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Recognition Ambiguity! Kenya's Foreign Policy Towards Afghanistan, Iraq, Iran, Israel, And Palestine Under Moi Era (1978-1990)

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Abstract

This study critically outlines Kenya's Foreign Policy as it evolved during the cold war under Moi's era towards the Middle East. The study exemplifies the underlying strategies, sources, national and personal interests, objectives, priorities and implementation of Kenya foreign policy. The study is premised on the need to elucidate if Kenya's belief in regional peace and security was the corner stone under which Kenya's foreign was formulated and implemented. It was believed that any inconsistencies of Kenya's foreign policy were based on rational and emerging trends in international affairs such as security threats to regional and global peace and stability. The study aims to ascertain how, Kenya's recognition policy, formulated, articulated and exercised during Moi's era towards the Middle East (1978-1990). The central question of this study is this: What influenced Kenya's recognition policy towards Afghanistan, Iraq, Iran, Israel, and Palestine during the Cold War under Moi's administration (1978-1990)?

Keywords: Recognition, Foreign Policy, Ambiguity, Legitimacy, Governments.

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, which becomes 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).

Brief History of Daniel Toroitich arap Moi

Daniel Toroitich arap Moi is the second President of Kenya. He took over power after the death of Jomo Kenyatta who was the first President of Kenya. During Kenyatta's death, Moi was serving as Kenya's vice President and the constitution paved the way for Moi's succession after Kenyatta died. Moi was born on 2 September 1924 in Kuriengwo then a Kenya Colony located in the Sacho locality in Baringo district (now 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 1 August 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 25 July 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 12 February 2020 (*BBC News. 11 February 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. 11 February 2020*).

Justification and Objective of the Study

Not much was written about Kenya's foreign policy during Moi's reign especially towards Afghanistan, Iraq, Iran, Israel, and Palestine. 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 1978-90 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.

The United States

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. pp. 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 focuses on Moi's foreign policy towards Afghanistan, Iraq, Iran, Israel, and Palestine during the cold war (1978-1990). Kenya's policy on recognition of governments during Moi's administration was not clear short of ambiguous. 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 investigates the nuts and bolts of formulation, trends and articulation of Kenya's recognition policy during Moi's term in office with particular cases of Afghanistan, Iraq, Iran, Israel, and Palestine. The central question of this study is this: What influenced Kenya's recognition policy towards Afghanistan, Iraq, Iran, Israel, and Palestine during the Cold War under Moi's administration (1978-1990)?

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 towards these five countries Afghanistan, Iraq, Iran, Israel, and Palestine in the Middle Eastern. Kenya is geopolitically and strategically placed and therefore has remains a key player in international affairs. The outcome of the study is intended to be an eye opener to scholars who want to research Kenya's recognition policy towards the Middle over time. Alternatively, 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 towards Afghanistan, Iraq, Iran, Israel, and Palestine would have been partially if not fully elucidated. Scholars and students who are currently studying Kenya's recognition policy towards Afghanistan, Iraq, Iran, Israel, and Palestine 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. Accordingly, then, a new entity (State) can be recognized through formal declaration, accepting of the recognized State to enter legal relations with the recognized entity or by issuing a formal statement or by conduct of the State concerned. Therefore, recognition is conforming in accordance to international law (Satyavrata, 1964. p. 46).

Once an international actor (State) has 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 means recognition of the State, but did not work the other way around (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).

