2005) espouses that, in the line of research on foreign policy, the individual constitutes the heart of international politics. Stuart (2008) agreeing with

these arguments, alludes that state action is the action taken by the individual who acts on behalf of the state. Kesgin (2012) summarizes that leaders matter in politics, and more specifically in foreign policy. Reaffirming this position Alden and Aran (2017) opine that foreign policy is a product of human agency, that is, individuals in leadership positions identifying foreign policy issues, making judgment about them and then acting upon their judgments.

Due to the centrality of individual leaders in foreign policy decision-making, their personalities have come into focus. Scholars in the field of foreign policy have attempted to investigate the impact and influence of leader's personalities on foreign policy. Alden and Aran (2017) note that, different leaders bring their own biases to offices and this could dramatically change the course of a nation's foreign policy. Hermann (1980), developed the Leadership Trait Analysis (LTA) Approach, and went further to generate some leader's personality traits using content analysis. These traits are used to construct leaders' personalities. The approach further guides in linking these personalities to states foreign policy choices and outcomes. Some of the traits identified by LTA Approach are: nationalism, need for power and belief in own ability to control events. According to Hermann (1980), nationalism is the trait of a leader, which makes the leader have strong emotional ties to their own nation and tend to emphasize on national honor and national identity. Need for power is the trait of a leader, described by Winter (1973) and Hermann (1980) as the attribute which makes the leader more concerned with establishing, maintaining or restoring one's own power, with the view to influence others. Lastly, belief in leaders own ability to control events is the attribute which makes a leader perceives some degree of control over situations and circumstances in which they are involved in. Leaders with a high belief in their ability to control events tend to believe that governments can influence what happens in or to the nation.

Basing on this, Dyson (2006) has endeavored to explore the personality and leadership style of Tony Blair in determining Britain's participation in the Iraq War, terming it "Tony Blair's War". Dyson goes further to explore Blair's personality traits and constructs the personality of Tony Blair. He comprehensively links Blair's personality to Britain's foreign policy towards Iraq. In addition, Kesgin (2012) uses the Hermann's LTA Approach to compare Prime Minister Tansu Ciller's foreign policies with other Turkish premiers in the post-cold war era with great success. Using the same analysis, Khandal (2018) has endeavored to explore Prime Minister Modi's personality and successfully linked it to the foreign policies of India. However, none of these studies so far have attempted to analytically link personality of any African leader to the foreign policy choices using the LTA Approach. This study attempts to introduce the place of personality in shaping foreign policy of an African state. It also seeks to further the debate on the place of leaders' personality in foreign policy in line with Kaarbo (2016) assertion. Kaarbo asserts that having generally agreed that personality of leaders matter in foreign policy; to continue the debate on this subject, it is now best to focus research on how personalities of leaders influence foreign policy and why.

Rasler and Thompson (1980), allude that the personality traits of decision makers constitute an important source of explanatory variables. They further argue that decision makers and leaders can influence their environment. The leaders' behavior in international affairs is partly due to factors personal to the decision maker. In this regard, their personality traits are important to study because they represent important links between the leaders and state behavior. Hermann (1980) through a study on 45 heads of state, confirms that personality traits of political leaders enable the construction of their personalities. She further asserts that these personalities influence their governments towards aggressive or conciliatory relations with other nations, hence is a key

determinant of foreign policy. Levy (2003), concurring with Hermann asserts that, the personality of the leader plays an important role in forming their states behavior.

The place of individuals in foreign policy has transcended the state – state relations and ventured into state relations with international legal institutions. This is against a traditional notion in international law, which considered relations between a state and its citizens a domestic issue, falling under state sovereignty (Ndeda, 2016). Gholiagha, (2014) buttressing this observation, pronounces that individuals have currently appeared and played a fundamental role in the space that in accordance with conventional International Relations scholarship was still the preserve of states. Observations in international law, substantiates this claims. By having direct access to individuals, international law has moved away from its original purpose to regulate the conduct between sovereign states, and that there is an increasing impact of international law norm on individuals. Further emphasis on the place of individuals in international law is given by Walter’s (2012) analysis of international treaties which he claims may create individual right and obligations. A classic example given by Walter is the trial of high-ranking individuals of the German Nazi regime in the Nuremburg trials. Benson and Livelsberger, (2009) while investigating the Nuremburg trials aver that the moral position of the individuals cannot be ignored.

These developments in the discussion of international law, have elicited scholarly concerns on state relations with International legal regimes. However, research in this subject such as Hoile (2010), Whitaker (2010) and Maru (2014) continue to view states compliance with international legal regimes from a state centric perspective. They advance this as the basis for state compliance with international legal regimes or lack of it thereof. Guzman (2002) fosters the argument, when he states that international law is simply an epiphenomenon and states

compliance with international law can only be explained as a coincidence between international law and state interests. Simons (1998) agreeing with this notion, argues that governments make legal commitments cynically and are always anxious to shake off the restraining influence that international law might have upon their foreign policies. According to them, states only adhere to international law or not, to the extent that it promotes or protects their national interests.

The dominant literature on state relations with international legal regimes, espouses state sovereignty as the main state interest that has posed a major setback on state compliance with international law. This is confirmed by the UNEP (2009), when analyzing the challenges facing states' adherence to international environmental law. UNEP argues that, state sovereignty has always played and continues to play a key role in determining states foreign policies in respect of multilateral agreements. This argument has remained valid in understanding states compliance with international law including states in Africa. Whitaker's (2010) study on three African states, found that compliance was highest in countries with convergent interests. In essence, sovereignty as a national interest affects the foreign policies of states towards international legal regimes.

This assumption of state interest in general and maintenance of state sovereignty in particular has shaped the discussion of particular African states antagonist foreign policy towards the International Criminal Court (ICC). This antagonism is epitomized by the African Union decision for mass withdrawal from the ICC, and individual states declaration of their intentions to withdraw from the ICC (Ssenyonjo, 2017). Sole focus on state interests continues, despite the evidence presented by various scholars on the centrality of individual leaders in foreign policy choices, (Waltz, 2001; Hermann, 2001; Dayson, 2006; Kesgin 2012) and recognition of individual obligation in international law (Gholiagha, 2014; Walter, 2012; Benson & Livelsberger, 2009). In championing for the withdrawal from the ICC, concerns on African states

interests have been advanced by various scholars. African leaders have also accused the ICC of having strained the African countries relations with the Court, which was previously cooperative. This cooperation is evidenced by the number of states that have ratified the Rome Statute, which was the constitutive act establishing the ICC (Tladi, 2009).

Maru (2014) posits that African states' relations with ICC are affected by the notion that ICC is only prosecuting Africans. He goes further to question if Africans are the only ones committing crimes proscribed by the Rome Statute. In an attempt to answer this, Hoile (2010) advances that ICC is new legal colonialism. He further accuses the Court of not having Africa's welfare at heart, but only the furtherance of Western, and especially European foreign policy, which is the domination of poor Africans. The African states have also expressed concerns that the ICC is a neo – colonialism tool, set to strip the continent off its sovereign integrity. These assertions seek to affirm that the interventions of the ICC have affected the independence of the states and impacted on the African countries relations with the ICC.

Hoile (2010) elucidates further that, there is a clear lesson for countries in Africa and elsewhere with regard to ICC. He advises African states not to join the ICC. He asserts, “*do not join the ICC and do not refer your country to the ICC. It is the equivalent of inviting cancer into your system*” Hoile (2010 – pg 103). Hoile further asserts that, the ICC's autistic legal blundering in Africa has upset peace processes in African states. He points to cases in Darfur, Northern Uganda and Congo, where he alludes that the intervention of the ICC have affected the peace building process in these regions and led to prolonging of devastating civil wars. Hence it is concluded that the ICC interventions negatively affect the peace building process in conflict zones and therefore should be abandoned. All these arguments closely resonate with the realist perspective of state interests. It is these arguments, which has shaped research on African states

antagonistic foreign policy towards the ICC, and the attendant intentions to withdraw from the court. Tladi (2009) views this African resentment with the ICC, as a battle for the soul of international law. Tladi's arguments is guided by the African states resolutions not to honour the ICC decisions, which threatens the values of the new kind of legal humanism which the ICC sought to offer.

1.3 Kenya – ICC Relations

In the aftermath of the 2007 post-election violence in Kenyan, negotiations among the political elite and African eminent personnel reached a consensus to establish a special tribunal that would be mandated to prosecute crimes committed during the violence (Waki Report, 2008; Muller, 2014). However, after several failed attempts to establish such a tribunal through the Kenyan National Assembly, and the rise of the political slogan “*don't be vague, let's go to The Hague*”, among the political elite, names of the persons alleged to have borne the highest responsibility for the crimes committed during post-election violence were submitted to the ICC (Lynch & Zgonec, 2013).

Kenya, which was previously viewed as being a model state party to the ICC, has been described as coming to the fore on the battleground in the ongoing struggle for the soul of international law (Plessis and Gevers, 2010; Tladi, 2009). This argument is given resonance by Kenya's antagonistic relations with the ICC. Lynch (2013) and Dancy et al. (2019), associate this antagonism with the ICC intervention in Kenya, when the Court sought to prosecute persons for the crimes committed during the 2007 – 2008 post-election violence. The violence witnessed in the post 2007 elections, led to the charges on crimes against humanity, leveled against six Kenyans. Among the six were Mr. Uhuru Kenyatta and Mr. William Ruto, who were elected as President and Deputy President respectively during the August 2013 General election in Kenya.

This made Kenya a unique case study, since the leaders who were charged for crimes against humanity at the ICC, sat at the helm of foreign policy decisions making between 2013 – 2017. With the growing evidence that international criminal law currently recognizes individual obligations, and the emerging significance of leaders in foreign policy decision making; Kenyatta and Ruto's personalities are therefore worth investigating. Their personalities could have influenced the country's foreign policy towards the ICC.

Kyle (2013) while analyzing the effects of ICC intervention in African Countries, and the resultant foreign policy of these countries towards the ICC, postulates that, African Countries have accused the court of being on the one hand insensitive to the local political exigencies and on the other hand, biased by its own political agenda. In the case of Kenya, Kyle further argues that the ICC has been insensitive to the need for the country to stabilize politically and move forward peacefully in the wake of the 2007–2008 post–election violence. The Government of Kenya (GoK) as captured by the Crisis Group Africa (2012) also advanced that the ICC process would threaten the Country's and by extension, regional peace and security. This assertion may have sought to foster a belief that Kenya could be an island of peace and a champion of security in the region. The intervention of ICC in Kenya therefore, may curtail the country's ability to control, not only the peace and security within the country, but also the peace and security process within the region. However, Nyong'o (2007) refutes this claim, and to him, lack of justice would pose a key threat to the peace and security of the Country. Ogot (2010) supporting Nyong'o's claim asserts that peace without justice is only peace of the cemetery. This peace versus justice debate was perpetrated by the political elites, who sought to establish status quo in the post 2007 elections period. The aim of the status – quo was to stifle calls on justice for victims of the post – election violence, and give prominence to peace and normalcy. In this way

the ICC was therefore an unnecessary intervention. The Kenyan cases at the ICC were against individual leaders and not the Kenyan state (Murithi, 2013). It is therefore important to note that Kyle's (2013) and the GoK claims captured in the Crisis Group Africa (2012), which were premised on state-centric assumptions, may not provide insight into the role of the leaders in influencing Kenya's antagonist foreign policy towards the ICC.

In addition, Kenya's protest letter to the ICC by its ambassador to the United Nations, Mr. Macharia Kamau dated 2nd May 2013, buttresses the argument on national peace and stability. In the letter, Mr. Kamau calls for the dropping of charges against Kenyatta and Ruto, arguing that continuation of the cases would compromise the country's ability to move forward peacefully. However, the letter also exposed a different perspective to the Kenya – ICC relations. It asserted that Kenya had the capacity to offer homegrown solutions. It further posited that the implication of the trials of Kenyatta and Ruto for the viability and continuity of the state should be self-evident, having been elected into the presidency. The letter therefore seemed to suggest that the ICC interventions affected the ability of the country to undertake justice on the crimes committed during the 2013–2017 post-election violence. This assertion is statist in nature as it seeks for the establishment of national sovereignty on the justice processes. Furthermore, the argument attempts to explain that the Kenya–ICC relations have been affected by the Courts intervention in the Kenyan case thereby denying the country its legal independence.

The letter further suggests that, because Kenyatta and Ruto were facing charges at the ICC, their ability to control events in running the government would be compromised due to their cases at the ICC. The Kenya National Assembly also relied on this notion as the premise for debating the motion on Kenya's withdrawal from the ICC (Helfer & Showalter, 2017). Based on Simon's (1998) deduction, that states are always anxious to shake off the restraining influence that

international law might have on their foreign policy, and having established that foreign policies of states have resonance with the personality of the individual leaders. It becomes necessary to investigate how Kenya – ICC antagonistic relations between 2013–2017, could have been driven by the potential inconvenience that the cases presented the Kenyan leaders. This inconvenience would have compromised their ability to control events in government, both locally and internationally. To undertake this, the study sought to measure the trait on belief in own ability to control events inherent in the two leaders, as identified through the Leadership Trait Analysis approach. The study further attempted to link how the personality traits caused the antagonistic Kenya–ICC foreign policy.

Hodgins (2015), identified three dominant rhetoric advanced by the Kenyan state to discredit the legitimacy of ICC; neo–colonialism, sovereignty and immunity of heads of states as key among the rhetoric. Neo–colonialism he asserts, served to justify injustices of the west towards Africa and Kenya in particular considering that the country had been under tight colonial rule in the past. Hall (2013) buttresses this point when he explains that Africans have long counted on the living memories to recall the racism, exploitation and humiliation suffered during the colonial era. Describing the ICC as a tool of neo – colonialism and arguing that the Kenyan cases were based on selective bias against Africans, Kenyatta brewed a perception that Kenya was a victim of global power imbalance. His stand on the ICC was therefore viewed as a continuation of the nationalistic struggle for the Kenyan people (Hodgins, 2015). What was lost in this argument was that the case at the ICC was not against the people of Kenya but on Kenyatta and Ruto as individuals. This notion could have only fostered Kenyatta and Ruto’s intention to evade justice for their alleged crimes (Muller, 2013).

The rhetoric on neo – colonialism is mainly statist in nature and heavily tied with that of sovereignty and foreign interference. Hodgins (2015) argues that resentment and concerns of unwanted foreign legal interventions, specifically from the west was another major effect on the Kenya – ICC foreign relations. The ICC was therefore seen as a threat to the sovereignty and independence of Kenya. While noting the centrality of leaders’ personalities in foreign policy decisions making, Brown and Raddatz (2014) finds that throughout, Kenyatta had positioned himself as a champion of Africa and Kenyan autonomy. He had on many occasions sought to tie Kenya’s fifty years of independence to an assertion of national sovereignty against the West. Both scholars further note that poor choices of words from Kenyatta and Ruto amplified their anti – imperial stance and protection of state sovereignty. This could have portrayed them as nationalist, based on their rally for sovereignty. Conversely, the matter of sovereignty which justifies nationalistic tendencies in Kenya – ICC relations, has been de – bunked. Ndeda (2016) alludes that, the ICC itself was a product of state sovereignty and Kenya exercised its sovereignty by ratifying the Rome Statute. Sovereignty, she adds belongs to the people of Kenya in accordance with their constitution and to prosecute an individual does not in any way injure the sovereignty of the people. Nsereko (2004) aptly states that, by ratifying the Rome Statute, the Kenyan sovereign accepted the ICC to form part of their legal infrastructure and constitutionalized it, and as such it cannot assault Kenya’s sovereignty.

Cases exist of political elite myth making. This is the deliberate manipulation of historical facts by political leaders who pose as nationalists (He,2007). The aim of such leaders is to evoke the deepest nationalistic feelings among the populace, in an attempt to achieve personal interest disguised as national interests, through their foreign policy choices (Wang, 2012). In light of these affirmations, there exists a need to explore how nationalism as a trait inherent in these leaders

caused the antagonistic foreign policy of Kenya towards the ICC as opposed to what dominant literature focuses on which is the effect of nationalism on the Kenyan – ICC relation. There is yet to be an empirical examination on how and why nationalism as a trait inherent in Kenyan leaders influence the country's foreign policy. This study shall attempt to fill this lacuna using Profiler Plus, to determine how nationalism as a trait inherent in Kenyatta and Ruto, influenced the antagonistic Kenya – ICC relations.

Debate on ICC – Kenya relations played significantly into the Kenyan 2013 presidential campaign and elections process. Kenyatta and Ruto who were the accused persons at the ICC, were running for the office of the presidency and that of the deputy (Muller, 2013). The indictment by the ICC would therefore be a great obstacle for their ascendancy into the presidency, which is considered by Hermann (2001) a position of power. Muller (2013) argues that other presidential contenders in the 2013 election heavily relied on the indictment of Kenyatta and Ruto at the ICC to put their candidacy in disrepute. They aimed at portraying them as not integral and therefore unable to lead. With the ICC charges being a potential obstacle to their ascendancy to power, the resulting antagonism between the ICC and Kenya was in the offing.

Maru (2014) and Hoile (2010) have accused the ICC of prosecuting African leaders whom it considers powerless. To counter this powerlessness, Kenyatta and Ruto heavily relied on ethnicity mobilization during the election campaign (Hodgins, 2015) to ascend to power. The Jubilee Alliance Party, on whose ticket the leaders were elected, claimed that the ICC was not only selectively prosecuting powerless African leaders, but also particular ethnic communities where the leaders were drawn. Mueller (2013) has argued that, "demonizing the ICC became a way of solidifying ethnic polarization, which turned the 2013 election into a zero-sum ethnic

contest". Kenyatta and Ruto, through their public pronouncements were able to tap into pre-existing domestic resentment, mistrust against other ethnic parties, and use those perceptions to further de-legitimize the ICC. Thus, the impending ICC trials were no longer about Kenyatta and Ruto being on trial as distinct individuals, but their affiliated ethnic groups were portrayed as implicated or held completely responsible for crimes. By situating their ICC indictments in such a way, Kenyatta and Ruto effectively portrayed themselves in a sympathetic light in a way that also incited further grievances within their affiliated ethnic groups. For this reason, the International Crisis Group (2013) had designated the ICC trial to be Kenyatta and Ruto's "secret weapon" to their rise to the position of power.

Power as viewed by Weber (1976), gives a person or a group of people the chance to realize their own will over others in a communal action, against the resistance of others participating in the action. It could be concluded therefore, that their quest for establishing and maintaining themselves in power would give them the ability to exert their will on others, against the resistance of their local and international political opponents. This could portray the personality trait of need for power inherent in them. This may have caused the antagonistic Kenya – ICC foreign relations. However, no study has undertaken an analytical measure on the need for power inherent in the two leaders. It is in this regard that the study explored how the trait on the need for the power of Kenyatta and Ruto impacted on Kenya – ICC antagonistic foreign policy between 2013 and 2017.

Despite the existence of literature on the antagonistic Kenya – ICC relations (Hodgins, 2015; Muller, 2013; International Crisis Group, 2013; Campbell, 2013; Nasereko, 2004; Hoile, 2010; and Lynch, 2013), most of the research is underpinned by statist assumptions. These pieces of literature are majorly descriptive in nature, and focus on "which" phenomenon could have

affected the Kenya foreign policy towards the ICC. However, they do not address “how” and “why” such phenomenon influenced the existing antagonist Kenya – ICC foreign policy. This study sought to explore how and why Kenyatta and Ruto’s personalities influenced the antagonist Kenya – ICC foreign policy between 2013 and 2017, using an analytical approach. This is in light of the personalities of Kenyan leaders and not the phenomenon advanced by other scholars, which are underpinned by statist assumptions. The study therefore sought to pioneer on the subject, guided by Leadership Trait Analysis (LTA) Approach, developed by Margaret Hermann (1980, 2001,2005).

Hermann (2005), provides that personalities of leaders are constructed by measuring some or all of the seven traits identified through Leadership Trait Analysis, and discussing their interplay to construct the leader’s personality. It is against this backdrop that the study explored how and why belief in ability to control events, nationalism and need for power as personality traits of Kenyatta and Ruto influenced antagonistic Kenya – ICC foreign relations between 2013 -2017. This was guided by Hermann’s Leadership Trait Analysis Approach which identifies the three traits in constructing leaders’ personalities.

The study was limited to Kenya - ICC relations between 2013 and 2017. This is guided by the fact that in 2013, the two leaders who are the subjects of this study were elected into the positions of President and Deputy President. The positions are at the helm of Kenyan’s foreign policy decisions making apparatus, hence the leaders personalities could have directly imparted Kenyan foreign policy outcomes towards the ICC. The study deliberately excluded the third Kenyan accused at the ICC, Mr. Joshua Sang, since he was a journalist with a local vernacular radio station, and did not occupy any position in government that would provide him with an

opportunity to directly influence Kenya's foreign policy towards the ICC. Furthermore, the theory underpinning this study restricts its application to only heads of state and political leaders.

1.4 Statement of the Problem

Kenya's foreign policy towards the ICC in the period between 2013 and 2017 has been documented as antagonistic. However, it is yet to be substantively explored how and why this antagonism could have been influenced by the personalities of President Uhuru Kenyatta and his Deputy William Ruto. This is despite the fact that the two leaders were facing crimes against humanity at the ICC, while at the same time were sitting at the helm of foreign policy decision making in Kenya during this period. It is possible therefore, that their personalities could have influenced this antagonistic foreign policy. Studies into Kenya's foreign policy towards the ICC, which are mainly descriptive in nature, acknowledge this antagonism. While these studies exist, they majorly focus on effects of various phenomena such as; nationalism, sovereignty, immunity of heads of state, electioneering dynamics, and the inconvenience posed by the ICC cases on the relations between Kenya and the ICC. Furthermore, these studies are mainly premised on state centric assumptions, ignoring the place of the individual leaders involved in the foreign policy decision making process, and whose personalities may influence the country's foreign policy. This study sought to fill this lacuna.

Guided by Leadership Trait Analysis Approach, the study focused on the personalities of President Uhuru Kenyatta and his Deputy William Ruto, and provide an analytical perspective to the antagonistic Kenya – ICC foreign policy. In doing this, the study explored how three personality traits; nationalism, need for power and ability to control events, influenced the Kenya – ICC antagonistic foreign policy. An interplay of the results on the three traits provided a basis

for construction of the leaders' personalities. Using this, the study explored why their personalities could have influenced Kenya's antagonistic foreign policy towards the ICC between 2013 and 2017.

1.5 Objectives of the study

This section highlights the overall and specific objectives which guide this study.

1.5.1 Overall Objective

The overall objective of this study was to explore how and why the Kenyan leaders' personalities influenced Kenya's antagonistic foreign policy towards the ICC between 2013 and 2017.

1.5.2 Specific Objectives

The specific objectives of the study were:

- i. To explore how Kenyan leaders' beliefs in their ability to control events influenced Kenya's antagonistic foreign policy towards the ICC
- ii. To explore how Kenyan leaders' nationalism influenced Kenya's antagonistic foreign policy towards the ICC
- iii. To explore how Kenyan leaders' need for power influenced Kenya's antagonistic foreign policy towards the ICC
- iv. To explore how the interplay on Kenyan leaders' traits on belief in ability to control events, nationalism, and need for power, influenced Kenya's antagonistic foreign relations towards the ICC and why

1.6 Research Questions

This section highlights the overall and specific research questions which the study sought to answer.

1.6.1 Overall Research Question

The overall research question is how and why did Kenyan leader's personalities influence Kenya's antagonistic foreign policy towards the ICC between 2013 and 2017?

1.6.2 Specific Questions

The specific research questions of the study were:

- i. How did Kenyan leaders' trait on belief in their ability to control events influence the states antagonistic foreign policy towards the ICC?
- ii. How did Kenyan leaders' trait on nationalism influence the Kenya's antagonistic foreign policy towards the ICC?
- iii. How did Kenyan leaders' trait on need for power influence Kenya's antagonistic foreign policy towards the ICC?
- iv. How did the interplay of Kenyan leaders' traits on belief in their ability to control events, nationalism and need for power influence Kenya's antagonistic foreign relations towards the ICC and why?

1.7 Theoretical framework

This section highlights the theoretical underpinnings of the LTA approach which guided the study. It further explains how the theoretical assumptions guided all the sections of the study.

1.7.1 Leadership Trait Analysis

Leadership Trait Analysis (LTA) theory was developed by Margaret Hermann (1980; 2002; 2005), to determine the personality trait of political leaders and show how a particular trait can influence foreign policy behavior. Hermann, a psychologist by training, borrowed the theory heavily from the field of political psychology. LTA theory thrives on fragmenting a leader into fine psychological components, referred to as personality traits, and using these traits for inquiry. The first assumption of this theory, which is supported by Greenstein (1967), is that personality of national leaders can influence foreign policy outcomes and are therefore worth focusing on. Secondly, the theory maintains that high profile political leaders are inaccessible and therefore may not be available for psychological assessment, an assertion furthered by Lodge and Taber (2000). Thirdly, the theory assumes that spontaneous public verbal outputs of political leaders, when processed by content analysis schemes tied to psychological notions, can expose fundamental information about their personality and decision style, Winter (2003).

To further anchor the theory Hermann (2002) developed seven politically relevant personality traits by assessing the leadership styles of 87 heads of state from 46 Countries and 122 national leaders from 48 countries that included revolutionary leaders, members of cabinets, leaders of opposition parties and terrorist leaders. It is important to note that, the measure for heads of state varies significantly with that of other political leaders and each is viewed as a case in themselves, with different norming groups. LTA therefore conceptualizes personality as a combination of some or all of seven traits: Nationalism, belief in ability to control events, need for power, conceptual complexity, self-confidence, distrust of others and task orientation.

Dyson (2006) while defining these traits, views nationalism as the perception of one's group as holding a central role accompanied with strong feelings of national identity and honour. Belief in ability to control events is a perception of the world as an environment that leaders can influence, need for power attribute on the other hand is purely concerned with the gaining, keeping and restoring power over others. Conceptual complexity is the capability of discerning different dimensions of the environment when describing actors, places, ideas and situations. Self-confidence is defined as personal image of self – importance in terms of the ability to deal with the environment. Lastly, task orientation is the relative focus on problem solving versus maintenance of relationship to others.

This study exploited only three of these attributes; nationalism, belief in ability to control events and need for power to construct the personality of the two leaders who are subjects of this research. This is guided by the main arguments that have been at play in the Kenya – ICC relations such as neo – colonialism and sovereignty struggles which seem to injure the national honor of the Kenyan state bringing to the fore the arguments on nationalism. Inability for Kenyatta and Ruto to establish and maintain power to properly govern with a tag of the trails at the ICC, in the wake of election of the two accused to the position of president and deputy president respectively. Lastly, with the possible erosion of power, the ability to control events within the international sphere comes into severe attack. This makes the three traits worth studying in relation to the antagonistic nature of Kenya – ICC relations.

The theory guided in the identification of the three attributes; belief in ability to control events, nationalism and need for power which formed the variables of exploration in this study, since they are among the seven personality traits defined by the theory. It further enabled the researcher to measure the traits on the two subjects of the study using content analysis technique

to arrive at scores for the various traits. Utilizing the scores in each trait the research constructed the personalities of the subjects and attempted to answer why there existed strained foreign relations between Kenya and the ICC which was the key puzzle of the research. With regard to methodology, the theory enabled the researcher to conduct a valid at – a – distance measurement technique, since the two subjects of the study are political leaders and therefore inaccessible to the researcher. Lastly, the theory guided the researcher to construct the personalities of the two leaders by exploring how their personality traits influenced Kenya’s foreign policy towards the ICC between 2013 – 2017.

The theory provides that when exploring an individual leader personality trait, the investigation undertakes a content analysis of their verbal or written output. The approach further assumes that the more frequently leaders use certain words and phrases in their interviews responses or other verbal behaviors such as speeches, the more salient such content is to them. What is important to the research, is the number of times when leaders’ verbal outputs exhibit particular words and phrases. Each trait is calculated according to a coding scheme developed by Hermann (1980). Extensive dictionaries have been developed to correspond with each of the seven traits of interest. Words are categorized as being indicative of either low or a high score on each trait. The leaders verbal output is then scanned for these words, with the score on each trait being the ration of words tagged as low, moderate or high, for the final score between depicted in ratios of between 0 -1. Score of 0 being the lowest, and 1 being the highest. Using the scores of the identified traits, the approach aids in constructing a leader’s personality by discussing the interplay of identified traits. The approach further provides assumptions which are the basis for discussing foreign policy behaviours, *vis – a – viz* the identified personalities. A country’s foreign policy choice and behaviour can then be explained *vis – a – viz* the leaders’ personality.

The approach has been utilized with notable success in other studies. Knauft (2017) utilized the approach when analyzing personal traits of Slobodan Milosevic and their impact on foreign policy. Dyson (2006) explored the personality and leadership style of Tony Blair in determining British participation in the Iraq. In addition, Kesgin (2012) used the Leadership Trait Analysis to compare Prime Minister Tansu Ciller's foreign policies with other Turkish premiers in the post-cold war era. Using the same analysis Khandal (2018) endeavored to explore Prime Minister Modi's foreign policies of India.

The approach is hailed by Winter (2003) and Kesgin (2012) as one of the at – a – distance method, designed to provide valid and reliable data on leaders, and to mitigate the problem of lack of direct access to political leaders, and to private material which might reveal their individual leader's personality.

1.8 Significance of the Study

This study is significant for four main reasons; First, most research on foreign policy decision making have been premised on statist assumptions. State sovereignty has mainly been discussed, as the key determinant of foreign policies of state towards international legal regimes. This study provided a shift in thinking and analysis, by focusing on the personalities of leaders involved in making foreign policy decisions. Second, available research on the Kenyan relations with the ICC have majorly looked at the effects of the Court's intervention on the Kenyan relations with the ICC. These studies seek to underscore that the ICC intervention in Kenya, brewed a sense of nationalism in the country, hence leading to a rise in neo – colonialism sentiments against the ICC. Further that the intervention has curtailed governance and stability in the country. This study, explores “how” Kenyan leader's personalities influenced Kenya's antagonistic relations with the ICC and “why” their personalities could have caused this antagonism. In answering this,

the study explored three personality traits of Kenyatta and Ruto; nationalism, need for power and ability to control events; on the premise that it is the leaders who formulate foreign policy and hence, the policies could reflect their biases and personalities. Thirdly, this study contributed to the enduring scholarly debate in International Relations, on states compliance with international treaties. Compliance has often been viewed through a state interest lens, ignoring the personality and personal biases of leaders involved in foreign policy decisions making. The findings of this study provided new knowledge to this debate, and afforded a fresh policy directive on Kenya foreign policy towards the ICC. Lastly, since personalities of Kenyatta and Ruto have not been subjected to empirical research on their influence on Kenya's antagonistic relations with the ICC, this study pioneers in this area. It answers not the "what" question which other studies have focused on, but the "how" and "why" questions. For this reason, the study utilizes an exploratory research design which makes it unique to other studies on Kenya relations with the ICC.

1.9. Scope and Limitation

This study was limited to three personality traits out of the seven defined by Hermann (1980); belief in ability to control events, nationalism and need for power. This was guided by the scholarly debates on Kenya foreign relations towards the ICC which are premised on three key perspectives. First, is on allegations of neo – colonialism and erosion of national honor by the ICC, as the main determinants of the relations between Kenya and the ICC. Second, the debates indicate that the Kenyan cases at the ICC were viewed by scholars as threatening the ascendancy of Kenyatta and Ruto to the Presidency (Campbell, 2013; Hodgins, 2015). Consequently, after their ascendancy to power, the cases kept curtailing their ability to fully control events while running government, as they would spend time defending themselves at the ICC. At the International stage, they were viewed as villains having been accused at the ICC, and this

compromised their ability to control and fully participate in diplomatic engagements. The leaders had limited control over this situation, and were considered illegitimate in some quarters.

Second, the study was limited to Kenyatta and Ruto, since the two were charged at the ICC for crimes against humanity and later elected to the position of President and Deputy President respectively, hence were sitting at the helm of foreign policy decision making structure. Coupled with their experience with the ICC, their personalities could have directly impacted Kenya's antagonistic foreign policy towards the ICC. The study excluded other Kenyans charged before the ICC since they did not sit in positions to influence foreign policy in Kenya between 2013 and 2017. Their personality attributes could therefore not directly influence the country's foreign policy.

Third, the study was limited to Kenya's foreign relations with the ICC between 2013 and 2017. In 2013, the two subjects of the study, Kenyatta and Ruto were elected into the position of President and Deputy President respectively, for a term of five years ending 2017. Their personalities could have influenced Kenya's foreign policy towards the ICC during this period when they were in policy making positions. In addition, during the period after 2017, the Kenyan cases at the ICC had been terminated, and this could have significantly changed the country's relations towards the ICC.

Fourth, the study was limited to selected speeches and interview responses of Kenyatta and Ruto as the primary data. This was because the subjects of the study are beyond the reach of the researcher to enable a clinical assessment on their personalities. It based on this inaccessibility that LTA approach proposes the use of content analysis in undertaking research on leaders' personalities. To delimit this, the study has utilized a computerized content analysis tool, Profiler Plus, to measure the selected verbal outputs of the leaders with the view to ascertain their

personality traits and guide the discussions of the objectives. Furthermore, the tool used to measure the outputs is a quantitative content analysis tool limiting the results of the measure in ratios and figures. This has denied the research the ability to highlight the words that depict if the leaders are high or low in the traits as provided by profiler plus. However, the discussions have been guided by the assumptions of the LTA theory which underpins the study.

Finally, the primary data used in this study was limited to verbal outputs of leader made only in the English language. This excluded verbal outputs of the leaders in the Swahili language where they discussed issues pertaining to the ICC. Profiler Plus only recognizes verbal outputs in English, German, and Spanish languages. This guided the limitation of the primary data to verbal outputs in English. The research also avoided translation of Swahili words to English for fear of losing the intended content of the subjects which is attributed to translation.

1.10 Outline of the Research

The study is presented in eight chapters. **Chapter One**, Introduction, lays out the key arguments of the research within the larger framework of International Relations scholarship and Foreign Policy Analysis. It presents the background of the study, with the main focus of placing personalities of leaders at the center of foreign policy decisions making and action. While doing this, the study identifies three main personality traits that guided the Kenyan relations with the ICC. These traits guide in formulating the specific objectives and research questions which have been highlighted in the chapter. The chapter further provides the theory guiding the study, which is the Leadership Trait Analysis theory. The theory postulates that all that happen between states is as a result of human agency, and that leaders' personalities define countries foreign policies. The theory identifies seven personality traits, from which the objectives of the study are drawn, and how such traits enable us understand foreign policy actions of leaders. The later sections of

the chapter focus on the significance of the study to International Relations scholarship and policy. The chapter further justifies the limitation of the study to the two subjects and the period which the study is set.

Chapter two presents the literature review that nuances the knowledge gap upon which the objectives of the study are premised. In organizing the chapter, sections have been defined in line with the set objectives of the study. The first section presents the overview of the chapter by reading the reader on the issues highlighted within the chapter. The second section focused on literature on leader's beliefs particularly the belief in own ability to control events. It demonstrates that despite the knowledge and existence of literature on the belief, it is yet to be subjected to empirical examination in relations to its Kenyan leaders and particularly with regard to Kenya's foreign policy towards the ICC. The chapter provided evidence that Kenyatta and Ruto on several occasions had misgivings about their ability to control events in government while grappling with the cases at the ICC. However, despite such evidence studies were yet to explore how the trait on their ability to control events influenced Kenya's relations with the ICC.

Chapter three presents the research design and methodology which the study is founded. The chapter highlights the study area, which is not the geographical bounds of the research, but the speeches and interview of Kenyatta and Ruto. It strives to justify the study population and sample size, and argues that the population of this study is the universe of utterances made by the leaders between 2013 and 2017, which is the course of the study. In making this justification, the section is guided by Silverman, (2013), Kothari, (2014), and Saraisky (2015). The chapter highlights the sampled speeches and interviews of the leaders which are utilized for analysis, and explains how the data was sourced from local and international media houses. In addition, the chapter provides the procedure used in downloading, transcribing and analyzing the data on

which the study is anchored. It also presents the ethical issues encountered in the research and how the issues were addressed.

