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Decision Making and Kenya's Foreign Policy Behaviour: The Moi and Kibaki Presidencies in Perspective

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Abstract

Kenya's foreign policy has overly been characterised by continuity and change, with idiosyncrasies of the president informing most foreign policy decision outcomes. This reality is further reinforced by institutional and structural discrepancies associated with periodic elections, some of which have had significant changes on the presidency as a core institution in Kenya's foreign policy decision making process. Such was the case in 2002 general elections that witnessed the end of President Moi's twenty-four-year rule, and ushered in Mwai Kibaki as the third president of Kenya. In an attempt to explore the continuity and change in Kenya's foreign policy behaviour during the Moi and Kibaki presidencies, this paper adopts decision making theory as a framework of analysis. The actor-specific decision-making theory conceives the individual human decision maker as the focal ontological unit, whose actions whether singly or in groups are responsible for state behaviour. In this paper I argue that, continuity and change exhibited by Kenya's foreign policy behaviour during the Moi and Kibaki presidencies was informed by individual decision makers, acting singly or in a group, within the constraints of existing institutions of the state, where internal and external influences are channelled through to inform state behaviour.

Key Words: Kenya, Foreign policy, Decision-making, Presidency.

Introduction

Kenya's foreign policy behaviour has been characterised by continuity and change. This reality can be explained by institutional and structural discrepancies associated with periodic elections, some of which have had significant changes in Kenya's political leadership. Such was the case in 2002 general elections that witnessed President Moi's exit from power, bringing an end to his twenty-four-year rule, and ushering in Mwai Kibaki as the third president of Kenya. The changes in political power signalled a possible alteration in Kenya's foreign policy outlook to reflect the incumbent's personality and worldview in defining the state's strategic interests abroad. This paper examines the continuity and change in Kenya's foreign policy behaviour during the Moi and Kibaki presidencies. While taking cognisance of general actor theories such as realism in explaining foreign policy behaviour, this study adopts decision making theory as a framework of analysis. Decision making theory is actor-specific and emphasises on the agency role of an individual, while the state is perceived as a mere

abstraction whose behaviour is determined by individual human decision makers acting singly or in a group (see for example, Rosenau, 1966; 1968; Hudson, 2005; 2012). As a focal unit of analysis in decision making, the individual decision maker is understood as constrained by psychological and operational milieu when involved in foreign policy decision making process (Sprout and Sprout, 1965). Taking cognizance of factors inherent in the internal and external environments, this paper examines the Kenya's foreign policy decision process within the established institutions of the state. Such state institutions provide not only the political framework but also the constitutional power for individuals to engage national resources abroad (Herman, 2001).

Contextualizing Kenya's Foreign Policy

Kenya's foreign policy has been characterised by consistencies and inconsistencies with regard to decision making structure. This has been occasioned by changes in administration, with foreign policy decision making structure reflecting the incumbent's leadership style, the issue area and the decision making environment (Kaburu, 2017). For example, Kenya achieved her political independence during the cold war, a systemic reality that saw the founding president Jomo Kenyatta, through Session Paper No. 10 of 1965 adopt political non alignment as one of the principles upon which Kenya's foreign policy was founded (Kenya, 1965). It is however notable that Kenya's foreign policy remains evidently consistent in terms of the guiding principles, with only but minimal alterations in response to dynamics within the international system. Primarily, Kenya's foreign policy is anchored on sanctity of sovereignty and territorial integrity, equality among sovereign states, peaceful resolution of conflicts, adherence to international customs and values, and peaceful coexistence with neighbours and other states (Ministry of Foreign Affairs, 2014; Kenya, 1965).

The formulation and implementation of Kenya's foreign policy further takes cognisance of national values and aspirations of the Kenyan people as enshrined in the constitution. Article 10 (2) of the constitution identifies patriotism, national unity, rule of law, human dignity, equity, social justice, human rights and democratic participation as national values under which state policies including foreign policy are founded (Constitution of Kenya, 2010). In practice, such values have occasionally been compromised upon depending on the political environment as will be discussed later in the paper. In addition to the constitution, Kenya's foreign policy choices are informed by; The Sessional Paper No.10/1965 on African Socialism and its Application to Planning in Kenya, Sessional Paper No 1/1986 on Economic Management for Renewed Growth, manifestos for the ruling political parties, and national development plans such as Kenya Vision 2030 (Ministry of Foreign Affairs, 2014).

