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## **Kenya's Recognition Policy of Governments under Moiduring the Post-Cold War Era– Eastern Africa Countries (1990-1998)**

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### **ABSTRACT**

During the 1970's, majority of states, including Kenya followed the practice of recognizing states and not governments. In so doing, they downplayed the granting of formal recognition to new governments. Kenya's policy, then, was clearly stated in parliament in 1971 when the then foreign affairs minister, Dr. Njoroge Mungai, was asked to comment on the Kenya government's position on the military regime of General Idi Amin of Uganda. He stated, "Kenya could not afford to interfere with internal matters of another state nor let any state interfere with internal matters of Kenya." However, during the Post–Cold War period, Kenya's recognition policy underwent major transformations to include recognition of *de jure* governments. This study critically examines Kenya's practice after the Cold War in a bid to reveal any distinct policy trends if any. The study aims to ascertain how, Kenya's recognition policy, has largely, been formulated, articulated and exercised during Moi's administration (1990-1998).

### **BRIEF HISTORY OF DANIEL TOROITICH ARAP MOI**

Daniel Toroiticharap Moi was born on 2 September 1924 in Kuriengwo then a Kenya Colony located in the Sacho locality in Baringo district, now a county (McKenna, Feb 10, 2020). He belonged to the larger community of the Tugen sub-group of the Kalenjin community that reside in the Kenyan Rift Valley. Moi died in 4 February 2020 (East & Richard, June 3, 2014). Moi is considered a statesman and shrewd politician who served as the second and longest Kenyan Presidency (1978 to 2002) after the death of the founding father President Jomo Kenyatta who died in 22 August 1978. Before that, Moi had served as the third Kenyan vice President (1967 to 1978) after Jaramogi Oginga Odinga.

On August 1<sup>st</sup> 1982, Air Force personnel, led by Senior Private Grade-I Hezekiah Ochuka and backed by university students, attempted a coup d'état to oust Moi. However, the coup was quickly suppressed by military and police forces commanded under the command of the then Chief of General Staff Mohamoud Mohamed (Nyamora, 1992. p. 12). The main conspirators of the coup, including Ochuka were sentenced to death. This marked the last judicial known executions in Kenya (Ndunda, 2016).

Moi's continuation of Kenyatta's pro-Western policies ensured significant sums of development aid during the Cold War (1947–91) making Kenya one of the most prosperous African nations. In the early 1990s, however, Moi's regime faced the end of the Cold War, an economic stagnation under rising oil prices and falling prices for agricultural commodities especially in Africa. At the same time with the end of the Cold War in the 90s, the West no longer dealt with Kenya as it had in the past, as a strategic regional stronghold against communist influences from Ethiopia and Tanzania.

After independency in 1963, Kenya remained a one political party state till the late 1990s when ironically, Western countries began to demand political and economic reforms. The push lead Moi to legalize opposition parties in 1991. Moi announced his intention to repeal Section 2(A) of the constitution, allowing multipartyism through a KANU conference in Kasarani in December 1991. Despite fierce debate and opposition from many delegates, the conference eventually passed the motion unanimously (Throup and Hornsby, 1998).

Moi run for re-election and won elections in 1992, the country's first multiparty elections amid charges of electoral fraud and riots. Again, a similar situation was witnessed in 1997 elections, where hundreds of Kenyans, mainly Kikuyu, were killed though Moi was elected again to his fifth term as president. However, Moi was constitutionally barred from running in the 2002 presidential elections. Some of his supporters floated the idea of amending the constitution to allow him to run for a third term, but Moi preferred to retire, choosing Uhuru Kenyatta, the son of Kenya's first President, as his successor (Lacey, 2002). KANU split into two, with dissidents joining the National Rainbow Coalition, whose candidate, Mwai Kibaki. A two to one majority elected Kibaki President over Kenyatta, and was confirmed as president on 29 December 2002. Moi handed over power in a chaotic ceremony that had one of the largest crowds ever seen in Nairobi in attendance. The crowd was openly hostile to Moi (Lacey, 2002).

After leaving office in December 2002 Moi, was largely shunned by the political establishment though he retained some popularity with the masses. His presence in public show a gathering or a huge crowd. In July 25<sup>th</sup>, 2007, President Kibaki decided to appoint Moi as a special peace envoy to Sudan, referring to Moi's "vast experience and knowledge of African affairs" and "his stature as an elder statesman" bringing him to limelight again. In his capacity as peace envoy, Moi's was to help secure peace in southern Sudan, where an agreement, signed in early 2005, was being implemented (Hull, Reuters. 2007).

In August 2017, Moi was diagnosed with dementia (Kahawatungu. 29 August 2017). And in October 2019, he was hospitalized under critical condition at (The Nairobi Hospital) due to complications of pleural effusion (Mphaso, 29 October 2019). Moi died at (The Nairobi Hospital) on the early morning of 4 February 2020, at the age of 95 though his son, Raymond Moi, disputed that age claiming his father died aged at least 105 years (Standard Digital, 10 February 2020). A state funeral was held at Nyayo Stadium on 11 February 2020, followed by his burial at his Karabak home in Nakuru county on February 12<sup>th</sup>, 2020 (BBC News. February 11<sup>th</sup>, 2020). The funeral was done with complete military honors that included a 19-gun salute followed by a missing man formation flyby (Moi sent off with 19-gun salute-video, February 2020). He was buried next to his former wife Lena Bomett (BBC News. February 11<sup>th</sup>, 2020).

## **JUSTIFICATION AND OBJECTIVE OF THE STUDY.**

Not much was written about Kenya's foreign policy during Moi's reign. Foreign policy was in Moi's roadside speeches rather than documented. Scholars have doubt Kenya had stated foreign policy during Moi's reign. The objective of this study is to show how Kenya recognized governments in the period 1990-1998 during Moi's term in office as President. It was in this period that there were rapid changes of governments around the world but more especially in Africa. Once an international actor (State) had been accepted internationally, it becomes very difficult for other international actors to change the status from recognition to non-recognition because of overthrow or any other change of government. The State remained an international legal person. Therefore, change of government did not affect the identity of the State as it was. Recognition of a government then meant recognition of the State, but did not work the other way (Talmon, 1988. p. 309). What was challenging was the international community could not just assume recognition of new governments asserting themselves constitutionally or unconstitutionally with belligerent administrations in areas formally controlled by legitimate governments. The implication of having international recognition was to have the ability to conclude treaties, seeking membership into the international organizations like the United Nations and to have a vote to make decisions in the organization (Article 1 of Montevideo Convention on Rights and Duties of States 1933) (Dixon & McCorquodale, 1991. p. 127).