Chapter four, focuses on answering the first research question, how leaders' belief in their own ability to control events influenced Kenya's antagonistic relations with the ICC. The chapter presents the results of the analysis of primary data done through profiler plus. The findings show that the leaders have an external locus of control, hence are low in their belief in ability to control events. To this regard the chapter discusses the how this influenced the relations between Kenya and the ICC, where it finds that because of this trait Kenyan leaders, let other persons and entities pursue foreign policy goals on their behalf and blamed external persons and entities and not themselves, when they failed achieve their desired foreign policy outcome with regard to the ICC.

Chapter five, answers the second research question, how did nationalism as a trait of Kenyan leaders' influence Kenya's antagonistic relations with the ICC. In addressing the question, the chapter presents the results of profiler plus on the trait for nationalism where it found that the leaders were low in nationalism. Guide by the theory and secondary data, the study presents that this made the leaders have no clear cut foreign policy decisions regarding the ICC question and defined how the leaders dealt with local opposition to their foreign policy actions, which was through, parliament, summits, letters and other diplomatic gestures

Chapter six presents, the findings and discussions on the third research question, how need for power of Kenyan leaders influenced Kenya foreign relations with the ICC. In doing this the chapter presents the measure of the primary data with regard to the trait on need for power. It finds that the leaders were low in need for power. Leadership Trait Analysis provided that leaders low in this trait are usually enable their followers to feel strongly and responsible for foreign policy actions and they tend to build team spirit and trust among their groups with clear

foreign policy objectives. Based on these assumptions, the chapter discusses how Kenyatta and Ruto undertook Kenya foreign policy with the ICC. It finds that the leaders, rallied support of their voters on the basis their charges at the ICC who felt very strongly about their cases at the ICC to the effect that they overwhelmingly voted for them in the 2013 general elections. Beyond the election and after their ascendancy into office, the leaders build a team spirit among their groups against the ICC cases to the extent that many of their allies such as members of parliament and senior government officials accompanied them to The Hague for the trial and enjoined in the case to fight their course.

Chapter seven discusses the interplay of the three traits which the study focuses on, and builds the personality profile of the leaders. It is argued in the chapter that leaders' personalities determine their leadership style (Hermann 2002). Personality is built around two key issues. One, how the leaders, reacts to political constraints in the environment, whether they respect or challenge the constrain. Two, leaders' rationale for seeking their foreign policy positions, whether they are driven by internal focus of attention or relationships that can be formed. The chapter provides the answers to these questions by looking into the interplay between the traits of nationalism and belief in ability to control events, and the trait on need for power. This provides the study with the personality of the leaders and hence determines why their personalities in influenced Kenya's relations with the ICC.

Chapter eight presents the summary of the key findings of this research, and provides a comprehensive conclusion of the study giving recommendations. It further highlights the contribution of that the research has made to the study of International Relations particularly to the sub discipline of Foreign Policy Analysis. It also contributes to the ICC on how to project their political circumstances that the court may have to deal with from time to time.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews literature on foreign policy analysis, more specifically on the Kenya's foreign policy towards the ICC. It seeks to nuance gaps in the literature and rationalize the need for placing leaders' personalities at the center discussions on Kenya's relations with the ICC. The chapter is divided into four parts as guided by the objectives of the study. The first part focuses on leaders' belief in their ability to control events and reviews various studies on the trait. The section further exposes the need to pay attention to the trait while investigating Kenya's foreign policy towards the ICC. The second part looks into the place of nationalism in foreign policy. It further espouses why the study emphasized the need to concentrate on the trait while analyzing Kenya's foreign policy towards the ICC. The third part is dedicated to reviewing literature on the personality trait of need for power. The section proves that the trait on need for power has not been investigated while looking into Kenya's foreign policy towards the ICC. The last part of the chapter reviews literature on the strained relations between Kenyan and the ICC between 2013 and 2017. It also exposes the debates that have been advanced around these strained relations. The section seeks to prove that personalities of the leaders have not been centered in these debates on Kenya's relations with the ICC. The section justifies the need to provide an interplay of the three traits to construct the leaders' personalities. The personalities provided answers why Kenya – ICC relations were strained between 2013 and 2017.

2.2 Leader's belief in own ability to control events

Hermann (2002) describes the belief in one's own ability to control events as the perception of the world in which leaders believe that they have a degree of control over situations they find themselves in. In furtherance of this, Knauft (2017) asserts that the belief in ability to control events defines how strongly the leader is convinced that they can exert their influence on the political situation in the international arena, which then defines the foreign policy of their states. Hermann (2003) summarizes this as the perception that individuals and governments can influence what happens. Based on this Hermann (2002) asserts that leaders who have a high belief in their ability to control events play key responsibility in planning and initiating actions of the state within the international political arena.

This trait of political leaders has attracted scholarly endeavors. Robison (2006), proposes that belief of a leader in their ability to control events should not be used as a determinant of foreign policy, as the trait can change over time or change due to a specific event. Renshon (2008) agrees with this notion that beliefs could change because of several reasons. One of the explanations for the change of beliefs according to Renshon is a traumatic event. He further gives an example of the September 11 attack which significantly changed the beliefs of the former U.S President George Bush in his ability to control events. Vindicating the claims of these scholars on the instability of beliefs, Schmulke (2018) pronounces that change in belief may not solely be due to an event. He adds that change could also be attributed to maturation of a leader, or the leader's sensibility to change.

However, the idea of change in belief has been demystified by Van Esch and Swinkels (2015). They state that most leaders' beliefs do remain relatively stable over time. This stand is supported by Cuhadar et. al. (2017). Hermann (2002), expounding on leaders' beliefs to control

events underscores that, leader high in this belief will want to maintain control over decision making and implementation, to ensure that in deed things do happen. It may be therefore difficult to change this active participation in foreign policy making process. A traumatic event may only upsurge this belief than lower it. Walker, Schafer & Young, (2003) buttresses that beliefs only depict a leaders own preference in terms of strategies and tactics. In addition, Schuring (2018) views beliefs as structuring and ordering reality for decision makers. He proposes that to cure this uncertainty of change, scholars should focus on particular leaders, at specific periods in time. To enhance a better focus on the trait, he further proposes that while investigating the influence of belief in leaders' ability to control events, investigations should be limited to a single instance of a foreign policy.

This study took these proposals into consideration as it focuses on the influence of belief of Kenyan leaders to control evens on Kenya's foreign policy towards the ICC between 2013 and 2017. This is based on the justification that personal belief of leaders and their orientations to foreign policy are worth focusing on when investigating their states behavior in the international political arena. Studies in this field have mainly focused on how beliefs of leaders have impacted on the foreign policy of their nations. Dyson (2010) analyses the beliefs of George W. Bush and concludes that his distinctive beliefs in ability to control events, were necessary conditions for the surge decision in Iraq. The study of He and Feng (2013), compared the beliefs in ability to control events of Xi Jinping and his predecessor Hu Jintao. The aim was to compare how China's foreign policy would be different under Jinping compared to his predecessor.

Dyson (2006) also explored Tony Blair's belief to control events. He determined that the prime minister had high belief in his ability to control events. This explained British invasion of Iraq. Dyson further justifies his assertions by expounding that Blair's high belief to control events

made him believe himself to be efficacious in relation to the political environment on a personal level. He therefore perceived that Britain was an influential political actor. This belief hypothesized why Balir led a more proactive policy orientation towards Iraq, and perceived that the barriers to successful invasion against Iraq were surmountable. In addition, Khandal (2018) explores the belief in ability to control events of Prime Minister Modi. Khandal found that the Prime Minister was average in this belief. However, the foreign policy of India; particularly with regard to the surgical strikes against Pakistan, depict a proactive foreign policy. Furthermore, Kesgin (2012) explores the belief of Tansu Ciller, the Prime minister of Turkey, and uses it to compare the foreign policies of Turkey during her time and that of other Turkish prime ministers. He finds that Ciller has a low belief in ability to control events. Based on this, he posits that this low belief in ability to control events explains the limitation of aggressive foreign policies of Turkey during this period.

Despite these studies, there is limited evidence of scholarly vacation on the influence of African leaders' belief in their ability to control events, on the foreign policies of their nations. The few studies that attempt to focus on how the trait influence foreign policy have ignored the foreign policies of nations towards international legal regimes. They narrowly focus on state – state relations, using cases of Western leaders. This study will attempt to fill this knowledge gap by exploring how ability to control events of two Kenyan leaders; Kenyatta and Ruto influenced Kenyan – ICC relations between 2013 and 2017.

2.3 Nationalism and foreign policy

Nationalism as a concept is viewed by Hermann (1980) as a person's view of the world in which their nation holds center stage. The trait is depicted by strong emotional ties to one's nation with emphasis on national honor and identity. Baum (2015) agrees with this argument and postulates

that nationalism is a feeling that supersedes personal sense of self, and requires that citizens be willing to kill and die without hesitation or question for their nation. Both scholars view of nationalism advances a course for nation pride and national honor, intended to foster a prescribed behavior by an individual in their role in domestic national affairs. Piston and Hachter (2000), have referred to this as patriotism. They describe patriotism as instrumental in nation building, as it nudges the populace to work towards improving the welfare of the state. It calls on the citizenry to ask not what their country can do for them, but what they can do for their country. However, other scholars have viewed nationalism as a pivotal factor in advancing wars and a threat to global peace and stability. Lambeth (2010) underpins this assertion when he postulates that nationalism is a key factor in shaping the course of global politics and has laid the heart of wars. Alter (1993) agreed with Lambeth's assertion, as he advances that nationalism persists as a great threat to global peace and stability. Baum (2015) further gives instances of ravages of nationalism and its effect in Europe leading to World War I and II. He associates the wars to the nationalism among the Germans under the leadership of Adolf Hitler, and nationalism among the Japanese under the leadership of Emperor Hirohito.

The role of nationalism in global peace and security as evidenced by these scholars has elicited concern in the field of foreign policy. In this regard, nationalism has gained currency as key determinant of foreign policy, war and global stability. Dominant literature on nationalism have majorly focused on nationalism of the people of a nation, as the key influence of foreign policy. Jian (2013), Baum (2015) and Momodu (2018) all make reference to popular nationalism as a determinant of foreign policy. This assertion is also advanced by Duijker and Frijda (1960) who opine that individual identification with the nation, can only be analytically aggregated into masses that can mobilize and generate public opinion which impart on a nations foreign policy.

However, other scholars disagree with this proposition and attempt to link nationalism of individual leaders to foreign policy. Mylonas and Kuo (2017) assert that nationalism is a pivotal ideology that informs the way state elites formulate and implement foreign policy. Hermann (1980) agrees with this notion and infers that journalists and policy makers often use nationalism as a reason for specific political leader's actions, particularly in discussion of leaders of the third world countries.

In most African countries, Kenya included, nationalism has often been utilized to explain political phenomena. The origin of such discussions can be traced back to anti – colonial protest and call for independence. Momodu (2018), while inquiring into African states foreign policies, identified African nationalism as having resulted into the development of a profound spirit of pan – African solidarity. This solidarity has heavily influenced African states foreign policy especially towards western nations. In reifying this argument, Gunn (2018), posits that African nationalism has endured to date, decades after independence. However, the focus has narrowly changed with the emergence of neo – colonial feelings among Africans. This has called for the continuous need for protection of sovereignty and national integrity among African states. The common point of intersection by these scholars is that they all refer to popular nationalism; obscuring the nationalism inherent in the political elite who are responsible for formulating and implementing their nation's foreign policies.

This argument has transcended into Kenya's relations with the ICC. Hodgins (2015) identifies neo – colonialism and attack on sovereignty as the key rhetoric advanced by Kenyatta and Ruto to discredit the ICC interventions in Kenya. Hall (2013) explicates that the advancement of this rhetoric sought to display ICC's affront to nationalism of the Kenyan people. The rhetoric further sought to incite memories of humiliation suffered during the colonial era. Brown and Raddatz

(2014) assenting to this supposition, notes that throughout, Kenyatta and Ruto had positioned themselves as champions of Africa and Kenya's nationalism. They had on many occasions sought to tie Kenya's fifty years of independence to proclamation of national sovereignty against the west. Through their actions the leaders hoped to be viewed as defenders of Kenyan nationalism. However, this was all in a bid to put the ICC in disrepute, and evade prosecution from the Court (Muller, 2013). This show of nationalism, through the call for sovereignty and national autonomy could have played a role in shaping the current Kenya's antagonist foreign policy towards the ICC, as depicted by attempts of Kenyan parliament to withdraw the country from the Rome statute.

However, despite Kenyatta and Ruto's political sentiments on nationalism, the trait as inherent in Kenyatta has not been subjected to analytical examination. Guided by LTA approach, and utilizing content analysis schemes, this study attempted to explore how nationalism as a trait inherent in Kenyatta and Ruto influenced Kenya – ICC relations between 2013 and 2017.

2.4 Leaders need for power and foreign policy

The concept of power in international relations and as a determinant of nation's foreign policies is associated with traditional realist thinkers like Machiavelli (1984) and Morgenthau (1978). Their works; *The Prince* and *The Politics Among Nations: The Struggle for Power and Peace*, respectively, depict that power is an inherent objective of mankind and states. The actions of states in the international political arena are therefore designed to maximize their power. This assertion has remained true among most scholars. Winter (1973) affirming the hypothesis, posit that power within international relations concerns establishing, maintaining or restoring one's power. This is further explicated by Khandal (2018), that power determines how strongly a leader in question and his state wants to gain control over others and establish dominance on

them. Marcella (2004) aptly puts it that power of a nation is its capacity to direct the decisions and actions of others nations and players in the international political arena.

Within the scholarship of foreign policy, power as a determinant of foreign policy has been observed from different lenses. Traditional scholars have concentrated on maximization of the power of the state as it relates with other states within the international political arena. They opine that maximization of power by the state is the key determinant of foreign policy. Morgenthau (1978) posits that the key determinant of foreign policy is state interest which he defines as maximization of power. Power according to Morgenthau, is measured in terms of capability of the state. Nye (2004) agrees with this viewpoint and refers to state power as the use of military or economic coercion to get others to change their position, in pursuit of foreign policy goals. This explanation of power is also shared with Enrico (2017), who associates power with the military and economic prowess, which may define whether a state advances coercive or friendly relations with other nations.

However, with the consensus that state actions are actions taken by the leaders of the state, and that leaders shape foreign policy of their respective countries (Stuart, 2008; UCC, 2007), there exists a need to go beyond the traditional debates of need for power of the state as a determinant of foreign policy. Scholarship needs to investigate the need for power of the leaders of the state as the determinant of the state's foreign policy. This hypothesis is advanced by Alden and Aran (2017) who view foreign policy as a product of leaders identifying foreign policy issues, making judgments about them, and acting on their judgement. Based on this argument, Rasler and Thompson (1980), suggest that the personality traits of decision makers constitute an important source of explanatory variables. Hermann (1980) furthers this debate and identifies the leaders' trait on need for power, as a key determinant of a state's foreign policy direction.

Despite these revelations, debate on the Kenya's antagonistic relations with the ICC are guided by traditional views on power. The debates have mainly focused on the actions of the court that would have allegedly eroded the power of the Kenyan state. This is advanced as the key determinant of Kenyan relations with the ICC, ignoring the need for power of the Kenyan leaders. The impetus to look into the need of power by leaders is evidenced by Maru (2014) who claims that the dispute between African countries and the ICC is that the Court is only prosecuting Africans whom it considers powerless. In essence therefore, it is the powerlessness of African leaders that make them target for prosecution at the ICC. Hoile (2010) agrees with Maru, but brings a new approach to the resentment. He defines the ICC as structure of legal colonialism, geared towards the furtherance of Europeans foreign policy to dominate the powerless African countries. Hognins (2015) enriches this debate by introducing the idea of sovereignty and immunity of head of state. He explains that ICC is injurious to the sovereignty of African states and is attacking the concept of immunity of heads of states. Based on this, the African heads of state resentment of the ICC is because it jeopardizes their ability to establish and maintain power since they are susceptible and vulnerable to prosecution at the ICC.

Brown and Raddatz (2014) have pronounced that Kenyatta had positioned himself as a champion of Africa and Kenyan autonomy and power. He sought to tie Kenya's fifty years of independence to an assertion of national power against the west and by extension the ICC which Hoile (2010) views as western court. These actions as explicated by Brown and Raddatz can be confirmed through the anti-western sentiments made by Kenyatta and Ruto which infiltrated into discussion on Kenyan's foreign policy towards the ICC. Mueller (2013), concurs with this notion, however, she analyses that demonizing ICC by Kenyatta and Ruto as a strategy for solidifying ethnic polarization for the purposes of acquiring power during the 2013 general elections in Kenya.

Power provides leverage for leaders to circumnavigate international legal process, what Nzomo (2016) refers to as the “big man syndrome” in foreign policy decision making.

What is apparent from this debate is that the need for power as a determinant of foreign policy has often been viewed from a state centric perspective, where the need for power of the state has been the focus. This view has transcended into Kenya foreign relations towards the ICC, obscuring the need for power of the Kenyan leaders as a key influence of Kenyan foreign policy towards the ICC. This study attempted to fill this lacuna by exploring how the need for power of Kenyatta and Ruto, influenced Kenya’s antagonist foreign policy towards the ICC. This is in light of the fact that, in the Kenyan case, it was the individual leaders who were accused of planning, financing, instigating and executing atrocities proscribed by the Rome Statute as espoused by Murithi (2013). Hence, the cases could jeopardize their ability to establish and maintain power with the view to exert their will over others while being the President and the Deputy President respectively.

2.5 The strained Kenya – ICC relations between 2013 and 2017

When the ICC was first established, Dancy et al. (2019) avers that, African states and their leaders were some of its most ardent supporters. This is supported by the claim that twenty – seven of the first sixty states that signed the Rome Statute, which established the ICC, were African states. The move displayed the overwhelming acceptance of the Court’s jurisdiction among the African States. Furthermore, the predecessor of the African Union, the Organization of African Unity, in supporting the establishment of the ICC, made a resolution during its’ thirty – first ordinary meeting held in May 2002, encouraging its members to join the ICC (Louw, 2009). Kenya was one of the African states, to ratify the Rome Statute. Wanyeki (2012)

confirms that, Kenya signed the Rome Statute in 1999, and the Kenyan National Assembly ratified the ICC Bill in 2005, making Kenya the ninety-eight state party to the ICC.

The continental body and its member states enjoyed cordial relations with the ICC for some time. This is alluded to by Maunganidze and Louw (2012), who assert that African states represented the second largest continental bloc of state parties to the Rome Statute, and that the African states self-referred five cases to the ICC. This was a display of confidence in the court system. These cases included referrals by the Governments of Uganda, Democratic Republic of Congo, Mali and two cases by the Government of Central African Republic. However, over the years, the overwhelming support that the ICC enjoyed among the African states has since dwindled. Taldi (2009 - 1) referred to the dwindling as “*The battle for the soul of international law*”. Backing this assertion, Verini (2016), postulates that issuance of arrest warrants on sitting heads of African states severed relations between African states and the ICC. African states through their governments viewed these warrants as trampling on the principle of immunity of heads of states. On the other hand, some scholars associate African – ICC disentanglement as arising out of African states accusation that the ICC prosecutions undermine peace and reconciliation processes within conflict zones in African states (Akhavan, 2009; Hoile, 2010; Clark, 2011). Conversely, this argument is debunked by Ogot (2010) and Nyong'o (2007), who view justice, which the ICC seeks to serve, as central to peace and reconciliation processes. They attribute lack of peace as a sure recipe for conflict and instability. Accordingly, Sriram and Pillay (2009), argue that peace and justice are a false dichotomy and that both can and should be served simultaneously.

Furthermore, considering that most cases at the ICC are from Africa as is evidenced by Apiko and Aggad (2016), African states have accused the ICC of bias against them. Ssenyonjo (2017),

investigating Africa – ICC relations, espouses that African states view the ICC as Caucasian court for the persecution and humiliation of people of colour. Based on these varied views, the strained Africa states relations with the ICC cannot be premised on a single assertion, but on multiple views and arguments. These arguments may apply differently to the continental bloc, and to individual African states. But considering that the bloc is formed by the member states, investigating individual states would therefore give a vivid perspective on these strained relations between the countries and the ICC. This would unearth specific issues relevant to the setting in the particular state.

Kenya, which Plessis and Gevers (2010) describe as previously being a model ICC state party, had its relations with the ICC strained between 2013 and 2017. This estrangement was evidenced by charges of mass withdrawal of African States from the ICC. These charges were sponsored by Kenya's diplomatic officials, who secured the two – third majority member states to call for the Extraordinary African Union summit on the ICC in October 2013, where the resolution on mass withdrawal was made (Dersso, 2013). However, there lacks a singular argument that would satisfactorily explain the strained Kenyan relations with the ICC. In an attempt to explain the strained relations, Lynch (2013), espouses that the severing of the relations between Kenya and the ICC started at the backdrop of charges for the suspects of crimes against humanity associated with the 2007 – 2008 post – election violence. He continues that the antagonism heightened during the campaign of the 2013 general election into the term of office of Kenyatta and Ruto, who were accused at the ICC. Dancy et.al (2019) buttresses this assertion, that Kenyatta and Ruto began stumping on the ICC after its prosecutor charged them with instigating attacks following the 2007 Kenyan general election.

However, these discussions on the strained Kenya's foreign policy towards the ICC were viewed from diverse lenses. Labuda (2015) asserts that the strained relations were based on perceptions of attack on sovereignty of the Kenyan state which provoked colonial sentiments. Kenyan leaders regarded the ICC as a neocolonial tool, and this elicited the need for pan – African solidarity, since Kenya saw the need to stand with her continental neighbors in discrediting the ICC. In addition to Labuda's assertion, Hodgins (2015) alluded that, the erosion of immunity of heads of states, which the Kenyan case had put to test, was among the key narratives advanced by the two Kenyan leaders while attacking the ICC. These arguments on sovereignty, immunity and neo – colonial accusations, advanced by the Kenyan leaders, have been opposed by Nsereko (2004) and Ndeda (2016). They argued that sovereignty belonged to the people of Kenya and not the two leaders, and by signing and ratifying the Rome statute, the Kenyan sovereign, surrendered to the jurisdiction of the ICC.

Other scholars have viewed this strained relation as being underpinned by personal interest which could be pegged on the personality of Uhuru Kenyatta and William Ruto. Kendall (2014) and Mueller (2013) argue that the ICC intervention became deeply imbricated with the Kenyan 2013 electoral process. Kenyatta and Ruto rallied their communities support on the grounds that they were victims of a biased ICC system. This argument brings to the fore the need for power by Kenyatta and Ruto and their nationalistic tendencies which is portrayed by mobilizing their ethnic communities for purpose of gaining power. This is tested in this study. In addition, Kabukuru (2013) has argued that throughout the campaign towards the 2013 general elections, Kenyatta and Ruto maintained that their trials were personal matters. Their narrative however, shifted after their victory as evidenced by Kenyatta's speech, captured by Helfer and Showalter (2017), where he says "*I speak not as an accused person, but as the President of the sovereign*

Republic of Kenya...if you want us to continue to cooperate let me make it clear that when Ruto is in The Hague I will be here, and when I am in The Hague, Ruto will be here.” This could portray Kenyatta’s belief in his ability to control events, but the single instance cannot provide a valid conclusion as to the extent of the trait being inherent in him. It further proves shiftiness in Kenyatta’s personality; and in his foreign policy stands. Shifty foreign policy decision making is associated with leaders’ low in their belief in ability to control events. To hypothesize therefore, we must first and foremost measure the trait, which has been explored in this study.

Despite the scholarly revelations that personalities of leaders influence foreign policy decisions, no study has attempted to relate Kenyatta and Ruto’s personalities to Kenya’s foreign policy towards the ICC. This study constructed the personalities of Kenyatta and Ruto by exploring the interplay of the three personality traits identified and measured: belief in ability to control events, nationalism, and need for power. The personalities have provided the research with insight to hypothesize how, and answers why personalities of Kenyatta and Ruto influenced the antagonistic Kenya – ICC foreign policy between 2013 and 2017. This is in light of the argument that who leads matter in foreign policy analysis (Hermann, 1980).

2.6 Summary

This chapter has reviewed and discussed in detail relevant literature on foreign policy analysis. It has illuminated the centrality of leader’s personalities in influencing foreign policy analysis. The chapter has further proven that the existing literature on strained relations between Kenya and the ICC between 2013 and 2017 have not centered the leaders’ personalities in their analysis. This has obscured the influence of their personality traits in the debate. While exposing the gap, the chapter goes further to elaborate the key arguments in dominant literature that seek to explain the strained Kenya – ICC relation. They include; the assertions that the ICC has upset peace process

within Kenya geared towards solving the animosity that arose after the 2007/2008 post-election violence; the argument that the intervention of the ICC was an affront to the sovereignty of Kenya and to the concept of immunity of heads of states. Other debates view the strained Kenya relations with the ICC as premised on the personal interest of Kenyatta and Ruto, of acquiring power and hence evading justice at the ICC. However, such debates as shown in the literature are descriptive in nature. While they take into account some verbal sentiments of the two leaders, these literatures do not subject these verbal outputs to rigorous analysis with the view to explore the personalities and personality traits. They therefore do not answer how such personalities influence Kenya's foreign policy towards the ICC and why.

Premised on this gap, the study undertakes an analytical analysis of the leaders' verbal outputs using a computerized quantitative content analysis tool – profiler plus, to measure the leaders' traits of belief in own ability to control events, nationalism and need for power. The final section of the chapter provides a landing ground for introducing the personalities of the leaders in the debate on Kenyan foreign policy towards the ICC, between 2013 and 2017.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

The methodology guiding this research is grounded on positivist philosophy for three main reasons. One, the data to be analyzed in the research is observable, and naturally occurring without the intervention of the researcher. The data comprises of utterances made by the subjects of the research between 2013 and 2017, and are achieved in written and audio – visual formats. The natural occurrence of data is one key basis of the positivist philosophy (Saunders, et al. 2012). Second, the researches' involvement in the data collection and analysis process is external and hence objective. The researcher cannot alter the verbal outputs of the subjects, nor can he affect or be affected by the data. Analyzing psychological attributes of leaders require use of their verbal outputs since they are inaccessible for clinical interviews. This is referred to as “at – a – distance” measuring technique (Dyson, 2006; Kesgin, 2012) making the researcher's involvement external as provided by the positivist philosophy. Three, positivism lays emphasis on quantifiable observations that lend themselves to statistical analysis. The data which is utilized in the research was subjected to quantification using quantitative content analysis method. The method is highly structured and guided by the LTA approach. In undertaking the analysis, the researcher used a computerized software – Profiler Plus, to enhance objectivity and save time associated with word count. This further distances the researcher from the results. Furthermore, the use of this method facilitated replication which is a key assumption of the positivist philosophy (Saunders et al. 2012)

This chapter documents the research design, the study area, the sampling techniques and the sampled speeches and interviews which form the primary data of the research. The chapter

further explains how the data was analyzed, the ethical considerations which were made during data collection and analysis. The final section of the chapter explains how the data was analyzed and the result presented.

3.2 Research Design

This study adopted an exploratory multiple case study design. This was guided by the literature reviewed, which depicted that a study was yet to be undertaken on the personalities of Kenyatta and Ruto and the influence of their personalities on the antagonist Kenya – ICC foreign policy between 2013 and 2017. Furthermore, reviewed studies on Kenya – ICC relations were mainly descriptive in nature and premised on state centric assumption, guided by the realist school of thought. Based on these observations, this study sought to endeavor into the virgin field of Kenyan leaders’ personalities and their influence on the antagonistic Kenya – ICC foreign policy between 2013 and 2017. The study adopted an analytical approach, using Leadership Trait Analysis and profiler plus, hence the need to explore.

The advantage of using the exploratory multiple case study design enabled the research answer the “how” and “why” questions of the research (Baxter and Jack, 2008). This study having identified what the problem was, which was the antagonist Kenya foreign policy towards the ICC, the exploratory multiple case study design enabled the research to address how the personalities of the leaders could have imparted the on antagonism, and why this could have been the case. Considering that there are yet to be studies on Kenyan leaders’ personalities and foreign policy towards ICC, this study design permitted the researcher to offer insight into how future studies around the subject of research can be done, as opposed to explanatory or comparative case studies.

A case study is defined by Jacobsen (2002) as an intensive study about a person, a group of people or a unit, which is aimed to generalize over several units. This definition is agreed upon by Thomas (2011) who advances that a case study is an analysis of systems that are studied with a comprehensive view by either one or several methods. The basic principle however, is that a case study focuses on intense analysis of a subject, a small group or a special unit. For the purposes of this study, the cases to contend with were Uhuru Kenyatta and William Ruto, since it is their personality traits that were the subject to this research.

The study was guided by the Leadership Trait Analysis theory, which provided for different standards of measure for heads of states and for political leaders, and categorizes them in different norming groups. To achieve a comprehensive exploration as per the objectives of the study, the two cases were measured distinctly. Uhuru Kenyatta was measured as the head of state while William Ruto as a political leader. This called for the use of multiple – case study design.

The multiple case study design is a type of case study design where more than one instrumental bounded case is selected to develop a more in-depth understanding of the phenomena than a single case can provide, as Gustafsson (2017) puts it, when a study includes more than one single case, a multiple case study is needed. The multiple – cases study design allowed this study to explore the leadership trait analysis by replicating the procedure on Uhuru Kenyatta and William Ruto as this is one of the key advantages of the design as described by Zach (2006).

Cousin (2005), explains that a multiple – case study method is not aimed at analyzing a case, but it is a good way to define cases and to explore a setting in order to understand it. In this regard, having defined the cases, the study utilized content analysis as a method to analyze the data, and in a bid to answer the research questions.

3.3 Study Area

The area of study in this research comprised of utterances, (speeches and press interviews) by Kenyatta and Ruto delivered between 2013 and 2017 at varied events and instances where they addressed issues relating to the ICC. The study area was not limited to any geographical location, since the speeches and interviews were not only made locally within Kenya, but also internationally, at various events. Locally, the speeches were made during national events and at the National Assembly, and internationally, at the African Union Summits, and The Hague. The speeches and interviews were sourced from sampled local and international electronic media houses as archived on their websites.

3.4 Study Population

Population is a group of individuals, institutions, or objects with common characteristics (Kothari, 2014). Silverman (2013) also defines population as the total quantity of cases, objects, people or events and situations, of the type which are the subject of one's study. In this study, the study population denoted the universe of speeches and interviews delivered by Uhuru Kenyatta and William Ruto, in the period between 2013 and 2017. These speeches and interviews are numerous and are archived in various sources. This study was restricted to six sampled media sources for retrieving the speeches and interviews. The choice for media houses was purposive, guided by three issues. One, media houses are a rich reservoir for ideas on foreign policy. Two, media houses play a key role in disseminating ideas about foreign policy, and set the policy agenda (Saraisky, 2015). Three, media is also an economical mode of data collection due to its availability, and ease of access.

The research sourced the speeches and interviews from three local media houses: Royal Media Services (Citizen Television), Nation Media Group (NTV) and the Standard Group (KTN), and

the three international media houses; DW News, Aljazeera, France TV which were all purposively sampled. The study also relied on the Kenyan Nation Assembly Hansard Reports, The Chatham House website, The African Union website, and Office of the President of the Republic of Kenya website, as reliable sources for verifying its data.

3.5 Sampling technique

The study utilized purposive sampling which is a key type of non – probability sampling. In this sampling technique, the items for the sample were chosen by the researcher, guided by Leadership Trait Analysis Approach, and the questions that the research sought to answer. The study sampled Kenyatta and Ruto among other Kenyan leaders for two reasons. One, they were serving as President and Deputy President respectively, in the period under study. Two, they were charged at the ICC for crimes against humanity related to the 2007 – 2008 post-election violence in Kenya. These reasons presented a unique case for study, since the leaders were the first to be elected into the office of the presidency while facing charges at the ICC. It is yet to be known whether their personalities could have influenced Kenya – ICC relations between 2013 and 2017, when they were at the helm of foreign policy decision making. The study deliberately ignored the third accused in the Kenyan case at the ICC, Mr. Joshua Sang. He did not occupy a leadership position in Kenya during the period under study which would have enabled him influence Kenya’s foreign policy.

The speeches and interviews which were the primary data for this study were sampled from local and international media houses. The choice for media houses was made on the basis that media houses provide a rich reservoir of archived information, and were key in disseminating information on foreign policy (Robinson, 2001).

The decision to sample the three local media houses Royal Media Services (Citizen Television), Nation Media Group (NTV) and the Standard Group (KTN)) was due to their live coverage of national events and significant news items, where some of the targeted speeches were made. In addition, these local media houses have been hailed as holding very rich achieved resources, and are easy to access. (Nthenya, 2014; BBC, 2009; Mshindi, 2008). The three international media house (Aljazeera, France TV and DW News) were sampled due their extensive focus on African news content in comparison to other international media, during the period under study (BBC, 2009).

The speeches and interviews which were sampled for this study were those that were delivered between 2013 and 2017. It was during this period that the Kenyan cases at the Court were active, and Kenyatta and Ruto were sitting at the helm of foreign policy decision making. The study was restricted to speeches and interviews delivered by Uhuru Kenyatta and William Ruto where matters relating to Kenya foreign policy and her relations with the ICC were discussed or addressed. Tables 1, 2, 3 and 4 depict the typology of the sampled speeches and interviews by both Uhuru Kenyatta and William Ruto. The total number of words in both the speeches and interviews by Kenyatta are eight thousand, one hundred and ten (8,110) while the total number of words by Ruto is seven thousand, seven hundred and seventy (7,770).

To attain a comprehensive measure on leaders' personalities, Herman (2002), prescribes that research should utilize at least five thousand words drawn from both the speeches and interviews of the leader. The numbers of words form the speeches of Kenyatta and Ruto are beyond the five-thousand-word mark, hence sufficient to undertake a comprehensive profile on them. The words have been drawn from speeches done is diverse years and settings and were found to be rich in the discussion around the ICC which is the subject of the research.

The tables below, (tables 1,2,3 and 4) present select ICC related speeches and interviews from Kenyatta and Ruto that provide the primary data for the study. For ease of reference in subsequent discussions, the data have been given the following data codes (DC): US, to represent Kenyatta’s speeches; UI, to represent Kenyatta’s Interviews; RS, to represent Ruto’s speeches and RI to represent Ruto’s Interviews.

Table 1 – Typology of Speeches by Uhuru Kenyatta

DC	Speeches	Date	No of Words
US1	Speech at the 26 th African Union Summit in Addis Ababa	31/Jan/2016	2659
US2	Speech at the Joint Sitting of the Kenya Parliament from the Kenya National Assembly Hansard Report	06/Oct/2014	2243
US3	Speech at the Pre – Jamuhuri Day Celebrations at Independence Square	11/Dec/2013	867

Source: Researchers own tabulation. The table depict the sampled speeches of Uhuru Kenyatta, showing the date when the speech was said and the number of words extracted from the speech for analysis.

Table 2 – Typology of Interviews by Uhuru Kenyatta

DC	Interviews	Date	No of Words
UI1	Interview with Marc Perelman on France 24 TV	26/April/2016	535
UI2	Interview with Daniel Pelz on DW News – DW African Desk	08/April/2016	145
UI3	Interview with Husein Mohamed on Citizen TV Kenya	09/April/2014	271
UI4	Interview with Husein Mohamed on Citizen TV Kenya	31/January/2013	1390

Source: Researchers own tabulation. The table depict the sampled interviews of Uhuru Kenyatta, showing the date when the interview was done, the number of words extracted from the interview for analysis and the media house where the interview was delivered.