Kenya's foreign policy can be contextualized within the internal and systemic factors. Internally, foreign policy is informed by the dynamics in domestic politics, which are occasionally characterised by inclusion and exclusion on the basis of ethnic and political orientation, and idiosyncrasies of the incumbent. For example, Kenya's political transition from *de jur*e one party state to a multiparty state in the early 1990s witnessed increased involvement of parliament in the foreign policy process (Okoth, 2010; Adar, 2007). Equally, foreign policy making process takes cognisance of the vital national interests such as territorial integrity and response to possible threats. For example, Kenya's foreign policy towards Somalia takes cognisance of the historical border dispute between the two neighbours and its implication on their interaction (Adar, 2007; 1994; Ringquist, 2011; Thompson, 2015). Externally, Kenya's foreign policy is influenced by the systemic realities as was the case of cold war politics, which saw Kenya adopt non-alignment as an approach to international relations (Howell, 1968; Karanja, 1966; Munene, 2012). From the continental front, Kenya's

foreign policy was informed by Pan-Africanism principles such as the need to ensure total de-colonialization of African states. For example, Kenya adopted anti-colonialist posture by opposing the apartheid policy in South Africa within the provisions of Organization of African Union (OAU) (Orwa, 1994).

At the regional level, Kenya has pursued policies towards a more integrated East African Community (EAC). Recent years have witnessed the adoption of policies such as free movement of persons by the EAC Partner States including Kenya, aimed at enhancing social and economic integration among the states and the citizenry of the Community (Kaburu and Adar, 2020). Furthermore, Kenya's foreign policy has been informed by the need for a more politically stable Horn of Africa through pacific means of conflict resolution, and adoption of both unilateral and multilateral approaches in combating terrorism in the region. (Mwanika, 2015; Kaburu, 2017). Although the above factors are instrumental in understanding the general outlook of Kenya's foreign policy, this paper adopts decision making approach to explore agency role of individual decision makers in shaping Kenya's foreign policy behaviour.

Decision Making Theory: A Framework of Analysis

The place of human agency in foreign policy behaviour is based on the decision making processes as expounded by decision making theory. The theory is founded on the premise that foreign policy behaviour is informed by an individual human decision maker acting either singly or in a group (Hudson and Vore, 1995; Hudson, 2005). The theory provides useful insights of the interplay between the decision maker, his psychological and the operational milieu, and the foreign policy outcome. Specifically, decision making theory seeks to look below the state level of analysis to that of the individual. The theory therefore allows for the incorporation of human will and imagination in explaining international politics. It also provides for flexibility in research methodology as individuals are in a position to respond to the *why* and *how* questions with regard to foreign policy choices, which ontological abstractions such as the state and the international system are incapable of delineating adequately (Rosenau, 1966; 1968).

Scholars such as Allison (1971;1968) and Janis (1982) have expounded on decision making theory using conceptual models such as the rational actor, bureaucratic politics, organizational process and groupthink among others. The models play distinctive but complementary roles as each account for different investigative units, which are likely to impact on the interpretation of the strategic goals based on the issue at hand, or the level at which the decision is being made. For instance, rational actor model provides insights on *state* as the focal unit and how it constrains the decision maker. The model is based on a theoretical assumption that the state is a unitary homogenous actor, whose behaviour is an outcome of a rational process. Thus, options for the situation are spelt out, consequences for each option analysed, and a choice made that maximises on the values held by decision makers and the perceived interests of the entire state (Allison, 1969; Jervis, 1998; Yetiv, 2013). According to the rational actor model, states respond to the anarchical nature of the international system by constantly reviewing their security status in comparison to that of their perceived rivals, with the aim of maximizing on their set goal (Waltz, 1979; Haas, 2005; Bull, 2012).

