DYNAMICS OF PARLIAMENTARY DIPLOMACY AND KENYA’S 
FOREIGN POLICY; 1963 – 2014

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DECLARATION

This research thesis is my original work and has not been presented for a degree in any other university or for any other award.

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DEDICATION

This work is dedicated to my family and people of Eldas constituency. This accomplishment would not have been possible without them. Thank you
ACKNOWLEDGEMENTS

To complete a work of such a magnitude requires patience, morale and constant consistent guidance. This I received from several individuals, institutions and groups. I may not mention all of them here but some of these require special mention. To begin with I wish to sincerely acknowledge Kenyatta University administration for admitting me into the institution. In particular, I wish to acknowledge the librarians at the Post Modern Library who were always there to assist me access the resources that I required in both hard and soft copies. I would also like to express my sincere gratitude to my supervisor, Dr Susan Mwangi and Dr. Felix Kiruthu. They provided the much-needed support in form of ideas and connections to people that I interviewed. They were also patient with me even when I seemed to pressure them. I remain forever grateful to them. To my professors in the Department of International Relations, thank you for motivating me to finish this work. I also wish to register my appreciation to my colleagues in Parliament who were more than willing to give me their perceptions regarding the topic of research. To former and current Members of Parliament and Senate thank you. Your story is in this thesis. My sincere thanks also go to the parliamentary research staff for availing relevant information that may not have been easily accessible. I cannot forget my two able research assistants for their invaluable assistance. My respondents will never be forgotten. Finally, I must express my very profound gratitude to my family and people of Eldas Constituency for providing me with unfailing support throughout my years of study.
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<tr>
<td>AU  – African Union</td>
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<tr>
<td>API – Africa Parliamentary Index</td>
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<td>BEAP – British East Africa Protectorate</td>
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<td>COMESA – Common Market for Eastern and Southern Africa</td>
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<td>DFAC – Defense and Foreign Affairs Committee</td>
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<tr>
<td>EAC – East African Community</td>
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<tr>
<td>FGD – Focus Group Discussion</td>
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<tr>
<td>IBEACo – Imperial British East African Company</td>
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<tr>
<td>ICC – International Criminal Court</td>
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<tr>
<td>IGAD – Intergovernmental Authority for Development</td>
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<td>KADU – Kenya African Democratic Union</td>
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<td>KII – Key Informant Interview</td>
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<td>KNA – Kenya National Assembly</td>
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<td>KU – Kenyatta University</td>
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MP – Member of Parliament

NACOSTI – National Commission for Science, Technology and Innovation National

NARA – National Accord and Reconciliation Act

NEPAD – New Partnership for Africa’s Development

NSAC – National Security Advisory Committee

OI – Oral Interview

PEV – Post-Election Violence

RCMRD – Regional Centre for Mapping of Resource for Development

UN – United Nations

USA – United States of America
OPERATIONAL DEFINITION OF TERMS

Parliamentary Diplomacy: It’s a full range of international activities undertaken by parliamentarians in order to increase mutual understanding between countries.

Foreign Policy: when state wants to safeguard its national interest and to achieve goals within its international relations milieu it entails self-interest strategies. In this study we refer to the framework outlining how the country will interact, and do business with other countries and with non-state actors in a mutually beneficial way within the context of a country’s national interest and economic prosperity.

Diplomacy: It is the art and practice of conducting negotiations between representatives of states. It usually refers to the conduct of international relations through the intercession of professional diplomats with regard to a full range of topical issues. In this study it was used to mean, strategies put in place to influence behaviour and decisions of foreign states and individuals via negotiation, dialogues and other measures to promote peaceful relations.

Subtle Diplomacy: Unobvious and unnoticeable relations between states.

Hard Diplomacy: Negotiations that entail pressure or threats whereby parties have various interests in the subject matter.

Parliament: A group of people elected by citizens of a nation to make a country’s laws and discuss vital matters concerning the state.

National Assembly: The elected legislature who influence foreign policies in diverse ways.
ABSTRACT

Globally, parliaments have a lot of influence not only on national legislation but also in shaping foreign policies of states. However, there is scarcity of studies interrogating the role of the Kenyan parliament in influencing foreign policy since independence in 1963. Therefore, the main objectives of the study were to interrogate the extent to which the National Assembly influence Kenya’s foreign policy from 1963 to 1978, analyze the mechanisms that have been used by National Assembly to influence Kenya’s foreign policy from 1979 to 2002, and to assess the impact of the National Assembly on Kenya’s foreign policy from 2003 to 2014 in Kenya. The study employed two theories; realism theory and two-level game framework that attempts to analyse dynamics of parliamentary diplomacy on Kenya’s foreign policy. Descriptive research design was employed in this study. The target population was current and former members of parliament, diplomats, ministers, and other experts in the field of foreign relations. The population sample was selected using purposive sampling technique in order to select knowledgeable key informants. Data analysis entailed transcribing the raw data from recordings and in-depth interviews, coding into themes then incorporating secondary sources for a critical analysis. The study findings revealed that, beginning of Kenyatta’s regime parliament had powers bestowed to them by the constitution allowing them to have significant influence on Kenya’s foreign policy. However, during Kenyatta’s regime (1963-1978), the law did not restrict the Executive ability to conduct foreign policy without involving Parliament. Power of parliament was muted and confined to back bench debates without firm executive resolution to address issues with foreign policy implications. During Moi’s regime, it was established that parliament was under the control of the executive arm of the government, and did not resist these amendments. However, several mechanisms were used by KNA to influence foreign policy i.e. oversight visits to Embassies/Missions abroad by the Committee on Defense and Foreign Relations; contemporary forms of parliamentary diplomacy operated within informal groups; and legislation, oversight and representation to budget making and vetting public office appointees, even though with political constraints. The analysis further revealed that during Kibaki’s regime, the period was marked with optimism and renewed hopes for a better economy as well as rewriting the constitution. Promulgation of 2010 constitution redefined the power of KNA e.g. affords them with powers to leverage country’s foreign policy. More so, MPs have enhanced their role on the conduct of Kenya’s foreign policy through parliamentary committees, Speaker of the National Assembly, and visitation/representation /fact-finding missions. The study concluded that the effectiveness of parliamentary diplomacy is anchored in the 2010 constitution and there before, diplomatic relations were more of succession politics. The study recommends the need to develop an efficient and comprehensive parliamentary strategic framework which guides parliamentary diplomacy and its linkage to governmental diplomacy. There is also need to harmonize national, regional, continental and international structures of parliamentary diplomacy into a single parliamentary committee supported by competent secretariat funded by the parliamentary service commission.
CHAPTER ONE

INTRODUCTION

1.1. Introduction

1.1.1. Background to the Study

With the emergence of democratic systems of governance after the cold war of 1990 came to an end, modern international relations emerged that ensured specific principles that govern how states interacts with each other, were followed. Looking at the conduct of foreign affairs issues, we have seen a departure from the traditional, that is, the executive is not only the organ bestowed with powers of conducting the foreign policy agenda. According to Amin (2004) the paradigm shift has seen the parliamentary diplomacy asserting itself in the conduct of foreign policy; diplomats are no longer the only group seen as having the sole responsibility. Different stakeholders from several democratic institutions including parliament have been actively involved, with the evolution of democratic system across the world (Carstairs & Ware, 1991). This kind of interaction is motivated by the conduct of foreign policies that seeks to improve international relations.

In his definition of foreign policy, Khana (2014) explains that decisions are formulated by a state in consideration of its external environment and domestic conditions. Thus, Khana’s definition of foreign policy brings forth three elements of foreign policy namely: a contrast between the actor and its domestic actor from the
inside, the environment the actor faces from outside including foreign relations, and at least the presence of a political relationship between the two contexts (Keukeleire & Schunz, 2008).

Smith et al. (2008) posit that decision-making in foreign policy analysis requires an understanding of the following concepts: the actors; the capacity of the actors and foreign policy tools; objective of the policy; and the decision-making procedures involved. Some scholars postulate that for example, analysis of the foreign policy is a key factor when it comes to the external environment. The levels of analysis can include placing focus on both the state and non-state actors, and implementing the top-down approach as well (Carlsnaes, 2008). Moreover, it is important to identify the difference between the mechanism used to make decisions and implementation of the foreign affairs issues. Making decisions involves the phase where foreign policy decisions are prepared and taken into consideration, and implementation outlines how the policy is likely to be implemented in terms of interaction between actors and their environment (Brighi & Hill, 2008).

Lugar (1996a) observes that in the United States (U.S.), the congress enjoys substantial powers in controlling of finance since no money can be allocated officially for a particular use without the approval of congress. Another power that the congress enjoys is declaration of war which is provided under the War Powers’ Act, as well as overseeing the external trade. However, the conduct of foreign policy is controlled through two parliamentary committees that is, the House International Relations Committee and the Senate Foreign Relations Committee.
Amin (2009) promulgates that the United Kingdom (UK) parliament employs several tools to influence the conduct of foreign policy. For example, UK parliament exercise its legislative role on foreign policy issues, and the parliament has powers on the control of defence forces as well as the power of the purse. In addition, members of parliament have the mandate to acquire factual and relevant information from the executive about the state of foreign affairs. For example, the executive branch of government keeps the members of parliament informed about foreign policy through periodic reports, question time, speeches among others.

Olokooba (2009) posits that the use of pressure by the parliament had always been effective mechanism of forcing the executive to follow and abide by the suggestion of parliament on foreign policy. In Nigeria, on the issue of whether to align or non-align with the power block, the government could no longer postpone decision making due to pressure in and outside parliament for an official foreign policy statement. As a result, the government presented a white paper that concluded that Nigeria will not entertain any kind of association by its government with the power blocks. In South Africa, Suttner (1996) posits that there is some sort of foreign affairs framework that exists and main actors of conduct of foreign policy in South Africa are members of parliament. However, there are difficulties that parliamentarians face when it comes to issues of foreign affairs. He suggests that the country has the potential of being a model state in foreign affairs matters, however there is still a lot that needs to be accomplished for South Africa to reach that status.
Scholars and critics have described the conduct of foreign policy in Kenya since independence as one of “wait and see” (Katete, 1994; Oloo, 1995; and Maumo, 2009). In essence they have argued that it is a foreign policy of continuity that reacts to events regionally and internationally as they unfolded, rather than one that tries to shape the direction of foreign policy management. Okoth (1999) stipulates that Kenya’s colonial foreign policy before 1963 and the policy makers were the British. It was only after independence in 1963 that Kenya became a sovereign state and hence began to create and design its own international norms and principles. Similarly, Ochieng (1989) explains that the first two years of Kenya’s independence were years of political adjustment that led to foreign policy adjustment. He argues that during this period, efforts were taken to develop the philosophy and objectives of foreign policy; to outline national interest; and set up a system for foreign policy decision-making and implementation. He adds that this period was characterized by ideological difference between conservatives (mainly in KANU) and radicals (mainly in KADU).

The constitution of Kenya (2010) created a bicameral legislature, and some level of powers was given to the two houses. The power of legislation is given to both houses, but the main differences between them are the method of their composition and the extra power of oversight given to the National Assembly to scrutinize treaties with other nations and to screen the major appointees of the president (Republic of Kenya, 2010). Therefore, Kenya National Assembly has a considerable foreign relations power guaranteed by the constitution. The fact that members of parliament plays crucial role in foreign policy design and formulation, scanty literature exists on the same. The study
seeks to interrogate the extent to which the place of national assembly influences foreign policy and the witnessed changes since 1963 through 2014.

1.1.2. Statement of the Problem

It is evident that parliamentary diplomacy encourages interaction and promote consensus in international relations, addressing a wide range of foreign affairs issues. Therefore, government should be held accountable and encourage public scrutiny for any foreign policy initiative it undertakes in Kenya as is elsewhere globally. The National Assembly is entrusted not only with the tasks of reviewing and monitoring the conduct of foreign policy by the executive, but also with the obligations to shape, guide and provide inputs into the conduct of foreign policy. It is therefore important to examine how the National Assembly has played their role.

The work of members of parliament in the execution of international relations strategy is intertwined. Paucity of literature on the same indeed speaks to the fact that, by and large foreign policy analysis has not been a strong suit for researchers, in spite of the affirmation of the importance of foreign policy objectives in economic and political stability in Kenya. There has been little interest in the question of whether Parliament has been effective in formulation and execution of foreign relation issues. This study tried to determine the degree to which to which parliamentary diplomacy has been used to influence foreign policy. The study period was 1964-2014. The study begins by interrogating the extent to which the National Assembly influenced and guided Kenya’s foreign policy in the period 1964-1978. It further investigated the mechanism used by
the National Assembly to influence Kenya’s foreign policy during the reign of president Moi. Here, the researcher sought to interrogate the changes, if any that president Moi made to the national assembly noting the impact that this had on foreign from 1963 to 2014. The study finally assessed the impact of the national assembly on Kenya’s foreign policy from 2003-2014, a period when Kenya began to drop its former international allies in favour of China.

1.1.3. Objectives of the Study

The following are the objectives of the study:

1. To interrogate the extent to which Kenya’s National Assembly influenced Kenya’s Foreign Policy in the period 1963 to 1978.
2. To investigate the mechanisms used by the National Assembly to influence Kenya’s foreign policy in the period 1979 to 2002.
3. To assess the influence of the National Assembly on Kenya’s foreign policy in the period 2003 to 2014.

1.1.4. Research Questions

The study sought to answer the following research questions:

1. To what extent did the National Assembly influence Kenya’s foreign policy in the period 1963 to 1978?
2. What mechanisms were used by the National Assembly to influence Kenya’s foreign policy in the period 1979 to 2002?
3. How did the National Assembly influence Kenya’s foreign policy in the period 2003 to 2014?

1.1.5. Research Premises

The study was premised on the following research assumptions:

1. The role of the National Assembly on the conduct of Kenya’s foreign policy was confined to back bench debates in the period 1963 to 1978.

2. The National Assembly majorly used parliamentary committees on foreign affairs to influence Kenya’s foreign policy in the period 1979 to 2002.

3. The National Assembly influenced the formulation and implementation of Kenya’s foreign policy in the period 2003 to 2014.

1.1.6. Justification and Significance of the Study

While there now exists a substantial literature on the foreign policy of developing states, there has not been much written on parliamentary diplomacy (Mwagiru, 2013; Okoth, 1999). Much of the literature on parliamentary diplomacy comes from the developed states (Weisglas & de Boer, 2007; Kinsella & Milliken, 2007; and IPU, 2012). However, there are very few attempts at directly linking parliamentary diplomacy with management of foreign policy. Weisglas & de Boer (2007) point out that numerous studies are just toward the start of a long procedure of characterizing parliamentary tact, its working strategies, purposes, and effect. Thus, by investigating the role of
parliamentary diplomacy on the conduct of foreign policy, the study makes an important contribution to the existing literature.

Overall, there has been little interest in the question of whether Parliament has been effective in formulation and execution of foreign policy. Locally, limited references exist on the role of parliament in influencing foreign policies. What exists are general descriptive studies on nexus between parliamentary diplomacy and foreign policies (Omande, 2014; Mwagiru, 2013; Okoth, 1990/91, 1999; Okumu, 1973; and Oloo, 1995). This is despite the fact that the role of the KNA is becoming critical in the new constitution dispensation. The National Assembly oversight on Kenya’s foreign policy is crucial to the government in formulating and conducting foreign policy (Government of Kenya, 2014). Members of Parliament bring divergent public views into the parliament and put them forward to the executive, and ensure that they are reflected. In addition, parliamentary diplomacy is useful for Members of the National Assembly from different countries to discuss important issues without committing the states. Regular exercise of contacts and dialogues among parliamentarians would certainly promote greater understanding of each other’s concerns, views, and even interests (Weisglas & de Boer, 2007). Given such responsibility, parliamentary diplomacy may serve as an important channel for strengthening and implementing foreign affairs issue. Foreign policy agenda is integrated in Kenya’s development goals. Such goals for economic and political development cannot be achieved, without taking into consideration formulation and execution of foreign policy (Wanyama, 2013).
Kenya’s parliament has undergone tremendous changes since independence in 1963. For instance, after gaining independence Kenya’s parliament composition changed (Kipkemoi & Kipchumba, 2011). Further, the ascent and development of the supreme administration and the proceeded with official strength further underestimated parliament (API, 2012). Selecting 1963, the year when Kenya attained its independence thus provides us with an opportunity to chronicle the changes that have taken place with regards to the impact of parliament on foreign policy. The year 2014 imprints the end of the exploration. It was selected because at this time Kenya had already had an experience with the new constitution which was promulgated in 2010. Assessing its four years in reference to the role that parliament as a key player in influencing foreign affairs matters is essential.

In the year 1991, there was the reintroduction of multi-party governmental issues in Kenya. The parliamentary change process kept bringing about correction to the constitution, and established the PSC in the year 1999 and 2000. KANU lost the election in the year 2002, bringing to an end KANU dominance since independence. The incumbent government was removed resulting to the introduction of the 9th parliament in January 2003. With the new government came a paradigm shift in terms of Kenya’s looking to the East Policy.