In 1793 the U.S secretary of state Thomas Jefferson, for instance enunciated the classic American position, "we surely cannot deny to any Nation that right where on our own government is founded, that everyone may govern itself according to whatever form it pleases, and change these forms at its own will, and that it may transact its own business with foreign Nations through whatever organ it thinks proper. Whatever King, convention, assembly, committee, president or anything else it may choose, the will of the Nation is the only thing essential to be regarded" (Jentleson & Paterson, 1997. p. 466-467). The reason for having diplomatic relations was not to confer a compliment, but to secure a convenience.

The U.S recognition policy first stated to be recognized, a government had to show respect for its international obligations. Nevertheless, in 1913 President Woodrow Wilson, in dealing with governments of Latin America introduced a new principle. The government must have been established through constitutional procedures respecting the will of the people. He used the withholding of recognition as a weapon against those who did not meet these standards (Withheld diplomatic recognition from the Soviet Union for sixteen years) (Jentleson & Paterson. 1997. p. 467).

## RESEARCH PARAMETERS

This study investigates Moi's foreign policy 1978-1998. Kenya's policy on recognition of governments during Moi's administration was not clear. The mystery, which surrounded the formulation and articulation of this policy, and the personalities who had been concerned lead to the question as to whether Kenya did have a recognition policy. This research investigated the nuts and bolts of formulation, trends and articulation of Kenya's recognition policy during Moi's term in office (1990-98). This study examines Kenya's recognition trends, rationalization of recognition of governments, major players and articulation of this policy under Moi's administration. The central research question investigated in this study was this: What trends emerged in recognition of governments by Kenya under Moi's administration (1990-1998)? A prior published study examined Moi's foreign policy during the Cold War period (1978-90).

## IMPORTANCE OF THIS STUDY

The intended destiny of the study is to assist scholars and the public, to discern and understand the trends and articulation of Kenya's recognition policy under Moi's administration to improve on this policy for short and long-term practice. The outcome of the study is intended to be beneficial to scholars who want to carry out further research into Kenya's recognition policy and Moi as a case study. On the side, the study is intended to be a revelation into the most crucial but difficult component of Kenya's foreign and recognition policy. At the end, recognition policy trends and articulation would have been partially if not fully answered. Scholars who are currently studying Kenya's recognition policy can reference this study as a bedrock to identify consistencies, continuity, or discontinuity of Kenya's foreign policy with preceding administrations after Moi.

## CONCEPTUAL FRAMEWORK

Recognition is thought to be fundamental in international law. Through recognition, international rights and obligations shall or shall not be put against new states or governments. It concerns also the rights and duties as an obligation to a community or not. The life of a state rotates around recognition. It is the starting point of the State or government as the legal personality. It is composed of subjects of international law. Recognition itself is serious and complex in its nature. And at times is subject to abuse by various governments (Taylor, 1994. p. 25). More serious is the question of those states that are not represented at the United Nations Organization as they are subject to non-recognition by major powers and international actors. This is because these major powers have the manipulation capacity to approve who is to be accepted into the organization or not because of the veto power. Therefore, "recognition" can be said to mean the act of acknowledging the fact of existence of a new entity into the international system and according it an independent status in existing international order, with rights and duties as envisaged in the international legal document (Satyavrata, 1964. p. 45).

Recognition of a new government arises when the State as an international actor remains, but the government in power is totally overthrown by either a revolution or by a popular uprising and that the State power is transferred to another entity or rebels in this case (Malcolm, 1997. p.306). The difficulty which arises in such circumstances is that once such a government is not recognized, that might also mean that the State is not recognized because it is that government that represents the State. Accordingly then, a new entity (State) can be recognized through formal declaration, accepting of the recognized State to enter into legal relations with the recognized entity or by issuing a formal statement or by conduct of the State concerned. Therefore, recognition conforming in accordance to international law (Satyavrata, 1964. p. 45). Professor Hyde in Moore and Rivier, defines recognition as "the assurance given to the new State (if the State is the subject of recognition) that will be permitted to hold its place and rank in the character of an independent political organism in the society of nations" (International Law I. 56). This however relates only so far as the international legal personality of a State is concerned. Recognition of a new government arises when the State as an international actor remains, but the government in power is totally overthrown by either a revolution or by a popular uprising and that the State power is transferred to another entity or rebels in this case (Malcolm, 1997. p.306). The difficulty which arises in such circumstances is that once such a government is not recognized, that might also mean that the State is not recognized because it is that government that represents the State (Satyavrata, 1964. p. 45).

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## THE HISTORY OF KENYA'S FOREIGN POLICY

Kenya's policy was clearly stated in parliament in 1971 when the then Foreign Affairs minister, Dr. Njoroge Mungai, was asked to comment on the Kenyan government's position on the military junta of General Idi Amin of Uganda. He announced Kenya's doctrine of recognizing effective governments rather than regimes. Thus, this made the Kenyan government recognize Idi Amin's government as an effective government rather than that of Milton Obote (Munene, 1997). During the cold war, Kenya, like many other states, adopted the *Estrada Doctrine* on recognition. The *Estrada Doctrine* pre-supposes the automatic recognition of governments at all circumstances (Jessup, 1931). It attempts thus to lay down a clean test for recognition in all circumstances excluding political considerations and exigencies of State and is thus unrealistic, particularly where there are competing governments. It has been criticized as minimizing the distinction between recognition and maintenance of diplomatic relations. However, a complete opposite fashion of this is the *Tobar Doctrine* or the *Doctrine of Legitimacy* (Stansifer, 1967. p. 251-272), which suggests that, governments which came into power by extra-constitutional means should not be recognized, at least until the change had been accepted by the people. The concept amounts to the promotion of non-recognition in all revolutionary situations and it is, and was, difficult to reconcile with reality and political consideration (Mexican secretary of Foreign Relations).

## ORGANIZATION OF AFRICAN UNITY (OAU)

Kenya's recognition policy as envisaged in the foreign policy has over time, since independence changed with time. This is due to changing circumstances in the dynamic world. After independence, Kenya became a member of the OAU. So, in the essence, Kenya subscribed to the OAU charter, which in part wanted, member countries to contribute to a fund meant to assist those countries, which had not attained their independence, do so through a liberation struggle. It was in this spirit that, recognition was only focused to those states that had attained their independence from the colonialists. Eventually these were also the States that could join the OAU as its charter stipulated. These states could then join the United Nations thus becoming international actors.