Table 3 – Typology of Speeches by William Ruto

DC	Speeches	Date	No of Words
RS1	Speech at the Pre – Jamuhuri Day Celebrations at Independence Square on KTN TV Kenya	12/Dec/2013	196
RS2	Speech at The Jamuhuri Day Celebration on KTN TV Kenya	12/Dec/2013	390
RS3	Speech at The Mashujaa Day Celebration on KTN TV Kenya	20/Oct/2014	939

Source: Researchers own tabulation. The table depict the sampled speeches of William Ruto, showing the date when the speech was said and the number of words extracted from the speech for analysis

Table 4 – Typology of interviews by William Ruto

DC	Interviews	Date	No of Words
RI1	Interview with Folly Bah Thibault on Talk to Al Jazeera	20/March/2013	835
RI2	Interview with Hussein Mohamed on the Big Question at Citizen TV Kenya	3/June/2015	3900
RI3	Interview with Eveline Wambui on Newsmaker, Citizen TV	12/Dec/2013	720
RI4	Interview with various journalists at the Hague in Netherlands, Nation TV	16/Oct/2013	790

Source: Researchers own tabulation. The table depict the sampled interviews of Uhuru Kenyatta, showing the date when the interview was done, the number of words extracted from the interview for analysis and the media house where the interview was delivered.

The speeches and interviews included those delivered at the Kenya National Assembly, during national events, at the African Union Summit, and interviews with the sampled media houses. The data was further verified from other relevant sources such as the Kenya National Assembly Hansard reports, websites of the various organizations where the speeches were delivered such as, African Union website, and Office of the President of the Republic of Kenya website. The primary data once collected was transcribed and run through Profiler Plus for analysis.

3.6 Data Collection

The study of political leaders needs unique data collection methods as leaders are not readily available or willing to be interviewed for psychological analysis and interviews (Kesgin, 2012). This assertion is corroborated by Dyson (2006), who asserts that it is usually difficult for researchers to have direct access to political leaders and to private material which may reveal their personal characteristics. To this regard, scholars such as Taber (2000), Winter (2003) and Khandal (2018) who have investigated leaders' personalities and their foreign policy choices, have utilized content analysis techniques also known as at – distant – measure techniques (Dyson, 2006). These techniques involve the researcher collecting publicly available material on the leader such as speeches and interviews, which will portray the leader's personality (Hermann, 2002). This is in line with the positivist philosophy guiding this research.

This study was conscious of the inability of the researcher to access President Uhuru Kenyatta and his Deputy William Ruto for psychological analysis. To this end the study collected audio visual data from available speeches and interviews by the two leaders given at various point during their tenure in Office, between 2013 and 2017. The speeches and interviews formed the primary data which was analyzed in this study.

3.6.1 Access to Primary Data

The primary data which was utilized in this study consisted of speeches and interviews by Uhuru Kenyatta and William Ruto and are naturally occurring without the intervention of the researcher. This is in line with epistemology assumption of positivist philosophy. This data was sourced from the three local electronic media houses based in Kenya; Royal Media Services (Citizen Television), Nation Media Group (NTV) and the Standard Group (KTN), and three international electronic media houses; DW News, Aljazeera, and France 24 TV as archived on their websites. The data was further verified from the websites of other international organizations; the African Union, the United Nations, Cathman House, and Office of the President where they were also achieved.

3.6.2 Downloading of data

After access of the primary data which was in the form of audio–visual clips and texts, the data was downloaded into the researcher's personal computer. This was done without any alterations or editing to retain the original version of the data. With the data downloaded, the researcher read, reviewed and transcribed the audio – visual data to text.

3.6.3 Transcription of data

Bailey (2008) asserts that transcription is the interpretive representation of audible and visual data into written or text form. Transcribing the audio – visual data into text format was central to this research, since the Profiler Plus – the software which was used for data analysis only accepts texts for its analysis. The techniques may appear as a straightforward technical task but has been found to involve proper judgment on the level of details to choose, and the data to interpret. The

audio – visual data once downloaded was transcribed into texts for content analysis. The data which was in the form of texts was content analyzed directly without any need for transcription.

In undertaking transcription of the audio – visual data the researcher’s focus was on what was said and not how it was said. The researcher omitted four key elements in the speeches and the interviews. One was the non – verbal dimensions of communications such as hand gestures, eye movements among others. Second, the researcher omitted verbal fillers in the speeches and interviews such as the use of “uh”, “mmh”, and “eh” among other fillers. Third the researcher omitted repeated words which did not syntactically integrate into the speeches. Lastly the researcher omitted Swahili verbal outputs in the data since Profiler Plus does not recognize Swahili words and hence cannot analyze them.

The transcription was guided by standard orthography, as spellings given to the words were in line with standard English dictionaries. Deviation from standard pronunciations by the Uhuru Kenyatta and William Ruto were therefore lost. In undertaking this transcription, the researcher used a headphone to listen to the audio – visual data and typed the words into the personal computer in the Microsoft Word.

3.7 Validity and Reliability

The researcher developed strategies to counter risks to validity and reliability of this study. The risk was posed by the use of purposive sampling and the use of quantitative content analysis in analyzing data. To guard against personal elements mediating the research, which is a danger attendant of purposive sampling technique (Kothari and Grag, 2014), the researcher sampled only verbal outputs in speeches and interviews, where issues pertaining to Kenya and the ICC were addressed as guided by the objectives of the research. The data was downloaded and saved in the researcher’s personal computers. The data is available, and can be retrieved for

verification. In analyzing the data, the research utilized quantitative content analysis. Quantitative Content analysis techniques are premised on the fact that meaning can be counted and coded, based on a prior coding scheme from which inference is made (Lowe, 2004). Content analysis is based on systematic and replicable techniques to generate data for investigation. This study utilized the coding scheme developed by Herman (1980) on Leadership Trait Analysis Approach to guide the analysis. Since the codebook is available, the content analysis undertaken in this study was easily replicable and hence reliable and verifiable (Krippendorf, 1989).

In addition, the researcher utilized eight thousand, one hundred and ten words by Kenyatta and seven thousand, seven hundred and seventy by Ruto, deliberately selected from different utterances (interviews and speeches), and made in different settings so as to enhance the impartiality and reliability of the result of this work. This was beyond the minimum number of five thousand words, as guided by the Leadership Trait Analysis by Herman (2002), and hence reliable for the construction of a comprehensive and complete personalities of the two leaders.

To guard against human error associated with counting and coding in content analysis, the researcher employed the use of Profiler Plus software, which is a content analysis tool for undertaking Leadership Trait Analysis. The tool is developed by Levine and Young (2014) in line with the Leadership Trait Analysis coding scheme. The software has been successfully used by Kesgin (2012), and Dyson (2006) to achieve results on other leaders.

Furthermore, in presenting the data, the research has triangulated the findings with secondary data and theoretical perspective with the view to limit biases and overcome validity deficiencies. The research process has also gone through expert validation, where experienced university researchers have supervised and validated the research.

3.8 Method of Data Analysis

This study utilized both primary and secondary data. The primary data were the speeches and interviews of the leaders, while the secondary sources comprised of books, journals and peer reviewed articles. The primary data which was subjected to content analysis using Profiler Plus consisted of the utterances (speeches and interviews) of Kenyatta and Ruto on occasions where they talked about matters related to ICC between 2013 and 2017. With the view to achieve spontaneity, the study mainly analyzed responses to press interviews by both Kenyatta and Ruto, where they addressed questions that pertained to ICC, the international legal system and foreign policy decisions. Hermann (2002) recommends that since speeches are sometimes written for leaders, a mixture of both speeches and interviews is important, as the latter brings out more spontaneous form of communication. However, Thomas, et al (2013), avers that although the speeches may be written for the leader, the decisions as to whether the content of the speech is reflective of the leaders desired message is made by the leaders themselves. The leader takes responsibility for message and content of the speech. In addition, there are occasions where leaders have digressed from the written scripts and speeches to deliver different messages than what was intended in the official written speeches. This therefore made the use of both speeches and interview responses proper data for personality profiling.

3.8.1 Content Analysis

Content analysis technique according to Holsti (1969) is a technique for making inferences by objectively and systematically identifying specified characteristics of messages. However, a more specific definition is advanced by Krippendorff (2004) who views content analysis as the systemic reading of a body of texts, images or symbolic matter. In a nutshell, content analysis is

a technique used to determine the presence of certain words or concepts within texts or sets of texts (Waber, 1990). It has been hailed as positivist, objective and quantitative, since it is based on the fact that meaning can be counted and coded (Saraisky, 2015). For this reason, it is viewed as systemic and replicable hence highly reliable. This study undertook content analysis on speeches and interviews of Kenyatta and Ruto particular with they made on questions and issues regarding the ICC.

There exist two key categories of content analysis: qualitative and quantitative content analysis. Qualitative content analysis is viewed as a summative content analysis that focuses on interpreting and describing, meaningfully, the topics and themes that are evident in the contents of communications when framed against the research objectives of a study. On the other hand, Quantitative content analysis according to Rose et al (2015) is the systemic analysis of text. It involves the classification of parts of a text through application of a structured coding scheme, counting and comparisons, usually of key words or content, followed by the interpretation of the underlying context. It further involves the use of statistics, which enables the researcher to draw conclusion about the message content in comparison to already existing data set on standards. This study exploited the quantitative content analysis design since it used the coding scheme for LTA and measured each case statistically against a norming group developed by Hermann (2000).

Quantitative Content Analysis was relied upon to explore the personal characteristic of Kenyatta and Ruto, since the design has proven useful in measuring the personal traits of political leaders and heads of state that are virtually inaccessible for personality testing and clinical interviews. According to Hermann (2000) researchers can infer leader's personality traits and beliefs from their publicly available speeches, public sentiments, spontaneous utterances and interviews. In

addition, content analysis has been hailed as positive and objective since it attempts to uncover reality as it exists (Saraisky, 2015). With this guide, the study heavily relied on speeches and interview of Kenyatta and Ruto made specifically on the ICC question. Winter (2003) alludes that this kind of measure requires a properly designed procedure of coding and operationalization personality measures, to this regard the study employed the Leadership Trait Analysis, a coding procedure developed by Margaret Hermann (2002). The procedure is founded on the assumption that by establishing a leader's trait, a researcher may predict the leader's predisposition when faced with a foreign policy task.

The procedure further alludes that the leader's use of certain words reflects their personalities and hence leadership trait analysis is quantitative in nature as it employs frequency counts of particular words and phrases. Each of the three trait explored in this study was calculated according to the coding scheme, and the score for each was presented ranging from zero to one. According to Kesgin (2012) the traits of the leader is explored through a comparison to the trait score of a norming group developed by Hermann for heads of states and other political leaders. If the leaders' scores are a standard deviation below the norming groups mean, then the leader is low on that trait and vice versa. However, when the leaders score in close to the norming groups mean, then the leader is considered moderate in respect of that trait, and all the scores of high, low and moderate then explains how they formulate and implement foreign policy. For instance, Dyson (2006) while discussing Tony Blair's ability to control events, found that he scored two standard deviations above the mean therefore he had a high belief in ability to control events. In essence this made Blair active in relation to his political environment on a personal level and he believed that Britain was an influential political actor in the world stage, thereby leading to a more proactive policy towards Iraq.

For the purposes of this study the scores of Uhuru Kenyatta and William Ruto’s speeches and interviews on the ICC question having been coded, was measured against the norming group developed by Hermann for the three traits that form the objective of this study as depicted in Table 5 below.

Table 5: Norming Groups

Personality Trait	Heads of State	Political Leaders
Belief in ability to Control Events	Mean = 0.44 Low < 0.30 High > 0.58	Mean = 0.45 Low < 0.33 High > 0.57
Need for Power	Mean = 0.50 Low < 0.37 High > 0.62	Mean = 0.50 Low < 0.38 High > 0.62
Nationalism	Mean = 0.42 Low < 0.32 High > 0.53	Mean = 0.43 Low < 0.34 High > 0.53
Self-Confidence	Mean = 0.62 Low < 0.44 High > 0.81	Mean = 0.57 Low < 0.34 High > 0.80
Conceptual Complexity	Mean = 0.44 Low < 0.32 High > 0.56	Mean = 0.45 Low < 0.32 High > 0.58
Task Focus	Mean = 0.59 Low < 0.46 High > 0.71	Mean = 0.62 Low < 0.48 High > 0.76
Distrust of Others	Mean = 0.41 Low < 0.25 High > 0.56	Mean = 0.38 Low < 0.20 High > 0.56

Source: Dyson, S. B. (2006). Personality and Foreign Policy: Tony Blair's Iraq decisions. *Foreign Policy Analysis*, 2(3), 289-306.

3.8.2 Profiler Plus

In analyzing the content and determining the scores of Kenyatta and Ruto on the three traits that form the basis of this study, the researcher exploited Profiler Plus, which is a computerized software based on the technique developed by Hermann (1998). The computer software was developed Levine and Young (2014), and has been widely used to explore the personality of various political leaders.

The software provides various coding schemes to analyze a variety of texts, such as Leadership Trait Analysis, Operation Code Analysis, and Verbal Output Analysis. For this study, the researcher relied on the Leadership Trait Analysis Scheme to analyze the content and determine the scores of Uhuru Kenyatta and William Ruto based of the three personality traits which form the objectives of this study. This software only accepts verbal outputs in the English, Spanish and German languages and that explains the bias for utilizing primary data (speeches, interviews and utterances) in English language. The study left out utterances in the speeches and interviews by the two leaders on ICC which were made in the Swahili language. Profiler Plus has been hailed by Kesgin (2012) for reducing the time spent on undertaking content analysis and for ensuring systemic and objective results by limiting human error associated with counting and coding.

Nationalism of Kenyatta and Ruto was measured by the percentage of words and phrases in their speeches and interviews that: made references to the people of Kenya as successful, showed the strength of the people, and need to maintain Kenyans collective identity. For the trait on Belief in ability to control event, the exploration concentrated on the percentage of verbs used by Kenyatta and Ruto that reflected action or planning for action. Lastly need for power was measure with the

percentage of verbs uttered by Kenyatta and Ruto that reflected actions of attack, and advice, meant to influence the behavior of others and concern with reputation.

The resulting percentages were compared against the norming group as indicated in Table 4 which clearly indicates the mean for every trait and the value that defines the trait as high or low.

3.9 Ethical Considerations

The main ethical consideration in this study was that the researcher ensured impartiality, observed honesty and was accountable; considering that deliberate sampling techniques that the research exploited was prone to bias which could compromise the entire inquiry. In addition, since the data that was utilized in this study is in public domain, the researcher ensured that there was no misquotation of the subjects, and that the data was highly verifiable. In addition, the researcher first acquired the approval of Maseno University School of Graduate Studies, Maseno University Ethics Review Committee, and National Commission for Science Technology and Innovation in the course of undertaking the study.

There was no need to acquire special access to media resources and library for the collection of the primary data. This was because the primary data which included the speeches and interviews sourced from the media houses are available in public domain. The speeches and interviews are open to public access, and verification. The researcher has stored the utilized data for future reference and verification whenever it may become necessary.

Lastly, the researcher acquired approval from Michael D Young, of the Social Science Net Organization which is in charge of running the Profiler Plus software used for content analysis. This approval is mandatory prior to the use of the profiler plus software for any research purpose, and must be corroborated by the research supervisor prior to its issuance.

3.10 Presentation of Results

The results obtained after running the leaders verbal outputs through profiler plus enabled the construction of their personality profile based on codebook provided by Hermann (2002). The scores once calculated were compared to the norming groups indicated in Table 5, and the two leaders scores were determined based on that comparison.

These results were then presented in form of tables, clearly highlighting, score on each speech and interview, and results of the comparison based on standard deviations. Continuous prose was used to present the data and draw the conclusion of the leader's personality traits and Kenya's foreign policy towards the ICC between 2013 – 2017. Each research question has been answered in its own chapter giving the results and discussion of each per chapter.

3.11 Conclusion

The methodological underpinning of this research is based on the positivist philosophy. Further to grounding the philosophy of the research, the chapter has presented the exploratory multiple case research design which guides this study. The research design was chosen to enable the research answer “how” and “why” questions regarding Kenyan leaders' personality and Kenya's relation with the ICC. The chapter highlighted the media sources of primary data giving justifications for the use of the media house as rich source of data. The chapter further demonstrates the need for using verbal outputs of the leaders, which include speeches and interviews, as guided by the theory underpinning the study. The latter sections of the chapter, presents the typology of the speeches and interviews of the leaders which were measured using profiler plus. It shows how the data was identified, downloaded, verified, and transcribed prior to its analysis. It has also presented the ethical considerations by the researcher in undertaking the study.

CHAPTER FOUR

KENYAN LEADER'S ABILITY TO CONTROL EVENTS AND THE KENYAN – ICC RELATIONS

4.1 Introduction

This chapter looks into leaders' belief in their ability to control events, which makes them either have an internal or external locus of control. The first section of the chapter exposes how leaders' beliefs are important variables in understanding their foreign policy behaviour and actions. It goes further to give emphasis on this by looking into the foreign policy actions of Prime Minister Tony Blair with regard to the Iraq question. It reveals that Blair had high belief in his ability to control events, what Dyson (2006) refers to as internal locus of control. This significantly influenced his decisions on Britain's foreign policy towards Iraq. While discussing Blair's belief in his ability to control events, the section also explains the main underpinning assumptions of leaders who are either low or high in belief in their ability to control events, as espoused by LTA. The main assumption is that leader high in the belief on their ability to control events are more proactive in undertaking foreign policy actions, while the reverse stands true for leaders who are low in the trait. This is grounded on the fact that leaders high in the trait have an internal locus of control and believe that they can change the course of foreign policy, while leaders with external locus of control feel that other people have control of their destiny. The second section of the chapter interrogated the argument that the cases at the ICC encumbered Kenyatta and Ruto from controlling events within government, and at the international diplomatic stage. It depicted the leaders as not having any trust in the established systems to run the government and control any events at the international stage. To emphasize this, the chapter discusses Kenyatta and Ruto's argument, that their cases at the ICC should be deferred so as to

allow them deal with eminent terror threats in the backdrop of terrorist attacks in Kenya. This goes to show that the leaders believed that the terror threats could only certainly be dealt with by themselves. This portrays internal locus of control in them. In addition, the section highlight Kenyatta's belief that he could control how Ruto and himself appeared before the Court for summons. He portrayed that he could control this to ensure that they did not appear together at the same time, but in turns. This was to enable their administration to be run by personal involvement of either of them. This calls into question Kenyatta and Ruto's belief in their ability to control events, and how it influenced Kenya's relations with the ICC. The section goes further to look at various utterances by the leaders and finds that there exist instances when the leaders showed low and high beliefs in their ability to control event. The third section of the chapter presents the results of Profiler Plus analysis of the leaders' utterances. It finds that the leaders were low in this belief. This guides the ensuing discussion on how Kenyatta and Ruto's belief in their ability to control events influenced Kenya's foreign policy towards the ICC between 2013 and 2017. In doing so the chapter shall have answered the first research question on *How did belief in own ability to control events as a trait of Kenyan leaders influence the states antagonistic foreign policy towards the ICC?*

4.2 Kenyan Leaders Ability to Control Events and Kenya – ICC Relations

Leader's beliefs are pivotal explanatory factors for foreign policy analysis (Steinbrunner, 2002; Walker et al., 2003). It is therefore important to gain understanding of their beliefs, in order to determine how leaders, make foreign policy, and the outcomes of their policy options (Hagan, 2001; Hermann, 2015; Kaarbo, 2019; Bakker, 2021). A leader's belief in own ability to control events, is one such belief. It makes the leaders have a worldview that they have control over the situations in which they find themselves (Hermann, 2002; Dyson, 2005). Herman adds that,

leaders with this worldview perceive that either they or their governments can influence what happens in situations which they are in.

Dyson (2006) refers to this as the locus of control. He explains that a leader can either have internal or external locus of control. Leader with internal locus of control according to Dyson, believe that either themselves or their countries have the capacity to achieve particular foreign policy goals, and that success and failure, all depend on them. On the other hand, leaders with external locus of control, believe that they or their countries are at the mercy of other powers beyond their control, and there is nothing that they can do to change how other entities do things within the international system. Secondary data reveal that Kenyatta and Ruto accused the ICC of meddling in the affairs of the country hence crippling their ability to control events in government. In this regard, the leaders were documented to have an external locus of control, as they believed that their challenges in running government were attributed to the intervention by the ICC.

Secondary data further reveal that in the run to the 2013 General Elections in Kenya, discussions about the link between the ICC interventions and the suitability of Kenyatta and Ruto to vie for office took center stage (Wanyeki, 2012; Lynch & Zgonec, 2013). Their ability to control and run government as well as engage in diplomacy was questioned, in the backdrop of the cases which they had to answer at the ICC (Khendall, 2014). A letter by the then Chairperson of the African Union – Haile Mariam Desalegn, dated September, 2013, addressed to the Chairman of the ICC's Assembly of State Parties also spurred the notion. The letter argued that the cases at the ICC hindered the ability of Kenyan leaders in undertaking their functions of running the government. In one of Kenyatta public pronouncement on 9th September 2013, captured on Capital FM – Kenya, he made a direct address to the ICC. He stated that “...*if you want us to*

continue to cooperate, let me make it clear that when Ruto is in The Hague I will be here, and when I am in The Hague, Ruto will be here...”. From such sentiments we observe that Kenyatta felt that he had the ability to control how the ICC would schedule their appearance at the Court. He further linked their desired appearance at the Court with the ability for Kenya to cooperate with the ICC or not. It can also be observed that because he believed in his ability to control events, he was not willing to let already established government machinery and systems to run the country. He only had faith in himself or his deputy to personally run the country.

The position on personal control and running of government was shared by Ruto as is evidenced in RI - 1. In RI – 1, Ruto’s interview with Folly Bah Thibault on Al Jazeera, the interviewer asked Ruto the possibility of running affairs of the country while attending hearings at The Hague. To this question, Ruto responded in the negative, asserting that the Kenyatta and himself will need to be accorded time to personally control government functions. He responded as follows;

“...So that will be something ICC would have to factor into the whole of this case and I am confident that if the court is run by reasonable people, they will think about how to run the case and give us the opportunity to run the affairs of our country...”

Excerpt from RI – 1; Interview with Folly Bah Thibault – Al Jazeeradone on 20th March 2013

This data brings out the similarity in Kenyatta and Ruto’s personalities. However, it only focuses on the impact of the ICC cases on the ability of Kenyan leaders to control local events, while running the government, but does not look into their belief in ability to control events in line with the Kenya’s foreign policy towards the ICC.

The foregoing reinforces assumptions by LTA approach that individual leaders are central in shaping foreign policy outcomes (Hermann, 2002). It further buttresses the arguments that international legal regimes, such as the ICC, have entered into the international political arena which was traditionally held by states. This makes the regimes subject to foreign policy decisions of states within the international political arena. These regimes interact directly with the individual in light of new diplomacy (Hocking, et al, 2012). However, there is limited scholarly vacation on how the leaders, who are directly subjected to international law, can influence their states foreign policies towards the ICC. In the Kenyan case, the ICC was seen as limiting the ability of leaders to control events, hence the source of the antagonistic relations between Kenya and the ICC. Furthermore, similarity in the arguments between Kenyatta and Ruto on their appearance at the ICC, explains why Kenyatta confidently evoked the power to temporarily hand over instruments of power to Ruto, when he was summoned to appear at the ICC. The two leaders believed in personal involvement in running government functions and as such Kenyatta trusted that success of government in his absence would only be achieved if Ruto was personally involved in running it. In US 2, his speech at the Joint sitting of Parliament, Kenyatta expressly states that,

“..., I now take the extraordinary and unprecedented step of invoking Article 147(3) of the Constitution. I will shortly issue the legal notice necessary to appoint hon. William Ruto, the Deputy President, as Acting President while I attend the Status Conference at The Hague in the Netherlands...”

Excerpt from US – 2; Kenyatta’s Speech at the Joint Sitting of the National Assembly and Senate, delivered on 6th October, 2014

In addition, compliance with international legal regimes and principles as discussed in the background of this study was seen as a function of state interests. State comply with international

law to the extent that the law enables the pursuit of the state's interest. However, sentiments by Kenyatta highlighted above, on whether to cooperate with the ICC or not based on his judgment, diverges from the view that states comply with the international when the law enables pursuit of the state's interest. The data reveals that states' compliance with international legal regimes and international law may be based on individual leader's interest and not state interests. In this regard, states would comply with international law, or cooperate with international legal regimes, to the extent that the law or the regime enables the pursuit of the leader's interest.

The divergence of leaders' interest with international law, defines the battle for the soul of the international law (Tladi, 2009). Due to lack of a universal enforcement mechanism, international law depends on the goodwill of states for its enforcements, when this is lacking due to divergence of leader's interests and the law, then international law as we know it may cease to apply.

LTA Approach posit that belief in leader's own ability to control events makes the leader either take personal responsibility for planning or initiating foreign policy action or not (Hermann, 2002). The focus when measuring this trait is on actions proposed or taken by a leader (Herman, 1999, pg. 14). Leader who are high in this trait are more proactive in foreign policy planning and initiation, since they believe that they, or their governments have control over what happens with regard to foreign policy decisions and actions. Such leaders exude an exaggerated sense of confidence in the foreign policy outcomes which they are involved in. Inversely, leaders low in the trait are less proactive in foreign policy planning and action. They are more likely to delegate authority to lower foreign policy making levels or to other entities whom they feel may be luckier in influencing foreign policy outcomes than themselves. A cursory review of the primary data depicts instances of both proactive and inactive foreign policy stands of Kenyatta and Ruto

with regard to Kenyan relations with the ICC. Proactive attributes were witnessed when Kenyatta and Ruto personally made foreign policy pronouncements on Kenya's relations with the ICC. There were also instances when the two leaders did not take lead and proactive roles in matters regarding Kenya's foreign policy towards the ICC and preferred to let other entities pursue the foreign policy discussions on these relations.

Active initiation and implementation of Kenya's foreign policy against the ICC was witnessed through Kenyatta's action when he made a case against the ICC at the 26th Extra – Ordinary African Union Summit on 31st January, 2016. The summit which had been initiated and championed by the Kenyan Government, provided Kenyatta with the opportunity to personally criticize the ICC and make a case for African States withdrawal from the Court (Dersso, 2013; Helfer & Showalter, 2017). It is the case that leaders high in belief to control events are less likely to delegate authority for tasks. Furthermore, they are more likely to initiate activities and policies rather than wait for other to make suggestions (Hermann, 1999). At the summit Kenyatta confronted the ICC by stating that;

“...it was the understanding of good-faith subscribers that the ICC would administer and secure justice in a fair, impartial and independent manner and, as an international court, bring accountability to situations and perpetrators everywhere in the world. As well, it was hoped that the ICC would set the highest standards of justice and judicial processes...As has been demonstrated quite thoroughly over the past decade, the good-faith subscribers had fallen prey to their high-mindedness and idealism. I do not need to tell your excellency about the nightmare my country in particular, and myself and my Deputy as individuals, have had to endure in making this realisation...Western powers are the key drivers of the ICC process. They have used prosecutions as ruses and bait to pressure Kenyan leadership into adopting, or renouncing various positions...”

Excerpt from US 1 - Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

Initiating the summit and personally making the case against the ICC for himself and his Deputy as evidenced in the excerpt, despite his obvious conflict of interest in the matter, depicts a leader who may be high in belief to control event. It may also be seen to entrench the leaders' personal interest of evading prosecution at the ICC. It is also argued that leaders high in this trait are sure that they can have an impact on the world stage and hence imagine that their personal involvement will enable the achievement of their preferred policy option (Khendal, 2018; Kesgin, 2012). It can therefore be viewed that Kenyatta direct involvement in the call for African states withdrawal from the ICC, and termination other cases during the Summit, was guided by a perception that there would be better impact if he was personally involved in castigating the Court.

An instance of active participation is also seen in RI 4 – Ruto's interview with various journalists at The Hague in Netherlands, where the Deputy President emphasizes the government's active participation in cases at the ICC by initiating and filling an application for deferral of the cases from the ICC. He states that:

"...I want to say now that the Republic of Kenya has formally filled with the United Nations security council and application for the deferral of this Kenya case in the face of the circumstances that surround the region, the world and our country, threats of terrorism and the activities of Al-Qaida and Al Shabaab and especially in the context of participation of Kenyan troops in Somalia which is by large he heaven of terrorist gangs in the horn of Africa and in Africa. We believe that there are legitimate reasons for the deferral of this case to give Kenya the best possible chance to handle the serious challenges that exist in our region, in our country in a matter that is of global concern that the President of the Republic of Kenya and myself as his Deputy nee every space to be able to deal with that challenge even as we pursue the interest of justice and balancing those interests with our responsibilities to run the country..."

Excerpt from RI 4 – Interview with various journalists at The Hague in Netherlands done on 16th

October, 2013

Ruto further states in the excerpt that, the deferral of their cases at The Hague is justified by the threats of terrorism in the East African region. For this reason, he believes that both Kenyatta and himself should be accorded time to handle the terror threat in the country and in the region. This assertion brings to the fore the element of pro – activeness in foreign policy decision making and implementation, since Ruto believes that only Kenyatta and himself have the ability to make solid decisions regarding terrorism in the region. Leaders high in their belief to control events tend to maintain control over foreign policy decisions, and are usually awry that something would go terribly wrong if they are not involved (Herman, 1999). In the case of Kenyatta and Ruto, this was prominent considering that the outcome of the foreign policy decisions towards the ICC would impact them directly. They had a high interest in these relations and hence would have wanted to be personally involved in the foreign policy actions and decisions.

In RI 3 - Interview with Eveline Wambui on Newsmaker, Citizen TV on 12th December, 2013, Ruto displays a sense of confidence in winning the cases at the ICC. He further buttresses the argument that it is because of the cases at the ICC that their ability to run government has been slowed. He pronounces that:

“...If the case against the president or let me put it correctly, when the case against the president finally curtains fall on it... it would really be good news for this country even if for whatever reason the matter against me would still continue at least one of us would be a lot freer and can move things faster...”

Excerpt from RI 3 - Interview with Eveline Wambui on Newsmaker, Citizen TV done on 12th December, 2013

In the first part of the excerpt, Ruto is confident that the case against them will be terminated. He emphasizes using the word “*when*” and refrains from using the word “*if*” as a show of ultimate confidence. He goes further to explain that “when” the case ends, Kenyatta will be able to control events in government better and with more efficiency. This displays Ruto’s belief that it is only when Kenyatta is personally involved, that government functions including foreign policy decision and actions can run efficiently, despite the existence of governance systems and structures. This solidifies the arguments on the “big man” syndrome in Kenya’s foreign policy discussions, that only the belief and actions of the presidency matter in foreign policy decisions (Nzomo, 2016). It can also be argued that assertion that the ICC curtailed the ability of the leaders to control events was aimed at shadowing the leaders’ interest of evading prosecution at the Court.

Despite evidence as shown in the data that Kenyatta and Ruto could be high in their belief to control event with regard to the ICC, the same data also portrays instances where the leaders through their government, delegated Kenya’s foreign policy activities and actions regarding the ICC. The delegation was made to lower levels of foreign policy structures within the government, and to other persons and entities outside their government. Delegation of foreign policy actions is a key feature of leaders’ low in the belief to control events.

When calling for termination of their cases at the ICC, the leaders did not personally make a case to the UNSC. It was the Kenyan Permanent Representative to the United Nations – Mr. Macharia who made the case on their behalf through his letter, dated 13th May, 2013, addressed to the United Nations Security Council (Helfer & Showalter, 2017). Mr. Macharia called on the UNSC to press on the ICC to terminate the cases at the ICC. By allowing the ambassador to undertake this foreign policy action implies that the leaders were low in their ability to control events. They

may have believed that the ambassador could have better luck than themselves in implementing the foreign policy action. However, despite the involvement of the ambassador, Kenyatta and Ruto did not get a favourable consideration from the UNSC, since the request from the Mr. Macharia was defeated.

Another case of delegation of Kenyan foreign policy actions towards the ICC was witnessed when Kenyatta and Ruto allowed the then Chairman of the African Union to send two letters to the ICC on Kenya's position on the cases at the ICC. Letters are tools of foreign policy and are used to communicate foreign policy decisions (Hocking, 2012). The letters called for referral of Kenyatta and Ruto's cases at the ICC to Kenyan legal jurisdiction. The letters sent in July, 2013 and September, 2013 respectively were however dismissed as not being properly before the court (Clerke, 2015). The fact that Kenyatta and Ruto allowed the Chairman to undertake such foreign policy action on behalf of the Kenyan government and themselves, may depicts leaders who are low in their belief in ability to control events. This is further confirmed when the leaders allowed a delegation of the African Union, led by Ethiopian Minister for Foreign Affairs to deliver a letter to the President of the ICC in August 2013, suggesting that the cases against Kenyatta and Ruto be subjected to local judicial mechanism. By delegating foreign policy authority to the African Union and a delegation led by Ethiopia, the study concludes that the leaders had a low belief in their ability to control events (Hermann, 2002). In the case of Kenya, involvement of other foreign policy actors is not only to be viewed as signifying low belief in leaders' ability to control events, but also a foreign policy strategy. Since Kenyatta and Ruto were conflicted in regard to Kenya's relations with the ICC, they covertly deployed other actors to pursue antagonistic foreign policy towards the ICC on their behalf. This was in line with Lugan's (2017) assertion on acceptance and non – acceptance of the ICC. Lugano argues that Kenyatta and Ruto

overtly displayed respect for the Court process, while covertly undermining the process through their proxies.

In addition, the proactive nature of the leadership of the African Union and leaders of individual African states in battling Kenyatta and Ruto's cases at the ICC, speaks to how collective psychological factors impact international law. Collective psychological factors which are also known as crowd action, lead to initiating of controversies through available channels of conflict resolution such as the African Union. These factors also influence: the identity of the parties to a dispute, the claims they put forth, justifications advanced in support of the claims, the outcome and resulting effect (Laswell, 1968) on the claim. In the Kenyan case, Kenyatta and Ruto were defined as victims of global power imbalance, with ICC viewed as a Western neo – colonial tool keen on humiliating poor Africans. To this end the leadership of the African Union and other leaders of African states claimed that the ICC was unfairly prosecuting Kenyatta and Ruto due to their race. This rhetoric impacted and defined the African states antagonism with the ICC. This defines how collective psychological factors influenced the ICC. The entry of African Union in the discussions on the relations between Kenya and the ICC, vindicates assertions that collective psychological factors entered into the Kenyan foreign policy decisions towards the ICC. It is imperative therefore, that for the Court to exist in the international political arena, it must learn to cope and establish mechanisms to condition their decision despite crowd action.

Dyson, (2006) examined Prime Minister Tony Blair's belief in his ability to control events in relation to British's involvement in Iraq war. He finds that, because Blair was high in this belief, making him have an internal locus of control he assumed that he could accomplish several difficult tasks in shaping the course of Britain's involvement in the war. These tasks involved convincing President Bush to seek authorization from the United Nations for the attack in Iraq;

convincing the British public opinion on the necessity of the war; convincing The House of Commons on justification for the war; and convincing doubting cabinets members on his foreign policy towards Iraq (Cook, 2004; Dyson, 2005). Cook adds that, the Prime Minister overestimated the degree to which he could control events in this foreign policy decisions towards Iraq (Cook, 2004). Dyson's discussions on Prime Minister Blair are guided by Hermann's (1980) suppositions. The inclusion of President Bush and the United Nations, also displays how crowd action influence decisions in the international political arena and why it is vital to investigate.

In the case of the Prime Minister Blair, Dyson adds, members of his cabinet wondered about the certainty he displayed in his attack on Iraq, and viewed him as having gotten into a situation in which he could not rescue himself. Hence, he became victim of forces beyond his control. This he associates to the leader's belief in his own ability to control events. In the case of Kenyatta and Ruto, it was clear that they had no control over their cases at the ICC as the matter was handled outside their domestic legal jurisdiction. However, the leaders applied the "acceptance and non – acceptance" strategy (Lugano, 2017), so as not to ever find themselves in a situation where they had no control. What this study refers to as fluid foreign policy behaviour. It is clear from both the secondary and primary data that Kenyatta and Ruto's belief in ability to control event had an influenced the Kenya – ICC relations. However, it still remained uncertain if the leaders were high, or low in this trait in line with LTA assumptions. To ascertain this, Profiler Plus was used to undertake content analysis of the primary data, and make determination on the trait for both leaders. The findings of the content analysis guided the discussion on how the leaders influenced Kenyan foreign policy actions towards the ICC, as presented in the subsequent sections of this chapter.