The study informs policy by further making solid suggestions on a more drawn out term, about how parliamentarians can utilize parliamentary diplomacy and what they ought to maintain a strategic distance from. This study will also enable the government
and other stakeholders to effectively respond to the dynamics of parliamentary diplomacy and foreign policy.

1.1.7. Scope of the Study

The study was confined to the changing dispensation of parliamentary diplomacy and Kenya’s foreign policy in the period 1963-2014. However, the study also interrogated the operations of the colonial constitutional provisions that still inform Kenya’s foreign policy. For a deeper understanding of the growth and the rise of parliamentary diplomacy in influencing Kenyan foreign policy the period was flexible enough. It also stretched to the period before 1963 and after 2014 to cover aspects of parliamentary diplomacy before and after these periods.

Geographically, the study was carried out in the capital city and largest city of Kenya, Nairobi City County. Where the researcher deemed necessary, interviews were also conducted outside Nairobi, depending on the convenience of the participant who had adequate knowledge on the topic. This was majorly the case with former members of parliament residing outside Nairobi.

1.1.8. Limitations of the Study

Generally, the researcher probed parliamentary business. Therefore, sensitivity of information (e.g. national security information) was a problem. This was however solved by informing the respondents that the work was for academic purpose, and that the information provided would be treated with confidentiality.
Availability of the respondents was also a limitation due to the members of Parliament busy schedules. Respondents received prior notification of the interview by letter and a follow-up about the interview was made via telephone.

1.2. Literature Review and Theoretical Framework

1.2.1. Literature Review

Studies on the role of parliamentary diplomacy in developed countries especially in the USA and in Western Europe abound. In the liberal democracy and traditions, the doctrine of separation of powers historically associated with Montesquieu and expounded in his work; the spirit of the laws, assumes that the three levels of government, the executive, the legislature and the judiciary must be separated and independent for the smooth running of public affairs. Weisglas and Boer (2007) stipulates that in the USA and Britain, constitution ensures separation of powers but also grants each of the three arms of government powers to conduct foreign policy. Whereas the formulation of the policy is done by the executive, overseeing of the policy is by the legislature and the interpretation of the constitution in the event of conflict is done the judiciary. In the USA, the president is the head of the executive and chief architect of the policy formulation enjoying overwhelming powers as far as foreign policy is concerned. The above study was relevant to the current study through pointing out that, in Kenya, the legislature has been empowered by the constitution to control foreign policy through the senate foreign relations committee.
and House international relations committee. The two houses are required to jointly oversee the foreign policy and authorize the international relations budget.

Amin (2004) states that the role of parliament in foreign policy formulation in United Kingdom is weak as this control mainly rests on the crown, still parliament plays important role through legislation and budget. Kinsella & Milliken (2007) have observed that in Africa, the role of parliamentary diplomacy is as recent as the colonial state in Africa. Parliamentary diplomacy in Africa is not only under researched but has attracted few researchers. Indeed, there are very few attempts or studies directly linking parliamentary diplomacy with foreign policy formulation.

Oloo (1995) examined foreign policy in Kenya up to the 1990s. The study pointed out that Jomo Kenyatta’s regime weakened the role of parliament largely through constitutional amendments such that there were twelve constitutional amendments since 1964. The most important amendments were the fourth amendment requiring any legislator who missed national assembly eight times without the permission of the speaker to automatically lose his or her seat. The same amendment also gave president emergency powers to rule by decree certain parts of the republic. The Fifth Amendment required legislators who resigned from Kenya African National Union (KANU) to opposition party, the Kenya Peoples Union (KPU) to seek to be re-elected. The six amendments expanded the emergency powers while the seventh amendment in 1966 abolished remains of regionalism and dual legislative system.
Olool’s study (1995) however, confines itself to the minimalist role conferred to legislators in terms of deliberation of foreign policy matters at the floor of the house leaving out functions of legislature. Other roles of legislators that the study overlooked are budgetary approval, oversight of the executive and representation. Parliamentary roles in context of diplomatic institutional collaboration framework have not been tackled. Secondly, the study was undertaken in the 1990s just when the quest for multiparty democracy was picking and the democratic space was largely beginning to open up. The new political dispensation is yet to be interrogated within the context of parliamentary diplomacy.

In his book, on “Continuity and change in Kenya’s foreign policy from the Kenyatta to Moi era”, Katete (1994) analyses how foreign policy was conducted under the first and second republics. His argument is that foreign affairs was marked by considerations of the Cold War and politics and pursued conservative ends. In his conclusion, Orwa argues that principles that have guided Kenya’s foreign policy remained the same namely national security, sovereignty and independence, non-interference in the internal affairs of sovereign states, territorial integrity and good neighbourliness, Therefore to this extent there was continuity even in the face of transfer of power from Kenyatta to Daniel Arap Moi. The study does not say anything about parliamentary diplomacy and foreign policy in Kenya.

Similarly, Okumu (1973) in his article on Kenya’s foreign policy argues that Kenya considered the objective realities of international politics at the time. This included issues such as secessionist movement and the Somalia question and territorial
integrity. Similarly, Howell (1968) asserted that Kenya’s foreign policy was informed by theory of realism in East Africa and idealism in Africa. The later was viewed as conservative while the former as radical. The theory of realism stipulates that parliamentary diplomacy is an element of national power that strengthens other agencies of the state to influence the foreign environment. Thus, Parliamentarians by their very nature advance national interests of the states in the liberal tradition notwithstanding the notion of separation of power.

Korwa (1986) studied Kenya’s foreign policy towards Somalia between 1963 and 1983, concluding that national interest and territorial integrity defined Kenya’s foreign policy in the case of Somalia. Somalia at that time was claiming the North Eastern province of Kenya. In the context of Cold War politics, Kenya had developed very strong bilateral relations with the British and the USA, even to the extent of refusing financial assistance from both former USSR and Peoples Republic of China. None the less, Kenya condemned Rhodesia after the unilateral declaration of independence in May 1965 and banned trade between Kenya and South Africa over apartheid racist policies. Furthermore, Kenyatta was involved in resolving Angola’s crises that brought together three warring factions: (i) Holden Roberto National Liberation Front of Angola (FNLA), (ii) National Union for the Total Independence of Angola (UNITA) led by Jonas Savimbi, and (iii) Movement for the Liberation of Angola (MPLA). The trio signed a peace treaty mediated by Kenyatta in January 1975. Kenyatta pursued a policy of non-alignment in the context of Cold War while seeking peace with the neighbouring countries (Ochieng,
1989). The role of legislature was confined to foreign policy questions sought at the floor of the house whose answers were limiting and clouded in secrecy. Although Kenyatta allowed free debate on foreign policy matters, parliamentary diplomacy was relegated to peripheral roles.

The constitution of Kenya (2010) introduced new dynamics in the executive and legislature relations as far as foreign policy formulation is concerned. Firstly, the new constitution confers legislature with the task of legislation, budget oversight and deliberation as far as foreign policy is concerned. For example, article 95(6) gives national assembly power for approval to wage war while article 152 (1) (2) grants powers to the national assembly to vet and approve executive nominees for the position of cabinet secretary. The national assembly has powers to equally fire same nominees for gross violation of the constitution. Government officials who visit abroad are required to submit gifts to the state under article 76 (1) of the constitution (Republic of Kenya, 2010).

National Security Council under article 240 integrates domestic, foreign and military policies into foreign policy hence allowing the legislators to interrogate and influence foreign policy in Kenya. Most importantly is the power granted to national assembly to debate on the progress made to fulfil international obligations of the republic upon mandatory submission of a report by the executive under article 132 (1) (c) (iii).
The new constitution therefore gives powers to the legislature to hold the executive accountable and shapes the national interests of the country. Whereas it is not stipulated anywhere in the constitution or any other law, national assembly has other ways of influencing foreign policy through international agreements between parliaments, activities of parliamentary foreign affairs committee, multilateral parliamentary organizations, plenary and friendship groups internationally and regionally. Most recently, parliaments have been participating in elections monitoring processes. Thus, inter parliamentary cooperation and technical cooperation is an integral part of parliamentary diplomacy.

1.2.2. Summary of Literature Gap

From the reviewed literature, one can conclude that important foreign policy decisions were taken by the president of the republic of Kenya (executive) while the foundational documents remained the Kenya African Union Manifesto of 1961-1963 and the session paper number ten of 1965 that espoused similar principles articulated by Katete (1994) in his study of both Kenya and Moi regimes. In addition, other than the studies undertaken by Oloo (1995) there have been few studies specifically dealing with parliamentary diplomacy in Kenya. The reviewed studies do not holistically deal with parliamentary diplomacy per se rather on how Kenya’s parliament influenced foreign policy within the narrow mandate of legislation only. Majority of the studies focuses narrowly on questions sought and answers given by the government representatives in the house on matters touching on foreign policy in Kenya. The current study therefore was timely as it contributes specifically on the expanded roles of parliamentary
diplomacy under a new constitutional dispensation. The study could therefore contribute towards understanding how effective parliamentary diplomacy has been under a new constitutional order with a view of suggesting ways of strengthening the same.

1.2.3. Theoretical Framework

A number of theories have been used to interrogate parliamentary diplomacy and foreign policy. The study employed the realism theory and two-level game framework in the analysis of the dynamics of parliamentary diplomacy and foreign policy in Kenya.

1.2.3.1. Realism

Realism encompasses a wide range of approaches and claims a long theoretical tradition, among its founding fathers includes Thucydides, Machiavelli and Hobbes (Holsti, 1989). Twentieth-century classical realism has today been to a great extent supplanted by neorealism, which is an endeavour to develop an increasingly logical way to deal with the investigation of international relations. Morgenthau (1973) who is the leading proponent of the theory argued that, international politics is administered by goal and all-inclusive laws dependent on national interests characterized as far as force instead of mental thought processes of leaders. Realism as a perspective assumes also that states are rational and unitary actors in pursuit of self-interest. What is more, relations among and between states are perceived as power dominated. The realist
theory is assumed to be in favour of using military power but considers other non-military solutions to international problems.

The rational and unitary pursuit of national interests assumes multiple diplomatic channels that include parliamentary diplomacy (Morgenthau, 1973). Parliamentary diplomacy is an element of national power that strengthens other agencies of the state to influence the foreign environment. The broader political role of parliament lies in the formulation and implementation of foreign policy. Legislatures therefore by their very nature advance national interests of the states in the liberal tradition notwithstanding the notion of separation of power. There is convergence of interests when it comes to advancement of national interests.

Parliamentary diplomacy seeks to have a broad mandate of shaping countries foreign policy to advance national interests through legislation, oversight, budget and committee systems that interrogates matters of foreign and security policy. The legislators individually and collectively shape foreign policy but the extent of their influence is what has been less studied or has received very little scholarly attention (Smith et al., 2008).

A realist understanding of politics assumes a never-ending conflict for control of power as a result of anarchical system, as argued by classical realists. Consequently, parliaments share similar concerns and assumptions about the international system that they seek to influence through foreign policy. Parliamentary diplomacy shares anxiety, precariousness, and envy in their multiple areas of advancing foreign policy objectives.
and goals that advance national interests. Policies advanced by national assembly in Kenya and elsewhere, we assume are aimed at perpetuating the life of the state in a hostile or threatening environment (Dunne & Schmidt, 2008).

The realist theory has increasingly come under criticism due to globalization. Critics argue that the theory lacks explanatory power regarding submission of sovereignty and international cooperation. Secondly, critics argue that the theory underestimates the importance of common interests and the role of non-state actors. However, many of these criticisms are resolved by the liberal institutionalism theory. The theory accepts many of the assumptions of realism but add that institutions provide a framework for cooperation that can help reduce fears of insecurity across the global and competition between and among states. To overcome the shortcoming of the realist theory, the study used the two–level game framework.

1.2.3.2. The Two-Level Game Framework

Dosch (2006) asserts that the most influential contributions to foreign policy analysis has been the metaphor of the two-level game as stated by Robert Putnam (1988) and many scholars developed them, such as Evans et al. (1993). The theory sets that that relations of states to the domestic and transnational social setting wherein they are inserted fundamentally affect state conduct in world legislative issues (Moravcsik, 1997). The two-level game links national and international context of decision-making. For example, at the national level, domestic constituencies constrain the individuals from the Parliament to embrace arrangements they favour. Simultaneously the members
of the Parliament look for power by building alliances among these supporters. At the international level, the members of Parliament try to fulfil the domestic pressure while constraining the destructive effect on foreign relations. Along these lines, the members of Parliament should all the while play both the international game and the local game. Dosch (2006) observes that the requirement that decision-makers satisfy both domestic constituencies and international actors is what produces constraint on foreign policy behaviour.

Hagan (1993) alters Putnam's approach by presenting a further systematic layer. He accurately puts it that the members of Parliament must take part in two, not one, domestic political games including various restriction actors with various interests. The principal basic of this dual domestic game is alliance approach settling on, or the prerequisite that understanding is to be accomplished among actors who share the position important for submitting the assets of a country to a specific game-plan in foreign policy. The need for alliance building is established in what Polland (1998) calls stretched organizational pluralism, which for the most part alludes to the degree to which the foreign policy power is shared, enthusiastically or reluctantly, with others and organizations. The second component of the two-fold domestic embeddedness of foreign policy making is holding political force, or the basic to keep up and, if conceivable, upgrade the political help base important for clutching political force (Hagan, 1993). Accordingly, Skidmore and Hudson (1993) surrender that foreign policy decision-makers are not just specialists of the national intrigue however political
creatures who must stress over their endurance in office and the practicality of their general arrangement of political objectives, local and outside.

The two-level-game approach however, has some notable weaknesses. The most glaring being its inability to clarify the effect of domestic factors on foreign policy making in various system types. It doesn't separate among vote based systems and despotisms however clarifies that paying little heed to the particular political framework, no senior legislative actor is totally invulnerable from the interstate pressure. For example, Dosch (2006) regrets that while both dictator and democratic leaders by and large face a comparable example of imperatives when stood up to with conclusive choices about their nations' outer relations, the level of pressure on, for instance, the member of Parliament appear to shift enormously as per the general structure where foreign policy making is installed. Park et al. (1994) and Skidmore & Hudson (1994) argue that in an authoritarian regime accountability in terms of formulating and implementing foreign policy tends to be low because the procedures for power transfer are not institutionalized.

To overcome the shortcoming of the two – level game framework, this study was timely as it tested these shortcomings and deepens our understanding of how such games are played. Our study highlighted the connections between parliamentary diplomacy and domestic politics For example, the divergences of enthusiasm between a national head and those for whose sake he is arranging, and specifically, the international ramifications of his fixed interests in domestic politics.
1.3. **Research Methodology**

1.3.1. **Research Design**

The study employed a descriptive research design. The above design was necessary in a systematic collection and evaluation of data. Through descriptive research design it was possible to describe, explain, and understand actions or events taken by the national assembly in relation to influencing Kenya’s foreign policy that occurred from 1963 to 2014. In addition, the study borrowed from the historical method. This method helped the researcher collect and present the data chronologically noting how each regime impacted on the role of parliamentary diplomacy in influencing foreign policy.

1.3.2. **Site of the Study**

The study was conducted in Nairobi County. However, the study stretched to other regions like Thika, where the key informants requested to be interviewed from. Nairobi was identified as it is Kenya’s capital and largest city. The city also hosts key government institutions concerned with foreign policies and it is also a home for many diplomats making accessibility of information easier.

1.3.3. **Target and Sample Population**

The study targeted the people of Kenya. The sample population included those who have been involved in policy making; diplomats; members of civil society organisations, government officials, academicians as well as men and women from
the general populace knowledgeable on the topic. Members of the National Assembly were targeted. Article 95 of the Constitution sets up that the National Assembly comprise of the accompanying: 290 members, each chosen by the enlisted voters of single part electorates, forty-seven ladies, each chosen by the enrolled voters of the counties, each county constituting a single member constituency; twelve members selected by parliamentary ideological groups as per their extent of individuals from the National Assembly as per Article 90, to speak to unique interests including the youths, people with incapacities and labourers; and the Speaker, who is an ex officio member. In particular members of the Standing Committee on International Relations were selected. Importantly, former foreign affairs ministers, head of departments in the Ministry of Foreign Affairs, and experts in the field of diplomacy and foreign policies also formed an important cohort for the interviews.

1.3.4. Sampling Technique and Sample Size

Purposive sampling technique was employed for this study because it was the most appropriate for the selection of knowledgeable informants. It was particularly useful to identify participants through snowballing, having been identified by informants earlier interviewed.

By use of purposive sometimes convenient and snowballing techniques a total of 135 interviews were carried out as follows;
<table>
<thead>
<tr>
<th>Method</th>
<th>Number of Interviewees</th>
</tr>
</thead>
<tbody>
<tr>
<td>KII</td>
<td>17</td>
</tr>
<tr>
<td>FGDs</td>
<td>8 (each with 8 members)</td>
</tr>
<tr>
<td>Administered Questionnaires</td>
<td>54</td>
</tr>
</tbody>
</table>

1.3.5. Data Collection

The study relied on both primary data and secondary data which was obtained by use of in-depth interviews with key informants, through focus Group discussions, life histories and by administering questionnaires. To gather the information the research relied on a question guide, open and close-ended questionnaires, and an interview schedules to collect data as follows;

1.3.5.1. Primary Data

Primary data was obtained by the researcher and two trained research assistants. Where allowed, the researcher recorded such data and transcribed it the same day.