Bureaucratic politics model on the other hand, accounts for the internal fragmentations within the state. The state is therefore understood as a conglomeration of bureaucracies, each with its own interests, competencies and power to influence policy decisions (Allison, 1971; 1969). The approach refutes the rational model contextualization of the state as unitary, and provides for the conception of a state made up of actors representing different segments of the state (Allison, 1971; 1969; Allison and Halperin, 1972). In addition, bureaucratic politics model

enhances our understanding of the role of individuals and their hierarchical power position in foreign policy decision making (Allison and Halperin, 1972; Freedman, 1976; Mintz and DeRouen, 2010). Further, the importance of bureaucracies in decision making can be conceived from the information they possess and avail to decision makers (Alden and Aran, 2012). Usually, the objectives of the officials are dictated by their bureaucratic positions as politics of organizational survival and growth take the centre stage.

Organizational process model adopts foreign policy as an organizational output. Allison (1969) identifies three reasons that define international politics as organizational outputs. First is that international politics is controlled by an organizational structure that works under previously established standard operating procedures (SOPs). Second, the organization is guided by existing routine that provide government leaders with access and use of available and effective capabilities to respond to emerging problems. Third, the leaders do not make decision at will since they are constrained by the standard operating procedures. The model is premised on the idea that a state is not a monolithic entity but rather a constellation of interdependent organizations that are controlled by government leaders (Allison, 1971; Hudson, 2012).

Groupthink model by Janis (1982) is founded on group dynamics as an investigative unit, whose impact can hardly be ignored in foreign policy decision making process. The model underscores the inability of policy making groups to avoid being subjected to pressures that characterise groups of ordinary citizens, no matter their national status and responsibilities (Janis, 1982; Yetiv, 2003). According to this model, people in a cohesive group focus on achieving unanimity and are not willing to consider alternatives that are likely to threaten their group norms and values. Accordingly, group pressures to conformity hinders mental efficiency and moral judgement resulting to errors and poor policy outcomes, as the focus of members is on group consensus rather than a rational evaluation of alternatives to the issue at hand (Janis, 1982; Yetiv, 2003; 2011; Hudson, 2012). Thus, the model is commonly associated with fiascos as was the case of Bay of Pigs by the United States (Janis, 1982). However, occasionally the approach can yield successful results as observed by Yetiv (2003) in his analysis of the 1991 Gulf War.

Using the four models of decision making discussed above, this study explores Kenya's foreign policy behaviour during the Moi and Kibaki administrations. The models provide an integrated and complementary framework for explaining foreign policy behaviour with each focused on distinctive units involved in foreign policy decision making process.

Understanding Kenya's Foreign Policy Decision Making

Since her political independence, Kenya's foreign policy decision making is overly dominated by the presidency (Adar, 2015; 2007; Smith, 2012). This is however not a unique phenomenon in the practice of international relations. As argued by Nzomo (2016), the top leaders are carriers of the vision of the state in international affairs, charged with the responsibility of identifying, prioritising and shaping strategies for pursuit of national interests abroad. In Kenya, the presidential influence on foreign policy decision making is based on the sovereign power conferred to him by the constitution which depicts him as a representative of the state in international affairs. To this end, the president bears authority over any bilateral and multilateral treaties, except on special cases where parliament is consulted (Adar, 2007; Okoth, 2007). Being a democratic state, the sovereign power of the Kenyan president is equally derived from the citizenry. By exercising their sovereign right of voting in periodic democratic

elections, the elected president is deemed to be a representative of the sovereign will of the people. The president is therefore expected to exercise his/her power and authority over the state including foreign policy within provisions of the constitution (Constitution of Kenya, 2010).

Like in most of the African states, Kenya's progressive centralization of state power to the presidency from the early years of independence led to what is commonly referred to as the 'big man' syndrome, where the line separating personal interests and the public good is blurred (Nzomo, 2016; Adar; 2015; 2007; Okoth, 2007). This means that foreign policy process with regard to identification of goals, and the ultimate state behaviour has strongly been determined by the leadership style and personal worldview of the president. While consistencies in foreign policy process were witnessed during the Moi and Kibaki governments, there were considerable inconsistences as each one of them displayed a unique leadership style which had substantial influence on the foreign policy outlook. For example, as opposed to Moi's personalised style, Kibaki adopted a more decentralised approach to foreign policy and political leadership in general (Adar, 2007). Equally, the inconsistencies in the Kenyan foreign policy decision making process were informed by the domestic political landscape that was occasionally characterised by mistrust (Hornsby, 2012; Kaburu, 2017). For example, Kaburu (2017) observes that the president of the day, acting within his constitutional powers, progressively excluded particular groups of people from state power, and positioned those with whom he perceived has sharing his worldview in strategic government portfolios like the Ministry of Foreign Affairs. This resulted to foreign policy outcomes that were based on the uncontested will and worldview of the president as discussed in the next section.