4.3 Profiler Plus Results on Kenyan Leaders' Ability to Control Events and Kenya – ICC Relations

In coding the trait of belief in ability to control events, Hermann, states that focus should be put on the number of verbs or action words in the speeches and interviews of the leaders. This is guided by an assertion that when leaders take responsibility for planning and initiating foreign policy actions, then they believe that they have control over their outcomes (Hermann, 2002). The ratio of the action verbs which show personal control of situation, against the total number of both the action verbs and words that show trust for others in the primary data, determined the score of the leader in their belief in ability to control events.

The results of the qualitative content analysis done through Profiler Plus on Kenyatta and Ruto's belief in their ability to control events are presented in Table 6 and 7 respectively. The results on Kenyatta's speeches (US1, US2, US3,) and interviews (UI1, UI2, UI3, UI4); and those for Ruto's speeches (RS1, RS2, RS3) and interviews (RI1, RI2, RI3, RI4), have been presented against the norming group for heads of states and for political leaders respectively for the trait on nationalism as shown in Table 5. The measure for the norming group is displayed in the second column (Standard) of the tables. The last column on Tables 6 and 7, (UC, RC), are the results for the cumulative utterances by Kenyatta and Ruto for both the speeches and the interviews. They display the measure for all the nine thousand three hundred and twenty-five (9325) words for Kenyatta and seven thousand, seven hundred and seventy (7,770) words for Ruto. They enabled the research to reach a conclusion and determine a position on the leaders' belief in their ability to control events and how the trait influenced Kenya – ICC relation between 2013 and 2017.

4.3.1 Profiler Plus Results for Uhuru Kenyatta

Table 6: Profiler Plus results of Uhuru Kenyatta’s Speeches and Interviews on Belief in own Ability to Control Events

Trait	Standard	US1	US2	US3	UI1	UI2	UI3	UI4	UI 5	UC
BACE	Mean = 0.44 Low < 0.30 High > 0.58	0.28	0.37	0.41	0.43	0.16	0.42	0.55	0.35	0.37

Source: Researcher’s own tabulation based on Profiler Plus results of Kenyatta’s speeches and interviews and produced by Profiler Plus software (Levine and Young 2014)

In Kenyatta’s first speech, delivered at the 26th Extra – Ordinary African Union Summit (US1), two thousand six hundred and fifty-nine (2659) words were analyzed using profiler plus. Fifteen (15) verbs were indicative of Kenyatta as being high in belief in own ability to control events, while thirty-seven (37) words were indicated of him as low is the trait. The ratio result of US 1 is 0.28, which is two (2) deviations lowers than the mean of the norming group on the trait. In the second speech, delivered at the Joint Sitting of the Kenyan Parliament (US 2), a total of two thousand two hundred and forty-three (2243) words were analyzed. Profiler Plus depicted that of the total, twenty-eight (28) verbs indicted Kenyatta as high in belief in ability to control events, while forty-six (46) words indicated him as low in the trait. The resultant ratio was 0.37 which was within the norming group mean for the trait. In the third speech delivered on Pre – Jamuhuri Day Celebrations at Independence Square (US3), eight hundred and sixty-seven (867) words were analyzed. Fifteen (15) verbs depicted Kenyatta as high in belief in own ability to control events while twenty – one (21) words depicted him as low in the trait. The resultant ratio for the

speech was 0.41 which is within the mean of the norming group for the measure on belief in own ability to control events.

In Kenyatta's interview conducted by Marc Perelman of France 24 TV (UI1), a total of 535 words were extracted for analysis. Profiler plus revealed that of the total, ten (10) verbs were found to depict him as high in belief in his own ability to control events, while thirteen (13) words depicted him as low in the trait. The resultant ratio for this interview was 0.43 which was within the norming group mean for the trait on belief in own ability to control events. The second interview, conducted by Daniel Pelz of DW News – DW African Desk (UI 2), a total of 145 words were extracted for analysis, of the total, two (2) verbs were indicative of Kenyatta as low in belief in own ability to control events, while ten (10) words depicted the leader as low in belief in his own ability to control events. The resultant ratio was 0.16, which is 3 deviations below the norming group mean on belief in own ability to control events. In the third interview conducted by Sofia Wanuna of KTN News on 27th September, 2015 (UI 3), one thousand two hundred and fifteen (1215) were analyzed through Profiler Plus. Twenty-three (23) verbs in the interview responses depicted Kenyatta as high in belief in own ability to control events while thirty-one (31) words depict him as low in the trait. The resultant ratio is 0.42 which was within the norming group mean for the measure on belief in own ability to control events. In the fourth interview conducted on 9th April 2014, by Hussein Mohamed on Citizen TV – Kenya (UI 4.), a total of two hundred and seventy – one (271) words were extracted for analysis. Ten (10) of the words depict Kenyatta as high in belief in own ability to control events while eight (8) words depict him as low in the trait. The resultant ratio is 0.55 which was within the norming group mean for the measure on belief in own ability to control events. In another interview conducted by Hussein Mohamed of Citizen TV, on 31st January 2013 (UI 5), a total of one thousand three

hundred and ninety (1390) words were analyzed. Of the total, twenty – five (25) verbs were indicative of him as being high in belief in his own ability to control events, while forty – six (46) words were indicative of him as low in the trait. The resultant ration for this interview was 0.35 which was within norming group mean for the measure on belief in own ability to control events

Cumulatively, of all the nine thousand three hundred and twenty-five (9,325) words from all the speeches and interview (UC), one hundred and twenty-eight verbs depicted Kenyatta as high in his belief in ability to control events while, two hundred and twelve (212) words depicted him as low in his belief in own ability to control events. The profiler plus results for cumulative utterances of the speeches and interviews (UC) is 0.37 which is within the norming group mean for the measure on belief in own ability to control events.

4.3.2 Profiler Plus Results for William Ruto

Table 7: Profiler Plus results on William Ruto’s Speeches and Interviews on Belief in own Ability to Control Events

Trait	Standard	RS1	RS2	RS3	RI1	RI2	RI3	RI4	RC
BACE	Mean = 0.45 Low < 0.33 High > 0.57	0.5	0.45	0.42	0.19	0.5	0.36	0.34	0.422

Source: Researcher’s own tabulation based on Profiler Plus results of Ruto’s speeches and interviews and produced by Profiler Plus software (Levine and Young 2014)

In the first speech delivered at Independence Square in Nairobi (RS1), one hundred and thirty – nine (139) words were analyzed; three (3) verbs were indicative of Ruto as high in belief in his own ability to control events and three (3) depicted him as low in the trait. The resultant ratio for the speech was 0.5 which is within the mean range. In the second speech delivered during the Jamuhuri Day celebrations on 12th December, 2013 (RS 2), three hundred and ninety (390) words were analyzed; nine (9) verbs depicted Ruto as high in belief in his own ability to control events while eleven (11) words depicted him as low in the trait. The resultant ration for the speech was 0.45 which is within the mean range of measure for the trait. The third speed analyzed, was delivered during the Mashujaa Day celebration on 20th October, 2014 (RS3). Nine hundred and thirty-nine (939) words were analyzed, eleven (11) verbs depicted Ruto as high in belief in ability to control events while fifteen (15) words depicted him as low in the trait. The ratio for the speech was 0.42 which is within the range of the norming group mean on the measure for the same trait.

The study also analyzed four interviews. In the first interview, conducted by Folly Bah Thibault on Talk to Al Jazeera (RI 1), eight hundred thirty – five (835) words were analyzed. Nine (9) verbs depicted Ruto as high belief in his own ability to control events while thirty-seven (37) words in the interview responses depicted him as low in the trait. The resultant ratio for the trait as calculated by profiler plus for RI 1 was 0.19 which was 0.23 lower that the norming group mean. In the second interview conducted by Hussein Mohamed on the Big Question on Citizen TV (RI 2), three thousand nine hundred (3,900) words were analyzed. Eighty-five (85) verbs depicted Ruto with high belief in ability to control events, while eighty-three (83) words depicted him as low in the trait. The resultant ratio for the interview response was 0.5 which was within the norming group mean. In the third interview, conducted by Everlyne Wambui on Newsmakers

on Citizen TV (RI 3), seven hundred and twenty (720) words were analyzed, fifteen (15) verbs depicted Ruto as high in belief in ability to control events, while twenty (26) words depicted him as low in the trait. The resultant ratio for the interview was 0.36, which was within the norming group mean for the trait belief in own ability to control events. In the fourth interview conducted by various journalists at The Hague in Netherlands as retrieved from Nation TV (RI4,) seven hundred and ninety (790) words were analyzed. Ten (10) verbs depicted Ruto as high in belief in own ability to control events while nineteen (19) words depicted him as low in the trait. The resultant ratio of the analysis was 0.34, which was within the mean range of the norming group for the trait belief in own ability to control events.

Cumulatively from the seven thousand seven hundred and seventy (7770) words drawn from Ruto's interview responses and speeches, one hundred and forty-two (142) verbs were indicative of him as being high in belief in his own ability to control events, while one hundred and ninety – four (194) were indicative of him as low in the trait. The cumulative resultant ratio as depicted in RC was 0.42 which was exactly at the mean of the norming group for the measure of the trait.

4.4 Discussion of the Findings

The finding of the Profiler Plus analysis of the speeches and interviews for Kenyatta and Ruto reveal that both leaders scored low in the trait, hence have an external locus of control. The score on the cumulative utterances by Kenyatta (UC) was 0.37 which is lower than the norming group mean of 0.44 for the norming group of heads of states which he was measured against. The score on cumulative utterances by Ruto (RC) was 0.42 which is lower than the score of the norming group mean of 0.45 for the norming group of political leaders, against which Ruto was measured. It was therefore concluded that both leaders are low in their belief in own ability to control events, hence had an external locus of control.

LTA approach explains that leaders with low belief in their own ability to control events tend to have an external locus of control. In analyzing the foreign policy actions of such leader, two main assumptions of the approach guide our analysis. One, such leaders prefer to let other persons take responsibility for any foreign policy which they consider too daring. They only want to participate and take lead on foreign policy decisions with at least half the chance of success, and believe that other may have more luck than them. Two, such leaders shift blame to others when they cannot achieve their foreign policy goals. Due to their external locus of control, they believe that external forces hinder them from achieving their foreign policy goals and therefore it is not within their power to ensure success of these goals (Hermann, 2002; Dyson, 2006). These two assumptions of the approach guided the debate on the relations between Kenya and the ICC between 2013 and 2017. In the next section a discussion on the ramifications of these two main assumptions is provided. These assumptions were witnessed in Kenyatta and Ruto's foreign policy decisions and actions towards the ICC as evidenced in the subsequent sections.

4.4.1 Let other take Responsibility

While seeking to have their cases terminated by the Court, Kenyatta and Ruto showed heavy reliance on other persons and entities to fulfill this foreign policy action. This is depicted from both the primary data and secondary data. First instance of such reliance on other persons is the case of Ambassador Macharia Kamau. In May, 2013, one month after the elections of Kenyatta and Ruto into office, the then Kenyan Ambassador to the United Nations Mr. Macharia wrote a letter to the UNSC calling on the court to terminate the cases against Kenyatta and Ruto (Nkansah, 2014). In the letter Macharia expressly indicated that;

“...The implications for the viability and continuity of the state should be self-evident. What this delegation is asking for is not deferral. What this delegation is asking for is for the immediate termination of the cases at The Hague without further ado...”

Excerpt from the Letter by Mr. Kamau Macharia to the UNSC dated 2nd May, 2013

While making his case, Macharia, indicated that the charges against Kenyatta and Ruto were false and had been manufactured. That the leaders had been overwhelmingly voted into the office of the Presidency, showing sufficient public confidence and support for the leaders (Obala, 2013; Shilaho, 2016). In the letter Macharia expressly writes that;

“...It is a fact that the very suspects who are being prosecuted and suffice to say have received overwhelming support from the citizens of Kenya in the just concluded 4th March 2013 elections. The citizens in their droves (86% voter turnout) and looking at the votes garnered by Mr. Uhuru Kenyatta and Mr. William Ruto suggest that the Kenyan populace is ready for them to be their political masters. This mandate was received from the Kenyan public in the exercise of their inalienable democratic rights and civic duty...”

Excerpt from the Letter by Mr. Kamau Macahria to the UNSC dated 2nd May, 2013

It would be the case that since the cases at the ICC were personal to Kenyatta and Ruto, and further that they had been elected president and deputy president respectively, and were therefore at the helm of foreign policy decision making, the call for terminating their cases would have come from themselves and not from Macharia as evidenced by the letter.

Second instance of reliance on other entities to take foreign policy action on the Kenyan cases at the ICC, was seen in Kenya's reliance of the African Union. In October, 2013, Kenyan government requested for a special summit of the African Union, the 26th Extra –ordinary Summit (Helfer and Showalter, 2017). At the summit, Kenyatta made a plea to the African Union to help the country get a deferral of the Cases at the ICC. While highlighting the achievements which the country had made with regard to ensuring peace and stability in the

country after the 2007 – 2008 post-election violence. Kenyatta called on the African union to help in deferral of the cases at the ICC. He states in the speech that;

“...Yet over the same period, Kenya has also made tremendous progress. It is the same in all countries of Africa. At our Golden Jubilee, we look forward to a rebirth characterising the next 50 years, not a ceaseless harkening to our history. As Kenya's President, it gives me a feeling of deep and lasting pride to know that I can count on the African Union to listen and help in trying times. Africa has always stood by our side. When we faced violent disagreements over the 2007 election result, my distinguished predecessor, Mwai Kibaki came to you with a request for help, and you did not stint...I turn to you trusting that we will be faithful to our charge, to each other, and to our people. I have utmost confidence that this Assembly's voice will be clear to the entire world...”

Excerpt from US 1 - Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

Despite his ability to personally and directly make an address to the ICC State Parties and the entire world, Kenyatta opted to make a presentation to the African Union to help in getting a deferral of the cases. Hermann (2002) argues that leaders low in the belief in their ability to control events, only take active role in foreign policy actions where they believe that they have at least fifty percent chance of success. In the case of Kenyatta, since the African Union had been of help to his predecessor as he states in the excerpt above, he believed that by making a case to the African Union he too would have the same success of convincing the African Union to help him get a deferral of the cases at the ICC.

Based on a resolution of the African Union Summit calling for deferral of the Kenyan cases at the ICC, Mr. Macharia wrote another letter to the UNSC calling for deferral of the cases. These

further portray Kenyatta's reliance on the Ambassador to undertake foreign policy actions. In his letter Macharia writes;

"...Further to decision No. Ext/Assembly/AU/Dec.1 (Oct.2013) adopted at the Extraordinary Session of the Assembly of the African Union on 12 October 2013 (see annex, enclosure 3), Kenya is under guidance to forward to the United Nations Security Council a request for deferral under Article 16 of the Rome Statute of the International Criminal Court..."

Excerpt from the Letter by Mr. Kamau Macharia to the UNSC dated 22nd October, 2013

Ruto, while confirming the application made by Ambassador Macharia to the UNSC, on deferral of the Kenyan cases at the ICC, states during his interview with various journalists at The Hague that;

"...I want to say now that the Republic of Kenya has formally filled with the United Nations security council and application for the deferral of this Kenya case in the face of the circumstances that surround the region..."

Excerpt from RI 4 – Interview with various journalists at The Hague in Netherlands done on 16th October, 2013

Based on the assertions from the interview, both Ruto and Kenyatta relied on the African Union and the Kenyan Ambassador to undertake foreign policy actions regarding Kenyan relations with the ICC.

Secondary data reveal that in a bid to consider transferring Kenyan cases at the ICC to domestic judicial jurisdictions, a delegation of the African Union led by the Ethiopian Prime Minister, presented a letter to the President of the ICC seeking for the transfer (Kendall, 2014). The Chairperson of the African Union further sent two letters to the ICC requesting for referral of the Kenyan cases (Sigei, 2013). This further shows the extent of reliance of the

leaders not only on the African Union itself, but also on its organs to pursue their foreign policy goal against the ICC. Pushing the Kenyan case against the ICC therefore became an African concern as was evidenced during the 12th Assembly of State Parties of the ICC. African states such as South Africa, Tanzania and Namibia criticized the ICC for unjustifiably denying Kenya a deferral of the cases (Kendall, 2014). This depicts the extent of reliance on other actors in pursuing foreign policy goals.

Third case of reliance on other entities to undertake foreign policy action with regard to Kenyan relations with the ICC, was viewed in two motions adopted by the Kenyan National Assembly. The first motion sought for the country to withdraw from the ICC and sever official relations with the Court. Even though the motions did not halt the cases, it sent a powerful signal of defiance to The Hague. The second, sought to repeal domestic legislation proscribing the crimes within the Courts jurisdiction (Helfer and Showalter, 2017). Both motions were a reaction to the prosecutions at the ICC since one was adopted a week after the suspects were named and the second one adopted preceding the 26th Extra – Ordinary Summit of the African Union (Zimeta, 2013; Murimi, 2015).

It is incumbent to mention that the Presidency sits at the helm of the country's foreign policy decision and actions structures (Nzomo, 2016), it was therefore the prerogative of the office of the president to initiate such a process of withdrawing from the Court. However, due to Kenyatta's low belief in his ability to control events making him have an external locus of control, he opted to have the leader of his political party in the National Assembly to sponsor such motions.

Passing the second motion which preceded the African Union Extra – ordinary Summit was a foreign policy strategy meant to increase the credibility of Kenyatta’s call on mass withdrawal of African countries (Vogt, 2013). It’s the same call he made during his address at the Summit. In essence therefore, Kenyatta did not only rely on the African Union for his foreign policy actions but also on the National Assembly so as to be able to make a case against the ICC at the African Union Summit. In his address at the Summit Kenyatta states that;

“...Leaders in my country have escalated their anxiety to the national Parliament, where a legislative process to withdraw altogether from the Rome Treaty is under consideration. As I said, it would not be right to ignore the fact that concern over the conduct of the ICC is strong and widespread...”

Excerpt from US 1 - Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January 2016

From the excerpt, we can note that, while relying on the motion at the National Assembly to make his case against the ICC, Kenyatta distances himself from the motion by mentioning “*leaders in my country*” and therefore not himself.

The motion had called on the Kenyan government to initiate a formal legislative process to procedurally and legally withdraw from the court (Kyle, 2013). It stated in part that “... *that the Government urgently undertakes measures to immediately withdraw from the Rome Statute of the International Criminal Court...*”. In line with the Kenyan legal structure that the president must assent to bills passed by Parliament to give them effect, it was noteworthy that Kenyatta did not act on the motion (Straziuso and Odula, 2013) for withdrawal from the Court. This distanced both Kenyatta and Ruto from the backlash against the ICC by the National Assembly. However, this was another means of relying on the motion by the National Assembly to undertake foreign policy actions. By not acting on the motion, Kenyatta and Ruto sought to portray cooperation

with the Court (Blair, 2013). They had relied on the motion in an attempt to justify their cooperation with the Court (Kersten, 2013). He makes the case for their cooperation with the Court during the address at the African Union Summit where he claims that;

“...From the beginning of the cases, I have fully cooperated with the Court in the earnest expectation that it afforded the best opportunity for me to clear my name. I have attended court whenever required and complied with every requirement made of me in connection with my case. Other Kenyans charged before that court have similarly cooperated fully...”

Excerpt from US 1 - Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

Based on the foregoing, it is vivid that Kenyatta and Ruto let other entities take responsibility for Kenya's foreign policy action with regard to the ICC matter. The next section documents how the leaders shifted blame to others when dealing with the ICC question.

4.4.2 Shifting Blame

Due to the leaders' external locus of control which is attributed to low belief in their ability to control events (Dyson, 2006), Kenyatta and Ruto shifted blame from themselves to other entities for failure to achieve their foreign policy goals with regard to the ICC (Hodgins, 2015). In a bid to whip public support and demonstrate their innocence in the public arena, Kenyatta and Ruto, shifted blame to various parties who they alleged were involved in orchestrating their cases at the ICC (Wanyeki, 2012; Muller, 2013). Key among these parties were western countries whom they felt had unfairly supported the ICC interventions in Kenya (Bollrich, 2014). These included

some Non – Governmental Organizations which operated in Kenya and the Office of the Public Prosecutor of the ICC (Hodgins, 2015; Helfer and Showalter, 2017).

The ICC was seen by Kenyatta and Ruto as a protégé of western countries particularly the United States and other permanent members of the UNSC (Makiee, 2012). This laid the basis for accusation of the ICC as a western court keen on humiliating African citizens (Mohochi, 2010). The western powers were viewed as formulating the rules of the game but refusing to play in the game (Nkansah, 2014). When Kenya’s Permanent Representative at the United Nations communicated the country’s foreign policy decisions to the UNSC to terminate cases against Kenyatta and Ruto; he argued that the leaders had been elected in office and that displayed citizens’ support for their leadership. This argument was not founded on any legal basis as to warrant their innocence (Muller, 2013). The argument further aimed at creating a perception that subjecting elected leaders to prosecution at the Court defied the will of the people, and that their election signified that Kenyans no longer supported the ICC (Human Rights Watch, 2013). In stressing the argument, Ruto stressed in RI – 1 that;

“...The world should ask itself, I mean 6, 7 million people who vote for two gentlemen indicted by the International Criminal Court, are they mad? Or is something absolutely wrong with the charges at the ICC...in the ballot, the people of Kenya want to prove that indeed we are innocent. They want to say despite everything else that has been said, about Uhuru Kenyatta and William Ruto, we have confidence in their leadership and I think that message should go more to the people out there who think about us in that negative way. They should really reassess their position...”

Excerpt from RI – 1; Interview with Folly Bah Thibault – Al Jazeera done on 20th March, 2013

It was based on such grounds of perceived innocence by the leaders, that the UNSC rejected this requests for termination of the cases. Despite weakness of their argument, the leaders shifted the

blame to the members of the UNSC for being insensitive to their plights since they were Africans.

Human Rights Watch argued that, Kenya's Constitution, Article 143 (4), prohibits the president's immunity from criminal prosecution "*under any treaty to which Kenya is party and which prohibits such immunity*" one such treaty is the Rome Statute, for Kenyatta and Ruto therefore to blame the members of the UNSC for not granting their request for termination of cases on the grounds that they were elected into the presidency was therefore false.

In his address to the African Union Extra – Ordinary Summit, which was made after the UNSC refusal to terminate the cases, Kenyatta accused the western countries of racisms and interference in internal affairs of Kenya and other African states. He states that

"...Western powers are the key drivers of the ICC process. They have used prosecutions as ruses and bait to pressure Kenyan leadership into adopting, or renouncing various positions...My Government's decisive election must be seen as a categorical rebuke by the people of Kenya of those who wished to interfere with our internal affairs and infringe our sovereignty...It is the fact that this court performs on the cue of European and American governments against the sovereignty of African States and peoples that should outrage us. People have termed this situation "race-hunting". I find great difficulty adjudging them wrong..."

Excerpt from US 1 - Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

To shift the blame away from themselves and after the failure to secure a termination of their cases which was a key foreign policy goal, Ruto described the cases as a conspiracy by the foreigners as he asserted in his interview on Al Jazeera (RI – 1). He states in the interview that;

“...something absolutely wrong with the charges at the ICC because that is our contention that the whole of these charges, the people of Kenya know, they live in this country, they were here in 2007 and if we had participated in the manner in which the charges had been framed, the people of Kenya would have nothing to do with us but because they know what happened in this country, and because they know the conspiracy in this case...I think that message should go more to the people out there who think about us in that negative way. They should really reassess their position...”

Excerpt from RI – 1, Interview with Folly Bah Thibault – Al Jazeera done on 20th March, 2013

In addition to blaming the Western countries, whom Ruto described in RI – 1 as “*people out there*”, Kenyatta and Ruto blamed the Prosecutor of the ICC for their indictment. They claimed that the prosecutor failed to take recognition of their continued support with the Court and disregarded the realities faced by the country and measures that their government had initiated to prosecute the cases of 2007/2008 post-election violence in Kenya (Nkansah, 2014). In justifying cooperation with the Court, Kenyatta averred in US – 1 that;

“...From the beginning of the cases, I have fully cooperated with the Court in the earnest expectation that it afforded the best opportunity for me to clear my name. I have attended court whenever required and complied with every requirement made of me in connection with my case. Other Kenyans charged before that court have similarly cooperated fully...”

Excerpt from US 1 - Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

In showing his cooperation with the Court, Ruto asserts in RI – 1, that they were committed to attend the hearings at the ICC until such a time that was not necessary to do so, he specifically states that;

“...we are very responsible, law abiding citizens of this country. We know about our constitutional rights. We will attend The Hague when that comes up in April and we will do that at every other subsequent request until this case is determined...”

Excerpt from RI – 1; Interview with Folly Bah Thibault – Al Jazeera done on 20th March, 2013

It is however on record that the Office of the Prosecutor of the ICC made repeated complains about a lack of co-operation by the Kenyan authorities (Duerr 2016). Despite signing a memorandum of understanding with the Office of the Prosecutor, Kenya had failed to provide the ICC with evidence which was crucial to the Court (Human Rights Watch, 2014). In the case against Ruto and Sang, 16 of the 42 prosecution witnesses stopped co-operating with the court and refused to testify because of threats, intimidation, and fear of reprisals. Several other witnesses admitted during their testimonies to have told lies to the prosecutors in return for money (Duerr, 2016). Due to this lack of cooperation, the Office of the Prosecutor sought a finding of noncompliance against Kenyan government for refusal to respond to requests for financial records (Maliti, 2014). The lack of cooperation as evidenced, was geared towards tarnishing the public perception of the office of the Prosecutor, and blame the office for wrongful indictment of Kenyatta and Ruto (Evenson, 2013).

Despite the Courts finding on the government’s noncooperation with the ICC, Kenyatta and Ruto did not own up to the accusations. They shifted the blame to the prosecutor and non-governmental organizations (Kendall, 2014), citing the Prosecutor for poor investigations. In an aide memoire by the Ministry of Foreign Affairs on Kenya and the International Court, the Governments stated that

“It is clear that the Prosecution carried out little or no investigation but had largely relied on NGO reports and the conclusion of an internal commission of inquiry known as the Waki Commission of Inquiry whose findings, according to its own report, was inconclusive and needed further investigation”

Excerpt from Aide Memoire by the Ministry of Foreign Affairs – Kenya

As evidenced by the memoire, the government of Kenyatta and Ruto did not acknowledge their noncooperation as a hindrance in the prosecution case. The blame according to them lay with the Office of the Prosecutor and civil society organizations (CSOs) who had supported the interventions of the ICC in the Kenyan case (Kendall, 2014). CSOs had come together under the auspices of Kenyans for Peace with Truth and Justice (KPTJ), with the aim of advocating for accountability for crimes committed during the 2007/2008 post-election violence (Lugano, 2017). Lugano adds that, KPTJ had embarked on documenting the crimes, preserving evidence, identifying victims and researching on the crimes committed. The evidence which they collected was also shared with ICC investigators, making the Kenyan government, blame them for their actions of supporting the ICC intervention in Kenya.

The leaders further argued that the Prosecutor made request to investigate the Kenyan cases despite the country gradually instituting crucial and historic reforms that would ensure credible domestic prosecutions (Lynch and Zgonec – Rozej, 2013). Kenyatta pointed out during his speech at the African Union that the country was on course with transformation and accounting for the crimes at the ICC. He states in his address that;

“...we successfully mediated the dispute surrounding the 2007 election and pacified the country. A power-sharing coalition was formed with a mandate to undertake far-reaching measures to prevent future violent disputes, entrench the rule of law, prevent abuses of legal power and entrench equity in our body politic while also

securing justice for the victims of the post-election violence. We enacted a new, progressive constitution which instituted Devolution of power and resources, strengthened the protection of fundamental rights, and enhanced institutional and political checks and balances. It also provided the legal foundation for the national economic transformation roadmap, Vision 2030...”

Excerpt from US 1 - Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

However, Kenyan authorities were unsuccessful in delivering justice to victims of violence leading to the charges at the ICC (Human Rights Watch, 2013). Human Rights Watch had been able to confirm only a handful of convictions for serious crimes committed during the violence. While blaming the Prosecutor and civil society organizations, it was lost to the leaders that The ICC operated under the principle of complementarity which is provided in Article 1 of the Rome Statue which establishes the Court. The Article provides that the Court is to be complimentary to national criminal jurisdictions (Dietelhoff, 2009) therefore, the intervention by the court did not stop further prosecutions by local judicial mechanisms.

Mohochi (2010) adds that the ICC only asserted its jurisdiction after it was apparent that Kenya was unwilling to bring to account perpetrators of the 2007/2008 post-election violence. Review done by Human Rights Watch revealed that of thousands of cases relating to the violence were pending before Kenya’s Directorate of Public Prosecutions. This was occasioned by difficulty in obtaining evidence in most cases. It is also indicated that there had been impunity for police officials implicated in crimes and in many cases of shootings by police, surviving victims or family members who sought to file criminal complaints were turned away (Human Rights Watch, 2013). To shift blame to the ICC was therefore unfounded as there was genuine

concerned that Kenya would not prosecute the cases. However, it was a foreign policy guise to evade prosecution at the ICC.

4.5 Conclusion

Quantitative Content analysis undertaken using profiler plus on the speeches and interviews of Kenyatta and Ruto, reveal that they were low in their belief in their ability to control events. This made them to have an external locus of control. Guided by assumptions on Leadership Trait Analysis on such leaders, Kenyatta and Ruto were found to let others take responsibility for implementing their foreign policy goals regarding the ICC and had a tendency of shifting blame to other entities when they did not achieve success in pursuing their foreign policy goals regarding ICC. The resonance of Kenyan foreign policy behaviour towards the ICC with the assumptions of LTA approach, buttresses the argument that leaders' personality traits are central in analyzing their states foreign policies.

The findings of the research depicted that Kenyatta and Ruto allowed their own diplomats such as the then Kenyan Permanent Representative at the United Nations – Mr. Kamau Macharia, the African Union and delegations from other African countries to take responsibility for implementing foreign policy agenda. Even where the leaders personally made an attempt at implementing foreign policy against the ICC, such as when Kenyatta addressed the African Union during the 26th Extra – ordinary summit, it was to request the AU to implement Kenya's foreign policy decision against the ICC. This foreign policy behaviour was in line with leaders' low in their belief in their ability to control events, which made them inactive in foreign policy action. Acceptance by the African Union and its member countries to pursue Kenya's foreign policy against the ICC, also point to centrality of collective psychological factors in foreign

policy and international relations (Laswell, 1968). The collective psychological factors are also key determinant in state foreign policy towards international legal regimes.

The findings further revealed that Kenyatta and Ruto shifted blame to the Office of the Prosecutor of the ICC, western countries and the UNSC. This was after it became apparent that they could not achieve their foreign policy goals on termination and deferral of their cases at The ICC. These finding concurs with LAT approach on the centrality of leaders in foreign policy decision making and action as espoused by Hermann (1980). It is therefore apparent that it is leader's interests and not state interest as argued by other studies, influence states corporation or not with international law and international legal regimes. The conflict between Kenyan leaders' interests in terminating their cases at the ICC, and the push by the UNSC, Western countries and the Prosecutor of the ICC to have them held to account provided the basis for Kenya's antagonistic foreign policy towards the ICC. This explains why and how Kenya leaders' belief in their own ability to control events influenced the countries antagonistic foreign policy towards the ICC.

The Profiler Plus results revealed that Kenyatta and Ruto both had external locus of control. This similarity in the trait, explains the two leaders' concurrence in dealing with Kenya's foreign policy towards the ICC. Both of them shifted blame to other entities for their prosecution at the ICC. They both allowed other entities to take responsibility for Kenya's policy decisions and actions towards the ICC. The concurrence on the need for personal involvement in running government affairs, explains why Kenyatta confidently handed over instruments of power to Ruto when he attended the status conference at the ICC.

CHAPTER FIVE

KENYAN LEADERS NATIONALISM AND THE KENYA – ICC RELATIONS

5.1 Introduction

This chapter seeks to answer the second research question of this study; *how did nationalism as a trait of Kenyan leaders influence the states antagonistic foreign policy towards the ICC?* In doing this, the chapter looks into primary data (speeches and interviews) of Kenyatta and Ruto and secondary data which document issues around Kenyan sovereignty and national honor in the light of interventions by the ICC. The first part of the chapter undertook a review of the speeches and interviews of Kenyatta and Ruto and found two conflicting themes. One depicted the leaders as high in the nationalistic trait, while the other depicted the leaders as low in nationalism while addressing matter pertaining to Kenya's relations with the ICC. The former theme is justified by suggestions in the data that the leaders viewed the ICC intervention as meddling in Kenya's internal affairs and hence an assault to Kenya's sovereignty and national honor. The latter theme manifested when the leaders viewed their cases at the ICC as personal matters, and divorced them from the Kenyan sovereign. The second part of the chapter details the Profiler Plus analysis of the data. The result revealed that the leaders were low in nationalism, since all their speeches and interviews measured ratios lower than the norming group mean on the trait on nationalism. It is based on this result that the study discussed Kenya's foreign policy behaviour towards the ICC between 2013 and 2017, when the two leaders were at the helm of foreign policy decision making. The study finds significant correlation between Kenya's foreign policy actions towards the ICC, and the resultant leaders' trait on low nationalism. The findings have answered how low nationalism of Kenyan leaders influenced Kenya's foreign policy towards the ICC.

5.2 Kenyan Leaders Nationalism and ICC Relations

To maintain a clear focus on the discussion of nationalism, it is important that we view it from the word nation (Sande, 2018). Nation is a group of people that recognize each other as forming a national unit with a claim to national sovereignty (Mylona and Kuo, 2018). It is based on this, that the concept of nationalism is born. Nationalism is therefore defined as a principle which holds that the political and the national units should be congruent (Gellner, 1983). In addition, it has been viewed as a subjective or internalized sense of belonging to a nation, that one's nation holds center stage (Huddy & Khatib, 2007; Hermann, 1980). The concept has also been assigned specific objectives, such as the desire to mitigate the degree of foreign influence and exercise control over the members and perceived territory of a nation. Woodwell, (2007) refers to this affront to foreign influence as sovereignty. Nationalism leads one to strong emotional attachment to their nation or group. Nationalist strongly emphasize maintenance of nation's culture and status from interference (Hermann, 1999). Hermann's assertions are the benchmarks of the LTA approach. The approach further provides that nationalistic political leaders are interested in maintaining separate identity of their countries. Such leaders become quite concerned when other governments or countries try to meddle into what they consider as internal affairs of their countries (Hermann, 2002).

Hermann's assertions on maintenance of sovereignty is limited to the extent that it views only states as the potential threats to sovereignty of other states within the international system. However, with the determination that non – state actors such as the ICC have entered into the space within the international relations which was formerly the preserve of states, it would be prudent for LTA approach to acknowledge that sovereignty of the state can be threatened by non – state actors such as the ICC. The approach should further acknowledge that foreign policy of

the state must not only be towards another state, but can also be towards non – state actors within the international political arena, such as the ICC. This study has stretched the LTA approach to explore the influence of leaders’ personalities on non – state actors. There is a dearth of studies that have attempted this.

Studies have also revealed that state sovereignty remains a key obstacle to states compliance with international law (UNEP, 2009). However, such studies fail to recognize that sovereignty stems from nationalism of the individual leaders of the state. These leaders are interested in maintain separate identity of their state and may be concern when international law seems to meddle in the affairs of their state. A comprehensive discussion on the impact of sovereignty on state compliance with international law, must therefore entertain the place of nationalism as a personality trait inherent in the leaders of the state. In doing this, investigations on state compliance with international law will bring the individuals at the heart of such discussions. This study has recognized this need, and thus its focus on how Kenyatta and Ruto influenced Kenya’s foreign policy towards the ICC. The findings of this study buttress the contemporary notion in international relations that individuals have personal obligation to international law.