Primary data was also be collected from government documents that include: Hansard reports, legislative reports, and parliamentary papers.

1.3.5.2. Secondary Data

Existing literature was sought from several sources including in books, research articles and journals, reports and unpublished theses. These were got from libraries including: Kenyatta University post Modern Library, National Assembly library,
relevant online libraries, Jomo Kenyatta Library at the University of Nairobi, USIU Libraries, Kenya Methodist University and Moi University Library.

1.3.6. Data Collection Procedure

The research proposal was approved by Kenyatta University graduate school after which a permit to carry out the research was issued by NACOSTI. During collection of data, upon the consent of participants, the researcher explained what information was being sought and for what purpose. The researcher then conducted interviews and FGDs in line with the study’s objectives for coherence purposes.

1.3.7. Data Analysis

The study is as a result of an in-depth analysis of both primary and secondary data. Oral sources provided key qualitative data. Oral data of the recorded interviews was then transcribed and recorded under the study objectives. The authenticity of oral data was checked through comparing the information from different respondents and later on incorporating secondary sources. Secondary data was collected from published and unpublished books, articles, thesis, dissertations as well as journal articles. Data was finally subjected to contextual content analysis as per the objectives.

1.3.8. Ethical Considerations

After getting an authorisation letter from Kenyatta University, the researcher proceeded to get the NACOSTI letter to conduct research (see appendix A2 and
A3). Consent was also sought from all the informants and confidentiality was granted to all of them. The names that appear in this research are therefore not real names. The researcher was also careful to include both men and women in the research.

CHAPTER TWO

INFLUENCE OF KENYA’S NATIONAL ASSEMBLY ON FOREIGN POLICY; 1963 -1978

2.1. Introduction

This chapter reviews the history of both Parliament and Kenya’s foreign policy from 1963 to 1978 in a bid to identify dominant events during that period and explore key actors that shaped the behaviour of Kenya’s foreign policy. The analysis was embraced inside explicit settings that have had huge effect on the direction and usage of Kenya's foreign policy agenda. The transaction between the executive and parliament is additionally significant given that the president is the foremost actor in Kenya's foreign policy dynamic procedure, frequently upheld by the separate services of ministries of foreign affairs.

2.2. An Overview of Colonial Kenya’s Parliament; 1901-1963

In order to understand the influence of Kenya’s national assembly on foreign policy from 1963 to 1978 one has to trace its roots in the pre-independence time. It is evident from previous studies that during the pre-colonial period (1887-1920)
parliament existed, and it is during this time that the Sultan of Zanzibar was the ruler of the Coastal Strip (Slade, 1975). The visit of the Imperial British East African Company saw the signing up of a fifty-year lease agreement between the Sultan and the company, which in 1890 was changed over into a concession, giving the organization capacity to manage the region (Okoth, 1999). In 1895 the British government assumed control over the organization of the region, changing Kenya's status into a dependency.

The East African Order in Council of 1897 then came into place providing a legislative order to exercise of authority in the territory, with subsequent Orders expanding legislative powers (Hornsby, 2013). In numerous regards, Kenya's Parliament in the 21st century reflects that of numerous other African and Commonwealth states. It existed under British rule for over 40 years, had a British model of government forced upon it at independence, and before long turned into a one-party state headed by a popular leader (Mathooko, 2014). In a key informant interview with a directorate of committee services, it was noted that the Kenya National Assembly was made during the colonial period as a Legislative Council of Kenya and had its first sitting on seventeenth August 1906. The first independent parliament was formed fifty-seven years later on June eleventh, 1963 when the colonial legislative council was in its Tenth Council (Mutisya, O.I.18/4/16).

Further, Oloo (1995) stipulates that the history of parliament in Kenya may be divided into three phases. The first phase was characterized by colonial autocracy, the second phase by liberal democracy and finally the third phase by executive
dominance. Majority of African people were represented during this period of colonial council (Gicheru, 1975). The Council consisted of the Governor as the Chairman, and six other members, four of the members were civil servants, while the other two were non-officials nominated by the Governor (Oloo, 1995). The council was along these lines only an agent of the British residents who lived in Kenya as missionaries, government workers of the frontier legislature of Kenya, business people and ranchers.

2.2.1. The Colonial Period; 1920 – 1962

In a key informant interview with a retired member of parliament (Halima, O.I., 18//4/16), noted that when the colonialists came calling, the situation on parliament and foreign affairs drastically changed. Kenya was actually mapped out and out of nowhere push into world issues all the more so inside the universal political economy. Kenya was along these lines pronounced a British province in 1920 (e.g. Katete, 1994; Ogot & Ochieng, 1995; and Okoth, 1999). During this period, the Legislative Council which was the equivalent to the National Assembly was ruled by European settler delegates with two nominated Indian representatives, one informal Arab assigned delegate, and no African representatives (Karuti, 2014).

It was also noted by a foreign affairs relations expert that there was expanded unsettling for direct representation by the local populace that prompted a few gains in political representation at the local level, however the overwhelming perspective until 1944 was that the local populace did not have the essential ability to
straightforwardly take part in the Legislative Council (Murugi, O.I., 20/6/16). Thus, as noted by Oloo (1995), local representation did amount to increased participation in foreign affairs. The findings further uncovered that Kenya was a broad expansion of Britain, ruled by few British heads and in this way didn't establish a solid framework for the improvement of a cutting edge African state. Its foreign policy objectives were to look after law, and request, to cultivate submission and dependability to the colonial masters.

Foreign policy that was spread at the time was hence to profit British interests, and it is safe to assume that if there was any influence by the legislature to influence foreign policy it was for the benefit of the colonial power. As it will be discussed later in this work, most of the mechanism that were used by Kenyatta and Moi were adopted from the colonial style of leadership, for instance, abuse of power by intimidation of MPs and acquisition of extreme powers (Hornsby, 2013).

2.2.2. The Evolution and Working of Kenya’s Arms of Government

Kenya’s governance system in legally guided by three arms of government namely; legislature, judiciary and the executive. Each is enshrined in the Lanchester constitution. In an interview with an officer in parliament it was noted that the Lancaster House conference of 1960 resulted into a new constitution (Geoffrey, O.I. 17/4/16). This constitution was to come into operation after the general-election of February 1961(Katete, 1994; Ogot & Ochieng, 1995; and Oloo, 1995). Consequently, in the 1961 elections nearly all-open seats were won by the African
candidates. KANU won a majority of the seats but declined to form the government before Jomo Kenyatta was set free from restriction. Accordingly, Ajulu (2002) points out that KADU the next largest political party was asked to form a government. KADU accepted and its leader became the Leader of Government Business. Later, Kenyatta was released from prison in 1961. Thereafter there were negotiations and a compromise eventually reached on the framework of a new constitution to cater for internal self-government. The rest of 1962 and the early part of 1963 were taken up with the drafting of the constitution and the preparation for elections. The constitution was published in April 1963 (Okoth-Ogendo, 1972).

Ahmed (2016) notes that foreign policy in Kenya follows the social and political roots that were established back before it attained independence. Anyway before at that point, much had occurred in relations with the remainder of the world, for instance, Kenya turned into a protectorate in 1895 (British East Africa Protectorate). The British government took over after the Imperial British East African Company (IBEACo) stopped to be productive, and turned into a colony in 1920 and was then given a new name Kenya. Throughout this time, Kenya's foreign policy was an attachment of the British international strategy at that point (Ochieng, 1989). This depends on the lawful meaning of a colony as being a piece of the domain however authoritatively independent. Further, the advancement of African solidarity has been a lasting fundamental of Kenya's foreign policy since autonomy. Right now, is vital to take note of that the establishing President Jomo Kenyatta was one of the agents of the acclaimed Pan-African meeting in Manchester in 1945, close by different
legends of the Pan-Africanist development, including Kwame Nkrumah, W.E.B. Du Bois, George Padmore and Hastings Banda (Mabera, 2016). It is accordingly clear that tones of Pan-Africanism were highlighted in the foreign policy of a greater part of African states including Kenya. Kenya had been steadfast in its advancement of local and mainland combination, supported by a firm faith in African solidarity.

2.3. The Jomo Kenyatta Regime; 1963 – 1978

2.3.1. Parliament and Kenya’s Foreign Policy; 1963 – 1965

Our study built up that during the 1950s, 10 years before freedom, Kenya was overwhelmed by the Mau Mau uprising against British principle. The Mau Mau insubordination is thought to have been one of the principle gives that opened the path to the autonomy of Kenya (Ogot and Ochieng, 1995). The development, despite the fact that vigorously Kikuyu, delighted in across the nation support as it constrained the colonialists to focus on Kenyan requests. The Mau Mau were prohibited in 1952, in the midst of rising pressures in the Kenya political scene (Akech, 2010). In 1953, Kenyatta was captured and detained by the British for his administration of the Mau Mau development. Be that as it may, his confinement apparently just expanded the ubiquity of the development (Akech, 2010).

Through the analysis we discovered that toward the end of 1956, the Mau opposition was vanquished, with a sum of 13,000 dead among the guerrillas. Around 80,000 Mau were kept in confinement camps during the insubordination. Purportedly, 32 Europeans passed on over the span of the crisis (Ogot and Ochieng,
1995). Be that as it may, the end of the development implied the start of the progress that finished in the freedom of the nation. Kenya got independence from colonial British rule on December 12, 1963. In 1964, it turned into a republic and Jomo Kenyatta was chosen President.

2.3.1.1 Neo-colonialism

A legal expert, explained that there were a lot of ethnic disputes in the first ten years of independence particularly between Luo and Kikuyu. At this point of time, a lot of the European settlers and Asians were leaving the country going back to their country of origins. Kenyatta system allegedly turned out to be progressively despotic, and political opportunities were impeded by legitimate changes during his system, for example, the entry of a preventive detainment law in 1966 (Muthomi, O.I., 27/4/16).

Neo-colonialism in this context refers to the continuing dependence of Kenya on foreign countries. The control of Kenya by its colonial master the British through indirect means, involves the control of the economy, politics, education system, culture among others. It is essential to take note of that, in the underlying phase of the improvement of the idea of 'parliamentary diplomacy' in international relations, it was portrayed as multilateral arrangements described by standardization, rules of technique, and public discussion (Amin, 2004). Be that as it may, the degree and substance of the idea have broadened impressively throughout the years. As indicated by Noulas (2011), parliamentary diplomacy depends on the exercises did
by parliaments in international relations, both inside the breaking points of institutional ability and as a focal factor of interior political scene. Parliaments are, therefore, no longer merely engaged in the processes of foreign policy, but are directly active as participants in international relations. Based on the above background the researcher proceeded to interrogate the nature of parliamentary diplomacy after gaining independence in Kenya.

Kenya inherited the former colonial systems that were from the British. It is noted that in post-independent Kenya the National Assembly has been a participant in the definition and oversight of foreign policy (to a greater and lesser degree), mainly through its Portfolio Committee on National Security, Defense and Foreign Relations. As such, Hornsby 2013) articulate that, Parliament, however, has an ever-increasing role in Kenya’s foreign policy by applying different mechanism to influence Kenya’s foreign policy. The analysis argues that post-colonial Kenya’s parliamentary diplomacy has been slow to develop. For instance, parliament has been slow to develop as a result of friction between the executive and the legislature ever since independence. In addition, another reality is the multiple actors and forces exacting influence of the executives, as well as, the limited recognition given to the role of Parliament as an actor in international relations (Raunio, 2009).

In an in-depth interview with a member of a civil society, Wilson, O.I., 21/4/16 noted that neo-colonialism manifested itself in the heavy dependence on foreign capital and labour especially the British type. For instance, the Kenyatta regime gave little resistance to the pressures of foreign capital interests for instance,
policies that were formulated and implemented by Parliament further entrenched foreign capital interests in the country (Kalsi, 1972). Jomo Kenyatta has been castigated for abandoning the pan-African cause. According to informants; the approach which Kenya has used has directly attract foreign investors. Kenya’s foreign policy was radical in nature such as its stance on the Congo Crisis in 1964; the rhetoric therein was framed in a way not to harm any substantial foreign policy interests. A quote is also provided where Mwai Kibaki, the then Minister for Commerce, stated that “Kenya would not follow irresponsible policies” (Kazungu, O.I., 17/4/16). By this he was referring to the radicalism which was espoused by certain notable members of the Government then. Therefore it was inconceivable to expect Kenya to take a completely independent foreign policy (which was labelled as radical and irresponsible by some Kenyan leaders) in light of the conditions pertaining in the international system (Katete, 1994).

It was further established that foreign policy was dictated by the West and Kenya’s parliament had little or no role at all. For example, the then minister for foreign affairs Dr. Munyua Waiyaki, the then foreign affairs minister was a darling of the West because he safeguarded their interests in the country. By the time Jomo Kenyatta, was passing on in 1978, Kenya’s foreign policy was firmly anchored to the Western sphere of influence. It is also important to note that during this period Kenya’s foreign policy was nonaligned because of the cold war between the West and the East (Van Myk, 1996). Though this was supposed to be the case, Kenya entertained the West more than the East. This was largely dependent on the county’s
former colonial master who dictated Kenya’s foreign policy. The economic and military aid they provided to the country played a greater role towards the direction the country was going to take in terms of foreign policy.

An interview with a former Member of Parliament revealed that on achievement of independence in 1963, the membership and composition of the bicameral parliament, National Assembly and Senate, has changed since majority of the electorate achieved African dominant representation in the bicameral parliament (Murugi, O.I.20/6/16). However, scholars point out that most parliament aspect remained as they were during the colonial legislative council (Kipkemoi & Kipchumba, 2011). The rise and growth of the grand presidency and the continued executive dominance further marginalized parliament. In addition, the developments such as de facto one-party state between 1964 and 1969, the abolition of the senate in 1967 and the enactment of numerous amendments to the independent constitution consolidated the powers of the executive. Members were therefore unable to advance proposals such as those concerning foreign policies geared towards development and serving the interest of the electorate (API, 2012).

The Kenya’s foreign policy after the independence drove the need for political, economic development and national security (Government of Kenya, 2014) during that period, Kenya could not pursue a radical foreign policy say as that of Tanzania due to the control of capital by the foreigners. Elias (2012) asserts that Kenya could not pursue a radical foreign policy assessment of the government then, it could not sustain such an ‘irresponsible’ foreign policy if it were to maintain and attract
foreign capital. It is said that this made Kenya to hold relatively moderate views on international events. Howell (1968) adds that sub-regional, regional and international political concerns which were domestic concerns were heavily influenced the way Kenya behaved internationally.

While it is true that under Kenyatta and Moi’s regime (1963-2002) Kenya had a strong executive system, it was established that the National Assembly retained a strong measure of influence with considerable foreign relations power guaranteed by the constitution. Members of parliament were empowered by the constitution and statutes to drive policy (Tayfur, 1994). A number of legislations such as, section 16(2) of the repealed Constitution which required Ministers to be Members of the National Assembly ensured that the direct participation of Ministers in House proceedings including the answering of questions and participation in motions debated in the House. However there existed some constitutional restrictions as discussed below.

2.3.1.2 Constitutional Restriction

A legal expert, posited that during the Kenyatta regime parliament had powers bestowed to them by the constitution allowing them to have significant influence on Kenya’s foreign policy during that period(O.I 12/3/17). The House of Representatives and the Senate shared the legislative power of the national government in all but one respect: while all bills required the approval of both houses, financial matters were exclusively reserved for the House of
Representatives (Muthomi, O.I., 27/4/16). However, the above constitutional structure did not last long. It was promulgated that Parliament faced constitutional restrictions on their right to introduce foreign relations legislation, only the president could initiate a foreign policy and its implementation. In addition, the parliament did not have legal powers to amend foreign policy legislation (Ojwang, 2002). The constitution provided for executive veto authority of the kind that requires extraordinary majority to be overridden by parliament (Katete, 1994). By exercising a veto, the president challenged legislative choices including that on foreign affairs matters.

A legal expert on parliamentary issues asserted that a constitutional amendment in 1965 effectively ended the autonomy of the regional administrations as envisaged by the Independence Constitution (Constitution of Kenya (Amendment) Act No. 14, 1965). The regional assemblies, which enjoyed exclusive legislative jurisdiction in a wide range of matters in their regions, were turned into mere provincial assemblies that had to take their cues on legislation from the Parliament by delegation (Muthomi, O.I., 27/4/16). Through a 1966 amendment to the Constitution, the Senate, which was initially established as a guardian of regional autonomy, was eliminated and its members were merged into what became a unicameral National Assembly (Constitution of Kenya (Amendment) (No. 4) Act No. 40, 1966). Constitutional amendments thus gave members of parliament autonomy in shaping foreign policies unlike in the previous years where power concerning legislations was limited to some section of the government.
In the two focus group discussions that were conducted, at least six members of parliament confirmed that in the period 1963 to 1978 the Parliament did not have considerable foreign relations power guaranteed by the constitution. They asserted that at independence Parliament had considerable influence in foreign relations largely due to the Independence Constitution which was modelled along the Westminster Model. In line with the above, (Ojwang, 2000) posit that the President however, dismantled the independence majimbo constitution, a process that was characterized by the executive emasculation of powers of all the arms of government.