Kenya's Foreign Policy Decision Making Process During the Moi Presidency

The Kenyan foreign policy during the Moi administration was shaped by the nature and structure of state power and governance which was centralized within the presidency. Through constitutional amendment, President Moi adopted an authoritarian approach to leadership (Kibati, 2016; Hornsby, 2012). Indeed, the constitutional changes compromised the autonomy of parliament and other state institutions with regard to the management of national affairs including foreign policy. Various scholars have conceptualised Moi's leadership style as having been characterised by patronage through power control, dominance, command and presidential directives (Adar, 2000; 2000a; Barkan, 2009; Brown, 2004). Citing the case of the 1980 agreement between President Moi and the United State of America over the use of Kenya's military facility in Mombasa by the US Rapid Deployment Force, Adar (2007) observes that there were minimal consultations in foreign policy decisions. He further opines that such a decision required parliamentary approval which in most cases was ignored, or had parliament play a rubber stamp role (Adar, 2007).

Moi's approach to foreign policy can be analysed in a context which a leader uses his/her authority to deter any possible reversal of his preferred foreign policy choice, without associated costs that individuals or groups are not willing to pay (Hermann and Hermann, 1989; Hermann, 2001; Beasley, et al., 2001). To ensure loyalty and accuracy in foreign policy choices regarding vital interests such as national security, President Moi used his constitutional powers to appoint his close allies to key government positions with substantial influence on the making and practice of foreign policy (Hornsby, 2012). It is worthwhile noting that the president had significant constitutional powers to appoint ministers and other key government officials. Article 24 of Kenya's constitution at independence made provision for the president to "constitute and abolish public offices, as well as to appoint and terminate appointments to such offices" (Constitution of Kenya, 1998). It is such constitutional provisions that President Moi invoked in adopting and implementing personalized foreign policy choices. For example, the

Special Branch (later the National Security Intelligence Service - NSIS and currently the NIS) under the influence of the president, played a significant role in Kenya's foreign policy decision making during the Moi era. As observed by Kibati (2016), President Moi relied so much on the Special Branch for information as did his predecessor Jomo Kenyatta. This informed the powerful positioning of the director of Special Branch within the government's institutional structure.

While parliament holds a constitutional mandate in foreign policy decision making, its role was significantly constrained by the executive during the Moi administration (Adar, 2007; Barkan and Matiangi, 2009). Occasionally, Moi made unilateral decisions particularly with regard to national security, a position that was defended on the sensitive nature of security matters. For instance, in 2001 President Moi made a unilateral decision to have the Kenya-Somalia border temporarily closed in a move to force the Somali factional leaders into a negotiation process towards restoration of Somalia (Kenya National Assembly, 2001). Although parliament raised concerns on Moi's unilateral approach to such a foreign policy decision that was likely to have a significant impact on Kenya, the then minister for Foreign Affairs noted that the president had constitutional prerogative to make decisions on behalf of the state for the common good, in this case, the stabilization of Somalia that remained a threat to Kenya's national security (Kenya National Assembly; 2001). Certainly, Moi's unchallenged political patronage and significant constitutional power undermined the doctrine of separation of powers upon which democracy is founded, and which according to philosophers such a Montesquieu and Burke is meant to limit the sovereign authority of each of the three arms of government, and deter abuse of state power (Adar, 2008; Kawade, 2003; Boucher, 2003). For example, constitutionally, Article 59 (1 and 2) the president was conferred with the power to dissolve or prorogue the parliament at will, while Article 33 gave the president authority to nominate 12 members of parliament (Constitution of Kenya, 1998). The president used such powers to appoint his allies who would subsequently represent his interests in the parliament.