However, the independence celebrations were short lived to most of these African countries. It dawned earlier than later, that the states, which had just acquired independence, were falling victim to coups. The military started ruling in several new states. This posed a new challenge both to the OAU and to regional governments. What then emerged immediately was for the OAU to change strategy. A way was to be devised to solve this emerging trend. A conflict management department was formed to look into this new challenge. However, the number of states that were ruled through extra-constitutional ways increased and the OAU was overwhelmed. Here the question of recognition of such regimes was arising with the fear that by recognizing such regimes could give motivation to other States also to follow suit. Many, including Kenya decided to stick to their guns, by only recognizing states and not governments. It is easy to realize here that, recognizing only States has its own problems. First for those states that are not recognized suffer from being isolated from the international community. Second, for those states that refuse to offer recognition also risk carrying out bilateral trade with such states, which could be having crucial resources needed by the non-recognizing state. Then the third is the idea of national interest of the non-recognizing state. What will be at stake from such action?

Moi came to power at the height of this confusion. However, Kenya tried to maintain its policy on non-interference in other country's internal affairs. It is in this context that Kenya managed to relate to military regimes, more especially to the brutal regime of Idi Amin of Uganda. Only four years later, in 1981, Moi was to become the OAU chairman. Amongst his first challenges was to deal with conflicts in Chad, Western Sahara, apartheid South Africa, Namibia, Sudan, Angola and Mozambique. Ironically as Moi was trying to get solutions to conflicts elsewhere in Africa, back home things were also getting out of hand. In 1982, the Kenya air force staged an unsuccessful coup (Nyamora, 1992. p. 12). This really put Moi on an awkward position as a peacemaker.

## LITERATURE REVIEW.

### Post-Cold-War Era 1990-1998.

While changes were already taking place in the self-proclaimed Marxist-Leninist regimes in Africa following the collapse of the Soviet Union over Eastern Europe and the rest of the world. The tone of change for 1990 maybe said to have been set by a little-known conference in Arusha, entitled,

“The International Conference on People’s Participation.” Sponsored by the UN (Weekly Review, December 21 1990. p. 38). The warning was timely as, some three decades ago, the British Prime Minister Mr. (later sir) Harold Macmillan declared that the wind of change “was blowing over the African continent in reference to the end of colonialism.

In 1990 after 30 years, a second wind of change was blowing over Africa, shaking political systems that were established by many African countries soon after independence (Weekly Review, April 6 1990. p. 11-14). With the collapse of the Soviet Union and communism, the cold war rivalry ended between the East and West. Simultaneously, those countries that had strategic importance to the West lost it. Instead, the west started attaching conditionalities to any aid given. Amongst those countries affected most was Kenya because it depended on assistance from western donors. While addressing a conference on Africa’s finance and development crisis in 1990 in Washington, the then US assistant secretary of State for African affairs, Mr. Herman Cohen acknowledged that political changes like the introduction of multi-party systems in Africa were becoming a priority concern of the African government. An influential figure in congress, the senate’s republican leader, Mr. Robert Dole, who was a 1988 presidential aspirant, went on record on supporting the aid-for-multi-parties’ conditionality. Later repeated by the US assistant secretary of State Mr. Cohen Herman (Weekly Review, May 4 1990. p. 14). As the idea of multi-partism emerged and many African countries including Kenya were not ready to embrace this. Moi was feeling very uneasy. He declared that, multi-party systems were unsuitable for Africa, at the moment. “as they were likely to breed tribal alliances and that would bring chaos” (Weekly Review, March 30 1990. p. 11). In 1990 the then US ambassador to Kenya Mr. Smith Hempstone was very vocal in asserting the merits of a multi-party system, a fact which angered some local leaders and surprised some in diplomatic circles (Weekly Review, May 4 1990. p. 13).

Former cabinet ministers, Mr. Kenneth Matiba and Charles Rubia were quick to respond to this “wind of change.” They spearheaded the reintroduction of multi-partism in Kenya. They said, “They have proved our point that a one-party system stifles criticism ruthlessly and hence eliminates the fundamental human freedom” (Weekly Review, May 18 1990. p. 5). To discredit this two, Moi was on record of abusing the multi-party advocates by calling Matiba a “dictator” and Rubia as a selfish man who wanted a motorcade for his security when he was mayor of Nairobi, he went on by calling Mr. Paul Muite, “a professional mercenary” (Weekly Review, July 27 1990. p. 9). Amongst the aftershocks that followed the end of the cold war, was the death of Kenyan minister for foreign affairs and international co-operation Dr. Robert Ouko. Ouko died in a mysterious circumstance in February 1990. One of the greatest achievements of Ouko before he died was to convince the US government about Kenya’s future plans, defended the country’s policies and amended relations between the two countries, which were slowly degenerating because of the push for multi-partism from the US government. Ouko had just accompanied President Moi to the United States to attend the American annual congressional breakfast prayer meeting in Washington D.C. They both returned to Kenya after which he preceded to his home at Koru. His body was later found burnt six kilometers away from his Koru home after missing for about three days. In his press statement, president Moi said, “it is with profound sorrow that I have to announce today the death of Hon. Robert Ouko, minister for foreign affairs and international cooperation and Member of Parliament for Kisumu town. I wish to extend to the family and relatives of the late Dr. Ouko my sincere condolences. It is not only their loss, but also that of the whole Nation. Dr. Ouko was a brilliant leader, an articulate and courageous spokesman of this country and a loyal servant of his people. I have personally lost a loyal and dedicated friend. Dr. Ouko was the best foreign minister Kenya has ever had. I will greatly miss him” (Weekly Review, February 23 1990. p. 5).

The late Dr. Robert Ouko was greatly honored internationally. It was very unusual for foreign countries to honor an individual who was not a head of State. When Dr. Ouko died the US embassy in Kenya and the ambassador’s residence flew their flags at half-mast for two days. It was thought that the US embassy action was so remarkable since the Kenyan government did not lower the national flags for Ouko though his coffin was draped in the national flag. The Kenyan flag has in the past been lowered for personalities only three times.

The first, being when Mr. Arwings Kodhek died in 1969, second was when Mr. Tom Mboya was assassinated in 1969, third, was when the first president of Kenya, the late Jomo Kenyatta died in 1978 (Weekly Review, March 9 1990) and fourth was when the second president of Kenya, the late Daniel Arap Moi died in 2020 (Standard Digital, 10 February 2020). The following is how Kenyan foreign policy unfolded under Moi in Eastern Africa.