In the run up to Kenya’s 2013 general elections, Kenyatta and Ruto argued that the ICC was a threat to Kenya’s sovereignty and independence as it was meddling in the country’s political landscape (Hodgins, 2013). Their reliance on assertions of sovereignty to assault the ICC was not because of it foundational principal, but for its historical significance to postcolonial states such as Kenya (Anghie, 2006). The primary and secondary data reveal that the two had sought to establish themselves as nationalists, and champions for Kenya’s sovereignty in wake of perceived threat posed by the ICC. It was for this reason that Kenyatta and Ruto’s political coalition in the 2013 campaign was unequivocally named the Jubilee Alliance Party. The coining

of the name was to assert Kenya's fifty years of independence and national sovereignty from western domination and interference occasioned by the ICC cases (Cheeseman, et, all, 2014). Kendall (2014) suggests that the cases at the ICC aided in the establishments of the Jubilee Political alliance between Kenyatta and Ruto. The two leaders had recast the election as a referendum on the Kenyan Cases at the ICC. This is vindicated by Ruto's utterances in his interview with Folly Bah Thibault on Talk to Ajazeera when he suggested that they were innocent based on the fact that Kenyans voted them in Office despite being indicted by the ICC. He claims;

"...That is the point. In fact, you have gotten the point. The world should ask itself, I mean six point seven million people who vote for two gentlemen indicted by the International Criminal Court, are they mad? Or is something absolutely wrong with the charges at the ICC because that is our contention that the whole of these charges, the people of Kenya know, they live in this country, they were here in 2007 and if we had participated in the manner in which the charges had been framed, the people of Kenya would have nothing to do with us but because they know what happened in this country, and because they know the conspiracy in this case, in the ballot, the people of Kenya want to prove that indeed we are innocent. They want to say despite everything else that has been said, about Uhuru Kenyatta and William Ruto, we have confidence in their leadership and I think that message should go more to the people out there who think about us in that negative way. They should really reassess their position..."

Excerpt from RI 1 – Interview with Folly Bah Thibault on Talk to Al Jazeera done on 20th March, 2013

Kenyatta and Ruto created a perception that the ICC was a political tool used by the Western powers to interfere in the Kenyan political process. They justified the perceived interferences with the utterances made by the British High Commissioner Christian Turner, that the United

Kingdom would avoid anything but essential contact with the ICC inductees both before and after the elections (Brown and Raddatz, 2014). They further buttressed their argument with the assertions of the Senior American Envoy - Johnnie Carson, who alluded that “*choices have consequences*” which implied that if Kenyans elected Kenyatta and Ruto, there were going to be consequence in the Country’s relations with the USA (Najma, 2013). These assertions by the Western envoys according to Hodgins, (2015), and Brown & Raddatz (2014), were interpreted by the two leaders as a threat to Kenyans against voting for them in the upcoming election. At a campaign speech in February 2013, William Ruto asserted that;

“...There is no difference between what Johnnie Carson and the British ambassador are doing, intimidating our supporters suing threats and blackmail, and those who use violence to intimidate voters to get their way...”

Primary data further reveal that the onslaught on the ICC for interfering in Kenya’s political process and assaulting Kenya’s sovereignty did not end with the campaigns. The protest letter against the ICC by the Kenyan Permanent Representative to the United Nations, - Mr. Kamau Macahria documented this argument. The letter, dated 13th May, 2013, addressed to the United Nations Security Council marked UNSC S/2013/624, (Helfer & Showalter, 2017), had called on the UNSC to have the case against the then elected President Uhuru Kenyatta and his Deputy William Ruto terminated. The grounds for termination of the cases as presented in the letter, was that the ICC process was an attack on Kenyan national sovereignty and integrity.

The letter also argued that that the ICC did not respect the ability of the Country to offer local solutions in light of the suggestion that the country had built sufficient legal infrastructure through the promulgation of the Constitution of Kenya, 2010 (Hodgins, 2015). The letter quotes that “*Kenya has undertaken a number of reforms in accordance with the its Constitution*”

(UNSC S/2013/624). Kenyatta and Ruto therefore felt that the ICC not only infringed on Kenya's political sovereignty, but also its legal sovereignty. The letter confirms this when it further stated that "*...we strongly support states fulfilling their sovereign responsibility to hold perpetrators of war crimes accountable, rather than abdicating that responsibility to the international community...*"(UNSC S/2013/624). However, it must be noted that the intervention of the ICC in the Kenyan case was occasioned by failure of the state to establish necessary infrastructure to prosecute the crimes committed during the 2007-2008 post-election violence (Human Rights Watch, 2012). Human Rights watch confirmed that despite the obvious occurrence of crimes during the 2007 – 2008 post – election violence, no single prosecution had been done in the Kenyan courts for any of the crimes. The political elite had propagated the mantra of "accept and move on". The only attempt at justice was the Waki Commission which had been established to investigate the atrocities committed during the violence. However, not all of the recommendations of the commission were implemented. This lack of implementation was attributed to lack of political good will and perpetration of the mantra of accept and move one (Evenson, 2016). Accept and move on is a mantra used by the political elite in post conflict situations in Kenya which is geared at stifling the processes of justice in search of peace (Owiso, 2017). Intervention by the ICC therefore upset the political elite scheme at ending justice, and hence the continued antagonism.

The call for the ICC to respect Kenyan sovereignty was also echoed by Uhuru Kenyatta during the 26th Extra – ordinary summit of the African Union as captured in US1. At the summit, Kenya led the charge for mass withdrawal from the ICC, accusing the Court of being a neo – colonial tool, keen on stumbling on the sovereignty and national honour of African states (Dersso, 2013).

In the opening statements in US1, the President elucidated the need to uphold states sovereignty and integrity. He asserted that

“The founding fathers of African Unity were conscious that structural colonialism takes many forms, some blatant and extreme, like apartheid, while others are subtler and deceptively innocuous, like some forms of development assistance. It has been necessary, therefore, for African leaders to constantly watch out against threats to our peoples' sovereignty and unity.

In our generation, we have honoured our fathers' legacies by guaranteeing that through the African Union, our countries and our people shall achieve greater unity, and that the sovereignty, territorial integrity and independence of our States shall not be trifled with. More than ever, our destiny is in our hands. Yet at the same time, more than ever, it is imperative for us to be vigilant against the persistent machinations of outsiders who desire to control that destiny. We know what this does to our nations and people: subjugation and suffering...”

Excerpt from US1 – Kenyatta Speech at the African Union Summit delivered on 31st January, 2016

While attacking the ICC, Kenyatta extended the attack to other nations that allegedly supported the ICC process in Kenya such as The United Kingdom, The United States and The European Union. By extension, the leaders viewed the countries that supported the ICC interventions in Kenya as also lacking respects for Kenya’s sovereignty. In his speech US1, Kenyatta avers;

“...These interventions go beyond interference in the internal affairs of a sovereign State. They constitute a fetid insult to Kenya and Africa. African sovereignty means nothing to the ICC and its patrons. They also dovetail altogether too conveniently with the warnings given to Kenyans just before the last elections: choices have consequences. This chorus was led by the USA,

Britain, EU, and certain eminent persons in global affairs. It was a threat made to Kenyans against electing my Government...”

Excerpt from US1 – Kenyatta Speech at the African Union Summit delivered on 31st January, 2016

The debate that the intervention by the ICC was an assault on Kenyan sovereignty has however been discredited by Ndeda (2016). She argues that sovereignty of a nation does not reside with the leaders of the nation, but the people. Since it was the Kenyan leaders who were charged at the ICC and not the people. It is therefore inconceivable for the ICC to assault Kenyan sovereignty. The call on attacking Kenyan sovereignty was therefore in line with He and Wang’s concept of elite myth making, where state elites evoke the deepest nationalistic feelings among the populace, in an attempt to achieve personal interest disguised as national interests, through their foreign policy choices (Wang, 2012). This further seeks to reinforce the LTA assumption that leaders’ personalities are central in foreign policy analysis and need to be focused on.

Herman (1999) further explains that nationalist leaders tend to view the international system and foreign policy from a “we” versus “them” perspective; or friends versus foes (Hermann, 1980). It is further the case that nationalistic leaders are prone to only perceive the good aspects of their countries, and to rationalize away any weaknesses that their countries could have. In countries where there are active ICC cases, demanding for accountability of the perpetrators of crimes invites an “us” versus “them” narrative. This defines the ICC as an outsider intruding in sovereign affairs of the country (Dutton, 2017). The data analyzed in this study supported this assertion. During the interview with Folly Bah Thibault, - RI 1 on Talk to Al Jazeera, Deputy President William Ruto, makes a clear reference to the ICC as “them”. He disassociates Kenya

from the ICC, yet the County is a signatory to the Rome Statute which established the ICC, and had accepted the court's jurisdiction within its Constitutional framework. Ruto avers that;

*“I am sure you are aware that that court is run by human beings and I guess **they** will be reasonable to understand that once **we** are elected as the Jubilee Coalition, **they** will have to live with that fact that **we** have been elected, not selected. **We** didn't get the power through unconstitutional means. **They** will and **we** expect **them** to put into consideration, the fact that the **Kenyan people** exercising in a democratic manner their right to choose their leaders will have chosen two Kenyans despite facing charges in the International Criminal Court to run the affairs of their state...”*

Excerpt from RI 1 – Interview with Folly Bah Thibault on Talk to Al Jazeera done on 20th March, 2013

The reference of “we” versus “them” when referring to the ICC is also evident in the utterances by Kenyatta. In his response to Marc Perelman on France 24 TV – UI 1, the depiction of ICC as an external organization to the Country's judicial jurisprudence is clear.

*“**We** are insisting that the ICC is no longer following the basic tenets that **we** supported when it was being created, when the Rome Statute was being created. That **they** have gone against, that **they** not necessarily following proper legal jurisprudence, but rather being pushed to follow specific cases for reasons that are unknown to a lot of us and this was the reason for our disappointment. So our argument has always been and **we** have pushed this argument at the State Parties, **we** have pushed this argument at the Security Council of the United Nations, that unless this organization is reformed to be able to focus itself on what it is supposed to be doing in a fair and balanced manner, **we in Kenya** and **we as Africans** need to pull out because we cannot have a court that is pursuing agendas other than that which that organization was legally constituted to do...”*

Excerpt from UI 1 – Interview with Marc Perelman on France 24 TV done on 26th April, 2016

In coding for nationalism in utterances by leaders, Hermann, (2002), provides that the operational adjectives are those that show favor, strength and the need to maintain national honour and identity. Nationalistic leaders are most likely to use linguistic modifiers that suggest strength such as; powerful, capable, made great advances has boundless resources; those that suggest favour such as; great, peace loving, progressive, successful and prosperous; and those that indicate the need to maintain group honor and identity. An analysis of the primary data reveals the presence of such modifies in the utterances by Kenyatta and Ruto. During his Jamuhuri Day Celebration, Kenyatta in his speech – US 3 clearly depicts honor, identity and favour when making reference to Kenya. He says that;

*“...That struggle yet succeeded; **our unity and sovereignty had prevailed, independence** was at hand and finally Kenyans **were masters of their own destiny**...I ask you my brothers and sisters that we may pledge internal remembrance, gratitude and respect for their fine **achievement** which has made it possible for us to live freely in **a united Country** where all our contributions come. I ask that we may stand united and committed to make Kenya, East Africa and Africa prosperous, peaceful and united.... Over the years we have **strengthened our self-determination, individual freedoms and accountable government. Our independence has made us a greater not a lesser people. We have forged an unshakable consensus to use all our resources to bringing a better life to all our citizens. My brothers and sisters we are on the way to becoming a richer and a better Country to live in. Over the next 50years; we will make Kenya more glorious and make our forefathers proud. We not only embrace independence with great rejoicing but we also undertook the responsibilities that accompany freedom with dedication and zeal. We will honor everyone whose constant service has brought us ability, prosperity and better government...**”*

Excerpt from US 3 – Speech at the Pre – Jamuhuri Day Celebrations at Independence Square delivered on 11th December, 2013

In Kenyatta’s interview with Hussein Mohamed on Citizen TV, Kenya – UI 5, he uses linguistic modifiers that depict favour and hope when addressing matters on Kenya. He avers that;

*“...I am saying that **this country** especially now in our 50th year, especially now as we are addressing ourselves as a Jubilee nation, **a time for renewal, revival, I think it is a time to really look into the future** and understand that bashing Uhuru does not solve the problems of Kenya. What you need are clear cut programs that will transform this country...I have consistently stated, **Kenya is not a banana republic. Kenya is a nation of institutions, structures that are firmly in place and that we would want to work together with.** So the President is on many occasions out of this country on different functions, but the country continues to move forward...”*

Excerpt from UI 5 – Kenyatta’s interview with Hussein Mohamed on Citizen TV, Kenya, on 31st January, 2013

In his interview with Sofia Wanuna on KTN News – UI 3, Kenyatta further uses linguistic modifiers that signify growth, capability and happiness when making references to Kenya of Kenya, when he says;

*“...I think that it means that I think **Kenya is regaining her position on the International stage and undoubtedly it also pays a lot of credit to our own diplomats** who have been recognized also for their capacity as you know Ambassador Macharia who was the co-chair of the working group on the SDGs and not many people thought that they would see the light of day, but then again here we are, as we adopt them at this General Assembly, and **I think most countries are grateful for the role that Kenya played at that particular effort and continues to play on issues relating to regional peace and security and also our key involvement in major issues like the COP and the Environmental Climate***

Change Conference coming up in Paris and the WT all that is coming and just now we have just launched the TIKA process which will be the first on the African Continent next year. So, I think Kenya is riding high and we are happy...”

Excerpt from UI 3 – Kenyatta’s interview with Sofia Wanuna on KTN News done 27th September, 2015

During the Pre - Jamuhuri Day Celebration on 12th December, 2013, Ruto’s speech – RS 1, depicted words and phrases suggesting favor, hope and capability are noted, when he says;

“...We have come here today looking at the firm foundation which was laid fifty years ago standing on the shoulders of great men who have made our nation proud in fifty years to again cement a new foundation for another fifty years and we are privileged those of us who are here this morning to be part of the making of history in our country, to lay another foundation for another fifty years that will see this country move to the next level. I am persuaded ladies and gentlemen, that we must not and we should not and we will not let our country and countrymen down...”

Excerpt from RS 1 - Speech at the Pre – Jamuhuri Day Celebrations at Independence Square on KTN TV Kenya delivered on 12th December, 2013

Phrases that depict hope and greatness are also seen in Ruto’s speech during the Mashujaa Day celebration RS 3, where the Deputy President avers that;

*“...Today, as Kenyans gathered here, we are reminded that going into the future, we must all irrespective of our political affiliations, regions we come from, the faiths we profess and the communities we come from **work together to consolidate the peace and security of our country**, work on the infrastructure so that we can*

continuously expand our road, rail, energy infrastructure, modernize our agriculture and ensure that our education is modern and relevant so that progressively we can move our country to value addition, agro processing, manufacturing and industrialization that creates the much needed jobs for our young people of our country...It is that commitment under your leadership Mr. President that the whole government is committed and is focused in looking at the opportunities that exist in our country rather than get lost and confused in the challenges that we face. That it is important that even amidst all these that we focus our attention, our focus on the great potential and opportunities that exist in our country...”

Excerpt from RS 3 – Speech at The Mashujaa Day Celebration on KTN TV Kenya delivered on 20th October, 2014

Despite the existence of words and phrases in the data on Kenyatta and Ruto which may depict them as nationalists, there also exists instances in the data where the leaders divorced their cases from the group. They asserted that the cases were personal to them and not the Kenyan sovereign. Hermann (2002) argues that, leaders who are low in nationalism are less isomorphic to the group. The leaders do not view themselves as part of the group, and whatever happens to the leader is viewed as personal to him. In Kenyatta’s speech, US2, delivered at the Joint Sitting of Parliament on 6th October, 2014, Kenyatta referred to his case at the ICC as personal and divorces it from the Kenyan sovereign. He explains as follows;

*“... To all those who are concerned that **my personal** attendance of the Status Conference compromises the sovereignty of our people or sets a precedent for the attendance of presidents before the court, be assured this is not the case...”*

Excerpt from US 2 – Uhuru Kenyatta’s Address to the Joint Sitting of Kenyan Parliament delivered on 6th October, 2014

In UI 4, Kenyatta's utterances further depict the ICC matter as a personal issue for both himself and his deputy, Ruto, who was also accused at the ICC. Viewing ICC as a personal matter divorces it from the Kenyan sovereign and hence makes him not perceive it as a national concern but as a personal concern. During the interview he says;

“...and as I said then, ICC for me is a personal issue and it will go away because I strongly maintain as I have always maintained, not only on my innocence, but also that of my Deputy...”

Excerpt from U14 – Uhuru Kenyatta's Interview with Hussein Mohamed on Citizen TV – Kenya undertaken on 9th April 2015

In the two excerpts above from US2 and UI4, Kenyatta does not directly link his groups to the ICC cases. He keeps making reference to himself and his deputy while attempting not to identify the ICC question with either the Kenyan state or Africa which are his groups. As guided by Hermann (1980), when leaders cease to make reference to the groups where they belong while discussing foreign policy questions, they are viewed as low in nationalism. The use of phrases such; “my personal”, “I strongly maintain” and pronouns such as ‘I’ as seen in the data vindicate this position.

Based on the duality that the data presented, this study undertook content analysis of the primary data to determine if the leaders were low, or high in nationalism. Profiler Plus software was utilized in this content analysis to quantitatively measure the phrases and words that depicted the leaders as either low or high in nationalism. This resulted to a ratio to be measured against the leader's norming group on the trait of nationalism. In line with the results, the study discussed how Kenyan leaders' nationalism influenced Kenya's foreign policy behaviour towards the ICC.

The succeeding sections of the chapter presents the profiler plus results and the discussion of the results.

5.3 Profiler Plus Results on Kenyan Leaders Nationalism and Kenya – ICC Relations

Table 8 and 9 presents the quantitative content analysis results for Kenyatta and Ruto as processed through Profiler Plus. The results for Kenyatta’s speeches (US1, US2, US3,) and interviews (UI1, UI2, UI3, UI4); and those for Ruto’s speeches (RS1, RS2, RS3) and interviews (RI1, RI2, RI3, RI4), have been presented against the norming group for heads of states and for political leaders respectively for the trait on nationalism as shown in table four. The measure for the norming group is displayed in the second column (Standard) of the tables. The last column on tables six and seven, (UC, RC), are the results for the cumulative utterances by Kenyatta and Ruto for both the speeches and the interviews. They display the measure for all the nine thousand three hundred and twenty-five (9325) words for Kenyatta and seven thousand, seven hundred and seventy (7,770) words for Ruto. They will enable the research to reach a conclusion and determine a position on nationalism as a trait inherent the two leaders.

5.3.1 Profiler Plus Results for Uhuru Kenyatta Speeches and Interviews on the trait on Nationalism

Table 8: Profiler plus results on Uhuru Kenyatta’s Speeches and Interviews

Trait	Standard	US1	US2	US3	UI1	UI2	UI3	UI4	UI 5	UC
NAT	Mean = 0.42	0.287	0.16	0.33	0.14	0	0.17	0.33	0.13	0.21
	Low < 0.32									
	High > 0.53									

Source: Researcher’s own tabulation based on Profiler Plus results of Kenyatta’s speeches and interviews and produced by Profiler Plus software (Levine and Young 2014)

In first speech, US1, delivered at the 26th Extra – Ordinary African Union Summit, two thousand six hundred and fifty-nine (2659) words were analyzed using profiler plus. Nineteen (19) words were indicative of Uhuru Kenyatta as being high in nationalism; while forty-seven (47) words indicated him as low is nationalism. The ratio result of the speech is 0.2879, which is two (2) deviations lowers than the mean of the norming group which is 0.42. In the second speech, US 2, delivered at the Joint Sitting of the Kenyan Parliament, a total of two thousand two hundred and forty-three (2243) words were analyzed. Profiler Plus depicted that of this total, 12 words were indicative of the leader as being high in nationalism, while 59 words indicated him as low in nationalism; the resultant ratio was 0.169 which is 3 standard deviation, lower than the mean of 0.42. In the third speech US3, delivered on Pre – Jamuhuri Day Celebrations at Independence Square, eight hundred and sixty-seven words were analyzed. Eighteen (18) of the words depicted Kenyatta as high in nationalism while thirty-six (36) words depicted him as low in nationalism, the resultant ratio for the speech is 0.33 which is 1 deviation below the mean.

In the first interview, UI1, conducted by Marc Perelman of France 24 TV, a total of 535 words were extracted for analysis. Profiler plus revealed that of the total, 3 words were found to depict Uhuru Kenyatta as high in nationalism, while 18 words depicted him as low in nationalism. The resultant ratio for this interview was 0.1429 which is 3 deviations lower that the norming group. The second interview, UI2 conducted by Daniel Pelz of DW News – DW African Desk, a total of 145 words were extracted for analysis, of the total, there was no word that depicted the leader as high in nationalism. However, 10 words from among those uttered by Uhuru Kenyatta during the interview depict him as low in nationalism. The resultant ration was zero (0), which is 4 deviations below the norming group on nationalism. In the third interview, UI3, conducted by Sofia Wanuna of KTN News on 27th September, 2015, one thousand two hundred and fifteen

(1215) were analyzed through Profiler Plus. Ten (10) of the words depict Kenyatta as high in nationalism while 48 words depict him as low in nationalism. The resultant ratio is 0.17 which is 2 deviations below the mean for the trait. In the fourth interview UI4, conducted on 9th April 2014, by Hussein Mohamed of Citizen TV – Kenya, a total of 271 words were extracted for analysis. Of the total, 5 words were indicative of him as being high in nationalism, while 10 were indicative of him as being low in nationalism. The resultant ration for this interview was 0.333 which is one (1) deviation lower than the mean of 0.42. Interview UI 5, also conducted by Hussein Mohamed of Citizen TV, on 31st January 2013, a total of 1390 words were analyzed. Seven (7) of the words were indicative of Kenyatta as high in nationalism while 44 words were indicative of him as low in nationalism, the resultant ratio of the words in this interview is 0.13 which is 3 deviations lower than the mean.

Cumulatively, of all the nine thousand three hundred and twenty-five (9,325) words from all the speeches and interview (UC), 74 words depicted Kenyatta as high in nationalism while, 276 words depict him as low in nationalism. The profiler plus results for UC is 0.2114, which is 0.21 lower than the norming group mean.

5.3.2 Profiler Plus Results for William Ruto Speeches and Interviews on the trait on Nationalism

Table 9: Profiler Plus results on William Ruto’s Speeches and Interviews

Trait	Standard	RS1	RS2	RS3	RI1	RI2	RI3	RI4	RC
NAT	Mean = 0.43 Low < 0.34 High > 0.53	0.27	0.12	0.18	0.12	0.06	0.09	0	0.09

Source: Researcher’s own tabulation based on Profiler Plus results of Ruto’s speeches and interviews and produced by Profiler Plus software (Levine and Young 2014)

In the first speech, RS1 delivered at Independence Square in Nairobi, 139 words were analyzed; 3 of which depicted Ruto as high in nationalism and 8 depicted him as low in nationalism. The resultant ratio for the speech was 0.27 which is 0.16 lower than the norming group mean. In the second speech delivered during the Jamuhuri Day celebrations on 12th December, 2013, three hundred and ninety (390) words were analyzed; 5 words depicted Ruto as high in nationalism while 35 words depicted him as low in the nationalism. The resultant ratio for the speech is 0.12 which is 0.31 deviations lower than the norming group mean. The third speech analyzed, RS3, delivered during the Mashujaa Day celebration on 20th October, 2014, nine hundred and thirty-nine (939) words were analyzed, of which 7 words depicted Ruto as high in nationalism while 31 words depicted him as low in the trait. The ratio for the speech was 0.18 which is 0.25 deviations lower than the mean of the norming group.

With regard to the interviews, in the first interview RI1, conducted by Folly Bah Thibault on Talk to Al Jazeera, 835 words were analyzed. 4 words depicted Ruto as high in nationalism while 28 words in the interview responses depicted him as low in nationalism, the resultant ratio for the nationalistic trait in the speech was 0.12 which was 0.31 lower than the norming group mean. In the second interview, RI2, conducted by Hussein Mohamed on the Big Question on Citizen TV, 3,900 words were analyzed, 9 words depicted Ruto as high in nationalism while 132 words depicted him as low. The resultant ratio for the interview responses was 0.06 which was 0.37 deviations lower than his norming group mean. In the third interview, RI3, conducted by Everlyne Wambui on Newsmakers on Citizen TV, 720 words were analyzed, 1 word depicted Ruto as high in nationalism while 10 words depicted him as low in nationalism. The ratio for the interview was 0.09, which was 0.34 lower than his norming group mean. In the fourth interview, RI4, conducted by various journalists at The Hague in Netherlands as retrieved from Nation TV,

790 words were analyzed of which no word depicted Ruto as high in nationalism while 32 words depicted him as low in nationalism. The resultant ratio of the analysis was zero (0), which was 0.43 deviations lower than his norming group mean.

Cumulatively from the seven thousand seven hundred and seventy (7770) words drawn from Ruto's interview responses and speeches, twenty-nine (29) of them were indicative of him as high in nationalism while two hundred and seventy-six (276) of them were indicative of him as low in nationalism. The cumulative resultant ratio was 0.09 which is 0.32 deviations below the norming group.

5.4 Discussion of the Findings

Nationalism calls on leaders to emphasize the importance of their own nations in terms of their status and cultures. It further calls on the leaders to abhor any form of foreign meddling in what they consider domestic matters (Hermann, 1980). It is based on this that the concept of sovereignty is premised. Nationalists view interventions by international legal regimes such as the ICC, as meddling in the domestic legal jurisdictions. They posit that these interventions seek to suppress domestic action or inaction by the state judicial organs, thus brewing antagonism between the state and international legal regimes. According to nationalist, the state is the central player in international political system. In the case of Kenya's relations with the ICC, it must be noted that interventions came after persistent failure of the political elite to establish legal mechanism for prosecuting persons responsible for crimes against humanity committed during the 2007 – 2008 post-election violence. The ICC acted as a court of last resort.

Content analysis of the data for Kenyatta and Ruto processed through profiler plus, revealed that they scored lower than their norming groups for the nationalistic trait in all the instances analyzed. In explaining foreign policy behaviour of leaders' low in nationalism, LTA approach

espouses two main assumptions on how such leaders influence foreign policy. First, such leaders are less disposed to viewing world politics as clear – cut, and are more likely to view people as “we” or “them” based on the prevailing diplomatic situation that they find themselves in, making their foreign policy decisions fluid. Second, in dealing with local opposition to their foreign policy positions they prefer to use interactions such as summits, conferences and positive diplomatic gestures as strategies in mitigating domestic discontent (Hermann, 2002). It is based on these assumptions of LAT approach that the research looked into documented cases of strained Kenya foreign policy behaviour towards the ICC. Using excerpts from the data for emphasis, the research attempted to explain these cases in the succeeding sections of this chapter. This will answer “why” questions in antagonistic Kenya – ICC relations, from a personality perspective. This goes beyond the “what” question which other studies have focused on.

5.4.1 No Clear cut policy decisions

The first assumption of LTA approach, that such leaders have fluid foreign policy making behaviour, is manifest in Kenyatta and Ruto’s actions and utterances on the Kenya – ICC relations. While attacking ICC, Kenyatta and Ruto extended their attacks to other nations that allegedly supported the ICC process in Kenya such as The United Kingdom, The United States and The European Union. In US1, Kenyatta avers;

*“...These interventions go beyond interference in the internal affairs of a sovereign State. They constitute a fetid insult to Kenya and Africa. **African sovereignty means nothing to the ICC and its patrons. They also dovetail altogether too conveniently with the warnings given to Kenyans just before the last elections: choices have consequences. This chorus was led by the USA, Britain, EU, and certain eminent persons in global affairs. It was a threat made to Kenyans against electing my Government...**”*

Excerpt from US1 – Kenyatta Speech at the African Union Summit delivered on 31st January, 2016

From the excerpt, “we” manifests by inference where Kenyatta makes reference to his groups; Kenya and Africa. He defines his groups as separate from the ICC and other countries which he refers to as ICC patrons. He views the ICC, the European Union and the countries he mentions such as USA and Britain as “them”, whom he accuses of lacking respect for Kenyan and African sovereignty. However, this position kept changing due to the shifty nature of the leaders’ foreign policy making which is attributed to Kenyatta’s low nationalism as the findings revealed.

In RI 1, “we” and “they” manifests when Ruto defines his group (we) as separate from the ICC (they) and views their (we) win in the election as a show of innocence despite the charges leveled on them by the Court (them). He further calls out the charges as conspiracy hatched by western powers (they) that he invites to reassess their position on the case. He states that;

*“...I mean six to seven million people who vote for two gentlemen indicted by the International Criminal Court, are they mad? Or is something absolutely wrong with the charges at the ICC because that is our contention that the whole of these charges, the people of Kenya know, they live in this country, they were here in 2007 and if we had participated in the manner in which the charges had been framed, the people of Kenya would have nothing to do with us but because they know what happened in this country, and because they know the conspiracy in this case, in the ballot, the people of Kenya want to prove that indeed we are innocent... **They** want to say despite everything else that has been said, about Uhuru Kenyatta and William Ruto... I think that message should go more to **the people out there** who think about us in that negative way. **They** should really reassess their position...”*

Excerpt from RI 1 – Interview with Folly Bah Thibault on Talk to Al Jazeera 20th March, 2013

The study finds that due to the cases at the ICC, Kenyatta and Ruto had soured relations with the western countries. In doing this, the leaders were attempting to realign Kenya’s foreign policy from the traditional western orientation to a more inward looking foreign policy outlook (Obala,

2013). This foreign policy choice would therefore sever the previously cordial diplomatic relations between Kenya and her western allies (Adar, 2015). This was informed by the Western countries' support for the ICC's intervention in Kenya. Lack of clear cut foreign policy decision towards the ICC which is attributed to leaders' low nationalism played out in three other diplomatic actions documented in this study.

First, during their campaign as the Jubilee Alliance in the 2013 general elections leading up to their assumption of the presidency, the African Report indicates that Kenyatta and Ruto hired a savvy public relations firm based in London – United Kingdom (Dancy, et, all. 2019). The firm - BTI Advisors, designed and spewed anti – western rhetoric on social media with the aim of influencing voters against the ICC, and turning the cases at the ICC into a zero sum political matter. Their procurement of a western firm while attacking the ICC as a western Court, displays his contradictions and lack of clear cut stands towards the ICC (Obala, 2013) and its western proponents. It would have been expected of the leaders to rely only on African institutions for their campaign, if they believed western countries and their institutions sought to interfere with Kenya's sovereignty.

Second, this contradiction and lack of clear cut diplomatic stand is viewed in the leaders' choice of defense team for their case at the ICC. Kenyatta and Ruto viewed the ICC as a pro western institution. In Kenyatta's speech at the 26th Extra – Ordinary Summit of the African Union (US 1) he avers “...out of over 30 cases before the court, none relates to a situation outside Africa. All the people indicted before that court, ever since its founding have been Africans.” It is generally expected therefore that he would rely on African institutions and it peoples for solutions. However, the lead counsels defending Kenyatta at the ICC was Steven Kay, who is a Queens Counsel in the United Kingdom, he was assisted by Gillian Higgins and Benjamin Joyce,

while the counsel. The counsel for Ruto was Mr. Karim Khan who is also a citizen of the United Kingdom, this can be confirmed in the Status Conference verbatim report (ICC, 2011). All these lawyers were white men hailing from the United Kingdom. In essence therefore, the leaders' choice of these lawyers, contradicts their contention with Western institutions including the ICC which they viewed as "white man's" Court, keen on humiliating Africans. It is also the case that Mr. Khan is currently the Chief Prosecutor at the ICC and it has been claimed that his winning the vote at the Conference of State parties of the ICC was largely pushed by Kenya (Muthoni and Masu, 2021)

Third, looking at the proposed economic policies of the Jubilee Government as presented in the Jubilee manifesto, Obala (2013), underscores the need to look beyond what he refers to as "pseudo – nationalistic rhetoric of the administration". The policies proposed in the manifesto presented a regime that may be the most pro – western to rule the country since its independence. This vindicates the continuity and change in Kenyan foreign policy (Adar, 2015). It further depicts contradiction in the administration's foreign policy choice towards the ICC. It can therefore be concluded that, Kenyatta and Ruto's attacks on the ICC as a western Court, while implementing foreign policy geared towards economic cooperation with the western proponents of the Court is contradictory. This contradiction is attributed to Kenyatta and Ruto's attribute of low nationalism.

The primary data further shows that there is shiftiness in contextualizing and defining the cases at the ICC. The leaders defined the case as personal or an assault on their group when they find it necessary and convenient. In US 2 - Kenyatta's Address to the Joint Sitting of Kenyan Parliament delivered on 6th October, 2014, he avers that his case is personal and do not affect the sovereignty of the Country when he states that;

*“.... To all those who are concerned that **my personal** attendance of the Status Conference compromises the sovereignty of our people or sets a precedent for the attendance of presidents before the court, be assured this is not the case...”*

Excerpt from US 2 – Kenyatta’s Address to the Joint Sitting of Kenyan Parliament

This also plays out in U14 – during Kenyatta’s Interview with Hussein Mohamed on Citizen TV – Kenya undertaken on 9th April 2015, where he explains that his case and that of Ruto are personal to them, he explains that;

“...and as I said then, ICC for me is a personal issue and it will go away because I strongly maintain as I have always maintained, not only on my innocence, but also that of my Deputy...”

Excerpt from UI 4 – Kenyatta’s interview with Hussein Mohamed on Citizen TV

However, during his address at the African Union Special Summit US 1, Kenyatta changes tune and now views the cases as an assault on Kenya’s and African sovereignty with the aim of rallying other leaders against the ICC interventions. He explains that;

“...These interventions go beyond interference in the internal affairs of a sovereign State. They constitute a fetid insult to Kenya and Africa. African sovereignty means nothing to the ICC...”

Excerpt from US 1 – Kenyatta’s address at the African Union Special Summit delivered on 31st January, 2016

The four instances of contradiction in Kenya – ICC foreign policy, buttress the assumption that leaders low in nationalism defines “we” and “them” or friends and foes, based on their interest in the prevailing diplomatic situation (Hermann, 2002). The leaders’ interest was to beat the ICC processes and their prosecution at the Court. Their diplomatic positions were therefore tailored to

suit the best possible path to achieve this interests. Kenyatta and Ruto's reliance on western institutions when it suits their interest, such as for public relations, personal defense and economic benefit, contradicts their attack on the ICC for being a western based organization. The leaders' similarity in the score on nationalism also explains the similarity in their choices of lawyers. This evidence confirms Kenyatta and Ruto's lack of clear cut foreign policy decisions towards the ICC. This was linked to the leaders' interest of beating their prosecution at the ICC. This study defines such decisions as Kenyatta and Ruto's shifty foreign policy choices on the ICC.

UI - 2 buttresses this conclusion. In the interview, Kenyatta clearly isolates the ICC issue from other diplomatic matters underpinning its relations with Germany. When asked whether he has discussed the matter of ICC with the German Leader Angela Merkel; he responds;

“... No we didn't discuss that particular issue....”

Excerpts from UI 2 – Interview with Daniel Pelz of DW News – DW African Desk done on 8th April, 2016

Further responses from the interview confirms the isolation of the ICC issues when engaging with other leaders on diplomatic matters. Kenyatta further explains to Daniel Pelz that;

“...Well, like I said this wasn't necessarily the forum to do that... and we are pushing and articulating our case very strongly through the State Parties and also through the Security Council which are the appropriate bodies for us to push our arguments and I am sure you are aware we have articulated our cases very clearly and our position with regard to the ICC and the need for it to reform very clearly and we shall continue to do so...”