Informants pointed out that, under Kenyatta regime Parliament did not have the robustness required to formulate and implement foreign policy. Parliament was viewed not to be independent and its role was to rubberstamp the decision of the executive; Parliament was thus considered as an appendage of the executive (David, O.I, 19/4/16). It should also be understood that during that period, Kenya had a strong imperial presidency meaning that foreign policy was dependent on the ideologies and interests of the president. The conduct of foreign policy was at the peril of the President with the Parliament having no real powers to influence Kenya’s foreign policy (Hornsby, 2013).

The study also revealed that the National Assembly has adequately played the role required of it in providing the legal framework on matters of foreign relations (Members of Parliament, F.G.D. 24/6/16). However, it was argued that foreign policy direction of the country principally falls within the ambit of the executive arm of government (Stella, O.I., 8/4/16). As such, the National Assembly did not have the original jurisdiction on foreign policy except the specific functions bestowed on the
institution by the Constitution and applicable legislation. And where legislation has been required, the National Assembly has risen to the occasion and enacted such legislation (Gachie, 2012).

2.3.1.3 Foreign Policy Adjustment

In a focus group discussion with members of parliament in Nairobi, it was noted that after 1963 under the new constitution, provisions were made for the creation of a National Assembly to replace the Legislative Council. The Assembly consisted of two houses namely the Senate and House of Representatives (F.G.D. 24/6/16). The national assembly on replacing the legislative council could be involved in passing of motions that entailed foreign policies. For example, during the period 1963-1964 (the first multi-party system) three motions on foreign policy were debated in the National Assembly.

The first motion was moved by Hon. Ronald Ngala (KADU) on 7th June, 1963. The motion dwelt on the need for federation among the three East African states. Another motion was moved on 17th June 1964 seeking the acceleration of the East African Federation by opposition KADU politician, Martin Shikuku. Hon. Ronald Ngala (KADU) moved another motion in parliament in 1964 which sought to have foreign agreements fully debated in the House before being ratified by the Government. The motion exemplified the need by parliamentarians to ensure that matters relating to foreign-affairs gained consent from the House.

Consequently, it is noted that the constitution further provided that, "parliament unless sooner dissolved, shall continue for five years from the date when the two houses of
National Assembly first meet, after any dissolution and shall then stand dissolved" (Constitution of Kenya, 1963; Section 65). In addition, Kenya’s foreign policy was based on the principle of positive nonalignment. The principle of positive nonalignment also built the Kenya’s foreign policy. The government asserted that the African socialism the country espoused must not rest for its success on a satellite relationship with any other country or group of countries as per the Sessional Paper Number 10 of 1965, (Kugler, 1997). There was an agreement made between the government and major world powers and received economic and military assistance from them. Therefore, positive nonalignment was seen as a means of maintaining the country’s political independence was and also as an opportunity for economic development.

This principle, however, did not mean that Kenya had to remain neutral on world issues according to Howell (1968) articulation. Kenya has had no written foreign policy but it did not mean that Kenya did not have a foreign policy at all from independence up to 2003. Besides, a study by Okoth (1999) stipulated that Kenya had a foreign policy before 1963 which was made by the British. It was only after independence in 1963 that Kenya became a sovereign state and hence began to create and design its own international norms and principles. Ochieng (1989) further explains that the first two years of Kenya’s independence were years of political adjustment that lead to foreign policy adjustment. He argues that this period was taken by efforts to develop the philosophy and objectives of foreign policy; to outline national interest; and set up a system for foreign policy decision-making and implementation. He adds that this period was characterized by ideological difference between conservatives (mainly in KANU)
and radicals (mainly in KADU). In the same note, a clerk of the national assembly interviewed noted that for instance, between November 1963 and November 1964 there was steady defection from KADU to KANU. The great surrender was ultimately, pronounced by the leader of KADU leader Mr. Ronald Ngala on the floor of the House of Representatives in November 1964 (Rose, O.I. 14/4/16). Kenya thus became a de-facto one-party state.

Oloo (1995) explains that Kenyatta was disdainful of power-sharing with the legislative and judiciary and he abandoned the decentralized structure his regime had inherited at independence. This was done through the promulgation of the ‘republican government’ in December 1964. In addition, a key informant interview with a retired member of parliament indicated that, the Republican Government came about as a result of the first major amendment made on the constitution in 1964. The amendment known as the "Amendment Act" No. 28 of 1964, established the Republic of Kenya. The amendment radically altered the position of the executive, providing for a president who is both the Head of State and Head of Government. Executive authority in the Republic of Kenya was now vested in the President (Mutua, O.I., 22/6/16). Non-alignment principle was among the foreign policy principle which was reflected in the Kenyatta’s style of leadership during that period. The largest portion of Kenya’s post-independence period was spent in the cold war era. Kenya played the delicate balance of remaining a capitalistic state while at the same time engaged the Eastern bloc for developmental projects. Case in point was the adoption of Sessional Paper 10 of 1965 which put Kenya on a capitalistic path while at the same time receiving funds for building hospitals such
as the one in Nyanza (Coan & Kugler, 2008). An official in the directorate CPST interviewed noted that, even without a written foreign policy, Kenya was able to conduct her foreign relations with some level of predictability (Nathan, O.I. 27/218. Also, underlying the much-vaunted policy of non-alignment was an ideological contestation within the ruling party (KANU), which pitted President Jomo Kenyatta’s west-leaning majority faction against Vice-President Oginga Odinga’s east leaning minority faction. The East–West rivalry that marked the Cold War was played out in the domestic politics of newly independent Kenya with ministerial delegations dispatched to various countries that suited their ideological leanings (Good, 1968).

By the time the economic policy paper on African Socialism and its application to planning in Kenya was adopted in 1965, it was apparent that, in spite of the non-alignment rhetoric, the direction of foreign policy was decidedly West-leaning. (Branch, 2011). An interview with a retired legal expert indicated that for example, Nairobi was dependent on Britain for the training of Kenya’s security forces and supply of arms and military equipment. For instance, in 1964, the Kenyan government signed an agreement with the British government for the Royal Air Force to establish the Kenya Air Force (Francis, O.I. 22/6/16). Furthermore, during the Shifta war of 1963–1968, an insurgency initiated by Kenyan Somalis who had irredentist claims to the north-eastern province of Kenya, the British provided significant logistical and technical support for the Kenyan anti-Shifta offensive (Branch, 2011). Haas (2014a) further notes that Kenyatta assumed the presidency at a time when he had achieved heroic status among Kenyans and condemnation as a leader unto darkness and death by the colonial government. At
independence, Kenyatta apparently had already made up his mind about Kenya’s path in foreign affairs. Subsequent policy documents such as KANU manifesto and the sessional paper no. 10 of 1965 clearly spelled out Kenyatta’s wishes that Kenya would be built along the lines of free enterprise or market economy, tied to the west, and that the accumulation of foreign capital would be necessary for economic growth, which led to the Foreign Investment Protection Act 1964 (Kalsi, 1972).

Groh & Wich (2012) posit that the quality of Kenyan diplomacy compared favourably with that of other sub-Saharan African countries. However, lack of experience and insufficiency of top-grade personnel imposed some limitations which meant that negotiations abroad for loans or other assistance were conducted by cabinet ministers. Delegations to meetings of such organizations as the OAU, the Commonwealth Conference and United Nations were often headed by the Minister for External Affairs. However, given the importance of the Ministry, the President must have received advice on some foreign issues from other more trusted members of the cabinet. On May 3, 1966, there was a re-organization of the cabinet, necessitated by the resignation of a group led by former vice president (Chakrabarti, 2001). A Foreign affairs minister interviewed pointed that Murumbi was appointed the Vice-President and Minister without portfolio. This reason coupled with a series of misunderstandings among the politicians, prompted his resignation (James, O.I.4/6/16). Kenya was a young state just emerging from colonialism and the implication was that practically, Kenya’s foreign policy was controlled by the Head of State.
2.3.2. Weakening Influence of Legislature and Abuse of Executive Powers; 1966 – 1969

A lecturer in Nairobi pointed out the challenges facing the independent state in Kenya, especially the settler colonies, were mainly economic, political and social (Evelyn, O.I.14/6/16). In regard to this, Branch (2014) point out that the land question, security in the north eastern Kenya (northern Frontier Province), the Kenyatta succession, unresolved assassinations, national cohesion, and intra Kikuyu conflicts informed some of the challenges that precipitated changes in the constitution soon after by 1964. As a result, the combinations of these factors, among other variables, lead to at least twelve constitutional amendments that weakened the influence of the legislature and increased consolidation of power at the executive from 1966 to 1975. In 1966, the security, political, and economic crises associated with the devaluation of both USA dollar and the British pound convinced Kenyatta of a centralized system of government and weakening of other arms of government (Oloo, 1995).

2.3.2.1 Weakening the Influence of the Legislature

Ojwang (2000) posit that, during the period of 1966 and 1969 a series of enactments were made that had an influence to formulation of foreign policy, mostly constitutional changes affecting the nature and composition of the National Assembly. These enactments exemplified a determined effort to centralize state authority in the executive branch and to weaken the influence of the legislature. In a focus group discussion with members of parliament in Nairobi it was noted that for instance, Kenyatta’s regime
became oppressive after the assassination of Pio Gama Pinto in 1965, the muzzling of the opposition in parliament after the formation of the KPU and politicization of the civil service that placed it at the pleasure of the president (FGD, 10/4 2016). On the same note, Mueller (1984) points out that the turning point was the June/July 1966 amendment that gave the minister of Home Affairs powers to detain individuals without detention. This amendment weakened parliamentary debates and discouraged executive oversight by the legislature. It also defined the circumstances under which a member of either House could lose his parliamentary seat.

Okoth-Ogendo (1972) articulates that, the Amendment Act No. 16 of 1966 was followed by the (Amendment) No. 2 Act No. 17 of 1966. This amendment was necessitated by the move by Oginga Odinga (then Vice-President of the State and Party) to form a new opposition political party, the Kenya People’s Union (KPU). In an interview with a political science lecturer at Thika it was noted that this decision to form an opposition party came about when the ‘radicals’ within KANU led by Odinga Oginga and Bildad Kaggia were maneuvered out of KANU. Odinga and his group in turn responded by forming KPU (Mwende, O.I. 17/3/2016). The formation of KPU returned Kenya to a multi-party state. To avoid further exodus of MPs from the ruling party to KPU, Tom Mboya, who was by then the Secretary General of KANU proposed an amendment to the constitution. The amendment provided that any member who resigned from a political party which had sponsored him/her would lose his/her seat and seek a fresh mandate from the electorate (Ojwang, 2000).
Houses resolved to amend the constitution and to merge the Senate and House of Representatives into one House. With the merging of the two houses, an additional 41 new constituencies were created. These new constituencies were to be represented by the 41 existing senators. The new National Assembly sat for the first time on 15th February 1967 and it went on until 1969 (Muthomi, O.I. 27/3/18). This period saw the executive being strengthened further, for instance, the tenth amendment Act 45 of 1969, altered the method of presidential election. This amendment and other during this period produced a tremendous cumulative effect that ended up reducing the power and effectiveness of the legislature as a policy-making institution (Throup, 1993).

Branch (2011) observes that the pro-West foreign policy found resonance in considerations of national economic development and the ascendancy of foreign capital. Kenya was heavily dependent on foreign aid and on the wider East African market. A member of parliament interviewed noted that, for example, Jomo Kenyatta had in June 1965 declared that Kenya faced three major challenges - poverty, ignorance and disease and the government required 56 million sterling pounds against 2.5 pounds that was already available through taxation to address serious economic challenges manifest across all sectors (Member of Parliament, O.I. 2016). In addition, Ogot & Ochieng (1995) assert that, although 1963-1970 period experienced real economic growth of 7%, and notable growth in the manufacturing and agriculture, national cohesion remained shaky and social and national question largely unanswered.

In an interview with a member of parliament in Nairobi, it was noted that the weakening the influence of the legislature during the period 1966 and 1969 can be partly explained
by the lack of institutions and hence the emergence of personal rule (dictatorship) in the
country and Africa as a whole. In the context of foreign policy, it is evident that most
important policy formulation institution is the presidency, often supported by the
respective ministries of foreign affairs (Kelvin, O.I., 4/3/16). For example, this period
(1966 – 1969) saw the emergence of cabinet ministers and top state bureaucrats that
became increasingly independent and occasionally defiant of the National Assembly
(Leys, 1969).

2.3.2.2 Abuse of Executive Powers

The above is defined as the commission of an unlawful act by the executive, done in an
official capacity, which affects Parliaments influence on foreign policy. It also means
that the President is using the power he has for his own personal gain.

Under his regime, some scholars argue that Kenyatta often used the law to intimidate
parliamentarians into silence or into obeying illegal commands, largely because of the
absence of accountability mechanisms. The law did not restrict the President's ability to
formulate and implement foreign policy without involving the Parliament. A good
example is when the Parliament failed to institutionalize codes of conduct functions as a
license for legislators to breach conflict of interest rules with impunity (Nyambura, O.I.,
20/6/16). The state secrecy laws also equipped the president with powers to bypass the
Parliament in formulating foreign policy, such as the Official Secrets Act 3 ensured that
the Parliament have little or no information about the activities of executive. Invariably,
the Parliament only learns of abuses of power by the executive long after they have occurred (Gicheru, 1975).

During this period (1963 – 1978), the life of parliaments depended on the whims of the President. For example, the President had power to prorogue parliament or call for elections any time. Under the old constitution, the President determined the life of parliament, set up its calendar and influenced its decisions. President Jomo Kenyatta abused the constitutional provisions that granted him power to control the legislative branch (Throup & Hornsby, 1998). The Presidency became the primary source of legitimization for proposed foreign policy. Constitutional amendments and changes during the Kenyatta regime over the years consolidated presidential power against parliamentary initiatives.

According to the participants in a focus group discussion (F.G.D. 24/6/16), it was revealed that sometimes Kenyatta went out of his way to abuse his executive power by calling for snap elections to deal with perceived enemies in Parliament. For example, Kenyatta used this in 1969 when he called for a snap general election to get rid of elements sympathetic to Oginga Odinga, who had broken up with him. Odinga had left the ruling party KANU in a huff and founded an opposition party (KPU), after openly disagreeing with Kenyatta (FGD, 24/6/16). In the snap elections, Kenyatta succeeded in rigging out all Odinga’s supporters in Parliament. Kenyatta also purged the cabinet and civil service of all members and civil servants suspected to be sympathetic to Odinga (Throup & Hornsby, 1998).
Members of parliament in a focus group discussion (F.G.D. 24/6/16) were equally divided when it comes to believing whether foreign relations power was one of the constitutional powers of the Parliament under the Kenyatta regime. Some argued that Parliament in the period 1963-1978 Parliament did not utilize its legislative mandate in ensuring Kenya had a solid foreign policy. In addition, most of the MPs during that period were unable to grasp the concept of foreign affairs and international relations, and could not effectively participate in policy formulation. Other participants vehemently disagreed with the view that MPs had foreign relations power. For example, it was asserted that during this period 22 motions relating to foreign affairs were debated out of which fourteen (14) were approved and eight (8) were rejected by the house. Parliament was a puppet of the executive under Kenyatta, it took all the powers and there was little that Parliamentarians could do. Further, the constitution did not empower the legislature to participate in foreign policy formulation and implementation (James, O.I., 4/6/16).

The study further established that foreign relations power of the parliament was always usurped by the executive arms of government through the use of "party whip", "veto", and executive interference with or without the act of the legislative functions, particularly during Kenyatta and Moi’s regimes. Whipping of members of a House of Parliament to agree with the wishes of the Executive was the hallmark of both regimes where power was concentrated in the Executive. Executive interference with the legislature was possible because their systems inordinately empowered the Executive over the other arms of government (Wambui, O.I, 4/6/16). In most jurisdictions,
parliaments may play a peripheral role when it comes to conduct of foreign policy, for instance, of ratifying treaties and conventions in the form negotiated by the executive. This is only in the cases where law of the land provides as such. In some jurisdictions, Parliament is excluded from the ratification process. In the post-independence period, the role of the National Assembly has generally been restricted to creating the legal framework, allocating funds and exercising oversight on the conduct of foreign relations (Gicheru, 1975).

2.3.3. Pragmatic Approach to Foreign Policy; 1970 – 1975

In an interview with a member of the East African Legislative Assembly, it was noted the newly elected Assembly held its first session on 6th February 1970. However, on 9th August 1974, President Kenyatta dissolved the second parliament and declared a General election which was held on 14th October 1974 (John, O.I.16/6 2016). The third parliament thus assembled for the first time on 6th November 1974. In regard to the above, Okumu (1973) examined the Kenya’s foreign policy in 1973 and the foreign policy objectives in terms of the realities of international politics at that time. He asserted that specific and identifiable national variables affected Kenya’s foreign policy and led policy makers to adopt pragmatic approach to foreign policy. He identified existing secessionist movements in Kenya and potential for the rise of other such movements as having been central in the emergence and pursuit of Kenya’s foreign policy. Okumu also stipulates that national variables interacted with systemic variables to shape Kenya’s foreign policy by cautioning against radical and ambitious goals. Korwa (1994) shared similar sentiments by opining that continuity in Kenya’s foreign
policy could be clearly seen in its behaviour towards Somalia, a behaviour based on adherence to the doctrine of territorial integrity. His study established that national security issues conditioned Kenya’s foreign policy in the region.