## **KENYA-EASTERN AFRICA**

### **Kenya-Uganda.**

According to Musambayi (1995), the Kenyan leadership was very uneasy, more especially when Uganda attacked Rwanda in 1990. President Habyarimana of Rwanda and President Moi of Kenya, were very uneasy with Yoweri Museveni of Uganda as relations between these countries deteriorated. What made Rwanda, Kenya among Uganda's neighbors jittery, according to Kenyan foreign ministry, was the fact that Museveni seemed to be using the same tactics that brought him to power to topple the Rwandan government and either install a puppet regime or annex the country, and this annexation was thought not to just end there. After Rwanda it might have been Burundi, then Zaire, then Tanzania and finally Kenya. Furthermore, even before Museveni seized power, he showed contempt for Kenya's mediation efforts when he went ahead to topple Tito Okello's government despite a ceasefire agreement he had signed in Nairobi (Weekly Review, February 8, 1991. p. 20). It seemed that Museveni's political ideas had puzzled both his admirers and foes alike. As a student in Tanzania, Museveni was known to have been influenced a great deal by Marxist ideas, as were many of his friends and associates in exile. His association with Frelimo, then an avowed Marxist movement, further strengthened his Marxist image. Museveni is said to have been influenced by the ideas of the late Algerian revolutionary, Frantz Fanon, but gradually this early image or doctrinaire ideology failed into a more middle-of-the-road posture, albeit with a pronounced but hazy leftist hue. His political evolution can be said to be similar to that of Zimbabwean President Robert Mugabe.

Museveni has shown a great deal of pragmatism, especially with regard to economic policies. He has been eager to revive Uganda's once-thriving private sector, and has even tried to lure back the Asians expelled by Amin in 1973. The World Bank and the IMF admire him as a reformist and have given him a lot of financial assistance. And have also used him as Africa's role model. However, Museveni's leadership is quite different from that of the other African leaders. His links with Libya and his alleged willingness to give sanctuary to political dissidents from neighboring countries has fueled suspicions that he is an expansionist. Gaddafi, whom he is known to admire, and who provided him with arms in the later stages of his insurgency, is well known for his grand designs to dominate the Maghreb region of North Africa (Weekly Review, February 8, 1991. p. 26).

By 1995, tension between Kenya and Uganda had reached a dangerous point where it was even clear to Museveni himself that the Kenyan administration was very uncomfortable with him and needed reassurance. It was clear to Museveni that the Kenyan government viewed him as a man, who grabbed power through the barrel of a gun. "Moi thinks we set a bad example which his own people might follow." "They think we are bad people, revolutionaries who set bad precedents for their own people to follow." Museveni had exploited, the peace talks held in Nairobi in 1985 between him and the then president Tito Okello. While he talked peace, his troops fought on and even he signed the peace accord, but went back to the battlefield to wage war on Kampala (Mwagiru, 1997. P. 27-28).

### **Kenya-Somalia.**

The United Nations Supports the idea of self-determination for colonial peoples only, as shown by repeated failures to accord recognition to secessionist groups. Adar (1994) points out, it is within this general understanding that Kenya invokes the doctrine of territorial integrity *vis-à-vis* Somalia. Further Musambayi (1995), argues that, despite the fact that Somalis in North Eastern Province were linguistically, religiously and culturally closer to their brethren in Somalia than they were to the predominantly Bantu of Kenya, the Kenyatta government refused to accede to their request to secede. At the core of this rejection was the fear that such an action would encourage further irredentism against Kenya by her neighbors. This has created a lot of animosity between the Kenyan government and the Somalia government over years. With incidents of banditry in the North- Eastern Province of Kenya from the Somalis.

Equally, Somali has not been at peace since gaining independence. With a lot of instability, coups and dictatorship. It seemed that the longest time that Somalia has ever enjoyed peace is during the reign of Siad Barre. However, Musambayi contends that Barre's regime increasingly came under the onslaught of guerilla groups opposed to his regime. This effectively curtailed his propensity to wage irredentist wars against his neighbors. Specifically, President Barre started looking for allies in Kenya and Ethiopia than enemies. But with a lot of discontent amongst his forces, Barre was overthrown in 1992 throwing Somalia into turmoil with different faction leaders fighting for control of power.

The UN voted to send US-led military force to protect relief supplies and personnel in famine-stricken Somalia. Kenya was also ready to participate. It was perhaps in appreciation to Barre's role in stemming the *shifita* menace that Moi granted him asylum in Nairobi. While the Moi government hosted him at Safari park Hotel (a 5-star hotel with a daily bill of 66,000 ksh). He was also living in regal luxury at the expense of the Kenyan taxpayer. It equally allowed armed pro-Barre groups led by general Morgan to take refuge in Kenya in their regrouping attempts. This act by Kenya had a net effect of worsening the already existing poor relations between Moi's government and other Somali groups led by General Aideed. Not only did these groups violate the Kenyan border with impunity in hot pursuit of Morgan but equally shot down a Kenya army Helicopter piloted by captain Harrison Okang'a Makaka whom they accused of ferrying arms for general Morgan. Barre left Kenya after pressure from the Kenyan parliament to have him leave. The then minister of foreign affairs and international co-operation Mr. Wilson Ndolo Ayah, had also termed Barre's stay in Kenya as "a security risk" (Weekly Review, May 22, 1992. p. 8-9). Barre was heavily guarded by his own as well as Kenyan security men during his stay in Kenya.

The situation in Somalia continued to deteriorate with no central government. This prompted a relatively peaceful province of Somaliland in 1992 to declare its independence from the main Republic Somalia with its capital at Hergaisa. Somaliland has a functioning government, parliament and judiciary with first acting President Abd ar-Rahaman Ali. Later parliament elected Mr. Ibrahim Egal as President. Since then the government of Somaliland has been seeking recognition more especially from neighboring countries. Egal has been to Kenya on a similar mission, to convince Moi to recognize his government in 1994; Egal came to Nairobi where he met with President Moi in trying to seek Kenya's recognition of Somaliland. He argued that Somaliland voluntarily joined the main Somalia in the early sixties and was ready to secede like Eritrea did to Ethiopia. Egal wanted international recognition so that, his country (Somaliland) could get access to donor funds or to the international monetary fund and World Bank. These institutions cannot give out their funds unless a State has international recognition (Weekly Review, February 4, 1994. p. 33-34). Since the ouster of dictator Siad Barre in 1991, Somalia has never had a central government. Different faction leaders claim to have legitimate right to rule. Self-declared "interim President" Ali Mahdi Mohammed claims to be the President. Siad Barre passed away in exile (Nigeria) in 1995 (Weekly Review, January 13, 1995. p. 32).

Another faction leader, General Farah Aideed went ahead in 1995 and named his cabinet and declared himself Somalia President. But twelve other factional groups rejected him and his plans. They called on the international community to deny Aideed government recognition because it was a "freak product of hallucination." Aideed swore in his 31-member cabinet in style in his residence. He was going ahead to claim the UN and OAU seats for Somalia. But the UN rejected the claim by saying OAU had to accept his government first, as the UN could not recognize such a government (Weekly Review, June 23, 1995. p. 26-27).