Apart from the government institutions, President Moi's influence on Kenya's foreign policy decision making process was informed by regional representatives that were appointed by the president (Hornsby, 2012). According to Kibati (2016), contrary to President Kenyatta who relied on professionals and a few Kikuyu elites allied to him, President Moi appointed regional representatives spread all over the country, and a "kitchen cabinet" drawn from his ethnic background. The appointment of such representatives was based on loyalty and ability to maintain Moi's political influence in their respective regions. The regional representatives though not directly linked to the formal structure of foreign policy decision making, played an informal role by availing information that significantly shaped the president's opinion on particular issues (Kibati, 2016). For instance, according to Kaburu (2017), the government response to issues relating to Kenya-Somalia border was considerably influenced by opinions from the regional representatives within the former North Eastern Province, some of whom had kin relationships in Somalia.

The ruling political party, the Kenya African National Union (KANU) is another institution that had significant influence over Kenya's foreign policy outlook during the Moi administration. In particular, after the 1982 enactment of section 2A that made Kenya's a *dejure* one party state, KANU became the mouthpiece of the president (Adar, 2000; 2007). The reintroduction of the multiparty politics in 1991 was expected to inform significant changes in the participation of parliament as one of the key institutions in Kenya's foreign policy process, and altered the significance of KANU in decision making. However, as the ruling party and having won against the opposition in the 1992 general elections, KANU remained considerably influential for two successive five-year terms after the reintroduction of multiparty politics in

Kenya. With a centralised approach to state power, and weakened opposition in parliament, the Moi administration, through the support of KANU legislatures retained a significant influence on decision making, and the subsequent foreign policy behaviour with parliament playing a rubber stamp role (Odinga, 2013; Adar, 2007). After all, most of the legislatures appointed to the cabinet doubled as members of KANU and the need to uphold unanimity and consensus during decision making was of primary importance.

Analysed within decision making theory framework, Kenya's foreign policy decision making during the Moi administration adopted more of a rational actor approach compared to other models. The presidency contextualized the state as a unitary and homogeneous entity, whose internal fragmentations were seemingly ignored in favour of the president. Taking advantage of constitutional powers vested in the presidency, the executive arm of government undermined the role of the other institutions, which are representative of the various groupings and their conflicting interests in foreign policy formulation. Thus, Kenya's foreign policy was determined by the president's personal interests as defined by his beliefs and worldview, and translated as strategic interests of the state. As opposed to bureaucratic politics and organizational process models that regard the state as conglomerate of various actors, the approach to foreign policy was significantly founded on a rational actor model which contextualizes the state as unitary and homogenous (Allison, 1971; Adar, 2007; Kaburu; 2017; Yetiv, 2011). The need to maintain unanimity and consensus among Moi's cabinet members during decision making can be explained through the groupthink model. The model perceives groups of decision makers as constrained by group norms and rejection of any external views. Furthermore, the pursuit for consensus and unanimity hinders mental efficiency and moral judgement of individual members, resulting to unintended errors in foreign policy outcome (Janis, 1982).

Foreign Policy Decision Making Process: The Kibaki Presidency

Compared to his predecessor, President Kibaki adopted a more decentralised approach towards public administration including foreign policy. However, Kenya's enduring and underlying foreign policy interests and principles exhibited consistency with those adopted by his predecessors. Foreign policy was founded on principles such as; territorial integrity and respect for territorial integrity, peaceful settlement of disputes, peaceful coexistence with other states, good neighbourliness and non-interference with internal affairs of sovereign states, and respect for international norms and international law (Ministry of Foreign Affairs, 2014). This section evaluates the general outlook of Kenya's foreign policy and the structure of decision making during the Kibaki presidency. The study covers Mwai Kibaki presidency's two terms in office, namely 2003-2007 under NARC and 2008-2012 under the Government of National Unity (GNU) administrations. Important to note is that the Kibaki presidency under the GNU witnessed the promulgation of a new constitution in 2010 that brought significant changes in the decision making structure.