Excerpts from UI 2 – Interview with Daniel Pelz of DW News – DW African Desk done on 8th April, 2016

In addition, Kenyatta and Ruto's low nationalism which is attributed to lack of steadfast foreign policy stands (Herman, 1980) and the fluid nature of foreign policy choices, explains their acceptance to attend the trials at the ICC in person, while at the same time attacking the Court. Despite their persistent attack of the ICC, and soaring of relations with the Court, Kenyatta and Ruto submitted themselves to trial at the ICC in person. This was the most convenient diplomatic decision to make at that particular time. Lugano (2017), views this as strategic acceptance and strategic non – acceptance of the ICC. It can be concluded therefore, that Kenyatta and Ruto's shifty foreign policy choices depicted by attacking the ICC, and attending the Court's proceeding during the same period, was guided by Kenyatta and Ruto's personal interest in Kenya's foreign policy towards the ICC (Helfer & Showalter, 2017). Shifty foreign policy choices are associated with leader's low in nationalism. This was further made clearer by utterances made by Kenyatta in US 2, when he explained that;

“...The African union, in its wisdom, resolved in October of last year that; to safeguard the constitutional order, stability and integrity of member states, no charges shall be commenced or continued before any international court or tribunal against any serving AU Head of State or government or anybody acting or entitled to act in such capacity during their terms in office... to protect the sovereignty of the Kenyan Republic, I now take the extraordinary and unprecedented step of invoking Article 147(3) of the Constitution. I will shortly issue the legal notice necessary to appoint hon. William Ruto, the Deputy President, as Acting President while I attend the Status Conference at The Hague in the Netherlands...”

Excerpt from US 2 – Address at the Joint Sitting of the Kenyan Parliament delivered on 6th October, 2014

From this speech, we witness the contradiction and lack of clear cut position on the case at the ICC, due to low nationalism. During the speech, Kenyatta made reference to the African Union resolution on the discontinuation of their trials at the ICC, a resolution which Kenyatta and Ruto's government had sponsored and stood by. At the same time, he announced that he shall attend the hearing at the ICC. Both positions are viewed as the best diplomatic position during the African Union Summit, and when they were called upon to appear before the court. After making reference to the resolution, Kenyatta commits himself to attend trial at the ICC against the African Union resolution. This shiftiness in the Kenya's foreign policy towards the ICC guides in explaining the Kenya's foreign policy towards the ICC between 2013 and 2017, and is underpinned by the leaders' low nationalism. Further to leaders' low in nationalism exhibiting contradictory foreign policy decisions, they also have a defined mode of dealing with local opposition to their foreign policy choices. The succeeding sections details this.

5.4.2. Dealing with local opposition

The anti – ICC foreign policy behaviour witnessed in Kenyatta and Ruto drew significant opposition from domestic political opponents and actors (Lugano, 2017; Muller, 2013). The local proponents had accepted the jurisdiction of the ICC in the country and viewed it as the path to justice for the victims of the 2007 – 2008 post-election violence. Justice for victims of the post – election violence had always been elusive in Kenya. The political elite had often perpetrated the need for peace and stifled discussions on justice. Attempts at justice had often ended at unimplemented recommendations of investigative commissions. The proponents who accepted the ICC's jurisdiction were pushing for justice through the ICC process.

Key among the actors who displayed opposition to the Kenyatta and Ruto anti – ICC narratives were the civil society organizations (Kendall, 2014). Kendall adds that, the civil society organizations welcomed the ICC intervention in the Kenya and western donors materially supported their decision and activities backing ICC’s involvement. However, the Jubilee Administration headed by Kenyatta and Ruto viewed these organizations’ activities and actions as a threat to Kenyan sovereignty, and the leaders further questioned whose interest the organizations represented and served. This buttressed the notion that leaders guised their personal interests as national interests, and pursued them as such. In addition, by refusing to accept the ICC’s jurisdiction, Kenyatta and Ruto displayed their attempt at establishing status – quo in the country which was aimed at rallying for peace at the detriment of justice.

In challenging this opposition and attacking the ICC, the Jubilee Government displayed preference for use of diplomatic channels such as letters, conference and summits. This is in line with LTA approach, that leaders low in nationalism prefer to use diplomatic gestures in dealing with local opposition to their foreign policy choices. In August, 2013 a delegation of the African Union which included officials of the Kenyan Jubilee Government delivered a letter to the President of the ICC, asking State Parties of the ICC to consider transferring the cases on Kenyatta and Ruto to Kenyan national jurisdiction (Sigei, 2013). In July, 2012 and September, 2013, the Chairman of the African Union, acting at the behest of the Kenyan Government sent two letters to the ICC requesting for a referral of Kenyatta and Ruto’s cases at the ICC. They argued that the cases were limiting the two leaders from discharging their functions as president and deputy president (Kendall, 2014; Muller, 2013). In May, 2013, the Kenyan Permanent Representative at the United Nations, Ambassador Kamau Macharia, addressed a letter to the ICC State Parties and the United Nations Security Council requesting for termination of the cases

against Kenyatta and Ruto on the ground that the cases were an affront on sovereignty of the Kenyan state which is a member of the United Nations.

The letters did not achieve the intended objective. Kendall, (2014), and Clarke, (2015) argue that according to the ICC and its state parties, the letters were not recognizable under the operational framework of the ICC, what Clarke refers to as “legal encapsulation”. However, the letters achieved the leaders’ objective of displaying the ICC as insensitive and disrespectful to Africa and Kenya. The letters further sought to build a case against the ICC in the eyes of the Kenyan populace. It followed that at the African Union Kenyatta addressed how the ICC refused to accept Kenya’s perspective on the case, but respected the opinions of civil society organizations. Kenyatta addressed this matter in US 1 where he stated that;

“...When Your Excellencies’ resolution was communicated to the Court through a letter to its president, it was dismissed as not being properly before the Court and therefore ineligible for consideration. When a civil society organisation wrote a letter bearing sensational and prejudicial fabrications, the Court took urgent and substantial decisions based on it. Before the ICC, African sovereign nations’ resolutions are nothing compared with the opinions of civil society activists...”

Excerpt from US 1 – Kenyatta’s address at the at the African Union Special Summit delivered on 31st January, 2016

The matter on Kenyan cases at the ICC were elevated by Kenyan and African Union diplomatic officials to the United Nations General Assembly in September, 2013. At the Assembly, the officials accused the court of having degenerated in a political tool, with an African bias (Kelley, 2013). The Kenyan government further requested for an extraordinary summit of the African Union to discuss the ICC cases of Kenyatta and Ruto and other ICC related issues (Dersso,

2013). At the summit, dubbed the 26th Extra – Ordinary African Union Summit, held on 31st January, 2016, Kenyatta attacked the ICC and pressed for withdrawal of African states from the Court. It was at the summit that Kenyan diplomatic officials led the charge for mass withdrawal of African Union members from the ICC. The summit also resolved that the cases against Kenyatta and Ruto before the ICC should be suspended until their term in office expires. It is the view of this research that the ICC should have accepted this proposal as a tactical move. The power that Kenyatta and Ruto wielded with the office of the Presidency provided them with the ability to circumvent the cases at the ICC. Once this power subsided with the expiry of their term in office the success of prosecution would have been higher. The tactical move is justified by the fact that the ICC has entered into the international political arena as a key player. For its survival within the arena, it must employ political maneuvers in a bid to achieve its goals. To retreat and advance at a later time after the expiry of the terms of office of the leaders would have been a clever strategy.

With the backing of the African Union and the adopted resolutions, Kenyan diplomatic officials approached the United Nations Security Council (UNSC) to request for deferral of the cases against Kenyatta and Ruto at the ICC. The UNSC did not grant the request (Kelley, 2013). Despite the failure at the UNSC, the Kenyan and African Union diplomatic officials made another request for deferral of Kenyatta and Ruto's cases at the Assembly of State Parties of the ICC at its meeting held in November, 2013 (Dersso, 2013).

Primary data further reveal that both Kenyatta and Ruto had confidence in the Summits and Conferences. This is evident in Kenyatta's response during an interview with Daniel Pelz on DW News – DW African Desk UI 2 where he explains that;

“...we are pushing and articulating our case very strongly through the State Parties and also through the Security Council which are the appropriate bodies for us to push our arguments and I am sure you are aware we have articulated our cases very clearly and our position with regard to the ICC and the need for it to reform very clearly and we shall continue to do so...”

Excerpt from UI 2 – Interview with Daniel Pelz on DW News – DW African Desk done on 8th April, 2016

In RI 4 where Ruto address questions from various journalists, he was confident in the utilizing the United Nations Security Council and the African Union plays out. He asserts in his responses that;

“...The second issue I want to address myself to is the issue of the resolutions of the African Union and I want to say now that the republic of Kenya has formally filled with the United Nations security council and application for the deferral of this Kenya case in the face of the circumstances that surround the region, the world and our country, threats of terrorism and the activities of Al-Qaida and Al Shabaab...”

Excerpt from RI 4 – Interview with various journalists at The Hague in Netherlands done on 16th October, 2013

The Jubilee Administration had viewed civil society organizations who were advancing the activities of the ICC as part of a designed western scheme to oppose their foreign policy decision towards the ICC. These organizations were therefore seen as the chief opposition to their antagonist foreign policy toward the ICC. The government further questioned at whose behest the organizations served and their source of funding. To tame the civil society organizations, the National Assembly through the Jubilee Government Leader of Majority proposed an amendment to Public Benefits Organization Act, 2013, to cap foreign funding for civil society organizations

at fifteen percent of their total budget (Kendall, 2014). Kendall explains that this was intended to limit the civil society organizations' activities which supported activities of the ICC in Kenya, despite the government's antagonistic foreign policy towards the court. Utilizing Parliament to propagate antagonistic foreign policy against the ICC was also witnessed in September, 2013, when through a motion sponsored by Jubilee government majority leader, the National Assembly resolved to withdraw Kenya from the Rome Statute which is the foundation statute for joining the jurisdiction of the ICC. The National Assembly Hansard Report of 5th September, 2013, reveal that while moving the motion, the Majority Leader, Hon. Aden Duale stated; "...*Let us protect our citizens. Let us defend the sovereignty of the nation on Kenya...*". The motion was to be followed by an introduction of a bill to effect the resolution.

LTA approach provides that leaders use letters, conference and summits, in dealing with local opposition to their foreign policy choices. In addition to these gestures, this study reveals that such leaders also use Parliament to tame descent towards their foreign policy goals. Parliament is a central institution for making and implementing foreign policy (Hockin, 2012). LTA approach should therefore seek to include Parliament as diplomatic gesture used by leaders who are low in nationalism to deal with local opposition to foreign policy choices.

Based on these discussions and the primary data, the research provides sufficient evidence of the use of positive diplomatic gestures such as letters, summits, conferences and parliament in taming local opposition to foreign policy choices. This foreign policy behavior is a consequent of Kenyatta and Ruto's low nationalism. Leaders low in nationalism prefer dealing with local opposition to their foreign policy options through collaborations such as summits and conferences and positive diplomatic gestures such as letter (Hermann, 1980).

5.5 Conclusions

In a nutshell, to analyze the foreign policy behaviour of Kenya towards the ICC between 2013 and 2017, it is imperative to look beyond the statist arguments of sovereignty and national honour. The focus should be on the leaders, as their offices are bestowed with the responsibility of defining the country's foreign policy (Nzomo, 2016; Kaburu, 2020). Furthermore, the cases at the ICC were not against the Kenyan state, but were against the President of Kenya Uhuru Kenyatta and the Deputy President William Ruto (Murithi, 2013). The study therefore concludes that their low nationalism trait as vindicated by the findings influenced the strained Kenya – ICC relations and guided Kenya's foreign policy behaviour towards the ICC. This confirms the assumptions of LTA approach leaders remain central in foreign policy analysis.

Guided by LTA and using content analysis and profiler plus, the findings affirm that Kenyatta and Ruto are low in the nationalistic trait. The result on UC column in Table 8, and RC column in Table 9, depicts the measure on nationalism of Kenyatta at 0.21 and Ruto at 0.09 respectively, which is lower than that of their norming groups. The result was an output of profiler analysis of nine thousand three hundred and twenty (9325) words for Kenyatta, and seven thousand seven hundred and seventy (7770) words for Ruto. Their low nationalism explains why the foreign policy behaviour of Kenya towards the ICC between 2013 and 2017 was severed in two key aspects. First, it explains why there are contradictions and shifting goal posts in Kenya's foreign policy towards the ICC, and towards other countries which Kenyatta regards as ICC patrons. Secondly, it explains why the Jubilee Government run by Kenyatta and Ruto resorted to use diplomatic channels such as letters, summits, conferences and parliament when handling domestic rebellion against their antagonistic foreign policy choices towards the ICC. All these actions are attributed to the leaders' low nationalism as explained using LTA (Hermann, 1980).

The inclusion of parliament is buttressed by the finds of this research, LTA approach should therefore seek to include it as one diplomatic gesture that leaders use to tame local opposition to their foreign policy choices

The study adds to the discussion on the place of nationalism in foreign policy. With consensus that leaders matter in foreign policy decision making, the place of popular nationalism in foreign policy decision making cannot stand in the debate on Kenya – ICC relations as the cases were against individual leaders and not the Kenyan populace. The rally by the leaders that the ICC violated Kenya’s sovereignty cannot stand since the cases were personal to the leaders and not the Kenyan sovereign. To this end, the leaders were involved in mythmaking with the view to scuttle their cases at the ICC. It was therefore the conflict between the leaders’ nationalistic trait and the agenda of the ICC which influenced Kenya’s antagonism towards the ICC.

CHAPTER SIX

KENYAN LEADERS NEED FOR POWER AND KENYA – ICC RELATIONS

6.1 Introduction

This chapter seeks to answer the third research question; *how did need for power as a trait of Kenyan leaders influence the states antagonistic foreign policy towards the ICC?* In answering the question, the first section of the chapter focuses on discussions around power as a primary goal of states within the International system. This supports the assertion that power, is not to be purely seen in traditional military terms, but also to include transnational interactions which nations need to negotiate around to ensure the acquisition of power within the international system. The section further opens the debate on foundations of power which it argues, lies within human nature and hence it is imperative to look at the individual leaders while discussing power. The second section of the chapter looked into power play within the debates on Kenya – ICC relations. It finds that the ICC intervention was framed by the Kenyan leaders as a power struggle between the powerful Western states and poor African states. It exposes how Kenyatta and Ruto portrayed themselves as victims of this power imbalance. The section also reveals how Kenyatta and Ruto politically harnessed the narrative of global power imbalance, to whip support from voters of their ethnic communities. The support was vital for the leaders' candidacy for the presidency. To garner this support, the leaders depicted themselves as victims of colonial masters. The section also argues that Kenyatta and Ruto were seeking to shield themselves from prosecution at the ICC. This argument was in line with assertions that persons holding political power and their allies can avoid prosecution at the ICC easily that those without power (Makie, 2012). The section further highlights excerpts from the primary data that show conformity with various assumptions of LTA approach on analyzing the trait on need for power. Based on these

assertions, the third section of the chapter provides the profiler plus results for the measure on utterances by Kenyatta and Ruto on the trait of need for power. The chapter finds that Kenyatta and Ruto were low in the trait of need for power, thereby answering why there were antagonistic foreign relations between Kenya and the ICC. The findings guide the ensuing discussion on how this influenced Kenyan's foreign policy actions towards the ICC. The chapter concludes with a consolidation of the findings on how Kenyatta and Ruto's need for power influenced the foreign relations between Kenya and the ICC in the period between 2013 and 2017. It further shapes the contribution that this makes to the study of foreign policy and international law.

6.2 Kenyan Leaders Need for Power and Kenya ICC Relations

Power in International Relations scholarship is the ultimate goal of states (Morgenthau, 1978, Nye 2002). Guided by this goal, state leaders are advised to conduct themselves in a manner that preserves and promotes the strength of the nation which is viewed in terms of power. The leaders are further called upon to rationally calculate how to pursue power (Meinecke, 1957). In defining power, these scholars have narrowly focused on the military strategic power of the state. Military power according to them is the ability to get what you want either through the threat or use of force (Dunne and Schmidt, 2001). However, viewing power through such a narrow lens in the contemporary international system may be misleading. Power is currently distributed in patterns that resemble a complex three – dimensional chess game (Nye, 2002). On top of the board, is military power, on the middle board is economic power and the bottom board is the realm of transnational relations that cross borders outside government control. Pursuit of state power in the current international system therefore calls on the state leaders to focus on all the boards and the vertical connections among them. The proposals by Nye (2002), Morgenthau (1978) and Machiavelli (1984) properly guided state leaders on what to focus on when pursuing power.

However, all the proposals fail to look into the capabilities and personalities of the leaders involved in power play. In the chess game of power politics, as Nye describes it, he fails to look into the “chess player”, who is the leader.

Despite these facets of power, there is consensus that all pursuit of power by nation states is meant to force other nations states to do something they would otherwise not have done (Sterling – Folker and Shinko, 2005). However, with the entry of international legal regimes into the international political space, to look at power as having to force only other nations to do something they would otherwise not have done may not be comprehensive. Pursuit of power by the state and by leaders of the state, may also be meant to force international legal regimes to do something they would not have otherwise done. Conversely international regimes such as the ICC may also force states and leaders to do something that they may not have done. In the case of Kenya and the ICC, it is argued that Kenyatta and Ruto pursued political power for the purpose of beating their prosecution at the ICC (Muller, 2013). This has also been documented as the source for the antagonistic Kenyan relations with the ICC.

In the Kenya – ICC debate, the aspect of international power imbalance played out. It is claimed that the international criminal law does not apply to the powerful, but only the weak (McNamee, 2014). In this regard, Kenyan policy makers had viewed the ICC as a western judicial tool, keen on humiliating powerless African countries. (Hoile, 2010; Maru 2014). The Court was also accused by Kenyatta and Ruto as a tool for western powers to institute regime change in Kenya (Obala, 2013). They argued that this was a neocolonial tendency of the countries such as the USA and United Kingdom. They accused the western countries of wanting to control the Kenyan electoral process with the view to institute regime change in Kenya. This call on neocolonialism

was buttressed by Kenyatta in his speech at the African Union Summit (US 1), where he pointed out that the ICC was a tool of the “declining imperial powers”:

“...The ICC has been reduced into a painfully farcical pantomime, a travesty that adds insult to the injury of victims. It stopped being the home of justice the day it became the toy of declining imperial powers...The philosophies, ideologies, structures and institutions that visited misery upon millions for centuries ultimately harm their perpetrators...Thus the imperial exploiter crashes into the pits of penury. The arrogant world police is crippled by shambolic domestic dysfunction. These are the spectacles of Western decline we are witnessing today...”

Excerpt from US 1 – Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

The argument that ICC only targeted weak African states missed two key propositions of LTA approach. One, it viewed international law and particularly the ICC, as only impacting on states and states behaviour, without looking at how international law affected individual leaders. Since we have built consensus that international legal principles directly impact on individuals (Walter, 2012), to argue that ICC only targets weak African countries would be incorrect. In the case of Kenya, the cases at the ICC were against individual leaders and not the Kenyan state. Two, power as defined in this argument is guided by assertions of Nye and Morgenthau, and only focuses on the power of the state and not the power of the individual governing the state. LTA proposes that it is the individual leader who is central in discussion of foreign policy making, not focusing on the leader therefore is not in consonance with the approach. It's the position of this research that the individual leader is at the heart of foreign policy decision making. When discussing power relations between Kenya and the ICC, it is important therefore to focus on the power of the leaders of state in line with the assumptions of the LTA approach.

The Kenyan case at the ICC was seen as unique for two main reasons. One, it was the first time an accused person had been propelled to power democratically after being charged at the Court. Two, it was the first time that a sitting head of state was being tried for crimes against humanity (Block, 2014). In line with these assertions, the cases were viewed as a power struggle between the Kenyan leaders and the ICC. By tilting the cases at the ICC to seem like power relations contest, Kenyatta was attempting to portray himself and his deputy as mere victims of the global power imbalance (Crisis Group, 2013). The leaders stretched Hoile's (2009) argument, by asserting that the ICC was not only humiliating poor African countries, but also leaders of those countries. By doing this, they placed the leaders at the center of international law. This was in consonance with the debate that international law norms impact individuals directly. They further accused the court of isolating them for prosecution because they were powerless African leaders. In stressing the idea that they were targets of western states, Kenyatta accused western powers of declining to ratify the Rome Statute so as to protect the immunity of their people from the jurisdiction of the Court, while insisting that other powerless nations should be subjected to the Court's jurisdiction (Helfer and Showalter, 2017). This argument was in consonance with other critics of the ICC who maintained that, international criminal law as advanced by the Court, did not apply to powerful states. It only did apply to the weak (Nkansah, 2014). Kenyatta's speech at the African Union further buttressed this argument where he states that:

“...The most active global powers of the time declined to ratify the Treaty, or withdrew somewhere along the way, citing several compelling grounds...The British foreign secretary Robin Cook said at the time, that the International Criminal Court was not set up to bring to book Prime Ministers of the United Kingdom or Presidents of the United States. Had someone other than a Western leader said those fateful words, the word 'impunity' would have been thrown at them with an emphatic alacrity... that world powers were hesitant to a process that

might make them accountable for such spectacularly criminal international adventures as the wars in Iraq, Syria, Libya, Afghanistan and other places, and such hideous enterprises as renditions and torture...”

Excerpt from US 1 – Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

Despite sentiments on international power imbalance, which guide the foreign policy of states to rationally acquire power; it is argued that the foundation of power lies within human nature. It is a human desire to dominate, or to act for self-preservation (Morgenthau 1978). It's against this desire that power has been seen to intertwine with human conditions and human behaviour, to the extent that, the feeling of power has become both the greatest love of, and demon to humankind (Berenskoetter, 2008). It is the human nature to dominate that is defined as the opportunity to have ones will prevail within a social relationship against the resistance of others (Waber, 1976). Furthermore, states pursuit of power is dependent on state leaders who define the states foreign policy and set strategies for maximization of power (Morgentahu, 1978; Hermann, 2002; Stuart, 2008; UCC, 2007). It against this backdrop, that LTA approach advocates for looking into the leaders' personality, and in particular their need for power when exploring states foreign policy choices, decisions and actions (Thompson, 1980; Herman, 2002; Alden and Aran, 2017).

LTA approach while defining need for power as a personality trait of leaders, views it as the desire for the leader to establish, maintain, or restore their power (Hermann, 2002). Their power in this case being the influence or impact on other persons or groups (Winter. 1973; Dyson, 2002). In the run up to the 2013 general elections in Kenya which resulted in the declaration of Kenyatta and Ruto as the President and the Deputy President respectively, debates abound on the

urgency of the leaders to establish themselves in these positions of power (Kendall, 2014). These debates were premised on either the leaders using these positions of power to influence persons and groups prosecuting them at the ICC, or for preserving themselves against prosecution at the ICC (Lugano 2017). Lugano adds that with state power, Kenyatta and Ruto would have leverage on circumventing the ICC process to their advantage; hence power was an ultimate goal for the leaders.

Through *realpolitik*, Kenyatta and Ruto turned the ICC process, which had threatened their political careers and freedoms, into political capital for purposes of acquiring power (Shilaho, 2016; Lugano, 2017). The urge to acquire political power was guided by the assumption that those holding political power and their allies can avoid facing the Court more easily than those without (Mackie, 2012). This study has centered leaders in foreign policy making of the state, and acknowledged that pursuit of power is not only for the state, but also for the leaders of the state. In this regard the political power of Kenyatta and Ruto made them want to force the ICC to do what it would have otherwise not done – drop charges against the leader. In a bid to achieve political power, Kenyatta and Ruto who had been previously positioned as political and ethnic rivals, allied as members of one coalition – the Jubilee Alliance (Kendall, 2014). This alliance was seen a marriage of convenience meant to acquire power and protect the two leaders from prosecutions at the ICC (Lynch and Misa, 2013). Since Kenyatta and Ruto are drawn from the Kikuyu and Kalenjin ethnic groups respectively, the aim of their formation of a political coalition was to whip tribal sentiments. This they did by demonizing the ICC, which helped them galvanize their communities under the Jubilee Alliance. The strategy enabled the leaders to win the 2013 General Elections, take over state apparatus and utilize it as leverage over the ICC cases (Shilaho, 2016).

Demonizing the ICC enabled Kenyatta and Ruto to solidify ethnic polarization which turned the 2013 elections into a zero-sum ethnic contest (Muller, 2013). Muller further viewed the leaders' convergence as unity of convenience, meant to shield them from the ICC. It can therefore be alluded that Kenyatta and Ruto were in need of power for self – preservation and protection against the ICC. The ICC cases had sought to obscure the leaders from ascending and maintain power. The conflict between the ICC and the leaders need for power propagated Kenyan antagonism with towards the ICC. This calls into question their need for power and how it influenced Kenya's relations with the ICC between 2013 and 2017. However, since the studies guiding these debates are descriptive in nature, this study offers an analytical angle to the discussion on power in relation to Kenyan relation with the ICC.

Furthermore, Kenyatta and Ruto's push for immunity of Heads of State from prosecution by the ICC could be regarded as seeking self – preservation which is associated with need for power. The Kenyan delegation at the Twelfth Session of the Assembly of State Parties of the ICC made a proposal to amended Article 27 of the Rome Statute. The proposal sought to exempt from prosecution; sitting heads of states, their deputies and anyone acting or entitled to act in such capacities (Helfer and Showalter, 2017). At the Thirteenth Session of the Assembly of State Parties Helfer and Showalter add that, the Kenyan delegation further clarified the proposal made in the previous session, had sought for abeyance on the prosecution of political leaders until the end of their terms in office. These acts were intended at self-preservation from prosecution of the Kenyan leaders. This displayed clear need for power as an attribute associated with the two leaders.

The continued actions of selective justice, which had always excluded the political elite from prosecution and accountability was one of the key reasons why majority of Kenyans supported

the ICC interventions (Afrobarometer, 2014). It was the case that Kenyan leaders have often evaded prosecution for crimes committed during electioneering periods (Waki, 2008). Violence perpetrated during elections and lack of accountability for it was therefore an intrinsic part of elections in Kenya. The alternative for accountability for this crimes was peace. This peace was clothed in the mantra of “accept and move on” perpetrated by the same political elite to stifle justice and democratic conversations (Owiso, 2017). “Accept and move” on led to the entrenchment of a status quo where leaders enjoyed unchecked powers, and utilized violence to acquire power. The 2007 – 2008 post – election violence was a result of this status quo. The difference however, was that in the 2007 -2008 post – election violence, the ICC sought to ensure justice, in a justice alien society. Prosecuting Kenyatta and Ruto was therefore of great dismay to the political elite, hence fostering antagonism towards the ICC. The leaders viewed the ICC as an encumbrance to their ascendancy and maintenance of power. The antagonism and eventual mis-trial of the cases had two impacts on the status – quo. One, it further entrenched elite dominance in the Kenyan society and confirmed that political elite are beyond accountability both locally and internationally. Two, it buttressed the notion that victims of the 2007 – 2008 post – election violence may never know justice. They must only be forced to endure peace. It therefore worth investigating alternative modes of justice for the victims of post-election violence and human rights related atrocities in Kenya from the victims’ perspective.

In furtherance of the status – quo, the leaders advocated for immunity of heads of state from prosecution at the Court. The argument for immunity of heads of state from prosecution at the ICC, may be detrimental to the protection of citizens from violations caused by the state leaders. It is often the case that leader have been accused of crimes proscribed by international law. The cases at the Nuremburg Trial and the Criminal Tribunals of Rwanda serves as evidence. To grant

such immunity therefore, would be retrogressive in light of the new architect of international law which seeks to regulate conduct of persons within states and not only the states themselves. However, the argument for immunity of heads of state was not made by the leaders in genuine pursuit of the concept, but were part of a backlash strategy against the ICC (Muller, 2013). To comprehensively make a finding on the leaders' trait on need for power, and understand how it influenced Kenya's relations with the ICC; this study undertook measure on the leaders' speeches and interviews, guided by LTA approach and Profiler Plus. The results of this measure and a comprehensive discussion of the findings are captured in the succeeding sections of the chapter.

6.3 Measuring the Trait on Need for Power of Kenyan Leaders

When looking into leaders' sentiments while measuring their need for power, LTA approach recommends that researches should score the leader based on when they engage in assaults, verbal threats or accusations; verbal outputs that give unsolicited advice or assistance, when they utter words that are seen as attempting to regulate other persons or groups; when they argue with someone else so long as the concern is not to reach an agreement; when the leaders endeavors to impress or gain fame with an action; and when the leader is seen to be concerned with their reputation or position (Hermann, 1980; 2002; 2005).

The primary data reveal that in US 1 – Kenyatta's speech at the African Union Summit, he made attacks and accusations at the ICC. He claimed in his speech that the ICC was a keen on humiliating him and his deputy for being Africans. He continued this accusation during his Address to the Joint Sitting of Parliament where he asserted that despite his efforts to cooperate with the ICC he is still faces charges and accusations which he considers unfounded;

“...Whenever the organs of the Government of Kenya required any information in relation to these investigations, I gave the information. I have cooperated with the prosecutor to assist in establishing the truth at all material times. Unfortunately, unfounded and unproven accusations are still the order of the day. My accusers, both domestic and foreign, have painted a nefarious image of most African leaders as embodiments of corruption and impunity...”

Excerpt from US 2 – Speech at the Joint Sitting of the Kenyan Parliament delivered on 6th October, 2014

In addition, Kenyatta’s utterances also depict threats. He threatened to withdraw Kenya from the Rome Statute which is the founding legal architect of the ICC. During his Interview with Daniel Pelz – UI 2, he states that;

“...We want reform but we are also equally prepared to say that we shall leave if we don’t get the necessary reforms that we require but we are seeing it as a court that is actually not fulfilling the mandate that it was supposed to fulfill when the statute itself was first conceived...”

Excerpt from UI 2 – Interview with Daniel Pelz on DW News done on 8th April, 2016

Another aspect of power which is that leaders are concerned with their reputation or position can be seen in Ruto’s interview with Folly Bah Thibault on RI 1, when he explains about his election and that of Kenyatta into office. The response also depicts the notion that Ruto is attempting to regulate the actions of the ICC using his position as the Deputy President. He avers that;

“...I am sure you are aware that that court is run by human beings and I guess they will be reasonable to understand that once we are elected as the Jubilee Coalition, they will have to live with that fact that we have been elected, not selected. We didn’t get the power through unconstitutional means. They will and we expect them to put into consideration, the fact that the Kenyan people exercising in a democratic

manner their right to choose their leaders will have chosen two Kenyans despite facing charges in the International Criminal Court to run the affairs of their state...”

Excerpt from RI 1 – Interview with Folly Bah Thibault on Talk to Al Jazeera done on 20th March, 2013

In measuring the trait of need for power, focus is placed on verbs in the speeches and interviews of the leaders which propose an action (Manriquez, 2019). The verbs that reflect high power in the Kenyatta and Ruto sentiments were then divided with the sum of words reflecting high power and low power. The result of this was measured against the norming group mean to determine if the leaders were high, low or moderate in the trait. The results are presented in the following sections

6.4 Profiler Plus Results on Need for Power of Kenyatta and Ruto

The results of the qualitative content analysis done through Profiler Plus on Kenyatta and Ruto’s need for power are presented in table ten and eleven respectively. The results on Kenyatta’s speeches (US1, US2, US3,) and interviews (UI1, UI2, UI3, UI4); and those for Ruto’s speeches (RS1, RS2, RS3) and interviews (RI1, RI2, RI3, RI4), have been presented against the norming group for heads of states and for political leaders respectively for the trait on need for power as shown in table five. The measure for the norming group is displayed in the second column (Standard) of the tables. The last column on tables ten and eleven, (UC, RC), are the results for the cumulative utterances by Kenyatta and Ruto for both the speeches and the interviews. They display the measure for all the nine thousand three hundred and twenty-five (9325) words for Kenyatta and seven thousand, seven hundred and seventy (7,770) words for Ruto. They will enable the research to reach a conclusion and determine a position on the leaders’ need for power and how the trait influenced Kenya – ICC relation between 2013 and 2017.

6.4.1 Profiler Plus Results for Uhuru Kenyatta

Table 10: Profiler Plus results on Uhuru Kenyatta’s Speeches and Interviews

Trait	Standard	US1	US2	US3	UI1	UI2	UI3	UI4	UI 5	UC
PWR	Mean = 0.50	0.39	0.33	0.3	0.3	0	0.25	0.26	0.17	0.28
	Low < 0.37									
	High > 0.62									

Source: Researcher’s own tabulation based on Profiler Plus results of Kenyatta’s speeches and interviews and produced by Profiler Plus software (Levine and Young 2014)

In Kenyatta’s first speech, delivered at the 26th Extra – Ordinary African Union Summit (US1), two thousand six hundred and fifty-nine (2659) words were analyzed. Twenty-two (22) words were indicative of Kenyatta as being high in need for power, while thirty- four (34) words were indicative of him as low need for power. The ratio result for US 1 is 0.39, which is two 0.11 deviations lowers than the mean of the norming group on the trait, need for power. In the second speech, delivered at the Joint Sitting of the Kenyan Parliament (US 2), a total of two thousand two hundred and forty-three (2243) words were analyzed. Profiler Plus depicted that of the total, twenty-six (26) words indicted Kenyatta as high in need for power, while fifty - one (51) words indicated him as low in need for power. The resultant ratio for the speech was 0.3 which was 0.2 deviations lower than the norming group mean for the trait. In the third speech delivered on Pre – Jamuhuri Day Celebrations at Independence Square (US3), eight hundred and sixty-seven (867) words were analyzed. Eleven (11) words depicted Kenyatta as high in need for power while twenty – five (25) words depicted him as low in need for power. The resultant ratio for the speech was 0.3 which was 0.2 deviations lower than the mean of the norming group for the measure on need for power.

In Kenyatta's interview conducted by Marc Perelman on France 24 TV (UI1), a total of five hundred and thirty – five (535) words were extracted for analysis. Profiler plus show that of the total number of words, six (6), depict him as high in need for power, while fourteen (14) depicted him as low in the trait. The resultant ratio for the interview responses was 0.3 which was lower than the norming group mean for the trait on need for power. The second interview conducted by Daniel Pelz of DW News – DW African Desk (UI 2), a total of 145 words were extracted for analysis, of the total, no word indicated Kenyatta as high in need for power, while twelve (12) words depicted him as low in need for power. The resultant ratio was 0, which is 4 deviations below the norming group mean on need for power. In the third interview conducted by Sofia Wanuna of KTN News on 27th September, 2015 (UI 3), one thousand two hundred and fifteen (1215) were analyzed through Profiler Plus. Thirteen (13) words in the interview responses depicted Kenyatta as high in belief in own ability to control events while forty (40) words depicted him as low in the trait. The resultant ratio was 0.24 which was 0.26 lower than the norming group mean for the measure on need for power. In the fourth interview conducted on 9th April 2014, by Hussein Mohamed on Citizen TV – Kenya (UI 4.), a total of two hundred and seventy – one (271) words were extracted for analysis. Five (5) words depicted Kenyatta as high in need for power while fourteen (14) words depicted him as low in need for power. The resultant ratio is 0.26 which was lower the norming group mean for the measure on need for power. In the fifth interview conducted by Hussein Mohamed of Citizen TV, on 31st January 2013 (UI 5), a total of one thousand three hundred and ninety (1390) words were analyzed. Twelve (12) words in the interview responses depicted Kenyatta as high in need for power, while fifty – seven (57) words were indicative of him as low in need for power. The resultant ration for

this interview was 0.17 which was 0.42 deviations lower than the norming group mean for the measure on need for power.

Cumulatively, of all the nine thousand three hundred and twenty-five (9,325) words from all the speeches and interview (UC), ninety – five (95) words depicted Kenyatta as high in need for power, while two hundred and forty-seven (247) words depicted him as low in need for power. The profiler plus results for cumulative utterances of the speeches and interviews for Kenyatta (UC) was 0.27 which was 0.23 deviations lower than the norming group mean for the measure on need for power.