Libya was one of those countries that recognized the government of Farah Aideed and in return, named an acting ambassador Mr. Mustafa Salim Amuz. This prompted the European countries also to want to change their recognition stand against Somalia though they did not want to rush. This could have been a big step towards stamping some order on the war-ravaged country (Weekly Review, September 29, 1995. p. 28-29). However, in August 1996, Farah Aideed died, though he claimed to be the president of Somalia with six vice-presidents, his government had not been recognized internationally by the time he died. A price had already been put on his head by the UN after he and his troops killed 24 Pakistan UN troops, working as part of the UN force in Somalia. Already a manhunt for him had already been set in motion. But he eluded capture; he also killed 18 US soldiers afterwards. Photographs of their bodies being dragged through the streets of Mogadishu horrified the world. He was succeeded by his son Hussein Mohammed Aideed (35 years) by then. Previously Hussein worked with the US marines and was sent to Somalia with a US intervention force. Hussein had played as a go between of the US troops and his father but was sent to the US when his position was clearly untenable politically and the humiliation that the US troops had undergone at the hands of his father's militiamen. His government was not recognized both internally and internationally (Weekly Review, August 9, 1996. p. 26-27).

### **Kenya-Ethiopia/Eritrea.**

According to Musambayi (1995), a Kenya-Ethiopia relationship can be dated back to the Kenyatta era. The relationship existed because of good understanding between Kenyatta and Emperor Haile Selassie. Their old age, common Christian values and shared concerns of Arab support for Somalia made them share the common perceptions on key issues affecting the horn of Africa.

But Kenyatta died in 1978 and Haile Salaisie was ousted in 1974 by statist colonels who equally espoused Marxist orientations. Mengistu Haile Mariam took over from Haile Salaisie and ruled Ethiopia till 1991 when the Ethiopians peoples Defense Liberation Front (EPDLF) of Meness Zenawi took power. This changed scenario offered President Moi a very serious challenge. Not only had he lost a reliable strategic ally, but was also unsure of the new strongman in Ethiopia. However, being a good adopter to the enviable, President Moi opted to work with President Zenawi. Underscoring Ethiopia's importance as a key ally, President Moi immediately visited Addis Ababa, Ethiopia to confer with the new leaders. While providing a safe passage to his erstwhile friend Mengistu, on his way to Zimbabwe. His vice-President Mr. Tesfaye GebreKidan could not hold the country together, as the government forces that he inherited were too weak and demoralized to prevent a rapid victory from the rebels. On the other hand, the Eritrean People's Liberation Front (EPLF) took advantage of the situation to make gains for their fight for a separate Eritrean State. The (EPLF) had been fighting for three years for secession in the Red Sea province of Eritrea (Weekly Review, May 31, 1991. p. 58).

Eritrea became independent in 1993 after its citizens voted for independence in a referendum which was said to be the best yet in Africa. Up to 95% of the 1.2 million voters who participated in the referendum opted to break with Ethiopia, of which Eritrea was legally a province there before. The province of Eritrea was formally annexed by Ethiopia's former ruler, Emperor Haile Salaisie in 1962, in total disregard of United Nations Resolution 390 passed in 1950, federating the province with Ethiopia. The province had formally been an Italian colony and later a British protectorate after Italy's defeat in the Second World War. In 1961, Eritreans started their war against Ethiopians, which lasted for 30 years. After the rebel victory over the Ethiopian army, Eritreans living in Nairobi were very jubilant over the rebel victory. "Now that Eritrea is free, what we are now asking is international recognition so that Eritrea can exist as an independent State and it is our hope that this will happen soon(Weekly Review, May 31, 1991. p. 60). This was a statement made by Mr. Kesiari Yemani, then leader of the Eritrean community in Kenya. Yemani affirmed that, Eritreans were a different people from Ethiopians and that was why they had struggled for independence for so long. Eritrea thus started to exist formally in 1993 as a Nation with its Head of State Mr. Issaias Afewerki. Eritrea became the 182<sup>nd</sup> member of the UN in 1993(Weekly Review, May 7, 1993. p. 35). Kenya officially acknowledged Eritrea as a State in 1994. The relationship between the two countries has continued to warm up. This has been at the expense of Kenya-Ethiopia relations. The latter's relations have not only cooled and remained increasingly polite, but that for the first-time troops of the two countries have exchanged fire that saw many Ethiopian troops lose their lives. Officials of the two countries immediately blamed each other. While Kenya accused Ethiopia of violating its borders, the later accused Kenya of assisting members of the Oromo Liberation Front (OLF) (Society, August 8, 1992).

### **Kenya-Rwanda.**

In his paper titled "Emerging trends and prospects for Kenya's foreign policy in the 1990s and beyond, August 1997," Mwaura, argues that, as the region shifts towards a new regional equilibrium, particularly with resolution of conflict in Ethiopia, the dangers of regional instability caused by ethnic sub-nationalism in Rwanda. Kenya's recognition policy will have to take cognizance of the need to mediate internal conflicts in the region, and address the domestic sources of conflict in the Kenyan State (Mwaura, 1997. p. 1997). Since gaining her independence, Rwanda has experienced minimum peace, and the ethnic rivalry between the Hutu's and the Tutsi has seen the country experience blood-path. In 1994, the then Rwandese President Habyarimana was killed in a plane crash. This was after the Mystere-Falcon jet he was flying in was shot down while flying over the Rwandese Kigali capital airport. What followed was difficult to discern. The orgy of bloodletting went on to claim the lives of acting Premier Mrs. Agatha Uwingi Liyamana and a host of cabinet ministers as the dreaded Presidential guard went on rampage. The plane was also carrying Burundi's President Cyprien Ntaryamira from a regional peace talks summit in Dar es Salam. President Moi said it was shocking as he declared three days of mourning. Kenyan flags were ordered to be flown at half-mast for the three days period of mourning (Weekly Review, April 15, 1994. p. 25-26).

In 1995, Kenya was accused by Rwanda as not co-operating with the UN tribunal set at Arusha Tanzania to try those that committed genocide. Rwandese minister for foreign affairs, said, "Kenya had adopted an attitude of demonstrated leniency which nears complicity with the perpetrators of genocide." Also, the then vice-president Paul Kagame, jumped into fray more strongly, accusing Kenya of giving sanctuary to Rwandese criminals while doing nothing to end Kenya's own ethnic hostilities (referring to the 1992 pre-election ethnic hostilities).