Foreign Policy Decision Making: The Kibaki Presidency, 2003-2007

The Kibaki administration took over power when the country was faced with the challenge relating to the weak state of the economy, a negative global image, and negligible donor confidence as the Moi administration remained adamant towards governance reforms (Government of Kenya, 2003; Adar, 2007; Brown, 2004). The weak economic performance had resulted to increased poverty, unemployment, high domestic and foreign debt, weakened health status, decline in school enrolment and general poor quality of life. Thus, the National Rainbow Coalition (NARC) government under Kibaki was not only faced with the challenge of economic recovery, but also the restoration of public confidence in institutions such as the

legislature and the judiciary, whose efficacy and relevance had been undermined by the Moi administration (Kagwanja, 2012).

Faced with the overwhelming task of economic repositioning of the country, the Kibaki administration established two national strategic policies on development. These are, the Economic Recovery for Wealth and Employment Creation 2003-2007, and Kenya Vision 2030 under the Ministry of Planning and National Development. The two policies had significant impact on Kenya's foreign policy. For example, focused on reversing the economic trend and restoring donor confidence, President Kibaki engaged in various bilateral and multilateral initiatives with the United States and European Union among others, which paid dividends in terms of foreign aid (Kagwanja 2012). Further, Kibaki's government adopted an economic driven diplomacy as a new foreign policy outlook, establishing new embassies that were aimed at facilitating flow of foreign direct investments into Kenya (Green, 2016).

Kenya's foreign policy decision making structure during the Kibaki administration has been described as decentralised, with various actors such as the Ministry of Foreign Affairs and parliament becoming more involved in the process. As observed by Kaburu (2017), President Kibaki believed in empowering his ministers, and other constitutional institutions in carrying out their official duties. This was achieved by involving more actors in the foreign policy decision making process compared to his predecessor whose decision structure was not only centralized but highly personalized. Green (2016) argues that Kibaki's leadership style gave room for the Ministry of Foreign Affairs to have significant influence on foreign policy formulation. In other words, there was clear recognition that the state was not unitary and homogeneous as per the rational actor model, but rather conglomeration of different organizations and groups of individuals as expounded by bureaucratic politics and organizational process models of decision making (Allison, 1971; Yetiv, 2011).

The structure of Kenya's foreign policy decision making process during the Kibaki administration was not only influenced by his personality, beliefs and leadership style, but also by the internal political dynamics. As opposed to his predecessor who had been elected by one political party KANU, Kibaki's rise to power was as a result of political compromise by other political leaders like Raila Odinga who shelved their bid for presidency in support of one candidate through a coalition of parties. Thus, the interests of such leaders in the management of the state resources and other related matters could hardly be ignored (Kagwanja, 2011). Within such a context, Kaburu (2017) opines that it was challenging for Kibaki to adopt a centralized and personalized approach to leadership. Indeed, there was a general expectation that the newly formed government would ensure a paradigm shift from politics of exclusion as practiced during the Moi administration to that of inclusivity. For instance, as Kagwanja (2012) underscores, in the naming his first cabinet, Kibaki remained committed to the equal sharing of available government positions among the parties in the NARC Coalition, which could be construed as a move towards a more inclusive approach to decision making. However, political unity among the leaders of the NARC coalition was short lived as politics of exclusion set in barely a year after taking up office. Feeling betrayed by the very government that they had constituted, a group of ministers spearheaded a campaign against the 2005 government-led constitutional referendum, leading to an overwhelming defeat and the subsequent disintegration of NARC as a party (Odinga, 2013; Kagwanja, 2012; Khamisi, 2011). This had significant ramification on decision making structure including foreign policy.

Personality, values and beliefs of a leader are critical in the way one manages information from close allies, and its eventual influence on the leadership style (Kaarbo, Lantis and Beasley, 2013). President Kibaki's personality had substantial influence in his leadership style. Kibaki has been described by his close allies as an intelligent and non-controversial who favoured a

less statehouse-centric management of national affairs, opting to have the appointed officers deliver on their mandates without much supervision (Kaburu, 2017). This view has been alluded to by Kibati (2016) in his memoires, who describes Kibaki as intelligent, calculative and a reserved person, a personality that made it difficult for his close confidants to figure out his opinion occasionally mistaking him for being indecisive. According to Kaburu (2017), President Kibaki consulted widely, and occasionally his decision deviated from the expectations of the cabinet. This made him entrust his ministers including that for Foreign Affairs with responsibility including decision making within their organisational mandate. Based on this premise, it can be argued that decision making during the NARC government adopted an organizational and bureaucratic approach as the president's leadership style enhanced institutional structure and engagement in foreign policy. Thus, the Ministry of Foreign Affairs, and parliament could use their standard operating procedure (SOPs) towards foreign policy decisions.