6.4.2 Profiler Plus Results for William Ruto

Table 11: Profiler plus results on William Ruto’s Speeches and Interviews

Trait	Standard	RS1	RS2	RS3	RI1	RI2	RI3	RI4	RC
PWR	Mean = 0.50 Low < 0.38 High > 0.62	0.33	0.3	0.23	0.15	0.25	0.21	0.1	0.22

Source: Researcher’s own tabulation based on Profiler Plus results of Ruto’s speeches and interviews and produced by Profiler Plus software (Levine and Young 2014)

In the first speech delivered by Ruto at Independence Square in Nairobi (RS1), one hundred and thirty – nine (139) words were analyzed; two (2) words were indicative of him as high need for power and four (4) words depicted him as low in the trait. The resultant ratio for the speech was 0.33 which was 0.17 deviations lower than the norming group mean. In the second speech delivered during the Jamuhuri Day celebrations on 12th December, 2013 (RS 2), three hundred and ninety (390) words were analyzed; six (6) words depicted Ruto as high in need for power,

while fourteen (14) words depicted him as low in the trait. The resultant ratio for the speech was 0.3 which was 0.2 deviations below the norming group mean for need for power. The third speech delivered during the Mashujaa Day celebration on 20th October, 2014 (RS 3). Nine hundred and thirty-nine (939) words were analyzed, six (6) words depicted Ruto as high in need for power while twenty (20) words depicted him as low in need for power. The ratio for the speech was 0.23 which was 0.27 deviations lower than the norming group mean on the measure for trait on need for power.

In the first interview, conducted by Folly Bah Thibault on Talk to Al Jazeera (RI 1), eight hundred thirty – five (835) words were analyzed. Seven (7) words depicted Ruto as high need for power while thirty – eight (38) words in the interview responses depicted him as low in the trait. The resultant ratio for need for power as calculated by profiler plus for RI 1 was 0.15 which was 0.35 lower than the norming group mean. In the second interview conducted by Hussein Mohamed on the Big Question on Citizen TV (RI 2), three thousand nine hundred (3,900) words were analyzed, forty – one (41) words depicted Ruto as high in need for power, while one hundred and nineteen (119) words depicted him as low in need for power. The resultant ratio for the interview response was 0.25 which was 0.25 below the norming group mean for the trait need for power. In the third interview, conducted by Everlyne Wambui on Newsmakers on Citizen TV (RI 3), seven hundred and twenty (720) words were analyzed, nine (9) words depicted Ruto as high in need for power, while thirty – two (32) words depicted him as low in need for power. The resultant ratio for the interview was 0.21 which was 0.29 below the norming group mean for the trait need for power. In the fourth interview, conducted by various journalists at The Hague in Netherlands as retrieved from Nation TV (RI 4,) seven hundred and ninety (790) words were analyzed. Three (3) verbs depicted Ruto as high in need for power, while twenty – six (26) words

depicted him as low in the trait. The resultant ratio of the Profiler Plus analysis was 0.1, which was 0.14 below the norming group mean for the trait on need for power.

Cumulatively from the seven thousand seven hundred and seventy (7770) words drawn from Ruto's interview responses and speeches, seventy – four (74) words were indicative of him as high in need for power, while two hundred and fifty – three (253) were indicative of him as low in the trait. The cumulative resultant ratio as depicted in RC was 0.22 which was 0.28 lower than the mean of the norming group for the measure of the trait on need for power.

6.5 Discussion of the Profiler Plus Results

The Profiler Plus results for both Kenyatta and Ruto on the trait for need for power, reveal that the leaders are low in need for power. LTA approach, explicated two key assumptions that underpin foreign policy behavior of leaders' low in need for power. The first is that leaders low in need for power enables their followers to feel strongly and be responsible about foreign policy decisions and actions, and at times empower them to act as emissaries so as to expand group assets (Hermann, 1980; 2002). Second, leaders with low need for power build team spirits among their groups, with the view to building relationships of trust and geared towards achieving clear goals (Dyson, 2006; Manriquez, 2019). Guided by the two assumptions, the Kenya – ICC relations between 2013 and 2017 will be discussed based on the documented arguments and issues raised by various scholars

6.5.1 Enable followers to feel strongly and responsible for foreign policy actions

Ethnicity in Kenya has been documented to account for the governance crisis in the country. It has also been used to explain election – related violence in the country's electoral cycles, including in the 2007/2008 post – election violence (Brown, 2001; Gona, 2008; Kanyinga, 2011;

Lugano, 2013). Leaders have always utilized the ethnic space for political mobilization and competition for political and economic capitals (Lugano, 2013). In essence therefore, the primary followers and supporters of political leaders are members of their ethnic groups. When such competitions intensify there is high likelihood for violence between these tribal groups. Kenya has forty – two ethnic communities. The 2007 – 2008 post-election violence had been described to as pitching forty – one ethnic communities against one ethnic community – the Kikuyu community. The Kikuyu were accused of dominating the political space and economic capital of the country and excluding all the other communities. The 2007 election was therefore aimed at correcting this status quo by electing a non – kikuyu – Raila Odinga, into the Presidency. It is further claimed that the missed opportunity instigated the violence.

Before the 2007 general elections and during the post – election violence, Kenyatta and Ruto who are of different communities, were rival members of opposing political parties. Kenyatta who is from the Kikuyu community supported the Party of National Unity (PNU) led by the then president Mwai Kibaki, while Ruto who is from the Kalenjin community, supported the Orange Democratic Party (ODM) led by Raila Odinga (Kendall, 2014). It was argued by the Prosecutor of the ICC that the attacks during the 2007/2008 post – election violence were designed in such a way that, perceived PNU supporters were attacked, including those of the Kikuyu community, while retaliatory attacks were allegedly carried out against perceived supporters of ODM who included members of the Kalenjin community (Wanyeki, 2012; Kendall, 2014). Kenyatta and Ruto were accused of orchestrating these attacks, culminating into the charges preferred against them by the Prosecutor of the ICC.

The ICC intervention in Kenya enjoyed near countrywide support since it promised to deliver justice to the victims of post – election violence in a country where the justice system was ill –

equipped to investigate and prosecute the perpetrators of the violence (Shilaho, 2016; Helfer and Showalter, 2017). The lack of prosecution of political elite is not only attributed to the capacity of the judicial system, but also to lack of political will to prosecute these elite. Lack of political will which is the “conscious effort by political elite to obstruct justice (Owiso, 2017, provided the platform for interventions by the ICC in Kenya’s post – election violence.

According to Afrobarometer Survey, 66% of Kenyans believe that the Kenyan judicial system is unfair, and a further 76% agree that public official get preferential treatment from the judiciary as compared to ordinary Kenyans (Afrobarometer, 2014). This shows the lack of confidence in the Kenyan judicial system and the basis for public preference for the ICC intervention in Kenya. The most affected communities in the 2008/2009 post-election violence which were the Kikuyu and Kalenjin communities accounted for the highest interest in the ICC process (Lugano, 2013). A survey by IPSO Synovate undertaken in 2011, indicated that the interest for the ICC process was highest in the Central and the Rift Valley regions at 88% and 85% respectively (IPSO, 2011). These regions were dominated by the Kikuyu and the Kalenjin communities to which Kenyatta and Ruto belong. Nationally, support for the ICC interventions were at 68%, prior to naming Kenyatta and Ruto as suspects in the Kenyan cases at the ICC (IPSOS Kenya, 2010).

Despite the rivalry in the 2007 general election, Kenyatta and Ruto, who were suspects in the ICC case came together under the Jubilee Alliance to run for the presidency (Shilaho, 2016). The coalition brought together the two rival communities of the Kikuyu and Kalenjin, who were ardent followers of Kenyatta and Ruto (Kendall, 2014). The former rival communities who had been violently opposed to each other in the past had moved from antagonism to cooperation. The aim for this cooperation as asserted by Shihalo (2016), was to whip up ethnic sentiments and galvanize their supporters, who were primarily the members of Kikuyu and Kalenjins

communities, with the view to capturing power (Dancy, 2019). With state power Kenyatta and Ruto would have the leverage on circumventing the ICC process (2017). The 2013 election was therefore a direct assault on the ICC process. Kenyatta and Ruto had mobilized their followers to strongly feel about the ICC process and enabled them develop an anti – ICC perspective. In an article in the Daily Nation Newspaper dated 2nd February, 2013, “Why the West has interest in poll outcome”, Gekara and Muriithi argued that “the Jubilee Alliance had vowed to make the election a referendum on the ICC cases”. Kenyatta and Ruto called on their supporters to vote for them arguing that voting for them will construe a rejection of the ICC. At one of his campaign rallies Uhuru reportedly pronounced that *“A vote for us is a vote of no confidence in the ICC”* while Ruto stated that *“Presidential victory for the Jubilee Alliance may indicate there is something wrong with the charges its two leaders are facing”* (Kendall, 2014).

The debates on the charges against Kenyatta and Ruto played a central role in Kenya’s domestic politics (Shilaho, 2016). In the run up, and after the 2013 general elections in Kenya, Kenyatta and Ruto fought the ICC (Dancy, et al, 2019) on their campaign trail which was defined by ethnic prejudice and stereotyping (Wanyeki, 2012). Kenyatta and Ruto advanced three dominant narratives against the ICC. One, that the ICC was biased and lacked understanding of the issues in Kenya. Two, that the Court refused to charge those most responsible for the crimes that happened during the 2007/2008 post-election violence. Three, that the Courts intervention threatened the country’s stability (Lynch, 2014). They further pronounced that the ICC, backed by Western powers, targeted Kenya for political reasons without an in – depth comprehension of what had transpired in Kenya (Wolf, 2013). These narratives were geared towards invoking ethnic sentiments among their followers not only for domestic political gain, but also for supporting their foreign policy decisions (Khendall, 2014; Shilaho, 2016).

With these debates on the campaign trail and after the Presidential victory of the 2013 elections, support for the ICC among the Kikuyu and Kalenjin communities who were the primary followers of Kenyatta and Ruto, plummeted. Fewer than half of the Kalenjin (34%) and Kikuyu (44%) respondents in an Afro – barometer Survey, believed that the ICC process was an important effort in the fight against impunity in Kenya (Afrobarometer, 2014). Nationally the support for the ICC process had fallen from 61% to 55%, indicating that the backlash against the ICC process by Kenyatta and Ruto had impacted on how their followers viewed the interventions by the ICC (Afrobarometer, 2014; Helfer and Showalter, 2017). With this growing public resentment against the ICC, Kenyatta and Ruto pursued an anti – ICC foreign policy and premised their withdrawal and assault of the Court on the seemingly dwindling public confidence. They had successfully enabled their followers to feel strongly about their anti – ICC foreign policy decision. This was further confirmed by Ruto’s assertions in RI – 1 where he equated their victory of the 2013 elections to a proof of innocence on the ICC case.

“...The world should ask itself, I mean 6, 7 million people who vote for two gentlemen indicted by the International Criminal Court, are they mad? Or is something absolutely wrong with the charges at the ICC because that is our contention that the whole of these charges, the people of Kenya know, they live in this country, they were here in 2007 and if we had participated in the manner in which the charges had been framed, the people of Kenya would have nothing to do with us but because they know what happened in this country, and because they know the conspiracy in this case, in the ballot, the people of Kenya want to prove that indeed we are innocent. They want to say despite everything else that has been said, about Uhuru Kenyatta and William Ruto, we have confidence in their leadership and I think that message should go more to the people out there who think about us in that negative way. They should really reassess their position...”

Excerpt from RI 1 – Interview with Folly Bah Thibault on Talk to Al Jazeera done 20th March, 2013

Lynch (2013) argued that for members of the Kikuyu and Kalenjin communities, the idea that the leaders from their communities were being victimized by the ICC and other rival ethnic communities, made them deserving of their support for their leaders. It seemed that it was the entire communities on trial and not just the two leaders (Branch, 2012). In mobilizing their supporters against the ICC, the Jubilee Alliance also used songs such as a “Hague Bound” which depicted Kenyatta as being wrongly persecuted for the love of his community and his supporters. The song which was sang in Kenyatta’s Kikuyu dialect by Muigai Njoroge was released in 2013. The aim was to mobilize the Kikuyu community to vote to man, for Kenyatta as the president and portray his main competitor, Raila Odinga as unworthy to lead. The song further portrayed the ICC as a white man’s court keen on cheating Kenyatta during the trial.

In a bid to challenge this assertion the Prosecutor during the opening of the case against Ruto addressed the Court that;

“...This is not a trial of Kenya of the Kenyan people. it is not about vindicating of indicating – indicating one or other ethnic groups or political party...” (ICC-01/09 - 01/11, TC V(A))

While pursuing antagonistic foreign policy towards the ICC, the leaders built team spirit among the ethnic groups and fellow leaders with the aim of frustrating the ICC processes in Kenya. The succeeding actions discusses these actions.

6.5.2 Build team spirits and trust among their groups with clarity of objectives

Kenyatta and Ruto built team spirit and trust among members of the National Assembly of the Jubilee Alliance, members of cabinet and other African leaders with the sole purpose of pursuing their anti – ICC foreign policy (Hodgins, 2015). In a bid to keep the ICC at bay, members of the Kenyan government posed questions of autonomy and ownership (Musila, 2009). This elite

solidarity was demonstrated when the Kenyan government undertook all within its power to deny the ICC prosecutor crucial evidence needed for the prosecution of the Kenyan case at the ICC (Lugano, 2013). The government was further accused of witness interference, political and diplomatic attack of the ICC (Kendall, 2014). This was orchestrated by the Kenyan government led by Kenyatta and Ruto to sabotage the ICC. It was impossible for the leaders to support the process, since they were the main target at the Court. In May 2013, the Prosecutor reported to the ICC information on witness interference, where witnesses had reported that they were targeted by government officers seeking to influence their testimonies. It was further reported that government officials had fostered an anti – ICC climate in Kenya (Momanyi, 2013).

The face of the Kenyan cabinet, Attorney General – Githu Muigai was at the fore in disputing the Kenyan case at the ICC in solidarity with the leaders. While defending the government and the Kenyan leaders on the count of non – cooperation and witness interference, he claimed that the government had fully cooperated and presented the ICC prosecutor with all the evidence requested and the termination of the Kenyan case was only due to the incompetence of the Court (Murimi, 2016). This assertion was vindicated by Kenyatta in his address at the African Union Summit in 2013 as depicted in US 1 – Speech at the African Union Summit.

“...From the beginning of the cases, I have fully cooperated with the Court in the earnest expectation that it afforded the best opportunity for me to clear my name. I have attended court whenever required and complied with every requirement made of me in connection with my case. Other Kenyans charged before that court have similarly cooperated fully...The Government has cooperated to the maximum; the Court itself found that Kenya's Government has fully complied in 33 out of 37 instances, and was only prevented from cooperating 100% by legal and constitutional constraints...”

Excerpt from US 1 – Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

However, in the determination of Ruto's case at the ICC, the judges found that *"The proceedings are declared a mistrial due to a troubling incidence of witness interference and intolerable political meddling that was reasonably likely to intimidate witnesses"* (Reasons of Judge Eboe-Osuji, 2016)

While pursuing the withdrawal strategy from the ICC Members of the National Assembly displayed solidarity with Kenyatta and Ruto. This was indicated in the actions of the Members of the National Assembly who had passed a motion to withdraw Kenya from the Rome Statue which was the founding architecture of the ICC (Hodgins, 2015). The motion was sponsored by the Jubilee Alliance majority leader – Aden Duale (BBC, 2014). In his address at the African Union Summit while making his case for withdrawal from the Court, Kenyatta took cognizance of the actions by the National Assembly. He states in his speech that;

"...Leaders in my country have escalated their anxiety to the national Parliament, where a legislative process to withdraw altogether from the Rome Treaty is under consideration. As I said, it would not be right to ignore the fact that concern over the conduct of the ICC is strong and widespread..."

Excerpt from US 1 – Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

The Members of the National Assembly further showed solidarity and team spirit with the leaders in regard to the ICC cases when it passed an amendment to the Public Benefit Organization Act which was intended to limit the funding for civil society organizations at 15% of their budget. The organizations were thought to be sympathetic of the ICC process in Kenya (Kendall, 2014). The contestation of the place of the civil society organizations was also displayed in Kenyatta's address at African Union Summit when he stated that;

“...Every plea we have made to be heard before that court has landed upon deaf ears. When Your Excellences’ resolution was communicated to the Court through a letter to its president, it was dismissed as not being properly before the Court and therefore ineligible for consideration...When a civil society organisation wrote a letter bearing sensational and prejudicial fabrications, the Court took urgent and substantial decisions based on it. Before the ICC, African sovereign nations’ resolutions are NOTHING compared with the opinions of civil society activists. The AU is the bastion of African sovereignty, and the vanguard of our unity. Yet the ICC deems it altogether unworthy of the minutest consideration...”

Excerpt from US 1 – Speech at the 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

To limit the actions of these civil society organizations, the Members of the National Assembly affiliated to the Jubilee Alliance, and allies of Kenyatta and Ruto enacted the amendment. The Kenyan government had orchestrated these tactics as a team, led by Kenyatta and Ruto to tarnish the public perception of the ICC (Maliti, 2014). These actions propelled Kenya’s antagonistic foreign policy towards the ICC. Political elite solidarity in evading justice at the ICC calls for scholarly attention on the impact of crowd action on international law. In the case of Kenya, it can be cited that the inclusion the leaders’ groups in antagonizing the ICC led to the failure of the cases at the ICC. However, with the collapse of the cases, the voices of the victims were silenced and they stood at getting no chance for justice from any other actor involved. The burden for justice was therefore only with the ICC and not the leader’s groups.

6.6 Conclusion

The finding of this chapter reveal that Kenyatta and Ruto were low in need for power. However, studies indicate that the leaders resorted to pursue power with the view to shielding themselves from accountability for crimes at the Court. It is based on this reason, that it was important to measure the leaders need for power. This study was limited to 2013 and 2017 when the leaders were already in power and hence the need could have subsided. The being low in need of power made them enable their supporters, who were mainly their ethnic communities, to feel strongly about their foreign policy goals. Before and after the 2013 general elections in Kenya, Kenyatta and Ruto rallied their supporters towards criticizing and demonizing the ICC, which was their foreign policy goal at the time.

LTA further postulates that leaders who are low in need of power, tend to build a team spirit among their groups around clear foreign policy objectives. Evidence indicates that Kenyatta and Ruto built within the government a team spirit against the ICC. Members of government were accused of having interfered with prosecution witness and failed to surrender requisite evidences needed to prosecute the cases. This was all geared towards frustrating the ICC, which was a key foreign policy objective for the leaders. Another set of their team which include members of parliament led by the leader of government business, initiated motions to withdraw from the ICC and amended laws to cap funding for civil society organizations which were seen to act at the behest of the ICC. All these tactics were undertaken by the leaders' teams with the view to frustrate the ICC in Kenya. This target remained a key government foreign policy objective.

The focus of Kenyatta and Ruto on their supporters and teams as indicated in this chapter, vindicates the centrality of individuals in foreign policy analysis and compliance with international law. It showcases that other than states, individuals can be influenced, and can also

influence international legal norms. The results further speak to the place of crowd action in foreign policy analysis and states' compliance with international legal norms. This buttresses the importance of investigating collective psychological factors in foreign policy (Laswell, 1968). In the case of Kenya, their communities, supporters, allied members of the National Assembly and fellow African leaders can qualify as the crowd for investigation.

It is further concluded that prosecution of leaders at the ICC challenges their power positions. Leaders in the Kenyan setting has entrenched status quo, whereby utilizing violence for acquisition of power was never punishable by law. The contestation between the international legal norms, of seeking to hold to account political leaders for election related crimes, and need for power of the leaders fostered antagonistic foreign policy towards the ICC. It is therefore the case as asserted by Muller (2013) that Kenyatta and Ruto's pursuit for political power was to give them leverage of the ICC cases. This explains why once in power the leaders employed all foreign policy strategies to terminate their cases at the Court. In the pursuit of power, justice for victims of 2007 – 2008 post – election violence has been drowned in Kenya's antagonist foreign policy towards the ICC. The chance of getting justice from the ICC have narrowed, justifying the need to investigate sources of alternative justice from the perspective of the victims.

CHAPTER SEVEN

THE INTERPLAY OF KENYAN LEADER'S PERSONALITIES TRAITS AND THE ANTAGONISTIC KENYAN FOREIGN POLICY TOWARDS THE ICC

7.1 Introduction

During the inception of the ICC, African states and Kenya in particular showed support for the development of the Court (Maunganidze and Louw, 2012; Dancy et al, 2019). Kenya's support for the ICC was evidenced by Kenyan Parliaments adoption of the Rome Statute into it Kenya's legal framework (Louw, 2009). The Kenyan Constitution promulgated in 2010, also acknowledges the significance of international statutes and treaties such at the Rome Statute which founds the ICC. Article 2 (6) of the Constitution of Kenya, 2010 states that "*any treaty or convention ratified by Kenya shall form part of the law of Kenya...*" (Constitution of Kenya, 2010). Kenya and the ICC had enjoyed cordial relations prior to the 2007/2008 post-election violence. This changed when the Court charged four Kenyans including Kenyatta and Ruto for crimes against humanity arising from the violence (Maunganidze and Louw, 2012). With the charges, Kenya – ICC relations took center – stage in major foreign policy discussions in Kenya.

However, between 2013 and 2017, during the Presidential tenure of Uhuru Kenyatta and William Ruto, Kenyan foreign policy towards the ICC was documented as antagonistic. In discussing this antagonism, scholars have attributed various phenomena underpinning these relations. These scholarly endeavors on the antagonistic Kenyan foreign policy towards the ICC, mainly focused on the need for respecting Kenya's sovereignty, as ICC interventions were seen to violate Kenyan sovereignty (Labuda, 2015). The ICC was also viewed as upsetting peace and national stability process set forth in the aftermath of the 2007/2008 post – election violence (Wanyeki, 2012). These arguments were guided by state centric assumptions, and did not adequately

address why the antagonism existed, but rather provided what underpinned such antagonism. While discussing the nexus between ICC interventions and Kenya's sovereignty, Hodgins (2015), brings into the discussions, the aspect of immunity of heads of state. She asserts, that the ICC had been accused of violating the principle of immunity of heads of states, by subjecting Kenyatta and Ruto to prosecution. The assertion of immunity of heads of states was also propagated through the leaders' sentiments while criticizing ICC's interventions in Kenya. However, these arguments on sovereignty, peace and immunity of heads of states, were all foreign policy strategies by Kenyatta and Ruto to evade prosecution at the ICC (Muller, 2012; Kendall, 2014).

Kenyatta and Ruto's actions against the ICC were further seen as backlash strategies, geared at frustrating the ICC interventions in Kenya (Helfer and Showalter, 2017) and avoiding prosecution at the ICC. The leaders were neither trying to promote the concept of immunity of heads of state from prosecution, nor protecting the sovereignty of Kenya, since the cases were not against the Kenyan state, but were personal them (Muller, 2013; Kendall, 2014). This reinforces the proposition that leaders guise their interest in broad foreign policy objectives of their states. When the leaders' interests are in contrast with international legal norms, then the states foreign policy objectives are seen to be antagonistic to international law and international legal regimes. This reaffirms that leaders matter in foreign policy discussions (Hermann and Kegley, 1995).

Despite Kenyatta and Ruto facing charges at the ICC while sitting at the helm of foreign policy decisions making, studies are yet to look into how and why their personalities influenced Kenya's antagonistic foreign policy towards the ICC. Introducing their personalities into the discussions on Kenyan relations with the ICC, is the main contribution of this study.

Investigating how states' foreign policy actions affect the objectives of international legal regimes such as the ICC is also central to this research. This is given impetus by the acceptance that international legal regimes have entered the international political space which was previously a preserve of states. States foreign policies are therefore not only towards other states but also towards these regimes within the international system. In this regard, contrast or consonance in the foreign policy of the state and the objective of the regimes may lead to either antagonistic or friendly relations.

In line with LTA which guided this study, foreign policy are decisions and actions taken by the leaders on behalf of the state. The personality of these leaders are therefore significant pointers to understand the states foreign policy actions and decisions (Hermann, 2005). Personalities of the leaders define their preferences, beliefs and abilities which guide how leaders make decisions (Barber, 1977; Hermann, 2002; Dyson, 2006; Manriquez, 2019). In building leaders' personalities, studies have fragmented leaders into various components known as personality traits. The interplay of the results of such traits are then utilized to construct the leaders' personalities. This study fragmented Kenyatta and Ruto's personalities into three personality traits: Belief in their own ability to control events, nationalism and need for power. The result of the traits as presented in chapters four, five and six, revealed that the leaders were low in all the traits. The results were utilized to construct the leaders' personalities guided by some of Kenyatta and Ruto's foreign policy actions and decisions presented in the previous chapters. This chapter answers the fourth research question; *how did the interplay of belief in own ability to control events, nationalism and need for power of Kenyan leaders' influence Kenya's antagonistic foreign relations towards the ICC and why?*

7.2 Constructing Kenyatta and Ruto's Personalities

Leaders personalities influence and affect how leaders deal with foreign policy dilemmas (Hermann, 2002). Based on the findings of this research as presented in chapters four, five and six, two key issues bogged Kenyatta and Ruto while making Kenyan foreign policy decisions towards the ICC. One, how to maintain control over foreign policy decisions and actions towards the ICC, while at the same time delegating authority to other persons and government units. Two, how to shape the foreign policy agenda on ICC, when the court is supported by other states such as United Kingdom and USA, whom are Kenyan allies (Obala, 2013). In unlocking these puzzles, personalities of the leaders guided how they related to those around them, how they structured such interactions, and principles they abided by while maneuvering the interactions. Hermann (1980; 2002) explains that leaders' personalities are built around answers to two main questions. One how leaders react to political constrains in their environment – whether they challenge or respect the constrains. Two, what are the leaders' reasons or motivations for seeking their positions – are they driven by internal focus or focus on external factors. The answers to these question combine to suggest the personality of the leader. It is through the guide that the study constructed Kenyatta and Ruto's personalities.

7.2.1 Kenyatta and Ruto's Belief in own ability to Control Events versus Need for Power

In addressing how leaders respond to constraints in the international and domestic political arena with regard to foreign policy, focus is placed on the constraints which the environment presents, and how the leader exerts control over such constraints. In answering this question, the research looked into the interplay of the leaders' belief in their own ability to control events and need for power (Hermann, 2002). Leaders high in their belief to control events and need for power have

been found to challenge constraints and push the limits of what is possible (Kowert and Hermann, 1997; Karbo and Hermann, 1998; Hermann, 2002; Dyson, 2004). In contrast, leaders low in belief in their own ability to control events and need for power, respect constraints, and act within established foreign policy parameter and units to achieve foreign policy goals. Table 12 summarizes the comparisons.

Table 12: Interplay on Belief in ability to control events and Need for Power

	Belief in own Ability to Control Events	
Need for Power	Low	High
Low	Respect constrains; work within such parameters towards goals; compromise and consensus building important	Challenge constrains but less successful in doing so because too direct and open in use of power; less able to read how to manipulate people and setting behind the scenes to have desired influence
High	Challenge constraints but more comfortable doing so in an indirect fashion; good at being power behind the throne where can pull strings but are less accountable for results	Challenge constraints; are skillful in both direct and indirect influence; know what they want and take charge to see it happens

Source: Hermann, M. G. (2005). Assessing leadership style: A trait analysis. *The psychological assessment of political leaders*, 7(2), 178-212.

Kenyatta and Ruto were both found to be low in the trait on belief in own ability to control events and need for power. The profiler plus results for the leaders' belief in their ability to control events for Kenyatta was 0.37 which is was lower than his norming group mean of 0.44

and Ruto was 0.42 which was lower than his norming group mean of 0.45. On the trait of need for power, Kenyatta scored 0.27 which was lower than his norming group mean of 0.50, while Ruto scored 0.22 which was lower than his norming group mean of 0.28. According to classifications in the Table 12, Kenyatta and Ruto has similar personalities. It was therefore the case that the both leaders respected constraints, operated within established foreign policy parameters to achieve their foreign policy goals, and compromise on their foreign policy objectives.

The constrains presented in the leaders' foreign policy environment was their cases at the ICC. This was confirmed by the leaders in their sentiments, that the cases hindered their optimal performance in undertaking government operations, and ensuring regional and domestic security. Ruto made this clear during his Interview with various journalist at The Hague – RI 4 when he said;

“...We believe that there are legitimate reasons for the deferral of this case to give Kenya the best possible chance to handle the serious challenges that exist in our region, in our country in a matter that is of global concern that the President of the Republic of Kenya and myself as his Deputy need every space to be able to deal with that challenge even as we pursue the interest of justice and balancing those interests with our responsibilities to run the country...”

Excerpt from RI – 4 – Ruto's Interview with various Journalists at The Hague in Netherlands, done on 16th October, 2013

The sentiments indicated that Kenyatta and Ruto viewed the cases as constraining them from effectively handling the security situation in the country and in the region. According to the leaders, the encumbrance caused by the cases at the ICC, impaired their implementation of

Kenya's foreign policy on the security front. They used this claim to justify their application for deferral of the cases. Ruto speaking about the deferral in RI – 4 explained that;

“...The African Union and I want to say now that The Republic of Kenya has formally filed with the United Nations Security Council an application for the deferral of the Kenyan case in the face of the circumstances that surround the region, the world and our country, threats of terrorism and the activities of Al-Qaida and Al Shabaab and especially in the context of participation of Kenyan troops in Somalia which is by large heaven of terrorist gangs in the horn of Africa and in Africa. We believe that there are legitimate reasons for the deferral of this case...”

Excerpt from RI – 4 – Ruto's Interview with various Journalists at The Hague in Netherlands, done on 16th October, 2013

Kenyatta also implied in his speech at the Joint Sitting of the National Assembly and Senate – US 2, that despite Kenya and her diplomats being on the frontline in the fight against terrorism, the cases at the ICC still hung dark on full realization of security. In the address Kenyatta explained that;

“...The world sees and applauds as we do, our young men and women in uniform who, under my commanders, bravely fight Al Shabaab terrorists at home and abroad. Our diplomats are crucial actors in a troubled region, working to end conflicts and fill the vacuums in governance that allow such terrorists groups room to operate...We face these trials with fortitude, knowing that our work to banish insecurity, poverty and division is our generational task...”

Excerpt from US – 2, Uhuru Speech at Joint Sitting of National Assembly and Senate, delivered on 6th October, 2014

These evidences buttress the assertions that leaders guise their personal interest in broad foreign policy goals and objectives. In the case of Kenya, Kenyatta and Ruto justified for deferral and termination of their cases at the ICC, due to regional insecurity presented by terrorism. They cited Kenyan military pursuit of Al Shabbab terrorists in Somalia, which was a foreign policy action, as necessary to grant them deferral for the cases at the ICC. The cases were personal to the leaders, and their deferral or termination would only be of direct interest to them. Despite the cases being personal to the leaders, they successfully convinced the African Union, Kenyan Parliament and individual African leaders, that it was Kenyan national interest on Security that was under threat. This obvious conflict of interest notwithstanding, the African Union, Kenyan Parliament and individual African leaders still pursued the termination of Kenyan leaders' cases at the ICC. The incorporation of the African Union and Kenyan Parliament in pursuing Kenyan foreign policy towards the ICC, vindicates the need to look into collective psychological factors in foreign policy decision making and its impact on international law.

LTA provides that leaders low in both need for power and belief in ability to control events respect the constraints that their environments present. Kenyatta and Ruto's attendance of their trials at the ICC could display respect for the Court. This is in the backdrop that some leaders such Omar – Al Bashir had blatantly refused to appear before the Court despite various summons (Hoile, 2010). The reason why the leaders' attended the Court proceedings while at the same time being critical of the Court was therefore due to their personality of respecting constraints. Kenyan leaders' commitment to attend the Court proceedings was expressed in Ruto's sentiments as expressed in his interview with Folly Bah Thibault on Al Jazeera – RI – 1. The interviewer had asked Ruto if Kenyatta and himself would appear at the ICC to answer their charges, after winning the elections. Ruto answered in the affirmative.

“...I want to answer you directly that we are very responsible, law abiding citizens of this country. We know about our constitutional rights. We will attend The Hague when that comes up in April and we will do that at every other subsequent request until this case is determined...”

Excerpt from RI – 1, Ruto’s interview with Folly Bah Thibault on Talk to Al Jazeera, done on 20th March, 2013.

However, this corporation displaced by the leaders was viewed by other scholars as a foreign policy strategy on “acceptance and non – acceptance” of the ICC (Helfer & Showalter, 2017). The strategy enabled the leaders to frame a rhetoric on corporation with the Court, while at the same time undermining it covertly. In Kenyatta’s speech at Joint Sitting of National Assembly and Senate, he alludes to Kenya’s cooperation with the ICC when he states that;

“...Whenever the organs of the Government of Kenya required any information in relation to these investigations, I gave the information. I have cooperated with the prosecutor to assist in establishing the truth at all material times...”

Excerpt from US – 2, Uhuru’s Speech at the Joint Sitting of National Assembly and Senate, done on 6th October, 2014

However, the corporation by Kenyatta and Ruto was debunked by the ICC through the Reasoned Judgment of Judge Eboe Osuji of 2016, on the trial of Ruto. The Judge found that the case on Ruto was a “...Mistrial due to a troubling incidence of witness interference and intolerable political meddling...”. This questioned Kenya’s corporation with ICC and buttresses Helfer and Showalter (2017) proposition on acceptance and non-acceptance of the ICC. With this evidence, research on states corporation with international law should also be looked at from Helfer & Showalter’s lenses on acceptance and non – acceptance. Whether such corporation is a strategy

at covertly undermining international law, or whether it is genuine. The discussions of such research will be useful in understanding states corporation with international law.

In furthering Kenya's foreign policy towards the ICC, the leaders operated within established foreign policy parameters and instruments. This was in line with the LTA assumption that leaders who are low in both need for power and ability to control events, operate within established parameters in pursuit of their foreign policy goals. The first instance is evidenced when the leaders used the Kenyan Permanent Representative at the UN – Mr, Kamau Macahria to communicate to the UNSC to terminate the Kenyan cases at the ICC. In his letter dated 2nd May, 2013, Mr. Macharia states that the Kenyan delegation is *“asking for is for the immediate termination of the cases at The Hague without further ado”*. This study had found that the cases were personal to the leaders, therefore a termination of the cases would only be to their benefit, not a Kenyan foreign policy objective.

Second, the leaders used the African Union to castigate the ICC. The African Union which is an African regional body played a substantive role in the Kenyan cases at the ICC. At the 26th Extra – Ordinary Summit of the African Union, Kenyatta utilized the opportunity to attack the ICC and rally his fellow African leaders against the Court. It was at the Summit where the members reached a resolution on African nation's Mass withdrawal from the ICC (Helfer & Showalter, 2017). The African Union agreed to support the leaders quest to terminate their cases at the ICC, despite the finding of this research that the cases were personal to the leaders. This called into question whether the AU was in pursuit of the sovereign interest of the people of Kenya or the leaders' interests. This evidence vindicated some criticism of the AU, that it is an elite club for the protection of African leaders, but has not interest of the African people. (Mazama, 2007). Furthermore, the evidence buttresses the need to look into the impact of collective psychological

factors on international law. This is justified by the fact that, the Kenyan Cases at the ICC was particular to the two Kenyan leaders. However, other African leaders collectively under the umbrella of the African Union sought to determine the trajectory of the case without questioning the need for justice of victims of the 2007 – 2008 post – election violence.

The AU framed a narrative that the cases were not just an attack on Kenya’s sovereignty, but also on African dignity. To study such collective action and its impact in International law would therefore provide a clear perspective on why the AU played a role in the Kenyan cases at the ICC.

Third, Kenyan leaders utilized the UNSC to seek for deferral of their cases at the ICC. This is confirmed by Ruto when he addressed various journalist at The Hague in RI – 4 when stated that;

“...The second issue I want to address myself to is the issue of the resolutions of the African Union and I want to say now that the republic of Kenya has formally filled with the United Nations security council and application for the deferral of this Kenya case...”