The situation had earlier been worsened by the deportation of a Rwandese diplomat, Mr. Jacques Nziza. The diplomat who was his country's *charge de affairs* in Kenya was summoned to the ministry of foreign affairs and given 24 hours to leave the country. His deportation was linked to the massacres that had taken place within the same month. But the Kenyan foreign affairs ministry claimed that Nziza was deported because he presented himself as his country's ambassador and trying to throw out the genuine ambassador (Weekly Review, October 27, 1995. p. 6). The then minister for foreign affairs and international co-operation Mr. Kalonzo Musyoka was very categorical when he said that, "the Rwanda tribunal should be expanded to include those investigations to determine who was responsible for the downing of the aircraft that killed the former President of Rwanda and Burundi in April 1994. He also said that the tribunal's mandate must also include investigations to determine who was responsible for the invasion of Rwanda prior to the assassination of the two Presidents, a point which illustrates that Nairobi believes that the then government of Pasteur Bizimungu did not have clean hands as far as the Rwanda crisis was concerned. A ministry of foreign affairs report said, "It was not in the interest of Kenya to harbor Rwandese criminals but hosted Rwandese refugees who had fled their country during crisis keeping with international obligations. Both President Bizimungu and Paul Kagame had been refugees in Kenya at one time and had enjoyed hospitality similar to that accorded to the refugees in Kenya by that time (Weekly Review, November 10, 1995. p. 16).

As the relationship between Kenya and Rwanda continued to deteriorate, in 1996, the Kenyan government held a Rwandese diplomat in custody in accusation of an assassination attempt of a former Rwandese internal minister, Mr. Seth Sendashonga in Nairobi. The Rwandese government claimed that Mr. Francis Mugabo who was held in the Kenyan custody was beaten and tortured which was against the diplomatic protocol. The Rwandese government had asked on international pressure for Kenya to produce Mr. Mugabo in public. But the Kenyan government denied the accusations and gave Rwanda the option of closing its embassy in Nairobi (Weekly Review, May 3, 1996. p. 30).

### **Kenya-Burundi.**

Events in Rwanda's neighbors were generally quiet even after the Rwandese President and Burundi President were killed in a plane crash in 1994. President Sylvestre Ntibunganya a Hutu took power. However before long in 1996, Major Pierre Buyoya a Tutsi led a blood-less coup in Burundi and declared himself the head of State. Immediately he took over power, Buyoya started looking for international recognition by first traveling to Uganda to meet President Museveni, however Museveni declined to grant recognition. He told him, first Buyoya had to accept the regional plan of sending peacekeepers to Burundi. However regionally, he was not recognized though he made several trips to foreign countries. The then South African President Nelson Mandela stressed that South Africa would go by the OAU decisions. OAU had decided not to recognize the new Burundi regime led by Buyoya. Kenya was among the States under the OAU that did not recognize the Buyoya government (Weekly Review, August 2, 1996. p. 30). Thereafter; sanctions were imposed against Burundi under the OAU mandate. Kenya cut off all movement of goods, people and services to and from Burundi. All communications between Kenya and Burundi were cut including air, road and rail (Weekly Review, August 9, 1996. p. 27). Though many African States made sure that the sanctions were holding, Kenya seemed to have backslided as it made overt and covert trade links with the Buyoya regime. The constant policy shift of the Moi government and its disregard to international commitments – as in its disregard for the regional blockade against Burundi and the failure of the then minister for foreign affairs Mr. Kalonzo Musyoka to attend and defend Kenya's decision to resume air links with Burundi – was likely to isolate Kenya in regional affairs.

### **Kenya-Democratic Republic of Congo (DRC).**

Makumi Mwangi (Conflict in Contemporary Africa 2000 chapter 14), contends that the handling of the Zaire conflict by Kenya, portrayed Kenya's lack of diplomatic maturity in dealing with regional conflicts by then. Though not anticipated, it seemed that Kenya was caught unawares with the then unfolding events in the then Zaire. It seemed that instead of Kenya being pro-active it was reactive. Trailing events as they happened and was not able to adjust fast enough with the dynamic volatile situation in Zaire.

In 1997, the civil war, which had been going on between rebels led by Mr. Laurent Kabila and government forces under President Mobutu Sese Seko, reached its climax. The collapse came as a result of political implosion triggered by the final deterioration of President Mobutu's health and the perennial power. Struggle for succession had been the only pre-occupation of Zairian politicians in Kinshasa for the previous five years.

It wasn't actually victory for the rebels over demoralized government forces but rather with prostate cancer taking its toll against poor Mobutu, he could not be able to deal with the myriad tough decisions which must be taken by any head of State confronted with the kind of crisis Zaire faced at that time. Mobutu's grip of the country had waned and the fate of his country was no longer in his hands. Mobutu's era was coming to an end, all signs were telling. Meanwhile a summit was held in Nairobi to discuss the deteriorating situation in Zaire (Weekly Review, November 16, 1996. p. 4). Similar summits had been held before and President Moi was spearheading these summits as co-coordinator. The then Prime minister of Zaire KengowaDondo who was not really in control of the country was voted out by parliament (470-member transitional government) in a unanimous vote. He was blamed for military debacles in the country by that time and another drawback for him was that, his mother was a Rwandese Tutsi and was accused of secretly backing the rebels. Before his ouster, he attended a summit called by President Moi in Nairobi, to discuss the Zaire crisis. Kabila was not invited to the regional summit on the grounds that, he was not a Head of Government (Weekly Review, March 7, 1997. p. 8). The Kenyan government had aligned itself with the Mobutu regime in tacitly blaming Burundi, Rwanda and Uganda for the Zaire crisis.

The Kenya government found little enthusiasm among other African countries for its peace efforts, which had been largely hampered by rebel successes on the ground. It was clear by then that Kabila and his forces were now a major factor in the Zairian political jigsaw puzzle and opposition leaders in Kenya criticized the government for being unrealistic in refusing to invite the rebels to the Nairobi peace talks. They reasoned that any peace talks in Zaire must have included the rebels who controlled a sizeable chunk of the country. But the Kenya government would have none of it because it regarded the rebels as a foreign backed force trying to topple a legitimate government. Kabila demanded direct talks but the Zairian government flatly refused to negotiate with the rebels for fear of giving them legitimacy (Weekly Review, March 21, 1997. p. 27-28). Kenya, which was co-coordinating the Zaire peace talks, never wanted to give in to invite the rebels to the negotiating table. Eventually, Moi found himself siding with the losing side in the conflict. Moi finally handed over the chairmanship of the Great Lakes conflict to the OAU and the UN in Lome, Togo. The peace initiative was latter handed over to then South African President, Nelson Mandela who took the first initiative of inviting Kabila for "secret talks." Kabila was photographed with Mandela during the secret talks visit, giving him his first international recognition. Tanzania also planned to hold subsequent talks on the Great Lakes crisis to which rebels were invited. Tanzania had not attended the Nairobi II summit on the grounds that important players in the region, such as Uganda, Burundi, Rwanda and important still Kabila had been left out (Weekly Review, April 14, 1997. p. 26-27).