Foreign Policy Decision Making: The Kibaki Presidency, 2008-2012

The second term of the Kibaki's administration was different in terms of the institutional structure. The contested 2007 general election and the subsequent post-election violence (PEV), led to the formation of a Government of National Unity, with the inclusion of the official opposition into government. This was achieved through a negotiated agreement that was concluded under the auspices of the African Union-led mediation process (Mwagiru, 2008). The agreement was founded on the realization that none of the parties could govern effectively without the support of the other, and that the country was in dire need for reconciliation to avert further disintegration (Kenya, 2008; 2008a). The two political leaders commonly referred to as 'the principals, 'Mwai Kibaki of the Party of National Unity (PNU) and Raila Odinga of the Orange Democratic Movement (ODM), signed a National Accord that led to the formation of a Government of National Unity (GNU), with the aim of "working together in good faith as partners through constant consultations and willingness to compromise" (Kenya National Reconciliation Act, 2008).

The cabinet was expanded with a newly established office of the Prime Minister and two Deputies. Furthermore, the appointment to the cabinet was to be a consultative process as opposed to the provisions in the constitution that assigned such powers to the president of the day. Section 4(2) of the Reconciliation Act provided that appointment of persons into the post of ministers and assistant ministers from political parties other than that of the president, was to be carried out by the parliamentary party leader, in consultation with the president (Government of Kenya, 2008b). Such a structure informed major changes in the in the executive under which foreign policy decision making rest. Undoubtedly, the structure altered the foreign policy decision making orientation in terms of actors, and by implication their personal and organizational interests. Consequently, decision making process adopted a more bureaucratic approach as internal politics became more influential in defining the national strategic goals.

As argued by Mwagiru (2008), cabinet appointments during the GNU administration was informed by the need to accommodate regional balance. Foreign policy choices by such a cabinet was likely to be influenced by the ethnic, organizational and political fragmentation, as opposed to that of a perceived unitary state that seeks to maximize on a particular strategic goal abroad. In such a decision making structure, individual decision makers are engaged in what Allison (1971) describes as pulling and hauling as each of the members strive to have their

organizational and personal interests included in the decision outcome. What is worth noting at this point is that although the government was composed of two coalition partners, the sovereignty of the president as conferred by the constitution remained unchanged. Article 4 of the constitution of the day provided for the president as the Head of State and Commander of the Armed Forces, had not been altered by the Reconciliation Accord (Constitution of Kenya, 1998). Such a provision meant that the responsibility to protect Kenya's sovereignty through carefully articulated foreign policy goals rested upon the president. It is however important to note that the negotiated agreement compromised on the doctrine of separation of powers particularly on the autonomy of parliament. Adar (2008) concludes that the formation of GNU technically implied that Kenya was a *de facto* one party state, which was not only against the sovereign will of the Kenyan citizenry, but had implications on foreign policy decision making process.

Foreign Policy Decision Making: The Kibaki Presidency, under the 2010 Constitution

Apart from the constitutional changes that informed the establishment of the GNU, the Kibaki administration witnessed the promulgation of a new constitution in 2010. The new constitution altered the structure of foreign policy decision making particularly with regard to national security. For instance, the 2010 constitution of Kenya provides for the establishment of the National Security Council (NSC) as a central organ charged with matters relating to national security. According to Article 240 (2) the NSC consists of the following members: The president; deputy president; cabinet secretaries responsible for defence, foreign affairs and internal security; the attorney-general; chief of defence forces; director general of the national intelligence; and inspector general of the national police service (Kenya, 2010). Constitutionally the NSC is charged with the responsibility of deploying the military for regional and international peace support operations and approval for deployment of foreign forces into Kenya (Constitution of Kenya, 2010). The composition of NSC allows for bureaucratic bargaining towards foreign policy decisions as experts from various security organs are represented. Such individuals are likely to work towards their personal and organizational interests resulting to what is referred to as pulling and hauling in bureaucratic politics model whose outcome is a compromise (Allison, 1971).