Excerpt from RI – 4, Ruto’s Interview with Various Journalists at The Hague, done on 16th October, 2013

At the AU, Kenya leaders were accorded support on their quest to seek a deferral of the cases at the ICC. However, this quest was rejected by the UNSC which voted against it. The disparity in the resolutions of the AU and that of the UNSC displays the place of African leaders in global political decisions. Whereas the leaders could convince fellow African leaders on the need for deferral, they could not convince the UNSC. This confirms the discussion on powerlessness of the African states in international political arena, which is dominated to Western Powers. The foreign policy actions of the African states do not stand a chance when it is against the interest of Western powers. However, the leaders’ decisions to use the established foreign policy organs

such the Office of the Kenyan Permanent Representative at the United Nations, The AU and the UNSC all seek to affirm that leaders who are low in both need for power and their own ability to control events prefer to use established foreign policy channels in pursuit of their foreign policy goals.

The personality of the leaders guided the research in answering two “why” questions. One, why the leaders were critical of the ICC cases and interventions, yet they still attended the trials at the ICC. They also committed to their continued appearance at Court whenever they were summoned. This was contrary to other cases where leaders disobeyed summons to appear before the court whenever they were critical of the Court, such as the case of Omar – Al Bashir of Sudan. Since the leaders present personalities that respected constraints, the leaders therefore respected the ICC. According to the leaders, the ICC was a major constraint on pursuit of their foreign policy goals on the national security. However, the respect for constraint in their foreign policy environment enabled their attendance of the trials at the ICC.

Two, the personality of the leaders answered why they utilized established formal foreign policy organs in criticizing the ICC. The use of the Kenyan Permanent Representative at the United Nations – Mr. Kamau Macharia, and the AU to seek for deferral and termination of the cases at the ICC can be explained by the leaders’ personality. Leaders low in belief in their own ability to control events and need for power operate within established foreign policy parameters to pursue their foreign policy goals. In this regard, for Kenyatta and Ruto to pursue their anti – ICC foreign policy objective they operated within established foreign policy organs and structures.

7.2.2 Kenyatta and Ruto’s Motivations for Foreign Policy Goals

In addressing leaders’ motivations for seeking their foreign policy positions, the study looked at the leaders score on nationalism. In discussing this personality, focus is placed on whether the leader is motivated by threats or problems that they perceive in the world, or by the opportunities which they see to form cooperative relationships (Hermann and Kegley, 1995; Hermann, 2002). This perception determines how confrontational or cooperative a leader may be in the international political arena. Leadership Trait Analysis assumes that leaders high in nationalism are motivated in protecting their own kind. The more the group is threatened, the more confrontational the leader will be in protecting their group and thus their motivation. However, leaders low in nationalism are less motivated by protecting their groups and tend to view international politics through a win – win lens. These leaders are keen on building relationships and consensus, and therefore view problems as context specific (Hermann, 2002). Table 13 summarizes this discussion.

Table 13: Motivation towards the World

Nationalism	
Low	High
Motivated by seeking opportunities in any foreign policy challenges to build consensus and relationships	Motivated by dealing with threats to their groups and solving problems even though some situations may appear to offer opportunities

Source: Hermann, M. G. (2005). Assessing leadership style: A trait analysis. *The psychological assessment of political leaders*, 7(2), 178-212.

Based on Profiler Plus results, Kenyatta and Ruto scored low in the trait on nationalism. The Profiler Plus result for Kenyatta on the nationalism trait was 0.21, which was lower than his norming group mean of 0.42, while Ruto scored 0.09 which was lower than his norming group mean of 0.43. Based on these findings, Kenyatta and Ruto had similar personality. They therefore viewed the ICC as a context specific foreign policy matter, and were motivated by seeking opportunities and building consensus around the ICC question.

Kenyatta and Ruto criticized the ICC as a Western court pursuing the interest of Western Countries in Africa. This justified their arguments that the Court was a neo – colonial tool utilized by western powers to humiliate them (Hodgins, 2015). The interventions by the court were further viewed as actions geared towards re – colonizing the Country, since the ICC was castigated as working at the whims of western countries (Khendall, 2014). In Kenyatta speech at the AU Summit – US 1, he views the court as activities as designed to exploit and control African countries by Western nations.

“...At the same time, other nations and continents rise and prosper. Africa and Asia continue to thrive, with their promise growing every passing day. As our strength multiplies, and our unity gets deeper, those who want to control and exploit us become more desperate. Therefore, they abuse whatever power remains in their control...”

Excerpt from US – 1, Uhuru’s 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

The sentiments against the ICC and Western countries by the Kenyan leaders would have logically led to strained relations between Kenya and Western powers. However, this was not the case. Kenyatta and Ruto’s economic policies were the most pro – western policies of any administration to ever govern the country since independence (Obala, 2013). This implies that on

the economic front, Kenyatta and Ruto pursued co – operative foreign policy. Their foreign policy towards the Western countries only strained with regard to the ICC issues. This was made clear by Kenyatta pronouncements in his interview with Daniel Pelz on DW News, UI – 2. The interview which was done after Kenyatta met with the German Chancellor – Angel Merkel, Kenyatta divorced the ICC question from his discussion with the Chancellor and only focused on economic matters. When asked whether he discussed the ICC issue with the Chancellor he responded as follows;

“...Well, like I said this wasn’t necessarily the forum to do that and we are pushing and articulating our case very strongly through the State Parties and also through the Security Council which are the appropriate bodies for us to push our arguments and I am sure you are aware we have articulated our cases very clearly and our position with regard to the ICC and the need for it to reform very clearly and we shall continue to do so...”

Excerpt from UI – 2, Uhuru’s interview with Daniel Pelz on DW – DW African Desk done on 8th April, 2016

This vindicates that the leaders’ antagonism with the Western powers was context specific to the ICC question. It further justifies Adar’s (2015) position on continuity and change in Kenya’s foreign policy. Successive administrations in Kenya since independence, have often been faced by economic challenges. Kenya’s foreign policy has therefore always been framed toward attracting foreign capital necessary for economic growth and development. Most of this capital comes from western countries. In this regard, the changes in the administration of the country have never instigated substantive change in Kenya’s foreign policy inclination towards the west. The case of Kenyatta and Ruto’s administrations cements this argument, that despite

disagreements on foreign policy position such as in the case of ICC, Kenya's dependence on the West for economic growth remains valid.

In castigating the ICC, Kenyatta and Ruto focused on building consensus with African leaders. This was evidenced by the pleas made by Kenyatta at the 26th Extra – Ordinary African Union Summit where he stated that;

“...Your Excellencies I turn to you trusting that we will be faithful to our charge, to each other, and to our people. I have utmost confidence that this Assembly's voice will be clear to the entire world. Like other African countries, Kenya did not achieve its independence with ease. Blood was shed for it...”

Excerpt from US – 1, Uhuru's 26th African Union Summit in Addis Ababa delivered on 31st January, 2016

Kenyatta made a case against the ICC at the Summit and concluded by requesting his fellow leaders to support Kenya's quest for termination of their cases at the ICC. Through this consensus the AU, reached its resolution on mass withdrawal of African countries from the ICC. It's also based on this resolution that Kenya pursued a motion on termination of the ICC at the UNSC (Hodgins, 2015). Consensus among African countries against the ICC buttressed Taldi's (2009) assertions on the battle for the soul of International Law. Majority of the countries who ratified the Rome Statutes were African countries. The bulk of the cases at the ICC are also from African countries. If the majority of the signatories were to implement the mass withdrawal from the ICC, the legitimacy of the Court to try perpetrators would dwindle on the backdrop that the court depends on voluntary compliance for its operations.

The personality of the leaders enabled the research to answer two critical why questions. One, it answers why the leaders criticized the ICC as a western neo – colonial tool geared at humiliating

poor African leaders, while at the same time co – operating with the Western countries on other foreign policy matter such as economic co – operation. This as depicted in the findings was because leaders low in nationalism view challenges in their foreign policy goals as context specific. Kenyan leaders’ therefore viewed the ICC question as context specific and therefore did not spill to other facets of their relations with western countries.

Two, it answers why the leaders incorporated other foreign policy actors in their antagonism against the ICC. Incorporation of the African Union and other African leaders in the Kenyan cases at the ICC can also be explained by the leaders’ personality. Leaders low in nationalism are motivated in building consensus and relationships in pursuing their foreign policy goals. In this regard, to beat the ICC cases, which was the leaders’ foreign policy goal, they incorporated the African Union. They further used the cases to build relationships with other African leaders who would help them pursue this foreign policy objective.

7.3 Conclusion

This chapter set out to construct Kenyatta and Ruto’s personalities and answer how and why these personalities influenced the strained Kenyan relations with the ICC. In constructing the personalities, the chapter was guided by the interplay of the measures on the three traits: belief in ability to control events, nationalism and need for power. Kenyatta and Ruto were both low in the traits on belief in ability to control events and need for power. The interplay between the two traits presents a personality of a leader who respects constrains, work within established foreign policy parameters and are keen in building consensus and compromise. This explains why Kenyatta and Ruto respected the ICC which they viewed as a constraint in their foreign policy environment. This respect was displayed in Kenyatta and Ruto’s personal attendance of the Court when they summoned to appear. It also explains why the leaders also operated with

established foreign policy organs such as the AU and the UNSC when perusing their goals on termination of their cases at the ICC. The personality further explains why the leaders built consensus among their fellow African leaders in pursuing their foreign policy goals against the ICC. These arguments vindicate the need to look into leaders' personalities when addressing foreign policy decisions and actions. It is only through the leaders' personalities that research in foreign policy can explain why they act in particular manner. Centering foreign policy around leaders' personalities also buttresses Nzomos' (2016) assertions on the big man syndrome in foreign policy analysis. Nzomo explains that Kenyan foreign policy decisions have always been dominated by the leader whom she refers to as the "big man". The case on the Kenyatta and Ruto on the ICC only confirms these assertions.

The leaders also scored low in the trait on nationalism. This presented a personality of leaders who are motivated by seeking opportunities and building relationships. It explains why, despite the leaders being critical of the ICC as a western court, and viewing the courts interventions as a colonial action by western powers, they still pursued cooperative foreign policy with western countries. Their antagonist foreign policy was context specific to the ICC and did not spill to other facets of Kenyan relations with the west, such as in the economic front. This perpetrated the position by that despite the change in administrative regimes in Kenya, the foreign policy inclination of the country towards the west has never changed (Adar, 2015). The duplicity in foreign policy positions of the leaders regarding the ICC and western countries also confirms the assertions that the leaders applied "acceptance and non – acceptance" strategy in foreign policy decisions with the ICC (Lugano, 2017). The strategy explains how leaders overtly display support for international law norms while at the same time covertly disparage the norms. The personality also explains why the leaders utilized the ICC matter to build consensus and relations

with other African leaders. These relationships incorporated the AU and other African leaders into Kenyatta and Ruto's antagonism towards the ICC. The inclusions call into question the impact of collective Psychological factors in foreign policy and in compliance with international law. it therefore worth looking into these factors, and how they impacted on the Kenyan foreign policy towards the ICC.

CHAPTER EIGHT

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

8.1 Introduction

Scholarly discussions around the ICC's intervention in Kenya depicted the country's antagonistic foreign policy towards the Court. The epitome of this antagonism, was the motion sponsored by the majority leader of the Kenyan National Assembly, to withdraw the country from the ICC's jurisdiction. In addition, Kenyatta and Ruto's sentiments and diplomatic actions were pointers to this antagonism. Their sentiments criticized the ICC's interventions in Kenya, and advised Kenya's diplomatic actions geared at terminating or deferring the cases at the ICC. In discussing Kenya's antagonistic foreign policy towards the ICC, studies have focused on: Impact of the cases on sovereignty of the Kenyan state; the place of immunity of heads of state in the wake of the prosecution against Kenyatta and Ruto, and inability of the leaders to efficiently undertake their functions in light of their pending criminal prosecution. In addition, the Court was viewed as a neo – colonial tool, aimed at advancing the interests of western powers by humiliating African leaders and its people. All these proposition were premised on statist assumptions, where the ICC intervention was viewed as conflicting with the interest of the Kenyan state.

However, this study provided a shift from the statist perspective to the individual centered perspective. This was guided by the scholarly findings that the cases at the ICC were against the leaders individually and personally, not the Kenyan state (Murithi, 2013). The study explored how and why individual leader's personalities influenced Kenya's foreign policy towards the ICC as opposed to the statist arguments advanced by other studies. This is in consonance with debates in the foreign policy realm that leaders matter in foreign policy decisions making and in international law (Hermann, 2005). Foreign policy decisions are made by leaders' acting on

behalf of the state. The leaders' personalities are therefore important variables in analyzing such decisions. International law has also moved from its' traditional purpose of regulating conduct between states, to regulating individual actions and inactions. To study the individual is therefore of utmost importance in a bid to understand how their behaviour affect compliance with international law. In exploring Kenyatta and Ruto's personalities, the study was guided by Leadership Trait Analysis Approach. The approach assumes that leaders are central in foreign policy decision making, hence their personalities are worth investigating. The approach fragments the leaders' personalities into personality traits for measure and analysis. The result of the measures on the traits, and attendant analysis are utilized in constructing the leaders' personalities. The personalities constructed give insights into how and why the leaders make particular foreign policy decisions towards the ICC.

In measuring the personality traits, LTA had developed standard measures for heads of states and political leaders. These standards were developed by Hermann (1980) while developing the Approach as discussed in Methodological section of this study. Leaders are difficult to get for psychological analysis, to comprehend their personalities, LTA calls for analysis of their verbal outputs using content analysis schemes. The results of the content analysis are measured against the set standards by LTA to determine if the leader is low or high in the trait. This study measured Kenyatta's verbal outputs against the standard for heads of state, and measured Ruto's verbal outputs against the standards for political leaders. The study undertook content analysis of the leaders' verbal outputs uttered between 2013 and 2017 on matters relating to ICC. To ensure accuracy and timeliness the study utilized a computerized software called Profiler Plus developed by Levine and Young (2014), for undertaking content analysis.

This study fragmented Kenyatta and Ruto's personalities into three traits: Belief in ability to control events, nationalism and need for power guided by the LTA Approach. Each trait has been discussed in independent chapters of this thesis, Chapter 4, Chapter 5 and Chapter 6 respectively. Chapter 7 was dedicated to constructing the leaders' personalities and addressing why the personalities influenced Kenya's relations with the ICC. This chapter provides a summary of the findings of the research as per the four research questions which the study sought to answer. It further highlights the contribution of such findings to the study of foreign policy and international law. The last section of the chapter documents the concluding remarks of the research. The chapter further gives suggestions for future research on issues which emerged in the course of undertaking this exploration, but were beyond the scope of the study.

8.2 Summary of Findings and Contributions of the Study

This section provides a summary of the findings of each chapter. The contributions which the chapters have made to the overall study of International law, foreign policy and international relations are also documented in this section. The section also provides the platform for raising issues that emerged in the course of this exploration but were beyond the scope of the study. These emerging issues will inform the suggestions for future research, which will be documented in the latter section of the chapter.

8.2.1 Kenyan Leaders and Belief in Ability to Control Events

The findings of the study revealed that Kenyatta and Ruto scored low in the measure on their belief in ability to control events. This made the leaders have an external locus of control. It answers why the leaders were less proactive in undertaking foreign policy actions against the ICC and relied on other entities such as the AU, African leaders and Kenyan diplomats to pursue

Kenya's foreign policy against the ICC. Inclusion of other entities in Kenya's foreign policy against the ICC brings to the fore the need to look into crowd action in foreign policy. Laswell (1968), advocated for the need to investigate how collective psychological factors influence states compliance with international law. In light of the evidence that the African Union and individual African leaders participated in Kenya's attack on the ICC, the need to investigate the collective psychological factors remain valid. It is based on this crowd action against the ICC, that Taldi (2009), views African states antagonism with the ICC as a battle for the soul of international law. African states who are the majority members of the ICC were out to withdraw from the court in mass. This would not only jeopardize the jurisdiction of the court but also its existence and legitimacy.

The sentiments analyzed on the ability to control events, displayed leaders who had no faith in the established government machinery. Kenyatta and Ruto often pointed to their cases as an encumbrance to smoothly running government despite the existence of systems to run government. The leaders further attached their corporation with the court or lack of it, to the Courts flexibility in allowing them run the affairs of the Country while attending the cases. This buttresses the assertion that states compliance with international law is a function of leaders' personal interest and not the states interest. Despite arguments that states comply with international legal norms to the extent that they enable the pursuit of state interest; the Kenyan case revealed that at the center of states compliance with international law, was leaders' interest and not states interests. This vindicates LTA assumptions that leaders are central in foreign policy analysis. The study stretches this theoretical assumption to capture not only the centrality of leaders in foreign policy analysis but also in discussions around international law. This guides

in explaining how leaders' personalities are central in understanding states compliance with international law principles as the Kenyan case postulates.

8.2.2 Kenyan Leaders and Nationalism

Kenyatta and Ruto scored low in the trait on Nationalism. This is despite the leaders championing arguments that the ICC process was violating the sovereignty and national honor of Kenya. They further viewed the ICC as a neo – colonial tool, keen on recolonizing the African states. What was lost in these argument was that the cases at the ICC were not against the Kenyan state, but were personal to Kenyatta and Ruto. Prosecuting the leaders was therefore not in any way an assault on Kenyan sovereignty. Perpetrating the arguments of neo – colonialism, only sought to evoke nationalistic feelings among the Kenyan populace and rally them towards discrediting the ICC intervention in Kenya. The study reveals that Kenyatta and Ruto were guilty of elite mythmaking by manipulating historical facts on colonialism to discredit the ICC in the face of the public. Discrediting the ICC interventions could only benefit the leaders since they were the ones charged before the ICC. The leaders therefore sought to achieve personal interest through Kenyan foreign policy. This also vindicates LTA assumptions that leaders are central in foreign policy analysis, since the results reveal that leaders guise their personal interests in broad foreign policy goals such as sovereignty and national security. These interests as the Kenyan case reveals, could be contrast with the international legal norms, hence defining the states foreign policy as antagonistic towards the International legal regime.

Leader low in Nationalism such as Kenyatta and Ruto lack clear cut diplomatic positions (Hermann, 2005), what this research terms as shifty foreign policy decisions. This shiftiness in foreign policy decisions towards the ICC was a strategy to ensure the leaders could not get into a

diplomatic situation in which they could not pull out. The leaders made a case against the ICC at the African Union Summit, and called on other nations to withdraw from the court. They later attended the court proceedings at The Hague and never withdrew their country from the ICC jurisdiction. This lack of clear cut stand on the ICC, confirms that the leaders employed the “acceptance and non – acceptance” strategy in Kenyan foreign policy towards the ICC (Lugano, 2013). The strategy enabled the leaders to overtly show support for the ICC process; such as their attendance of the Court proceeding when summoned, and covertly undermine the ICC process through non – corporation with the courts investigation and witness interference (Muller, 2013).

LTA approach assumes that leaders low in nationalism deal with local opposition to their foreign policy using positive diplomatic gestures such as summits and conferences. In the Kenyan case, when the leaders were faced with opposition from civil society organizations regarding their foreign policy against the ICC, the leaders resorted to use the National Assembly to cut the funding of such organizations. In addition, the National Assembly was also used by the leaders in seeking to withdraw the country from the ICC. Despite the use of the National Assembly to further their foreign policy decisions, LTA approach has not captured parliament as a positive diplomatic gesture. The findings of the study therefore make it necessary for LTA approach to incorporate parliament as one of the diplomatic gestures utilized by leaders in dealing with local opposition to their foreign policy decisions.

8.2.3 Kenyan Leaders and Need for Power

Power in international relations is distributed in a pattern that resemble a three – dimension chess board (Nye, 2002). Nye advises states to watch all the three board: military power, economic powers and transnational relations, in their pursuit of power. However, Nye forgets one critical element in the chess game, which is the chess player. LTA approach focuses its attention on the player, who is the leader of the state charged with pursuing power for the state. Guided by the LTA approach, this study looked into the need for power of Kenyatta and Ruto, and how it influenced Kenyan relations with the ICC. The approach sought to look into how the trait on need for power inherent in the leaders, influenced Kenya’s relations with the ICC. It went against dominant literature in foreign policy which suggest that it is only the states pursuit of power which influences foreign policy. It further suggested that leaders guise their personal interest on pursuing political power in broad foreign policy objective such as pursuit of state power.

The ICC debate was woven into the leaders’ campaigns, leading up to their election into presidency in 2013. The leaders used the rhetoric on their prosecution at the ICC, to rally for support among the electorate with the aim of acquiring state power. The main aim for acquiring state power was to give the leaders leverage to circumvent their cases at the ICC. Meddling of the persecutions by the state was evidenced in the Reasoned Judgment of Judge Eboe – Osuji, in the Ruto case, where he called out the Kenyan state for witness tampering and political meddling. This assertion vindicated the “big man” syndrome in foreign policy analysis (Nzomo, 2016); where the interest of the leaders defines foreign policy decisions and action. The findings of this study enabled us to stretch the concept beyond the jurisdiction of foreign policy to capture its effect on state compliance with international law. When the “big man” interests are in contrast with international law principles, such as the Kenyan case with the ICC; then states may not

comply with international law. This punctures the long held assertion in international relations that states comply with international law to the extent that the law enables the pursuit of the states' interest.

The study found that the leaders were low in need for power. This made them build team spirit among other African leaders around the ICC question, and enable their followers to feel strongly about the ICC. The objective of such actions was to guise the ICC as a collective challenge and not a personal matter. Kenyatta and Ruto roped in the AU, individual African leaders and their local supporters in de – legitimization of the ICC. In Kenyatta's speech during the African Union Summit delivered on 31st January 2016, he called on the African leaders and the AU to help Kenyan wade of the prosecution at the ICC. He succeeded in framing the ICC as more of an African problem, than his personal problem. He further defined the Court as bias on weak African leaders such as himself and his deputy. When we focusing on such sentiments we lose the role that Kenyatta could have played in the post – election violence, and actual happening of crimes against humanity. When African states claim bias by the ICC, focus should be placed on whether crimes within the jurisdiction of the ICC occurred in the countries in focus. In the case of Kenya, crimes against humanity actually occurred (Waki, 2008) and for the ICC to intervene there cannot be claimed to be any bias. The claim on collective bias brings to the fore, questions on impact of collective psychological factors on international law. This is beyond the scope of this study, however, based on the findings of this study we indicate that the African Union's position against the ICC has elicited further de - legitimization of the Court, what Taldi (2009) refers to the battle of the soul of international law.

8.2.4 Kenyan Leaders' Personalities and the Kenyan relations with the ICC

The interplay on the score of leaders' traits, guided the construction of their personalities. Kenyatta and Ruto all scored low on all the three traits measured, signifying collusion between the leaders in decision making and similarity in personality. Results of the interplay portrayed four key issues on the leaders' personalities. One, that they respected constrains which existed in their foreign policy environment. In the case of Kenyatta and Ruto, the constrains presented in their environment was the ICC cases. Respect for constrains answers why the leaders attended and participated in their trials at the ICC despite being critical of the Court. This is in contrast with other leaders who did not respect the ICC and blatantly refused to honor the Courts summons such as Omar Al – Bashir of Sudan (Musial – Budnicka, 2014).

Two, that the leaders worked within established foreign policy organs. This answered why, Kenyatta and Ruto operated within established foreign policy organs such as the African Union, The UNSC, Office of the Kenyan Permanent Representative to the UN and the National Assembly to de – legitimize the ICC. It would have been expected that when leaders are critical of a formal structure such as the ICC, they would express such criticism outside the established foreign policy structures. However, for the case of the Kenyan leader they utilized established and legitimate foreign policy organs to criticize the ICC. The use of such structure however should not blur the covert activities of witness interference and political meddling in the leaders' prosecution at the Court (Reasoned Judgment of Judge Eboe – Osuji, 2016). The overt display of criticisms was accompanied by covert activities geared at frustrating the cases at the ICC.

Three, the leader personalities enabled them to view foreign policy issues as context specific. This answered why, despite the leaders being critical of the ICC as a western neo – colonial tool, keen on entrenching western ideology and humiliating powerless African leaders; they still

cooperated with the western countries on other fronts. The corporation with the Western countries was evidenced by Obala's (2013) assertions that Kenyatta and Ruto's Administration was the most pro – western to ever rule the country since independence. Reliance on Western countries for economic capital has been a feature of Kenya's foreign policy since independence. Successive administrations have continued to rely on Western countries for foreign economic capital and trade. This advised Adar's (2015) assertion on continuity and change in Kenyan foreign policy. Kenyatta and Ruto's administration further buttressed this assertion

Four, the leaders' personalities defined how they prioritized building relationships and consensus around foreign policy issues. This answers why the leaders incorporated the African Union, African leaders and the National Assembly in castigating the ICC. They utilized the ICC question to build relationships with other African leaders and local leaders in a show of solidarity against the ICC. Incorporation of these actors in solidarity with the leaders, further elicits interest on the impact of collective psychological factors in foreign policy and international law. What Laswell (1968) defines as crowd action in international relations. The findings of this research indicates that crowd action is relied on by leaders of African nations to delegitimize international law, when the legal principle is not in consonance with the leader's interests.

8.3 Conclusion

This study set out to explore the influence of leaders' personalities in foreign policy decision making, using the case of Kenyan foreign policy towards the ICC between 2013 and 2017. The study fragmented the Kenyatta and Ruto's personalities into three personality traits which it measured guided by the LTA Approach. The approach advises on measuring leaders' verbal outputs to gains insight into their personalities.

The findings of the research confirm that leaders matter in foreign policy analysis. Analysis of Leaders personality traits have explained how the leaders undertook particular foreign policy actions towards the ICC and why they resorted to undertake them. Because leaders are central to foreign policy making, they perpetrate their interests through foreign policy decisions and actions. The centrality of leaders' interest has debunked traditional debates that foreign policy is a result of state interest. It further debunks the assertion that states only comply with international law to the extent that it advances its state interest. These findings confirm that the ultimate interest is that of the leader and not the state. Whenever there is divergence between the state and the state leader's interests, the latter would take precedence. This cements Nzomo's (2016) proposition of the "big man" syndrome in foreign policy analysis. In the Kenyan foreign policy towards the ICC, it was Kenyatta and Ruto's interest of defeating their cases at the ICC that was given prominence and not the state interest which was the need to find justice for the victims of the 2007 – 2008 post-election violence.

The study revealed that Kenyatta and Ruto's personalities influenced how Kenya related to the ICC and why it related as it did. Kenya's use of established foreign policy structure to engage the ICC, is attributed to the leaders' personality of working within parameters to pursue foreign policy goals. However, in the case of Kenyan relations with the ICC, the leaders used both local and international structures to pursue their antagonistic foreign policy towards the ICC. The use of the African Union and the Kenyan National Assembly, which are established foreign policy structures elicited concerns on the impact of crowd action on foreign policy and state's compliance with international law. This was beyond the scope of this study. However, LTA which guided the study, did not envisage the use of Parliament as a foreign policy structure as revealed by the results of the study. This study therefore makes a contribution on the inclusion of parliament in LTA as an established foreign policy structure utilized by leaders to pursue foreign policy goals.

8.4 Recommendations

Based on the findings of this study, the study recommends that, in undertaking foreign policy analysis, studies and analysis should pay close attention on the personalities of the leaders who make foreign policy decisions of the state. Result further reveal that the personalities of such leaders are important variables in predicting and explaining their states foreign policy actions and decisions. The study further recommends that discussions on state's compliance with international legal principles should look into the state leaders' interests in such compliance as opposed to looking into state interest. The results reveal that whenever there is a contrast between the leader's interest and the states interest with regard to an international law, the former takes precedence. In this regard state compliance with international law is a function of leaders' interest.

The study further confirms that international law has moved from its traditional jurisdiction of regulating conduct between and among states, to regulating individual actions and inactions. The ICC cases against Kenyatta and Ruto confirm this. The study therefore recommends that the ICC may need to take into perspective the personalities of individual leaders' when prosecuting such them at the Court. This may enable the court to predict the leaders' actions in the course of prosecution which may define success or failure of the cases. In the Kenyan case, the prosecutor ignored the personality of Kenyatta and Ruto, and how it would have imparted on the cases against the leaders.

8.5 Suggestions for Future Research

ICC's interventions in Kenya was aimed at granting illusive justice to the victims of the 2007 – 2008 post-election violence. The cases which involved the President and his Deputy would have cured the country of impunity, in the backdrop of lack of political will to bring perpetrators of

violence to account. The findings of this study have documented how the leaders' personalities influenced Kenya's relations with the ICC. Key in the findings, is that the cases at the ICC collapsed on the platform that the interventions by the Court were in conflict with the interest of the leaders. In this regard, hopes for justice for the victims of 2007 – 2008 post-election violence vanished. Further research could therefore examine alternative justice mechanisms for victims of 2007 – 2008 post – election violence and recommend for their application. Failure to undertake alternative justice may only cement the status quo in Kenya which is simply defined as “accept and move on”. This mantra calls for stifling discussions on justice and good governance, for the purpose of preserving peace (Owiso, 2017). It is this kind of peace (Ogot 2010), describes as peace of the cemetery.

While making their case against the ICC, the finding of the research reveal that the leaders incorporated the African Union, individual African leaders and the local leaders through Parliament in de - legitimization of the ICC. However, not all African leaders, and local leaders supported the assault on ICC. Incorporating the leaders in the Kenyan foreign policy debate towards the ICC, elicits need for further research to explore how collective psychological factors influence states foreign policy. What Laswell (1968) refers to as crowd actions.

Further study on how the collective psychological factors impact state compliance with International Law is also vital. Evidence from this study suggests that the role played by the AU and Kenyan National Assembly to criticize the ICC supported the states lack of corporation with the Court. The National Assembly which was to check on the excess of executive arm of the Kenyan Government, supported its lack of corporation with the ICC leading to mistrial of the cases against the leaders as documented in the Reasoned Judgment of Judge Eboe – Osuji.

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APPENDICES

APPENDIX A: PROPOSAL APPROVAL



MASENO UNIVERSITY
SCHOOL OF GRADUATE STUDIES

Office of the Dean

Our Ref: MA/DS/00073/2015


Private Bag, MASENO, KENYA
Tel:(057)351 22/351008/351011
FAX: 254-057-351153/351221
Email: sgs@maseno.ac.ke

Date: 18th March, 2021

TO WHOM IT MAY CONCERN

**RE: PROPOSAL APPROVAL FOR SILVESTER D. AGOLA —
MA/DS/00073/2015**

The above named is registered in the Master in International Relations & Diplomacy Degree Programme in the School of Development and Strategic Studies, Maseno University. This is to confirm that his research proposal titled "Influence of Leader's Personality on Foreign Policy Decision Making: The case of Kenya-International Criminal Court Relations between 2013 - 2017." has been approved for conduct of research subject to obtaining all other permissions/clearances that may be required beforehand.


Prof. J.O. Agire
DEAN, SCHOOL OF GRADUATE STUDIES



APPENDIX B: ETHICS REVIEW COMMITTEE



MASENO UNIVERSITY ETHICS REVIEW COMMITTEE

Tel: +254 057 351 622 Ext: 3050
Fax: +254 057 351 221

Private Bag – 40105, Maseno, Kenya
Email: muerc-secretariate@maseno.ac.ke

REF: MSU/DRPI/MUERC/00963/21

Date: 10th November, 2021

TO: Silvester Douglas Agola
PG/MA/DS/00073/2015
Department of International Relations
School of Development and Strategic Studies
Maseno University
P. O. Box, Private Bag, Maseno, Kenya

Dear Sir,

RE: Influence of Leaders Personality on Foreign Policy Decision Making: The Case of Kenya – International Criminal Court Relations between 2013 – 2017

This is to inform you that **Maseno University Ethics Review Committee (MUERC)** has reviewed and approved your above research proposal. Your application approval number is MUERC/00963/21. The approval period is 10th November, 2021 – 9th November, 2022.

This approval is subject to compliance with the following requirements;

- i. Only approved documents including (informed consents, study instruments, MTA) will be used.
- ii. All changes including (amendments, deviations, and violations) are submitted for review and approval by Maseno University Ethics Review Committee (MUERC).
- iii. Death and life threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to Maseno University Ethics Review Committee (MUERC) within 24 hours of notification.
- iv. Any changes, anticipated or otherwise that may increase the risks or affected safety or welfare of study participants and others or affect the integrity of the research must be reported to Maseno University Ethics Review Committee (MUERC) within 24 hours.
- v. Clearance for export of biological specimens must be obtained from relevant institutions.
- vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal.
- vii. Submission of an executive summary report within 90 days upon completion of the study to Maseno University Ethics Review Committee (MUERC).

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) <https://oris.nacosti.go.ke> and also obtain other clearances needed.

Yours sincerely


Prof. Philip O. Owuor, PhD, FAAS, FKNAS
Chairman, MUERC




MASENO UNIVERSITY IS ISO 9001 CERTIFIED




APPENDIX C: RESEARCH PERMIT


REPUBLIC OF KENYA


NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY & INNOVATION

Ref No: 366470 Date of Issue: 19/October/2022

RESEARCH LICENSE

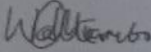


This is to Certify that Mr.. Silvester Douglas Agola of Maseno University, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Siaya on the topic: **Influence of Leaders' Personalities on Foreign Policy Decisions Making: The Case of Kenya - International Criminal Court Relations between 2013 and 2017** for the period ending : 19/October/2023.


License No: NACOSTI/P/22/21006

366470

Applicant Identification Number


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NATIONAL COMMISSION FOR
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APPENDIX D: PUBLICATION IN MASENO UNIVERSITY JOURNAL

President Uhuru Kenyatta's personality and the strained Kenya – International Criminal Court Relation between 2013 and 2017

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Abstract

Scholarly debates on the strained Kenya – International Criminal Court (ICC) relations are mainly premised on state centric assumptions of the need to respect Kenya's sovereignty and national integrity; ignoring how the personality of President Uhuru Kenyatta influenced Kenya's foreign policy towards the ICC. Guided by Leadership Trait Analysis (LTA) approach, this paper seeks to fill this lacuna by undertaking quantitative content analysis using profiler plus software, on three interviews, and two speeches purposively sampled from utterances delivered by Kenyatta between 2013 and 2017, where he addresses matters relating to ICC; with the aim to measure his nationalistic personality trait. The results reveal that Kenyatta is low in nationalism. This explains the shiftiness of Kenya's foreign policy towards the ICC, and Kenya's preference in using positive diplomatic gestures such as summits, conferences and letters while castigating the ICC and its allies. The results further explain why the Kenya – ICC relations strained.

Key Words: International Criminal Court, Uhuru Kenyatta, Nationalism and Foreign Policy

Introduction

The protest letter against the International Criminal Court (ICC) by the Kenyan Permanent Representative to the United Nations marked the clearest diplomatic debacle between Kenya and the ICC. The letter, dated 13th May, 2013, addressed to the United Nations Security Council (UNSC), further defined the enduring scholarly and policy debates on the strained Kenya – ICC relations (Helfer & Showalter, 2017). Kenya had called on the UNSC to have the case against the then elected President, Uhuru Kenyatta, to be terminated on the grounds that the ICC process was lacking impartiality, threatening national and regional security and stability, and further violating Kenyans' wishes of being governed by their duly elected president (Lynch, 2014). It also asserted that

Kenya had the capacity to offer local solutions to her challenges, and interference by the ICC was an attack on her national sovereignty and integrity (Hodgins, 2015).

The call for the ICC to respect Kenyan sovereignty was echoed by Uhuru Kenyatta during the 26th Extra – ordinary summit of the African Union. At the summit, Kenya led the charge for mass withdrawal from the ICC, accusing the Court of being a neo – colonial tool; keen on stumbling on the sovereignty and national honour of African states (Dersso, 2013). ICC's alleged lack of adherence to the principle of immunity from persecution accorded to heads of states, was also presented as evidence to buttress its intent to erode Kenya's sovereignty, and a show of lack of respect for national honour (Labuda, 2015). While

**APPENDIX E: ACCEPTANCE LETTER FOR PUBLICATION PRESENTED AT THE
UGANDA MANAGEMENT INSTITUTE FOR THE 3RD INTERNATIONAL
CONFERENCE ON GOVERNANCE AND SERVICE DELIVERY IN DEVELOPING
ECONOMIES**