Further, in the period 1970 – 1975, Kenya’s foreign policy-making process was still in its rudimentary stage. The capacity for the process was still not yet developed. Foreign policy was handled by the President and those close to him. Officially, there were institutions which are charged with the responsibility of foreign policy-making, these include Parliament and the Ministry of Foreign Affairs. However, foreign policy was formulated at the individual level by the President and the Minister for Foreign Affairs. As is the case with smaller states, foreign policy was a special preserve of the President (Ahmed, 2016). This was true of Kenya under Jomo Kenyatta.

2.3.4. Succession Politics and Its Impacts on Parliamentary Diplomacy; 1976 – 1978

A member of the East African Legislative Assembly pointed out that regional geopolitics, especially on Uganda and Somalia was getting worse as a result of cold war politics (John, O.I., 16/3/16). As such, relations between Nairobi and Kampala were tested in February 1976, when Uganda’s Idi Amin advanced territorial claims on Kenya (Bamuturaki, 2011). Amin asserted that the colonial British administrators had given away some of Uganda’s territory, which included the whole of the Rift Valley Province (up to within 32 km from Nairobi) and parts of north-western Kenya. Kenyatta responded by deploying armed troops and personnel carriers along the Kenya–Uganda
border (Sunday Nation, 2003). Further, a lecturer interviewed pointed out that, the situation was compounded in July the same year by Kenya’s covert support to the Israeli commando raid on Entebbe Airport to rescue Jewish passengers on a hijacked Air France plane (Mwende, O.I. 17/3/16). Kenya supported the covert operation by granting Israel full use of its airport facilities for the rescue. In their mission, the Israeli commandos destroyed a third of Uganda’s air force, something which incensed Amin, who turned his rage on Kenya for allowing Israeli planes to refuel in Nairobi (Okoth, 1992).

Before his death in August 1978, an interview with former defense and foreign affairs committee member indicated that Kenyatta’s role in regional affairs diminished increasingly as he lost interest in matters beyond his country’s borders (Former DFAC member, O.I. 2016). Another incident saw the EAC collapse after many years of deep-seated personal, political and economic tensions around trade policies and ideological inclinations (Gachie, 2012). The above triggered regional insecurity and uncertainty. Moreover, the closure of the Kenya–Tanzania border between 1977 forced Kenya to seek markets in other parts of Africa and the Middle East (Makinda, 1983).

Widner (1993) rightly refers to the above period as the transitional period whose central concern was to address the succession question that was already taking shape in the context of the Rift Valley and GEMA politics. The plethora of politically motivated assassinations, restrictions in political life, rise of populist coalitions within KANU, demand for redistributive justice and uncertainty over the future political trajectory amid Kenyatta’s failing health created factionalism and serious political rifts within
KANU among conservatives and populists. A key informant interview with a former clerk of the national assembly, it was noted that key members and close family members opposed to Daniel Arap Moi had started what came to be known as the change the constitution movement associated with Kihika Kimani. On the same note, the parliament and the executive, was more concerned about the failing health of Kenyatta and especially the succession question, the crisis within the East African Community and the emerging regional security threats (Josephine, O.I.17/3/16). The three factors in particular were creating polarization within the party KANU and political rifts within and without parliament. The power of parliament was however muted and confined to back bench debates without a firm executive resolution to address the issues with foreign policy implications.

Party politics and ideological contestation was thus much evident during this period. It is crucial to note that party politics entails the struggle for ideological direction of the fledgling state where erstwhile comrades against the tyrannical colonial system turned bitter foes. On the one hand there were moderates/conservatives who may have seen things through a cost benefit analysis and on the other were radicals that saw things through the prism of liberation and idealism (Hornsby, 2013). According to members of parliament in the focus group discussions, the ideological struggle and party politics brought out an imperative issue in the Parliament. Those in the moderate camp, notably Kenyatta and Mboya were of the view that Kenya should lean westward while those in the radical camp (Odinga, Aneko among others) saw fortunes in both the east and west. However, the latter group was more inclined to the east than west owing to the anti-
imperialist stance that USSR was using in gathering support within and outside the United Nations framework (FGD, 24/6/16).

It is argued that under Kenyatta regime certain events that took place in parliament evidenced that party politics and ideological constraints influenced how parliament carried out house business (Slade, 2012). For example, in 1965 Parliament passed a document that guided Kenya’s foreign policy in that period and beyond. Sessional Paper No.10 titled *African Socialism and its Application to Kenya* was passed by the Kenyan legislature. The aim of this document was to firmly put Kenya on the capitalist path and thereby aligning Kenya to the west (Okoth-Ogendo, 1972). This, as one could imagine, did not go down well with those from the radical camp.

A former member of parliament noted that, during the Kenyatta regime power relations within parties lied decisively on the president who was the party leader, particularly in parliament at the expense of MPs. The mechanism employed by Kenyatta was aided and abetted by the rules and procedures of Parliament itself, which gave the party leader the whip hand over MPs. For example, it is established that Kenyatta had the power to influence MPs to do away with the radicals in government (Kelvin, O.I., 4/3/16). It is further noted that there was some tension in among members of Parliament that had a bearing on what foreign policy approach Kenya took. It is the source of confusion as to whether Kenya adopted a truly non alignment policy. This was the ideological battle between the radicals and the conservatives/moderates in Parliament (Hornsby, 2013).
Oyugi (1994) point out that, KANU as a political party was highly fractious and suffered from extraordinarily high levels of factionalism. Whilst factionalism was not unique to Kenya politics (since faction formation is part of democratic processes) the levels of occurrence of this phenomenon during the Kenyatta regime was such that it had a debilitating effect on the party. A retired member of parliament noted that for instance, there was the Limuru Conference in 1966. The main aim of the conference was for members of the party to thoroughly humiliate Oginga Odinga. His post of vice-chairman of the KANU party was watered down to create 7 other vice-chairmen posts with similar responsibilities (Halima, O.I., 24/6/16). In effect Oginga was being told indirectly that his presence in the party (as in Government) was no longer welcomed. So incensed was he that he never contested for any one of the seats preferring to quit and form his own party.

Okoth (1999) explains that Kenyatta and Odinga competed for legitimacy which manifested itself in Parliament with Kenyatta keen on removing Odinga from power. The battle saw Odinga, the de facto leader of the radical group, ousted from power leaving Kenyatta his arch-rival at the helm. Respondents pointed out that this incident pushed Kenyan foreign policy further towards the west than the east. For instance, there was cancellation of Russian projects and military assistance by the Kenyan Government and the stronger ties with British and other western states sought by the Kenyan Government as evidence of the same (FGD, 10/1/16). Moreover, apart from the radical faction of Jaramogi that were ousted, no other member of parliament attempted to raise his voice. Party lists not only gave Kenyatta a big say as to who goes to parliament, but
also gave him control over the MPs when they get there. Since it was paramount for MPs to be members of a party, the loss of their party membership alone, meant they forfeited their parliamentary seat (Ojwang, 2000).

Participants opine that no MP with any aspirations could afford to vote on their conscience, or express the will of their constituents against the party leadership, without risking the loss of their seats (FGD, 17/6/16). Needless to say, this gave enormous power to the party leader whose foreign interest took precedence over popular will. The emasculation of MPs by subjecting them almost entirely to the whim of party bosses and by electing them almost anomalously from lists severely weakened the extent to which MPs influenced Kenya’s foreign policy from 1963 to 1978 (Mueller, 1984).

2.4. Conclusion

This chapter assessed the role of parliament in influencing foreign policy during the Kenyatta regime noting how constitutional amendments were used to weaken the legislature. Furthermore, the chapter noted the succession politics, regional politics, and how declining economy affected the national politics forcing the country to adopt the first-generation structural adjustment programs after the collapse of the East African Community in 1977. Serious political rifts within KANU and lack of national cohesion were identified as some of the challenges that confronted both the executive and legislature at the time of death of Jomo Kenyatta. It is against this background that the next chapter intends to investigate the mechanism used by the National Assembly to influence Kenya’s foreign policy from 1979 to 2002.
Independence meant complete freedom from any and all western influence but a reading of the international system could not allow such a bold shift. Kenyatta and later on Moi, were beholden to capital investments from the colonial master. Therefore, Kenya may have been granted political autonomy but never had economic independence. Leaders that were in power made policies that further entrenched foreign capital interests in Kenya. Our analysis further establish that Kenya gave little resistance to the pressures of international capital interests.

CHAPTER THREE

MECHANISMS USED BY THE NATIONAL ASSEMBLY TO INFLUENCE KENYA’S FOREIGN POLICY; 1979 - 2002

3.1. Introduction

This chapter focuses on mechanisms used by the National Assembly to influence Kenya’s foreign policy. Various mechanisms are used to influence foreign policies. For example, Keukeleire & Schunz (2008) stipulated that the foreign policy actor attempts to have an impact on its environment by employing instruments that it considers suitable for realizing its predefined objectives. It is evidenced from studies that existence of a foreign policy presumes a distinction between inside that is, an actor and its domestic context; and outside/foreign that is, the environment the actor faces, as well as political relationship between the two (Smith et al., 2008). According to Ahmed (2016) the guiding standards of the policy are: peaceful existence with neighbours and other countries; resolution of
contentions by quiet means; promotion of regionalism; respect for the balance of power and regional integrity of states; respect for international standards, traditions and law; adherence to the rule of non-alignment; and justice and equality in the conduct of worldwide relations.

Parliament function is the eyes of the people in government that watch and monitor the activities of the executive arm and its agencies in the implementation of laws, programs and for example, foreign policies that are meant to serve the common interest of electorates. Its relevance in democratic governance need not be overemphasized. A multilevel analysis of mechanism used by the national assembly to influence Kenya’s foreign policy across four distinct periods during Moi’s regime is instructive. This chapter seeks to investigate the mechanisms used by the National Assembly to influence Kenya’s foreign policy from 1979 to 2002.


3.2.1. Parliamentary Questions, Open Debates and Committees; 1979 – 1982

In an interview with the Speaker of National Assembly, a motion was defined as a proposal made for the purposes of extracting a decision of the House. They may be substantive or subsidiary. Substantive motions are self-contained (standalone) while subsidiary motions may be: (a) Ancillary – dependent on an order of the day; (b) Motions made for the purposes of superseding questions, such as motions for adjournment of a debate; and (c) Motions dependent on other motions, such as amendments (Geoffrey, O.I., 17/4/16). In regard to the motion relating to foreign policy
in the period 1979 and 1982, it was further established that the motion was not very significant. The failure of parliament to debate foreign-policy issues during such a long period of time is itself an indication of how the role of the House on foreign affairs had really declined (Oloo, 1995).

3.2.1.1 Parliamentary Questions and Open Debates

According to the Senior Deputy Clerk, (Rose, O.I. 14/4/16) under the Moi’s regime, foreign policy-making process was still in its rudimentary stage. Proper utilization for the conduct of foreign policy was significantly lacking. Foreign policy was handled by the President and those close to him. In addition, there are institutions which are charged with the responsibility of foreign policy-making (Adebajo & Rashid, 2004), these include Parliament and the Ministry of Foreign Affairs. However, as is the case with smaller states like Kenya, foreign policy is a special preserve of the President. This was true of Kenya under Daniel Arap Moi (Cincotta, 2006). This included interference in the handling of foreign policy issues by the ministry of foreign affairs and international cooperation.

Interview with CPST official promulgated that Moi’s foreign policy did not provide a relatively open political environment for ministry of foreign affairs and other government departments who were directly or indirectly involved in the foreign policy formulation and implementation (Nathan, O.I., 27/2/18). Arising from this situation, the only other avenue available for MPs to deliberate on foreign affairs issues was either through parliamentary questions in the National Assembly, or during open debates such
as the debate on presidential address to the National Assembly and the budget debate. The failure of parliament to handle foreign-affairs issues as had been the case during the Kenyatta era was brought about mainly by Moi’s direct intervention to stifle the powers of parliament and by his style of leadership (Oloo, 1995).

During an interview with Speaker of the National Assembly, he explained that questions to ministers were put to a Minister relating to public affairs with which the Minister is expected to exercise his administration responsibility in terms of the House proceedings. In addition, question shall be of a genuinely interrogative character and its purpose shall be limited to seeking information or pressing for action, and shall not be made the pretext for a debate (Geoffrey, O.I., 17/4/16).

In relation to parliamentary questions and debates, a retired politician during the focus group discussion said president Moi always emphasized that members of parliament should work more closely with government departments. The president noted that there were many matters which individual members of parliament could settle through consultation with ministries without always taking such matters for debate in the House (F.G.D., 24/616). According to Okoth (1999), lack of such consultation had at times resulted in motions being passed in the House without a thorough analysis of their financial and policy implications. As a consequence, it had not always been possible for the government to implement such motions in full.

President Moi requested members of parliament to be consulting ministers on specific matters or problems which they considered could be dealt with by the government.
When undertaking such consultations, the president said, members of parliament should regard senior civil servants as useful sources of objective advice on such matters (National Assembly Official Report. Vol. XLIX, 1979, Col. 4). Study by Katete (1994) in terms of foreign policy therefore, Moi’s views came to be similar to those of Kenyatta. He for example became weary of policies that sought to adjust national boundaries. He thus condemned inter-African wars based on territorial claims (Katete, 1994).

The beginning of Moi era also witnessed an attempt by both the government and parliamentarians to equip the National Assembly with the necessary strength to enable it to meet its objectives, for example, the conduct of foreign affairs. It was in this spirit that a motion on the adoption of Sessional Paper No. 10 of 1979 was tabled in parliament on 26th July 1979. The Sessional Paper was concerned with the review of Standing Orders of the House. The motion was moved by the then Minister of Health Hon. James Osogo, on 14th August 1979, and it specified the intended amendments on the Standing Orders. The motion was seconded by the then Assistant Minister for Economic Planning and Community Affairs, Hon. Mutunga.

After Kenyatta’s death in 1978, there was a smooth transition despite precarious political environment, allowing vice president Moi to become president (Widner, 1994). In an interview with the Senior Deputy Clerk it was noted that the president Moi declared that he would follow Kenyatta’s footsteps or “Nyayo”. Moi admired some of Kenyatta’s legacy which according to him included love, peace, unity, justice, freedom and non-interference in domestic affairs and integrity of other states (Rose, O.I..
14/4/16). However, president Moi’s personal diplomacy and visits to various countries was applauded by MPs. The MPs felt that during the Kenyatta era, the country’s foreign policy was not clear but under President Moi, the country’s foreign policy had been made clearer (Oloo, 1995).

Moi pursued a similar pattern of Kenyatta’s regional and international engagement albeit with minor variations. Katete (1994) adds that in both Kenyatta and Moi’s regimes the principles that guided the foreign policy were the same: territorial integrity, national security, good neighbourliness, independence and sovereignty, non-interference in the internal affairs of sovereign states and non-alignment. Despite the assurance from the president that Kenya was a non-aligned country, other activities were taking place which suggested otherwise. The central activity which caught the eye of members of parliament was the establishment of a military base in Kenya by the United States of America.

Due to the contradiction in the pronounced policy and the actual practice that was taking place Hon. Mwashengu wa Mwachofi raised a query in the House on 22nd April 1981. Hon. Mwachofi asked the minister of state in the office of the president that since Kenya had availed military facilities to the USA, the minister should fully report to the House what the agreement was all about in the following order: (a) the content of the agreement (b) the commitment on the part of each of the countries, and (c) what benefits Kenya was to get from the agreement.
During the period of 1979 to 1982, Kenya’s foreign policy formulation and implementation can be characterized as having been centralized. Kenya experienced a growing dynamism of its inter-state relations with increasing diversification of economic, political, and military relationships (Lenczowski, 2010). In the same period, the internationalization of the economy accelerated, through the crucial role of financial and industrial transnational capital in the productive structure. Thus, most analyses of Kenyan foreign policy during that period focused on either one or the other of these two processes, to arrive at quite distinct outcomes as far as Kenya’s international behaviour was concerned (Renouvin, 2011).

In June 1982, the National Assembly amended the constitution, making Kenya officially a one-party state, and parliamentary elections were held in September 1983. During an interview with the Head of Department, Ministry of Foreign Affairs (Paul, O.I., 19/6/16), it was evidenced that from the time Moi ascended to power in the last quarter of 1978 up to 1982 when a constitutional amendment to introduce Section 2A was enacted, no substantive motion on foreign-policy was brought up before the National Assembly; instead issues on foreign affairs which were discussed in the House were through questions or during open debates.