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

How Moisi's Foreign Policy Emerged (1978-1990)

After the death of the founding father of the republic of Kenya President Kenyatta in August 22, 1978, Moi took office as the second president. Though he tried to follow the footsteps (Nyayo philosophy) of his predecessor, he from time to time shifted his recognition policy of governments to go in line with changing times both domestically and internationally. The most visible aspect in the continuity of Kenya's recognition policy from Kenyatta to Moi in the 1980s was Kenya's continued alliance with socialist Ethiopia, as long as the Somalia threat remained, there were no compelling reasons to withdraw from the pact. While the foreign policy making process under Kenyatta was extremely cautious, with State house

only giving final clearance for the pursuit of foreign policy. Under Moi foreign policy making was differentiated by the president's personal diplomacy and involvement in the management of foreign policy sometimes to the exclusion of relevant institutions to the foreign policy making process. Secondly, Kenya's foreign policy had been both constrained and determined by the country's economic performance, and internal opposition to the Moi regime. As the region shifted towards a new regional equilibrium, particularly with resolution of conflict in Ethiopia, the dangers of regional instability caused by ethnic sub-nationalism in Sudan, Uganda, Rwanda, Burundi and the Democratic Republic of Congo, Kenya's recognition policy of governments had to take cognizance of the need to mediate internal conflicts in the region.

Moi as the Chief Architect of Kenya's Foreign Policy

Musambayi (1995) suggests that Moi over time not only cherished summits but equally espoused foreign policy statements in many political rallies he addressed. This to him, is totally a complete shift from his predecessor (late President Kenyatta) whose practice of leaving foreign policy and articulation to those under him. Eventually as Moi led the foreign policy formulation and articulation, he moved foreign policy from its office along Harambee Avenue to the office of the President at Harambee House. In the process he ended up personalizing the foreign policy. The late minister for foreign affairs Dr. Robert Ouko acknowledged this by saying that, "the chief architect of Kenya's foreign policy was President Moi" (Chelagat, 1991). Foreign policy being complex, leaving it to one person can be very taxing. This led Kenya in most cases to fall victim of being an advocate of principle rather than commitment. All shortcomings in Kenya's foreign policy can be attributed to one-man style of doing things or rather a clique who might not be having the interests of Kenyans at heart. The Democratic Republic of Congo is one example where Kenya shifted its foreign policy overnight.

Fifth Kenyan President William Ruto

Like Moi, there is some similarity or continuity in foreign policy formulation of William Ruto Kenya's fifth President. Though Moi made foreign policy pronouncements on roadsides, Ruto seems to follow a similar path but using social media instead (twitter). Ruto became Kenya's fifth president after a contested August 9, 2022 national election with his rival Raila Odinga. Ruto tweeted on September 14 2022 Kenya would no longer recognize the Sahrawi Arab Democratic Republic (SADR). This is the part of Western Sahara ruled by the Polisario Front exiled in neighboring country of Algeria. The territory has been contested by Morocco since 1975, even though the SADR is a member of the African Union like Morocco (The East African. September 16, 2022). Two days later, Kenyan foreign ministry clarified Kenya would continue to maintain diplomatic relations with Sahrawi Arab Democratic Republic (SADR) rescinding Ruto's earlier tweet and stated support (SADR) right to self-determination and that Kenya would follow the position of the United Nations and that of the African Union. Ironically, Sahrawi Arab Democratic Republic (SADR) is a founding member of the African Union (AU) and the Africa's last colony and has been fighting a war for liberation from Morocco and Kenya has been steadily in support for decades leading to opening of their embassy in Nairobi in February 2014 ([Anadolu Agency](#), September 20, 2022).

Kenya - Cold War Era (1978-1990)

During this period, several issues shaped Kenya's recognition and non-recognition practice as tools of foreign policy practice. Amongst these were the ideological, geographical and strategic rivalries amongst the super-powers. Europe was divided into armed camps whereas the other parts of the world placed under security alliances with some remaining non-aligned. All these developments led to the continents of Asia, Latin America and even Africa to forge forward for the *Estrada Doctrine* (Jessup, 1931), which generally accepted governments as they came and needed international attention. Recognition of States only was the order of the day in the 1970's while granting or withholding recognition to new governments was overlooked.