In addition, the 2010 Constitution altered the presidential powers particularly with regard to the appointment and composition of the cabinet. According to Article 152 (2) of the 2010 constitution, the president with the approval of the parliament nominates cabinet secretaries from members of the public who are not members of parliament (Constitution of Kenya, 2010). Such provisions not only reduced presidential powers in determining who was to serve in the cabinet, but also provided for a more established foundation for the separation of powers between the executive and the legislature. In addition, the process of appointing the cabinet as per the 2010 constitution is through the approval of parliament which by implication means that as per the representation role of the legislature, the views of the public are considered. Appointments based on one's technical qualifications provides a framework for possible bureaucratic engagement in decision making as each of the cabinet members is well versed with the needs of their organization. Notably though, most of the provisions in the 2010 constitution did not take effect immediately except those related to national security.

Among the many foreign policy decisions that shaped Kenya's foreign policy behaviour during the Kibaki presidency was the 2011 military engagement in hot pursuit of the *Al Shabaab* in Somalia. This marked a paradigm shift in the practice of Kenya's foreign policy, as the country had not involved its military outside of its borders since independence, except in multilateral peacekeeping missions. The decision was founded on the need to protect Kenya's territorial integrity against the *Al Shabaab* who had launched a series of terror attacks in Kenya (Kenya

Defence Forces, 2014). Although the decision was founded on the provisions of the 2010 constitution, where the decision by the NSC to engage the military externally is to be approved by parliament, Kaburu (2017) notes that parliament's approval may have been done days later after the military had crossed the territorial borders. The decision to engage the military in Somalia can be explained using the rational actor model where states are likely to take up options that maximise of the national interests, where in this case was to deal with the *Al Shabaab* as a perceived threat to Kenya's national security. In general, Kenya's foreign policy decision making during the second term of the Kibaki presidency can be explained as one that was informed by various decision making models with organizational process and bureaucratic politics dominating most of the decisions.

Conclusion.

Using decision making theory as a framework of analysis, this paper examined Kenya's foreign policy behaviour during Presidents Moi and Kibaki administrations. The theory is founded on an epistemological premise that whatever happens between and among nation states is informed by an individual human decision maker acting singly or in a group. Thus, the leader's beliefs, values and worldview are likely to inform foreign policy decision outcomes. Through this paper, I have argued that there were notable consistencies and inconsistences in the nature and structure of Kenya's foreign policy decision making process between presidents Moi and Kibaki administrations. Some inconsistences emanated from existing political structures and dynamics thereof, the leader's personality and leadership style played an instrumental role shaping Kenya's foreign policy behaviour during the two presidential administration.

While President Moi adopted a more centralized and personalized approach, Kibaki favoured a decentralized style to decision making. Their approaches were enhanced by their unique personalities and internal political dynamics. Issue area was also instrumental in determining the structure of foreign policy decision making process. For example, issues relating to vital national interests including territorial integrity and national security attracted personal attention of the president. Comparatively, the Kibaki presidency adopted a more expanded institutional framework in foreign policy making, with parliament and ministry of foreign affairs playing their outlined roles using their existing standard operating procedures. Contextualized within the epistemological and ontological premise of decision making theory, I argue that that president Moi's approach to foreign policy was predisposed towards rational actor model where the state is understood as a black box exhibiting a unitary and homogenous character, and seeking to maximize on it national interests. Decision making under the Moi presidency can also be explained using the groupthink model where cabinet members, who were also members of parliament were constrained by the group norms and the need for consensus among the members of the ruling party (KANU). On the contrary, Kibaki's approach to foreign policy was more decentralized and inclusive allowing for bargaining and compromise by various actors as advanced by bureaucratic politics model of decision making. Institutions such as parliament and ministry of foreign affairs used their established standard operating procedures of decision making as explicated by the organizational process model of foreign policy decision making.

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