3.2.1.2 Parliamentary Committees and Foreign Visits

According to a former minister, parliamentary committees in the period 1979 – 1982 utilized parliamentary committees to attempt to influence the conduct of foreign policy. He added that Hon. Wafula Wabuge (Kitale West) while contributing on motion on the
adoption of Sessional Paper No. 10 of 1979 which was tabled in parliament on 26th July 1979, the motion spoke at length on Committee E which addressed itself to foreign-affairs issues (James, O.I., 4/6/16).

National Assembly Official Report shows that Hon. Wabuge spoke at length on the role of parliamentary committee while contributing on the motion. He mentioned that Committee E deals with defence, conventions, treaties, agreements and foreign-relations, and that the committee was very important in term of actively engaging members of parliament in the conduct of foreign policy (National Assembly Official Report, Vol. LI, 1979, Col. 1435). A retired politician during the focus group discussion adds that members of parliament in the period 1979 – 1982 felt that they were left in the dark when it comes to foreign policy formulation and implementation. More so, when members of parliament got the opportunity to make foreign visits, they had difficulty interpreting Kenya’s foreign policy (F.G.D., 17/4/16). There was no link between parliament and the Ministry of Foreign Affairs. It was hoped that establishing a parliamentary committee would help to close the gap between members of parliament and the executive when it comes to the conduct of foreign policy.

In his study, Oloo (1995) points out that the problem of lack of awareness in foreign policy was also evident during the Kenyatta era, but this time around the parliamentarians wanted a committee established within the National Assembly to specifically deal with the subject. After deliberations on the various General Purposes Committees, the Speaker reported to the House that the Committee of the whole House had considered and approved that the Sessional Paper No. 10 of 1979 laid on the table
of the House on 26th July 1979 be adopted (Hansard Report, Vol LI, 1979, Col. 1462). The House passed the motion to establish the General Purposes Committee. Since foreign policy is an extension of domestic policies, it is therefore inevitable that Parliament is also involved in foreign policy processes through the legislative processes of enacting policies before they are adopted for implementation. Parliament engages in bilateral visits with other states at regional and international level as a way of complementing the foreign policy agenda of a country (Renouvin, 2011).

The General Purposes Committee as specified in the Standing Orders was entitled to investigate and inquire into the activities and administration of the ministries or departments assigned to them, and such investigation and inquiry may extend to proposals for legislation (National Assembly Standing Order No. 151). However, despite the adoption of the motion, Committee (E) mentioned above never got off the ground as required. This particular set-back marked the beginning of parliament’s lacklustre performance on their role in influencing the conduct of foreign policy during Moi’s regime.

3.2.2. Parliamentary Motion and Informal Social Gatherings; 1983 – 1990

According to a university lecturer interviewed in Nairobi (Evelyn, O.I, 14/6/16), essentially, the decade 1983 –1990 has been regarded as Kenya’s ‘golden age of diplomacy’, considering the number of foreign policy trips that were undertaken by President Moi, the visits by foreign dignitaries and its designation as the headquarters of two UN agencies (Kagwanja, 2014). In an interview with a former minister, it was also
established that Moi helped to mediate several other conflict situations in Burundi, Eritrea/Ethiopia, Rwanda, Somalia and the then Zaire, with varying degrees of success (James, O.I., 4/6/16). In all these diplomatic engagements, he projected Kenya as a stable, robust island of peace in a turbulent region. However, in the parliamentary front there was only one substantive motion relating to foreign policy that was debated in parliament between 1983 and 1990 (Oloo, 1995).

A motion for the adjournment under Standing Order No. 20 was moved by Hon. Aloo Aringo on 17th November 1983. The motion dwelt on the agreement on the Reopening of Kenya/Tanzania border (Hansard Report, Vol. LXI. 1983, Col. 347). While supporting the motion, Hon. Mwai Kibaki, the then Vice-President and Minister for Home Affairs thanked Hon. Aringo for responding to the needs of the moment by promptly taking the motion to parliament (Hansard Report, Vol. LXI, 1983, Col. 354-374). A Member of Foreign Affairs Committee interviewed conceded that the motion wasn’t brought to parliament to make the government enforce the issue in question, rather it was brought to parliament, to give the members a chance to glorify the president’s action or to approve what the executive was already in the process of implementing (Stella, O.I., 8/4/16).

According to a legal expert interviewed, while Moi was being considered a statesman regionally, in the local context he was busy weakening the influence of the parliament in foreign policies. For example, it is appropriate to observe that the constitutional amendment of 1982 which made Kenya a de-jure one party state provided Moi with an avenue to control parliament (Muthomi, O.I, 27/4/16). Political parties can influence
legislature behaviour in a variety of ways. Authoritarian political parties for example, control the actions of their legislators through their national party apparatus (Nelson, 1982). It was within those auspices that Moi sought to achieve greater loyalty from the ruling party KANU, and furthermore eliminate any opposition even from within parliament.

A retired legal expert (Francis, O.I., 22/2/18) noted the effectiveness of the National Assembly in Kenya was adversely affected by the fact that it is only the president who was empowered to summon, prorogue and dissolve parliament (Section 58(2) Constitution of Kenya). As such an assertive parliament could be prorogued or even dissolved to pave way for fresh elections in advance of parliament’s normal five-year life span (Kibwana, 1988). During a focus group discussion with Members of Parliament (FGD, 15/4/16) it was asserted that when President Moi dissolved parliament in 1983 to pave way for general elections after a large proportion of the National Assembly had allegedly galvanized into a faction around a senior Cabinet Minister seeking to demise Moi’s government through the constitutional mechanism of a vote of no confidence. Charles Njonjo, the then Minister of Constitutional Affairs, was the alleged traitor. In the ensuing elections, most of the MPs identified as pro-Njonjo did not make it back to parliament.

During focus group discussion with retired politicians, it was established that gradually, voices of reform started emerging progressively during the second, third, fourth and fifth parliaments in the period of 1970 to 1990 (F.G.D., 17/4/16). The sixth parliament was inaugurated on 12th April 1988. It was during the sixth parliament that
multipartyism was brought back into operation in Kenya. These changed the status quo resulting in reintroduction of multi-party politics in 1991 since it was first abolished early in the political history of Kenya in 1967 (Throup & Hornsby, 1998).

As has been discussed contemporary forms of parliamentary diplomacy operated within informal groups, Kamukunjis and Barazas and they became the sophisticated tools of progress and maturation of the National Assembly to influence Kenya’s foreign policy in the period 1983 to 1990 (Mwende, O.I., 17/4/16). During the 1990s, a wave of democratization swept across the African continent. The wave took many different shapes and forms, and sometimes (as in the case of Kenya) international pressure was pivotal in bringing about change (Bratton & van de Walle, 1997). A member of parliament during focus group discussion confirmed that prior to re-introduction of multipartyism in 1991, the Moi government had since 1986 faced mounting criticism and pressure outside parliament from members of parliament through Kamukunjis and Barazas, as well as a series of riots throughout the country in July 1990 (F.G.D., 10/4/16). For instance, several members of parliament were arrested during these Kamukunjis and local Barazas, which were deemed illegal by the government. The arrests caused the international community to react strongly with outrage and, more importantly, withdrawing of financial support (Throup & Hornsby, 1998).

Our analysis established that towards the end of 1989, critics of the Kenyan Government began to voice their demand for a more liberal political system in the country. For instance, on January 1st 1990, Reverend Timothy Njoya delivered a highly critical sermon at St. Andrews Church. Nairobi, likening the one-party system in Kenya
with the collapsing monolithic communist regimes. He called for the repeal of Section 2A of the Constitution which prohibited the formation of more political parties in the country (F.G.D., 10/4/16). The call was met with a lot of criticism from the KANU government, but it received a resounding support from other sections of the Kenya society led by the Law Society of Kenya, NCCK and individual leaders such as Oginga Odinga, Charles Rubia and Kenneth Matiba (Wanjohi, 1993). A movement for the restoration of multiparty democracy had thus began. The movement came to be known as the second liberation.

### 3.2.3. Legislation, Oversight and Representation; 1991 – 2002

In 1991, section 2A of the constitution was amended, paving the way for multiparty elections, greater democratization and the opening of political spaces, including civil society and the media, was observed (Brown, 2001; and Tordoff, 1997). In an interview with a legal expert, it was noted that in 1991 members of parliament amended the constitution repealing Section 2A which had legally provided for KANU to be the sole political party in the country. Thereafter, followed the proliferation of various political parties (Nyambura, O.I, 20/6/16; Constitution [Amendment] No. 2 Act No. 12 of 1991). Besides, apart from enabling the formation of other political parties legally, the repeal of Section 2A also led to the limitation of the presidential terms of office to two terms (Throup & Hornsby, 1998). In a way this enabled members of parliament during the 1991 – 2002 to play their role on representation, legislation, oversight over national revenue and its expenditure including vetting public office appointees, even though with political constraints.
According to the Constitution of Kenya (2010) the roles of the National Assembly as set out under Articles 94 and 95 of the Constitution include representation, legislation, oversight over national revenue and its expenditure, appropriates funds for expenditure by the national government, allocation of revenue, oversight over state organs, and approves declaration of war. The National Assembly’s legislative role is provided for under Articles 95 and 109 of the Constitution. It makes laws applying nationally and can consider any Bill, including those concerning County Governments (Government of Kenya, 2010).

In an interview with a member of parliament, it was promulgated that verbal conflicts with the American Embassy in Nairobi were so intense that they took centre stage in the National Assembly. For the better part of early 1991, members of parliament openly criticized the United States of America (USA) for the activities of its ambassador to Kenya Mr. Smith Hempstone (Kelvin, K.I.I., 4/3/16). However, while most members unilaterally blamed the US Government, other MPs for example, Hon. Lengees observed that before Mr. Hempstone came to the country, there had been no interference with the government’s policies from the United States (Hansard Report, Vol. LXXXII, 1991, pp. 1.1 to 1.2).

During an interview with the Speaker of the National Assembly it was established on 26th March 199 that in their oversight and legislative role by MPs about the activities of the US ambassador to Kenya, it compelled the then Minister of Foreign Affairs Hon. Ndolo Ayah to take the floor and answer members on the government’s stand on diplomats. Hon. Ayah told the House that there were regulations under normal
diplomatic rules as to how any diplomat accredited to Kenya could move about the country (Geoffrey, O.I., 17/4/16). Through the constant enquiries from Members of Parliament about the activities of the US ambassador it was evident that they felt an important decision touching on national interest of the country had been taken outside parliament. Parliament in this case could only seek an explanation on a matter it had been denied opportunity to deliberate, as should have been the case.

Another point in case where parliamentarians felt that their role of legislation, oversight and representation was being usurped by the executive the diplomatic relations with Norway in 1990. In an interview with a foreign affairs relations expert, he points out that Kenya broke diplomatic relations with Norway in 1990 alleging that Norway was meddling in Kenya's internal affairs. The decision was taken by the Kenyan executive unilaterally, and parliament was not given a chance to play their oversight role, they did not get an opportunity to debate the matter before the decision was taken (Murugi, O.I., 20/6/16). The decision to exclude the parliament entirely however, it did not stop members of parliament from demanding more details about the events. This was a significant development in the sense that prior to the repeal of Section 2A in 1991, it was nearly impossible for MPs to question the action of the executive during the de-jure one party state.

A former minister during the interview stated that although President Moi’s party KANU won the multiparty elections of both 1992 and 1997, the change in internal policy changed the focus of foreign policy towards economic diplomacy and the consolidation of Kenya as a key regional player (James, O.I, 4/6/16). In addition, the
parliamentary reform process continued resulting in amendment to the constitution to create the Parliamentary Service Commission in 1999/2000. This change was fundamental as it delinked parliament from the control of the president and the parliamentary service from the control of public service (API, 2012).

Studies reveal that the 1992 multi-party election did not change who was in power, and neither the role of parliament in the conduct of foreign policy. For example, the international community used its weight to put pressure on Kenya to take action against official corruption. This time pressure came from the IMF who suspended payments in August 1997 pending action on Kenya's part. Kenya promptly inaugurated an anti-corruption body (Fox, 1996; and Brown, 2007). However, a legal expert that was interviewed stated that a cross-party parliamentary legislative reform initiative in the fall of 1997 revised some oppressive laws inherited from the colonial era that had been used to limit members of parliament role. Consequently, it improved role of parliament in legislation, oversight and representation, contributing to a generally credible national elections in December 1997 (Muthomi, O.I. 27/4/16).

A former MP observed that still with the reintroduction of multiparty system in 1991; the executive was elevated by the constitution through the overarching powers of the Presidency, over the Legislature. This considerably emasculated the role of the National Assembly in foreign relations (Mutua, O.I., 22/6/16). However, the amendment of the repealed Constitution to establish an independent Parliamentary Service Commission (PSC) on November 19, 1999 enabled the National Assembly to capacitate itself in terms of funds, services and facilities for the welfare of its Members (Ojwang, 2000).
This move was followed by the introduction and enactment of the Parliamentary Service Act on November 28, 2000. This concluded the planting of the embryo of the autonomy of Parliament which had begun on March 20, 1970 when a motion for a resolution by Parliament to give such autonomy was brought to the House for debate by the late Hon. Jean Marie Seroney (API, 2012).

In an interview with a member of foreign affairs committee, besides the lack of adequate resources and negative attitude among a majority of MPs, the lack of interest by the voters in the foreign policy pursued by Kenya has tended to leave foreign policy in the hands of an elite group of bureaucrats and top business executives. This is mainly because the voting pattern and election results in Kenya is hardly influenced by the trend of the foreign-policy objective of the Government (Lucy, O.I., 17/4/16). Members of Parliament have a penchant for turning to election winning issues. Conversely, issues which do not interest the voters are largely ignored. It is argued that sometimes members of parliament forget that they are first and foremost a representative of the people (Adar, 2009). This shows that sometime members of parliament may put politics above their role as a representative of the people and the watchdog of the public good. It is for this reason; it seems, parliament is not developed beyond the infancy stage when it comes to playing their legislation, oversight and representation role in the conduct of foreign policy.

In an interview with a retired legal expert, since independence, and indeed under Moi’s regime in 1991 – 2002, most foreign relations matters have been deliberated on and agreed in inter-ministerial conferences or meetings of Heads of State or Government.
The National Assembly could not amend such undertakings but had the capacity to overturn an executive undertaking on foreign relations through a vote taken on the floor of the House (Francis, O.I., 22/2/18). Consequent to the trend of the government being formed by the Party with the majority of members in the parliament, the executive may actually leverage on the outcome of a vote on a matter of foreign relations under consideration by the parliament. When this happens, the executive may indeed be deemed to have vetoed National Assembly's foreign relations power by use of party strength (Sukma, 2008). The constitutional reforms to strengthen presidential powers were major issue under Moi’s regime. Several constitutional amendments were enacted by parliament, all intended to strengthen the presidency at the expense of the parliament’s legislation, oversight and representation to budget making and vetting public office appointees.

A lecturer who was one of the key informants laments that parliament, at this period (1991 – 2002) was still under the control of the executive arm of the government, did not resist the constitutional amendments. The control of Parliament meant that the office of the president was in a position to manipulate the functions of the Parliament’s conduct on foreign policy (Evelyn, O.I., 14/6/16). Parliament ceased to have the constitutional rights to control the excesses of the executive. There were very minimal checks and balances on Moi's personal authority. Patronage and loyalty remained characteristic of Moi’s leadership style which enabled him to centralize and personalize his rule. In return for patronage, he enjoyed total loyalty to MPs aligned to his party (Katete, 1994). This meant that members of parliament, and by extension their
constituents, surrendered their constitutional rights to formulate and implement foreign policy to the presidency.

Kenyans voted in their first new president after 24 years on December 27, 2002 which ended the political dominance party that ruled Kenya since independence. During focus group discussion with members of parliament it was confirmed that with the new government promised to fight corruption and to lunch a program to fight graft and restore rule of law, this move was generally regard as a sea change in Kenya politics and the role of parliament in the conduct of foreign policy (F.G.D., 10/4/16). It is evident that the autocratic patronage system established by Moi had undermined the rule of law in Kenya. It was an authoritarian system in which the president delegated no responsibilities and was personally involved in almost everything in the Parliament, particularly issues concerning Kenya’s foreign policy (Cheeseman, 2010). The elections were free and fair by local and international observers and marked an important turning point in roles and functions of parliament particularly in legislation, oversight and representation.

3.3. Conclusion

This chapter established that several mechanisms were used by the National Assembly to influence Kenya’s foreign policy from 1979 to 2002. Parliamentary questions, open debates, committees, and foreign visits were mechanism utilised in the period 1979 to 1982. In the period 1983 to 1990, National Assembly mostly used contemporary forms of parliamentary diplomacy operating within informal groups, Kamukunjis and Barazas
to influence Kenya’s foreign policy. This chapter also shows that during the period 1991 to 2002, a wave of democratization swept across the country leading to re-introduction of multipartyism. Members of Parliament role of legislation, oversight and representation as a tool for influencing the conduct of foreign policy became somewhat reinvigorated during this period. However, despite the adoption of these mechanisms it was established in this chapter that these mechanisms were not very significant. For instance, parliamentary committees that were established never got off the ground as required, and failure of parliament to debate foreign-policy issues during was itself an indication of how the role of the parliament on foreign affairs had really declined under Moi’s regime.