By April 1997, Kabila was sure of capturing Kinshasa and was not ready to negotiate peace with Mobutu whose regime, he was determined to bring to a rapid end. Kabila was of the opinion that Mobutu had no role to play in the country's future affairs. Even his closest allies were pulling out their support (Belgium, United States and France). The US had even voted in the House of representatives (Congress) in favor of Mobutu's departure from Zaire's political scene, which he had dominated for three decades. The vote in the House of Representatives came just days after the US State department spokesman, Mr. Nicholas Burns, declared, "Mobutuism will soon be a creature of history." But Mobutu insisted that he would only cede power to an elected government and not to rebels (Weekly Review, April 14, 1997. p. 26-27). The Americans, who brought Mobutu to power in 1965 through a military coup, no longer saw Mobutu as an asset anymore and he was no longer useful to the Americans. Mobutu represented the sins of the past that were committed by the American CIA throughout the world during the Cold War. During the Cold War, the US would support anyone who was perceived to be staunchly anti-communist. In the process the US had propped up regimes, especially in the third World, that were outright despotic and dictatorial, like that of Mobutu. Now that the Cold War was over and no treat from communism, the Americans were determined to get Mobutu consigned to the archives (Weekly Review, May 9, 1997. p. 29-30). An American envoy Mr. Bill Richardson was sent to Kinshasa, Zaire to prepare for, what was termed as "a soft landing" for Kabila's men when they arrived.

The US State department spokesman by then Mr. Nicholas Burns, had said earlier that, the real reason for the Americans involvement in Zaire's crisis was the case in the 1960s when the US thrust Mobutu into power through a military coup. Zaire was a strategically placed country, "it's got an enormous economic wealth, mineral base." So as Kabila headed for Kinshasa, American companies were unashamedly scrambling for mining rights and contracts in rebel-controlled territory (Weekly Review, May 16, 1997. p. 26-27). As Kabila took control of Kinshasa in May 1997, Mobutu flew out of Kinshasa along with the old name of the country, Zaire. By renaming Zaire, the Democratic Republic of Congo, Kabila was signaling a new era. Governments of the continent fell over each other in recognizing Kabila's government even before it was formed.

The Organization of African Unity set the ball rolling and soon afterwards messages of direct or implied recognition began flowing in from around the World. South Africa and Kenya were among the first countries to embrace the new regime in the Democratic Republic of Congo.

### **PERSONALITIES WHO INFLUENCED KENYA'S FOREIGN POLICY.**

During Kenyatta's era, it was difficult to talk about Kenya's Foreign policy without giving reference to personalities like, James Gichuru, Njoroge Mungai, Peter MbiyuKoinange, Joseph Murumbi and Charles MuganeNjonjo. Foreign policy formulation was a preserve of Dr. Njoroge Mungai, Charles Njonjo and MbiyuKoinange notwithstanding the fact that Murumbi oversaw that slot as minister of foreign affairs. Even after Kenyatta's death in 1978, Njonjo who was the Attorney General during Kenyatta's era remained in government in the new government of Moi in the same position as before. Infact, he had helped Moi secure the presidency after the Kikuyu elites wanted to block Moi's succession bid according to the Kenyan constitution. By blocking him by changing the constitution through parliament. He still remained very powerful though most of his colleagues in the Kenyatta government started falling off. It is to be remembered that during Kenyatta's era, Njonjo had tried openly to change the recognition policy of Kenya, by urging the government to change its policy of non-recognition to recognition of the Boer regime. But the then foreign affairs minister, Mr. MunyuaWaiyaki replied that, "it would only happen over his dead body (Munene, August 27-28, 1997). So Kenya did not recognize the Boer regime although unofficial dealings still went on. Njonjo wielded a lot of power; even the criminal investigation department came directly under him. As Attorney General, from independence to 1980 when he resigned to enter politics, Njonjo had even had a lot of influence as to who was appointed to the judiciary. He as the then Attorney General spearheaded the smooth transition from the late president Kenyatta to Moi in 1978 (Weekly Review, July 22, 1983. p. 4). It thought that, Njonjo had stood the way of growth of the office of the Attorney General that when he left, "the man and the office became so identical that when Njonjo left, the country had a difficult time adjusting to his departure (Weekly Review, July 22, 1983. p. 4). During Moi's era, Njonjo's influence could be felt everywhere, in and out of the country. Njonjo was too close to Moi. The public could even see it. In neighboring countries, the first former president of Tanzania feared him, as a powerful capitalist. But with his downfall in 1983, after he was named a traitor following the August 1982 coup, Kenya underwent another transition though less from that of Kenyatta to Moi. This one was from "Njonjo era to post Njonjo era (Weekly Review, July 22, 1983. p. 4).

The person who took over from Njonjo's position as the second most powerful person other than the president in Kenya was Mr. Nicholas KipyaturKiprono arap Biwott. Biwott was the president's trusted key adviser and strategist, his confidant and business associate. so much is his influence that he earns the nickname he gave himself of "Total Man" (Weekly Review, May 7, 1993. p. 21). Though a powerful minister, Biwott's life was surrounded with alleged mystery, scandals and corruption. It was rumored that he masterminded the killing of the then foreign affairs of Dr. Robert Ouko.

In February 1990, Dr. Robert Ouko the minister for foreign affairs and international co-operation died in mysterious circumstances. His body was found burnt six kilometers away from his Koru home after missing for about three days. Moi said in a statement after learning of his death, "it is with profound sorrow that, I have to announce today the death of honorable, Dr. Robert Ouko, minister for foreign affairs and international co-operation and Member of Parliament for Kisumu town. Dr Ouko is the best foreign minister that Kenya has ever had. I will greatly miss him (Weekly Review, February 23, 1990. p. 5). Dr. Ouko had just flown home from the US after attending an American Annual congressional breakfast prayer meeting in Washington D.C with President Moi. After learning of his death, the US embassy in Nairobi flew its flags at half-mast for two days which was very unusual for a foreign country to honor an individual who was not a head of State while the Kenyan government did not.

### **METHODS**

This study focuses on Moi's foreign policy 1978-1998. This study however, narrows down to specific period of the post-ColdWar period (1990-1998).