As Moi took office in 1978, his immediate task was to entrench himself both domestically and internationally. This attempt was to make him acceptable as an effective head of State, recognized internationally. The many trips he made abroad were a clear manifestation of this. Secondly, it was a way to try to secure financial assistance which was seriously needed after the coffee boom slumped. Moi's visit to West Germany in 1980 was meant to strengthen bilateral relations. More so, it coincided with the heightened period of big-power interest in the Indian Ocean region. The aim was to strengthen the Kenya-West relations, while Russia was trying to entrench itself in the Persian Gulf (Weekly Review, January 11, 1980. p. 6).

Kenya-Afghanistan

At the United Nations in the 1980's, Kenya voted against the invasion of Afghanistan by the Soviet Union at the general assembly. This led to most African countries boycotting the Olympic games that year, which were held in the Soviet Union. Kenya lead the pullout as one of the leading Olympic African country (Weekly Review, January 18 1980. p. 14). After the United Nations meeting in 1981, Moi met with the U.S President Reagan and assured him of Kenya's support for the withdrawal of South African forces out of Angola (Moi was the chairman of the Organization of African Unity by then) (Weekly Review, September 18 1981. pp. 14-16). It was also Moi's stand as the OAU chairman that South African troops be withdrawn from Namibia and that South Africa needed to be isolated from the international community. Moi was however keen in recognizing Israel as a State and its government as a precondition for peace in the Middle East though he also recognized the Palestinian homeland. This policy was made clear when he addressed an Arab League as chairman of the Organization of African Unity (Weekly Review, November 27 1981. pp. 19-20).

Kenya-Iraq/Iran

The Iran-Iraq war, which lasted nearly ten years also, had some side effects on Kenya. As the war kept pace towards the late 1980s, Kenya found itself in the middle of an arms scandal to Iran. Ten counterfeit end-user certificates under Kenya government letter heads and carrying forged certificates of the former chief secretary, Mr. Simeon Nyachae and former chief of general staff, General Jackson Mulinge were unearthed when the arms were to go through Egypt destined for Kenya but bound for Iran. Egypt at the time did not allow arms bound for Iran to go through the Suez Canal. Iraq was not pleased with Kenya on the whole affair. Moi tried to amend relationships with Baghdad when he made an official visit to Baghdad in 1987 (Weekly Review, April 3 1987. p. 5).

Kenya-Israel/Palestinian Conflict

In 1988, President Moi made an official trip to Egypt. He held talks with the president of Egypt, Hosni Mubarak. Moi's stand on the Middle East conflict was clear when he said, "Kenya's position was identical to that of Egypt on the Palestinian issue and both countries see that there can be no peace in the region without the Palestinian people's having the right to self-determination (Weekly Review, April 8 1988. p. 29).

However unexpectedly, to the Arab League's surprise, Kenya resumed diplomatic relations with Israel and reopened its Kenyan mission after closure of up to fifteen years. It was a boost to Israel diplomatic cycles when it needed Africa's support most though to the dismay of the Arabic countries. To Palestine, this was a blow when it was pushing ahead with its plan of seeking international recognition. Palestinian Liberation Organization (PLO) was expecting support from Arabic countries that had already recognized the PLO government in exile. However, Kenya argued that it resumed relationship with Israel because, PLO had formally recognized the existence of the Jewish State and had acceded to the United Nations charter as the Middle East question, which acknowledged the right of existence of Israel as a State. And advocated the creation of a Palestinian State as an independent State. Kenyan minister of foreign affairs and international co-operation by then, the late, Dr. Robert Ouko said, "Kenya believed that Israel would seize the opportunity to recognize and negotiate with the PLO directly under the auspices of the United Nations (Weekly Review, January 6 1989. p. 5).