CHAPTER FOUR

THE IMPACT OF THE NATIONAL ASSEMBLY ON KENYA’S FOREIGN POLICY; 2003 - 2014

4.1. Introduction

The chapter chronicles the impact of the national assembly on Kenya’s foreign policy in the period 2003-2014. Raunio (2009) stipulates that while there is as yet extensive variety in the degree of examination between Parliaments, most Parliaments are putting more assets in foreign affairs matters. There is evidence of transformation of parliamentary functions in the local scene especially when it comes to the frequency of
meeting in specialized committees. The committee meetings have been more frequent including the one for foreign affairs. Sharing of best practices between parliaments has also become common; parliaments examine strengths and weaknesses of different legislatures. For example, O’Brennan and Raunio (2007) places that learning of best practices applies to those nations that joined the European Union in 2004 and 2007. Surely, early proof from new part states demonstrates that their parliaments have by and large executed more extensive examination component than the parliaments of the more established EU nations.

IPU (2005) stipulates that without professing to have attempted an audit of parliamentary methods, most Parliaments report on the broad job they as of now play as to intergovernmental dealings. Despite the fact that the dealings themselves fall inside the restrictive domain of the official part of government, Parliament underline that they assume an impressive job in the negotiation procedure. Parliamentary standing or select advisory groups (especially boards of trustees of remote issues or their counterparts) routinely look for and get data from government, connect with them in discussions in regards to exchange commands, and are educated regarding the results. Study by König & Hug (2000) reveals that there has also been a freer hand in the conduct of foreign policy, for example, parliament plays a vital role in ratification of international agreements through allocation of budget and oversight role.
4.2. Kibaki Regime; 2003 – 2013

4.2.1. Economic Diplomacy; 2003 – 2007

In 2002, KANU lost the presidential and parliamentary elections, this was the first for the part to lost election since attaining independence; the occupant government was supplanted coming about to the establishment of the ninth elected parliament in January 2003. Mwai Kibaki was chosen as the leader of the republic of Kenya and initiated the ninth parliament in February 2003. National Rainbow Coalition (NARC) had parliamentary majority of 125 seats out 210 while Kenya African National Union (KANU) that had lost power had 64 seats and smaller parties sharing the remaining 21 seats (API, 2012). During a focus group discussion with members of parliament it was established that president Mwai Kibaki came to power on the platform of reforms and zero tolerance for corruption, free primary education, job creation of half a million jobs annually, and thus the 9th parliament was equally expected to be reform oriented and focused on the serious economic crises after years of authoritarian rule and corruption by KANU (F.G.D., 10/4/16).

In his inaugural speech, Kibaki promised new Africa through unity with other African states. Furthermore, he undertook to help stop several regional conflicts including Somalia, Sudan, Burundi, the DRC, and others experiencing the same in Africa. Central to Kibaki’s administration was economic transformation and infrastructure development to support economic growth and development. The foreign policy statement placed more emphasis on economic diplomacy and international trade especially among
African states (Kipkemoi & Kipchumba, 2011). In practice, however, it was noted during an interview with a foreign affairs relations expert, that Kibaki made little mark on regional geopolitics, as he rarely appeared keen to lead the region on any issue, in contrast to his predecessor’s noticeable peace initiatives. Furthermore, he did little to follow up on his inauguration pledges to engage the region and continent more proactively and instead went through the traditional insipid diplomatic practices, including visiting several African and Western capitals (Murugi, O.I., 20/6/16). Like some of his predecessors, he espoused policies that were least likely to ruffle feathers regionally and internationally. Kibaki nonetheless presided over an upward trend in Kenya’s economic growth and increasingly drew attention to Kenya’s so-called economic diplomacy (Hornsby, 2013).

An expert in foreign affairs relations points out that the turning point of the Kibaki regime in his first term was in 2005 when Kibaki was defeated in a constitutional referendum. It was evident that after Bomas (the National Constitutional Conference) had received a draft Constitution, two things occurred: the courts concluded that a referendum was important to embrace another Constitution, and the legislature convinced Parliament to change the law with the goal that the draft could be changed (Murugi, O.I., 20/6/16). Yes (Orange) and No (Banana) camps emanated from the referendum campaign. The proposed new constitution was rejected by 57 percent of the votes cast, while 43 percent voted in favour. After being defeated in a constitutional referendum, Kibaki dissolved NARC constituent parties and formed the Party of national unity (PNU), further intensifying factionalism as political rifts grew in leaps
and bounds. These events were followed by instigation to form new political parties such as the Orange Democratic Movement and Orange Democratic Movement- Kenya (ODM-K) (Karuti, 2014).

A lecturer in a public university in Nairobi, further notes that during the period 2005 - 2007 parliamentary diplomacy suffered immensely as the donor image could not improve while issues requiring parliamentary cooperation and consensus failed to secure the same. What is more, the speaker lamented on many occasions that there was lack of quorum in the house after 2005 hence many issues did not receive legislative attention. In addition, corruption, which was a key campaign issue, took a nose dive for the worse after the Anglo leasing scandal was instigated by key Kibaki allies (Evelyn, O.I., 14/6/16). The government image on graft worsened and the relations between Kibaki and western development partners or donors worsened at the time elections for his second term were called. The 9th parliament in Kenya was inaugurated on February 18 2003 and dissolved on October 2007 (Watch, 2008).

According to a study by Watch (2008) violence was experienced immediately after 2007 presidential election which left over one 1000 people dead and over 500,000 internally displaced. The post-election violence was an experience that was unexpected, considering Kenya has been for a long time been considered as a regional role model of stability. During a focus group discussion with retired politicians, it was established that because of the 2007 post-election that members of parliament made constitutional amendments that allowed for the introduction of a coalition government, and also established the 2008 National Accord and Reconciliation Act of 2008 ( F.G.D.,
Also, the tenth parliament assumed a notable job by encouraging extensive changes that incorporate the appropriation, authorization and proclamation of the Constitution of Kenya 2010.

A member of foreign affairs committee affirms that during his first tenure Kibaki made little mark on regional geopolitics, as he rarely appeared keen to lead the region on any issue, in contrast to his predecessor’s noticeable peace initiatives. In addition, he did little to follow up on his inauguration pledges to engage the region and continent more proactively and instead went through the traditional insipid diplomatic practices, including visiting several African and Western capitals (Stella, O.I, 8/4/16). Like his predecessors, he espoused policies that were least likely to ruffle feathers regionally and internationally. The coming to power of Mwai Kibaki was received with optimism and renewed hopes for a better economy that would improve people's lives. Under his presidency, the administering alliance vowed to concentrate its endeavours on producing monetary development, fighting corruption, improving education and rewriting the constitution (Nasong’o and Murunga, 2007; and Anderson, 2003).

According to a former minister the change in leadership led to the reorientation in Kenya's foreign policy. Kenya's foreign policy now looked at foreign issues with economic lenses than before. This was set apart by the new look east policy which was planned for extending the nation's entrance to new markets, proper and moderate advances, remote direct speculations and improvement help from China, India and other emerging worldwide economic forces (James, O.I., 4/6/16). More so, there are many factors that influence foreign relations, in addition to the role of leadership; there is the
rapid change on the global environment in the 21st Century. The rise of non-state actors, combine with many other new emerging issues (Cooke, 1997).

During an interview with an official of CPST, the broken promises about political inclusiveness especially among the NARC parties, and the failed guarantee of a constitution in 100 days, the ninth parliament, seating somewhere in the range of 2003 and 2007, embraced major political and economic changes which proceeded all through Kibaki's rule (Nathan, O.I, 27/2/18). Some of the landmark statutes enacted during this period include: the Anti-Corruption and Economic Crimes Act (2003), the Public Officers Ethics Act (2003), the Public Audit Act (2003, and revised in 2009), Constituencies Development Fund Act (2003), the Political Parties Act (2007), the Fiscal Management Act (2009). Most important was the overhaul of the Standing Orders in 2008 (Government of Kenya, 2010). These progressions underscore the expanding freedom and limit of Kenya's parliament to embrace its sacred job for international relations.

4.2.2. Reinvigorated National Assembly and its Role in Foreign Policy; 2008 – 2013

4.2.2.1 The KNA Increased Role in the Approval and Oversight of the Budget

The tenth Parliament was confirmed on January fifteenth 2008 after the general election of December 2007. The absolute most significant accomplishment of the tenth parliament was the new Constitution of Kenya, and the improvement of its sway, is its recovery from the shackles of official forces (Kipkemoi and Kipchumba, 2011). The
2010 Constitution of Kenya presented a pure presidential system with clear separation of powers. Parliament had the option to decide its schedule and the president doesn't have power to break down or prorogue parliament. Furthermore, the president can be indicted and expelled from office with no consequential impact on parliament. All things considered, parliament can evacuate the president with no dread of taking its life (Mati, 2013).

In an interview with a lecturer from a local university, Mwai Kibaki allowed foreign policy matters to be dealt with by the office of the prime minister, vice president and ministry of foreign affairs. The grand coalition government had developed cold feet on the west especially after Kibaki government failed to tame corruption and looked east to China for economic and financial assistance as opposed to the traditional sources in the west such as the international monetary fund (IMF) and World Bank. The grand coalition government relied on China for investments and financial support (Evelyn, O.I., 14/6/16). Furthermore, it is evidenced that the government relied on regional markets such as the East African Community and other regional economic blocks within Africa for trade. The idea was to reduce trade dependence on the west but at the same time reconfigure or resuscitate the economy after years of neglect, slow or negative growth rate under Moi regime (Zafar, 2007). During the grand coalition government a new constitution was promulgated. Unlike Daniel Arap Moi, the grand coalition government devolved power to other ministries in the formulation of foreign policy. The office of the prime minister and vice president were active in foreign policy formulation. Indeed, there was wider consultation with other government ministries as
key government ministries such as trade, defense and others were included in foreign policy deliberations. Just like in the past, there was no radical departure from the past (Murunga & Nasong’o, 2006).

However, towards the end of his second term Kibaki increasingly cultivated the image of a regional statesman by calling on the world to pay more attention to Somalia and South Sudan and admonishing Eritrea for supporting al-Shabaab (The East African, 2014). Adams Oloo saw that, 'at first, the president resembled an internal pioneer however generally he is demonstrating more force on regional undertakings, maybe with the end goal of leaving an all-encompassing inheritance that would have implication both in Nairobi and the EAC region (Oloo, 2012) A radical departure in Kibaki’s regional engagement was when he authorized Kenya’s incursion into Somalia to wage war on al-Shabaab in October 2011. This was the biggest military adventure that the country had undertaken since independence. Kibaki’s move seemed, for once, to be militarizing the country’s foreign policy, signalling a policy shift and a desire to align Kenya’s security interests with its economic strength (ISS, 2012). The military intercession in Somalia showed Kenya's readiness to utilize hard force with regards to its geostrategic advantages in the region and demonstrated a many-sided transaction between its international strategy and security approach.

A study by USAID (2011) observes that the 11th Parliament was the fourth Parliament after the return of multiparty politics in 1991. According to Slade (2012) the eleventh Parliament of Kenya was the gathering of the authoritative part of the national administration of Kenya, which started on 28 March 2013. The 11th Parliament was the
first to start implementing the 2010 Constitution in terms of incorporating several structural reforms that included re-introduction of the Senate as well as increased number of members of parliament.

Barkan (2004) articulates that, whereas Kibaki regime allowed room for wider consultation on foreign policy matters within government, the role of parliament in influencing foreign policy matters and decisions remain contested. To explain this contestation, a member of foreign affair committee stipulated that in most political systems the parliamentary accountability is normally found to be lacking, and Kenya is not an exception. She notes that foreign policy issues are still not fully developed. She further explains that guaranteeing responsibility to residents, for instance, for the utilization of military powers is a focal part of the battle to build up a vote based type of government. In any case, choices about whether to utilize military powers can be made in international organizations a long way from the parliament that Kibaki’s government had relied on to provide such accountability (Stella, O.I., 8/4/16). It is therefore evidenced from studies that a parliamentary government cannot function well without the support of parliament. However, challenge persist where the President still has a strangle hold on members of parliament in terms making crucial decisions. Especially when a ruling party with a sound parliamentary majority governs the country, it might appear to be in vain to concentrate on parliament's role in terms of foreign policy (Kesgin & Kaarbo, 2010).

During a focus group discussion with members of parliament it was established that traditionally and ordinarily, parliaments as we have noted earlier has four major roles-
legislation, oversight, representation and budget. Parliamentary diplomacy is usually articulated through parliamentary committees, bilateral diplomacy and inter-parliamentary assemblies. The major function of the members of parliament is to debate as well as attempt to come up with solutions that improve the livelihoods of its constituents (FGD, 24/6/16). It is evidenced that members of parliament are expected to rely message to their constituents on the projects that are in progress, including foreign policy, to address the public concerns; and making and unmaking of government (executive). More so, parliament has the power to vote out the executive through a vote of no confidence (Government of Kenya, 2010). This is a powerful tool upon which they can use to influence the conduct for foreign policy, parliament can determine the life of the Government and its foreign policy through exercising the ability to provide or withhold support to either the entire government or a member of the executive like the Cabinet Secretary, Ministry of Foreign Affairs.

A lecturer specializing in issues of international relations points out that the government adopted a considerable part on peacekeeping in an all-round manner, leading to the secretary-general Ban Ki-moon praising Kibaki’s government in taking a lead role of promoting peace in the region (Evelyn, O.I., 14/6/16). As an entrenched host, Kenya facilitated several peace keeping negotiations with the country being the preferred choice of hosting regional and worldwide peace-and security-related talks. For example, Kenya facilitated meeting on the political fate of Somalia's Jubba land area (June 2012 and March 2013); co-hosted a global antipiracy meeting with the United Nations (February 2012); and attempted to intercede peace talks between Ethiopia and the
Ogaden National Liberation Front (October 2012). Yet another example, is when in the year 2011 the then Prime Minister, Raila Odinga was sent to intervene in Ivory Coast on behalf of the AU, however the Prime Minister was not able to broker a deal (Stockholm International Peace Research Institute, 2005).

The Kenyan Constitution considerably guarantees the role of Parliament in shaping Kenya's foreign relations. For instance, Article 1(3) delegates the sovereign power of the people to the Legislature as one of the three arms of government. Article 95 empowers the National Assembly to exercise this sovereign power through representation, legislation and oversight. In discharging its mandate, the following elements of the work of the Assembly represent its considerable foreign relations power (Government of Kenya, 2010).

The National Assembly engages in relations with other parliaments, international and intergovernmental organizations to discuss issues which ultimately shape foreign relations. This is done through conferences and seminars organized by organizations to which the Assembly is a member such as the IPU and the Commonwealth Parliamentarians (Mati, 2013). During an interview with a legal expert it was established that foreign relations power is one of the Constitutional powers of the National Assembly. Under the Constitution, the Executive must account to the National Assembly and abide with the resolutions made by the House when administering the foreign relations of the country with regard to: law-making and ratification of various treaties; and to declare war as well as deploying of armed forces whenever need arises; parliamentary approval of state officers; accountability of the executive to the national
assembly; powers, privileges and immunities of the assembly; budgetary control; and parliamentary diplomacy (Muthomi, O.I., 27/4/16) (Government of Kenya, 2010). However, challenge remains on the role of parliament in formulation and implementation of foreign policy under Kibaki’s regime in the period 2008 to 2013. The Migingo Island territorial dispute between Kenya and Uganda, is a point in case that evidenced that challenges still remain.

Sovereignty over Migingo Island changed in 2004 when Ugandan authorities disputed the ownership of the island. Towards the end of 2007, Kenya sent her police officers to the island, but they were later withdrawn in order to avoid escalating the hostilities between the two neighbouring countries. The Migingo Island territorial dispute became worse in early 2009 when Kenyans living on the island were required to buy special fishing permits from Ugandan authorities. This led to a diplomatic row between Kenya and Uganda (Rossi, 2018). Interview with a retired member of parliament stipulates that the dispute has so far brought tension between Kenya and Uganda with several confrontations witnessed. The Migingo Island contest entwines inactive intramural and international issues of ethnicity, nationality, and legislative issues around the allurements of contending sovereign cases over recently eminent resources (Halima, O.I., 20/2/16).

The Migingo Island dispute presents an opportunity for members of parliament to implement foreign policy, but the parliament has not been able to do much, so far. The members of parliament have not been keen to challenge the executive branch of the government on issues pertaining to this matter. It has been established that members of
parliament lack the skills to confront diplomats and government agencies, or members of parliament simply do not want to compromise the image of the country and would rather maintain a perceived look of unity especially in the face of a neighbouring state (Kesgin & Kaarbo, 2010). It is no secret that the Migingo Island dispute directly challenges efforts of the National Assembly resolve conflicts within our borders.