The research materials for this study were mostly from secondary sources, though with a few personal statements from willing people I contacted at the ministry of foreign affairs and the Nation newspapers. Mainly the information gathered was from Magazines, Weekly's, Newspapers, Books and Journals.

## ANALYSIS

Due to the information collected, the method of analysis used in this study was descriptive and analytical. Various studies, speeches, statements, books, newspapers, magazines, seminar papers and research papers were closely examined (analyzed). In addition, case studies were given.

## LIMITATIONS

Though I tried as much as I could not to be biased on my arguments and critic, at times I felt overwhelmed by issues that I found myself so strongly against certain personalities. Time was also a factor which confined. Places I visited like the foreign affairs offices and the people I interviewed were rather unwilling to delve into critical issues concerning the government and more especially President Moi.

## ANALYSIS OF THIS STUDY: RECOGNITION POLICY RATIONALE

As the Cold War drew to an end, most of those countries ruled by despotic rulers were braving for an end of their leadership. Amongst this were the dictators and military rulers. At the end of the Cold War, the Eastern bloc led by the USSR was no more. The US became the only world super-power. Systematically, the US came up with a New World order. The US stopped supporting those dictators it had supported during the Cold War. What followed immediately was their automatic collapse. The US came up with a new ideology to Africa, democratization, Human Rights and Free/Fair Elections. While the World Bank and the International Monetary Fund (IMF) came up with Structural Adjustment Programs (SAPS). Amongst the first casualties of this was, Mengistu Haile Mariam of Ethiopia who was overthrown in the early 1990s, Siad Barre of Somalia, In Rwanda and Burundi, their Presidents were shot down in a plane they were flying in from a peace summit in Arusha over Kigali airport. The Boer regime in South Africa gave way to democratically elected government after releasing Nelson Mandela from detention. Mandela became the first post-apartheid President of South Africa. Some provinces claimed their independence from their main countries. Eritrea broke away from Ethiopia, while Somaliland (Punt land) claimed its independence from the Greater Somalia though it has not been formally recognized internationally. The southern Sudanese also increased their campaign to secede.

Clearly the wind of change was sweeping across Africa. Multi-partism brought with it the idea of free and fair elections and self-declared “live Presidents” saw their way out of the Presidency giving way to the opposition. Amongst the casualties were President Kenneth Kaunda of Zambia who was defeated by Mr. Fredrick Chiluba and Kamuzu Banda of Malawi who was defeated by Bakili Muluzi. Interestingly, when the first multi-party elections were held in Zambia in 1992, Kenneth Kaunda seemed to be losing. It was an obvious secret that Chiluba had an upper hand as the results were trickling in as announced by the international media. However, in Kenya the government owned radio station, Kenya Broadcasting Corporation (KBC), kept on announcing that Kaunda was leading according to the coming in of election results. Maybe out of fear that the old strong man of Zambia was no more the head of State and KBC being government controlled and conservative, did not want to show that it was leading in announcing Kaunda’s departure from the Presidency. Kaunda also being Moi’s close ally.

But of all this is the way Kenya handled the departure of Mobutu of Zaire. Mobutu was a creation of the US. He was got into power by the US and kept in power by the West because of what they termed as their “national interest.” This involved the massive mineral wealth that Zaire had and the Cold War. The US never wanted Russia to get into Zaire and get these minerals. Especially, the uranium, which is used to manufacture, nuclear weapons. It is thought that Zaire has the best uranium and also in large quantities. So once the Cold War was over and no more threat from Russia. They let Mobutu crumble. Mobutu in 1997 could not sustain himself in power after the US withdrew its support for him. Also, cancer was getting the better of him. With the kind of situation in Zaire by that time, he could not effectively handle the situation with his sickness. But importantly it was the US, which wanted him out. He was no longer useful to them. To even emphasize this, the US even prepared for the coming in of the rebels and their leader Kabila into Kinshasa.

As these developments were going on, Kenya remained adamant in embracing the changes, which were about to take place. Kenya did not realize or never wanted to acknowledge the fact that, they were supporting the wrong side. By not inviting Kabila to the Nairobi summits who was by that time controlling two thirds of Zaire was illogical. This even motivated Kabila more to go on and capture the capital city of Kinshasa. Kenya supported Mobutu till he was finally ousted. Kenya then changed its recognition policy overnight from recognition of states only to recognition of governments. This was in relation to the recognizing of the new Kabila regime in the then Zaire that was changed subsequently to Democratic Republic of Congo.

What is important here is that, Kenya had refused invite to Kabila to Nairobi because he was not a head of State. So here the question of legitimacy arises. How does Kenya at this point accept the Kabila regime as legitimate? This renders Kenya no clear patterns or trends that are followed in recognition policy. Also, the formulation and articulation of foreign policy should be left to the ministry of foreign affairs and the parliamentary committee for foreign affairs. The duo should plan, come up with a bill, which has to be debated in parliament before it is implemented. The office of the President should only give consent; it should not be the formulator and implementer of foreign policy. In short foreign policy should be moved from the office of the President to the ministry of foreign affairs.

### **CONCLUSION.**

The study has surveyed Kenya's recognition policy under Moi's regime in reference to International Law. The issue of legitimacy of governments has been examined. The justification of recognition has also been dealt with in reference to the situation, national interest and period (Post-Cold War). The change in recognition policy from that of States to governments has also been surveyed and the reasons why have been stipulated. Regional diplomatic change and the need for Kenya to avoid isolation in the changing world have been traced. The study also gave the theoretical framework under which my arguments were based. The importance of this study has also been explained. An in-depth analysis of Kenya's recognition policy and critique of the emerging policy is also highlighted, given the dynamic regional and international policy realities have been looked into. What is then important in the change in Kenya's recognition policy is that it gave Kenya a new look into regional and international affairs. In a wider perspective, it helped shape Kenya's foreign policy in a new dynamism and yet the public and parliament not even the foreign ministry was directly involved. It is true that any foreign policy of any country ought to be based on realities and not on hearsay. It should be focused on long term rather than short-term objectives. This will help foreign policy have formulation trends and articulation patterns. Then with a well-stipulated, framed and balanced foreign policy, Kenya can move into the next stage, which will be claiming regional and international Leadership.

My recommendation would be, for contemporary Kenya to have a vibrant foreign policy, it would be important to have all stakeholders involved in the formulation of foreign policy. The public should be left to have an input, the legislature and the intellectuals. Higher learning institutions should be the pillars at which foreign policy is not only learnt but also debated and tested as compared to foreign policies of other countries. In this way, new life will be pumped into the already nearly dormant foreign affairs ministry. Indeed many people even scholars doubt Kenya had stated foreign policy during Moi's reign.

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