But the Tunis-based Arab League voiced its disappointment against the Kenyan government's move. The league expected the Kenyan government to recognize the Palestinian State, which had won the support of most UN member States rather than amending relations with Israel. On the other hand, Kenya had done its part by supporting PLO at the UN forums and given the PLO movement full diplomatic status in Nairobi. On his part Moi said, "Kenya had moved towards that direction due to the PLO's recognition of the UN Security Council resolutions 242 and 338 that gave recognition to the existence of the State of Israel and similar status to Palestine. Kenya and 29 other African States had closed their diplomatic missions to Israel following the Yom Kippur war in 1973, in which Israel attacked and occupied Arab land and thus calling for international condemnation as the aggressor (Weekly Review, January 6 1989. p. 5). Moi's foreign policy at this time can be said to be pursuing the principle of strategic ambiguity; that is a government deliberately remains vague on a policy to help it gain from both sides. This was meant for Kenya to remain neutral in regional conflicts instead pursue regional peace in avoiding confrontations from the two countries.

Methodology

This study focuses on Moi's foreign policy 1978-1990. 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 noted earlier, Kenya like most States, adopted the policy of recognizing States only under Moi. This was in pursuit of avoiding antagonism brought about by recognition of governments. In this circumstance then, Kenya was able to overtly recognize governments which otherwise it could have not (Galloway, op. cit. p. 142). In the formative years it was difficult to identify the direction of Kenya's recognition policy due to the non-existence of any identifiable tradition or established pattern of interests, however John Howell (1968) identified two strands, one conservative and the other radical in Kenya's foreign policy, thus seeing two distinct strands in Kenya's international relations. The conservative policy operated with respect to Kenya's objectives in the Middle East, which revolved around maintaining the regional *status quo*, which facilitated and enhanced Kenya's role in the region. Secondly, the radical strand in the international arena characterized by non-alignment in international affairs as a principle by which the new State asserted its independence and sovereignty although Kenya covertly had dealings with South African regime. Though it was clear that the principle of non-alignment pre-supposed that Kenya envisaged the principle of self-determination, which also pre-supposes that a State should refrain from interfering in internal matters of another State. This gives reference to respect for territorial integrity of other States. A principle found in OAU and UN charters (Olatunda, 1985. P. 87).

Conclusion

This study surveyed Kenya's recognition policy under Moi's regime in reference to International Law. The issue of legitimacy of governments towards Afghanistan, Iraq, Iran, Israel, and Palestine was closely examined and discussed. The justification of recognition was dealt with in reference to given situations, national interest and period (Cold War). The change in recognition policy from that of States to governments and reasons was stipulated in this study. Regional diplomatic change and the need for Kenya to avoid isolation in the changing should be at the far front given the dynamic regional and international policy realities. In a wider perspective, it has helped shape Kenya's foreign policy in a new

dynamism and yet the public and parliament not even the foreign ministry has been directly involved in international affairs. 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. With a well-stipulated, framed and balanced foreign policy, Kenya can move into the next stage, which will be claiming regional and international Leadership. Moi's recognition of Israel as a State and its government and recognition of the Palestinian homeland is one example where Kenya shifted its foreign policy and was ambiguous.

In summary, foreign policy being complex, leaving it to one person can be very taxing. This over time has led Kenya fall victim of being an advocate of principle rather than commitment. All shortcomings in Kenya's foreign policy can be attributed to one-man style of doing things or rather a clique who might not be having the interests of Kenyans at heart. Kenya should have avoided regional and international 'isolation' by being part of the regional and international community, where joint efforts were needed by avoiding backtracking in its recognition policy. In short, this study has shown inconsistency and ambiguity in Kenya's foreign policy in relation to recognition of governments over time.

Recommendations

Kenya's recognition policy as envisaged in its foreign policy has over time evolved since independence. This is due to changing circumstances in the dynamic world. However, for contemporary Kenya to have a vibrant foreign policy, it would be important to have all stakeholders involved in formulation of foreign policy. The public should be left to have an input, the legislature and the intellectuals must have a role to play in articulation of a vibrant foreign policy. 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 or written down foreign policy during Moi's reign. It was to be in the interest of all Kenyans if the public and parliament debate foreign policy before being implemented since it involved the country's national interests.

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