Under Kibaki’s regime and the current Constitution (2003-2014), parliament has been more empowered. Several Articles of the constitution give legitimacy to Parliament as the body that represents Kenyans in general and also as the body responsible for making legislations including those touching on foreign policy (Lenczowski, 2010). During interviews with key informants it was established that there are several constitutional provisions responsible for making legislations that touch on foreign policy. These include: (i) Article 94(5) which empowers the National Assembly to make laws and ratify treaties; (ii) Article 95(4) which grants the National Assembly the power of the purse; (iii) Article 95(6) as read together with Article 132(4)(e) which empowers the National Assembly to approve a declaration of war; and (viii) Article 153(3) and (4)(b) which oblige a Cabinet Secretary to attend before a committee of the National Assembly (Geoffrey, O.I., 17/4/16; Rose, O.I., 14/4/16; and Muthomi, O.I., 27/4/16) (Government of Kenya, 2010). Being the representative body of all Kenyans, it is true, therefore, to say the National Assembly also has considerable foreign Relations power vested on it by the 2010 Constitution.

During a focus group discussion with members of parliament it was concluded that Parliament has become assertive exercising parliamentary diplomacy especially with
the promulgation of the 2010 constitution. It is however argued that this role is hampered by the standing orders. House rules require that members can only discuss a friendly country through a substantive motion. For example, Parliament could not debate the issue of Migingo Island which Uganda annexed from Kenya (F.G.D., 10/4/16). It is further argued that Standing orders have been a major constraint to Parliament role in foreign relations.

The Clerk of the National Assembly (2017) posits that since the promulgation of the 2010 constitution the National Assembly roles have significantly increased, for example budget approval and oversight, and approval of taxes and other forms of revenue including loans raised purposes of funding development projects. Literature reveals that approval of taxes and other forms of revenue is an important role of members of parliament that enhances oversight role in terms of government expenditure. In an interview with the Speaker of the parliament it was observed that members of parliament function of the budget making is unambiguously provided in various Articles of the Constitution. Primarily, Article 95 promulgates functions of budget making as: (1) determining the allocation of national revenue between national and county governments; (2) appropriating funds for expenditure by national government and other national states organs; and (3) exercising oversight over national revenue and its expenditure (Geoffrey, O.I, 17/4/16).

Under the Kibaki regime, in the period 2008 to 2013, the National Assembly has been actively involved in defence budgeting. DCAF (2006) explain that defence budget presents a breakdown of operating and project expenses for example, for the ministry of
defense and other relevant government agencies. In addition, the budget allocates financial resources for different types of projects within the ministry including: personnel, equipment, among other projects. In an interview with a foreign affairs relation expert, he concedes that defence budgets help guarantee that: public funds are reserved for characterized needs; reserves are spent accountably; and domestic bodies electorate, neighbouring states and other global actors are fittingly educated about the aims of the legislature in defense matters (Murugi, O.I., 20/6/16).

The directorate of committee services points out that the Ministry of Defence under the supervision and direction of the Principal Secretary, the role of Finance Division is coordination, preparation and implementation of the Ministerial Budget, control, monitoring and evaluation of expenditures. However, this role of Ministry to finance the Military has been seen to lack coordination with the National Assembly (Mutisya, O.I, 18/4/16). It is evidenced that most parliaments in a parliamentary government have relinquish their powers over the budget either willingly or unwillingly. Overall, it has grossly compromised the functions of parliament in foreign relations. It is further argued that, members of parliament protect their mandates by for example, scrutinizing budget expenditure, and consequently, enhancing capacity to make relevant amendments (DCAF, 2006). Despite of having a mandate to watch over budget execution the National Assembly is not well equipped to fully exercise their role in defence budgeting.
4.2.2.2 Reduced Level of Influence of the Executive over the Legislative Body

With the guiding of new dispensation, Parliament’s role has drastically changed from just legislation, oversight and representation to budget making and vetting public officers (Kagwanja, 2013). All the more critically, Parliament has expanded its interest for the foreign affairs issues. It was additionally settled that foreign affairs committee and other pertinent advisory groups effectively take an interest in foreign policy.

A legal expert pointed out that, KNA mandate is derived from the people of Kenya, and parliament as a whole is the law-making organ of the national government. Even though parliament is the only organ that has been given the mandate to make, they can issue such powers to other authorities if they so wish, but through legislation (Muthomi, O.I., 27/4/16). It was further noted that The KNA members discuss over distribution of revenue to the government and go about as an oversight authority on revenue use. Representation to the national assembly is fundamentally engaged to cater for interests in the parliament. Should a member of parliament neglect to meet the desires for the electorate, there is a privilege of recall that can be practiced under article 104 of the constitution (Wanyama, 2013).

During an interview with a legislator he postulated that the 10th Parliament is where a great number of constitutional reforms were implemented compared to the previous parliaments. According to a staff at the KNA, One of the major reforms that has been introduced to parliament is increment in the capacity development for MPs and other staff of the national assembly An example of such is the Centre for Parliamentary
Studies and Training (CPST) (Clement, O.I., 5/6/16). Kagwanja (2013) observes that even then, there were concerns that parliament had to improve its performance. This was especially the case with its strategic plan. Through appropriate training programs, CPST promotes and strengthen the capacity of the members of parliament to further execute their mandate more effectively as well as enhancing overall staff performance.

A foreign affairs relations experts notes that under Kibaki’s regime, the KNA was designed to function as a check and balance of the executive branch of the government. It was noted that the key mandate of the members of parliament is having control over the budget for instance, by appropriating funds for expenditure (Murugi, O.I., 20/6/16). In addition, Wanyeki (2012) posits that, the KNA is given the mandate to critically examine the conduct of the president and other high-ranking executive officials and can initiates the impeachment process if need arises. The National Assembly also has a role in approving declarations of war as well as the extensions of states of emergency. Further, the new constitution gave Parliament a more enhanced role in foreign affairs issues. This includes the ability to formulate and implement foreign policy. The 2010 Constitution has endeavoured to present a legal framework on regional and international relations in terms of the conduct of Kenya’s foreign policy (Wanyama, 2013).

In addition, under Kibaki’s regime and with the promulgation of the 2010 constitution the functions and powers of each arm of government are clearly demarcated. In a system which properly separates the powers of the three arms of government, power checks power and no arm is allowed to exercise undue influence on the other (Mabera, 2016). The independence of each arm is also guaranteed. However, it is argued that the
use of a veto by the Executive should not, in a legal system that properly demarcates the powers of the three arms of government, be viewed as a usurpation. A Presidential veto, for instance, constitutes a proper check on the exercise of legislative powers by a House of Parliament (Mwagiru, 2009). In this case, it is arguably not possible for any arm of government to usurp on the powers of the other in shaping foreign policy. The Constitution clearly defines the role of the National Assembly in shaping foreign policy which is through its legislative and oversight mandate and that of the Executive which is policy implementation (Wanyeki, 2012).

During an interview with a head of department in the ministry of foreign affairs it was established that during this period some of the mechanisms that enabled the National Assembly to exercise its control over the foreign policy include: oversight of the Ministry of Foreign Affairs through the Departmental Committee on Defence and Foreign Relations; enactment of legislation; budgetary allocation of funds for carrying out of foreign affairs; approval of appointments to foreign missions and consular; deliberation of motions on various matters of international relations; deliberation of the report on progress made in fulfilment of the country's international obligations; and questions to the Cabinet Minister/Secretary for the Ministry of Foreign Affairs (Paul, O.I., 19/6/16).

For example, a joint committee on administration and national security; and defence and foreign relations was established after the terror attack in Westgate Mall on 21st September 2013. The work of the Committee was to establish circumstances that led to terror attack at Westgate Mall and the conduct of security and intelligence particularly
on how they handled the attack. The committee was further mandated to expand its scope of investigation by covering other parts of the country that had been previously affected by terrorist attacks prior to Westgate Mall attack. Such areas included Garissa, Mandera, and Wajir in North Eastern, and Kilifi in the Coastal region (Hansard - 11th - 1st Session, 2013). Another example was during the budget making process of 2013/14 where public hearings in ten centres across the country were conducted to get the public input (Institute of Economic Affairs, 2013). Thus, as the sole law-making body, the National Assembly has enacted various legislation touching on the country's foreign relations.

Further, during the Kibaki and Uhuru’s regime there was the deployment of Kenya's military for international peacekeeping missions under the United Nations and African Union. The KNA was instrumental in approving this. Such was the case in 2012 when KDF officers to AMISOM forces in Somalia in 2012 and deployment of 310 Kenya Defence Forces soldiers into South Sudan for peace mission in April 2014 was extensively discussed and approved by parliament (Mabera, 2016). Other cases where the National Assembly has forced Executive to change its stand on foreign policy are: the Mutual Defence Pact between Kenya and the United Kingdom on military base in Kenya; petition on Kenyan Citizens imprisoned in South Sudan forcing the Executive to mediate on the issue which saw the release of the Kenyans; and questions on mistreatment of Kenyan immigrant workers abroad forcing the Executive to device mechanisms of protecting Kenyan workers abroad among others (Wanyama, 2013).
A foreign relations expert argued that the National Assembly has continued to play important role when it comes to conduct of Kenya's foreign policy. These roles include: approval of the budget for the Ministry of Foreign Affairs, including foreign missions; oversight of expenditure of funds allocated to the Ministry through the Public Accounts Committee, which has released various reports; approval of High Commissioners, Ambassadors and consular and participation of Parliamentary Delegation comprising of Members of the National Assembly to high level diplomatic deliberations, including the United Nations General Assembly (Murugi, O.I., 20/6/16). Gachie (2012) notes that, under Kibaki’s regime in the period 2008 to 2013, the National Assembly was considerably empowered to check the formulation and administration of foreign policy by the Executive. The National Assembly is definitely much more aware and involved in foreign affairs matters than would have been the case in before the 2010 constitution but there is still some work to be done to be in line with more advanced democracies that are much more sensitive in making sure that foreign affairs take into consideration the citizens' perspectives.

4.2.2.3 Parliamentary Committees

During an interview with a member of foreign affairs committee, it was established that in the period 2008 to 2013, the National Assembly’s Defence and Foreign Relations Committees have been actively in promoting democratization in parliament. The Defence and Foreign Relations Committee is a very important committee that almost all the countries in Africa parliaments have one. The committee is utilised as a platform to advance foreign policies (Lucy, O.I., 17/4/16). In addition, according to a foreign
relations expert interviewed, the committees are an essential instrument or organ in the working procedures of Legislatures, without which, the procedures of a Legislature could come to a standstill for the sheer volume of exercises that would need to be considered at Plenary (Murugi, O.I., 20/6/16). Kagwanja (2013) posits that committees are viable tools that are utilised by members of parliament to organize their work so that they can effectively perform different activities. These incorporate issues, for example, examining laws; examining and endorsing budget and expenditure, examining administration exercises, evaluating whether they meet the proposed objectives of enacted laws, policy structures and advancement plans; leading examinations on extraordinary issues; reviewing and affirming executive appointments; and giving a stage to public participation in the execution of determined business.

In addition to enabling legislatures to organize their work, conducting an interview with a current member of parliament, it was promulgated that it was important to utilize committees because it is an effective manner of conducting business in the parliament. Consequently, a member of parliament noted that, well-working Committees grow democratic administration. Committees orders and enrolment along these lines centre consideration on explicit issues and cause significant consultation (Kelvin, O.I., 4/3/16). Committees have defined mandates and memberships. Members of the committee role is to conduct a study or investigate on an issue extensively before reporting back the findings to Parliament. This permits MPs to concentrate on a topic, study it in detail and extend their comprehension of the issue(s). The Committee setting upgrades the
capacity of MPs to be profitably occupied with the nitty-gritties of the functions of a Parliament thus take responsibility for result (Gachie, 2012).

During an interview with an expert on foreign affairs, it was affirmed that the KNA under Kibaki’s regime played a major role foreign affairs issues. A portion of the key elements of KNA, with respect to international relations, included proposing, thinking and choosing about public policy. He added that, foreign policy is an externalized public policy arrangement but, the main thing that separates them is the domain (Murugi, O.I., 20/6/16). The Defence and Foreign Relations Committee has a mandate to carry out several functions. For example, it might monitor, conduct investigation and make any suggestions concerning any protected organ of state inside its domain. The committee is conceded such powers with respect to the legislative program, the budget, legitimization, rebuilding, structure or staff and strategies of any organ of state or agencies (Mwagiru, 2009; and Olokooba, 2009). It is therefore evident that Defence and Foreign Relations Committee is an essential tool when it comes to overseeing the process of formulation and implementation of the foreign policy.

In a focus group discussion, MPs confirmed that there was limited engagement with Cabinet members because they did not report to Parliament however, it was now possible for members of parliament to have a face-to-face meeting with a Cabinet Secretary including the CS for Foreign Affairs. Despite not being elected Members of Parliament, the Cabinet Secretaries including for foreign affairs, appear before the MPs to field questions emanating from their portfolios (FGD, 10/4/16). On this note, Kagwanja (2013) stipulates that, the new Standing Orders brought down the wall that
had been set to demarcate separation of powers. For example, in line with constitution, President Uhuru Kenyatta's Cabinet was the first to be picked outside Parliament. This effectively meant 11th Parliament became the first to operate without the traditional Question Time through which Ministers responded to members' queries.

4.2.2.4 The Role of the Speaker of the National Assembly

During an interview with a legislator in Nairobi, it was noted that the speaker of the National Assembly is an ex officio member of the body. The Speaker is elected by the House as indicated by the standing orders from among people who are able to be elected as members of Parliament however are not such members. The Speaker of Parliament seats any sitting of the House of Parliament and helped by a Deputy Speaker who is elected from the members of the house (Clement, O.I., 4/6/16). The 2010 constitution establishes that after the Deputy President, the Speaker of the NA is second in the line of presidential succession. The Speaker can however serve for a maximum of sixty days until an election is held to fill the vacancy (Mabera, 2016).

During an interview with the Speaker of the National Assembly, we assert that the speaker decides on any procedural questions not expressly provided for in the standing orders of the houses or other relevant rules. For example, during his election in the tenth Parliament as the Speaker of KNA, Kenneth Marende in the acknowledgment discourse submitting himself to the desire of the House embraced to take Parliament to the people, regardless of the expense (Geoffrey, O.I., 17/16). In facilitation of this affirmation, live inclusion of procedures initiated in 2008 on both radio and TV which was heretofore
confined to selected functions for instance, swearing in function of members of parliament. The Standing Orders were changed in December, 2008 which among others presented Prime Minister's question time, reintroduced Committee on implementation which was nullified in 1980 and made arrangement for address to the House by visiting presidents and different dignitaries, and gave broadcasting guidelines (Gachie, 2012).

The Speaker of the National Assembly adds, the speaker has emerged as key player when it comes to KNA influencing foreign affairs issues both domestically and internationally from 2003 to 2013. These functions includes leading various parliamentary delegations in bilateral encounters with different countries at local and international level. The reciprocal (bilateral) visits were typically directed to upgrade ties between nations as a method for supplementing foreign policy. More so, in order to strengthen cooperation with other Parliaments, the Speaker authorized Parliamentary exchange programs, attachments and internship programs in another jurisdiction. He also received foreign dignitaries in his capacity as the key figure that fosters international relations (Geoffrey, O.I., 1/7/16). Through such visits, parliamentarians trade important data on the tasks of their separate parliaments and such data may incorporate how they take part in international relations and bolster foreign affairs issues. The Speaker guarantees that there is incorporation of representatives of parliament in legislative assignments at international ministerial or summit gatherings; and leads or designates leaders of parliamentary appointments going to intergovernmental gatherings (Mwagiru, 2009).
4.2.2.5 Parliamentary Representation and Fact-Finding Missions

Fact finding missions was distinguished as another methods by which the Parliaments especially the National Assembly's Defense and Foreign Relations Committee look to assume monitoring of national interest that verges on outside undertakings. The Parliament takes part in parliamentary tact through parliamentary exchange visits, and co-work with different parliaments over the globe (Sukma, 2008). A member of foreign affairs committee explained that clarified that the Defense and Foreign Relations Committee is viewed as a versatile committee, in light of the fact that the members of committee travel frequently on missions, passing by the idea of its mandate. Subsequently there are various reports of visitation to different nations and fact-finding missions (Stella, O.I., 8/1/2018).

During a meeting with a former clerk of the National Assembly, it was built up that the government keeps on grasping bilateralism in seeking after its foreign relations targets through bilateral exchange, political, ecological and social concurrences with different nations. In addition, the EAC are Kenya's key accomplices, these nations have a critical number of Kenyan expatriates and remain the focal point of the Kenyan business network (Josephine, O.I, 17/3/16). The government likewise looked to go into bilateral partnership with nations in other African sub-regions inside the setting of its afro-centric foreign policy. Olokooba (2009) sets that territorial incorporation is of fundamental significance with regards to the foreign relations strategy. Reciprocal courses of action with different nations over the world is additionally significant in advancing Kenya's foreign policy agenda. An example Kenya’s principal avenues for
pursuing its foreign policy goals through regional relations include the African Union (AU), Inter Governmental Authority on Development (IGAD) Common Market for Eastern and Southern Africa (COMESA), among other regional organizations.

As per head of department ministry of foreign affairs, it was established that the Parliament takes part in bilateral visits with different states at regional and international level. Bilateral visits are directed to improve relations between nations so as to encourage foreign policy motivation. Parliamentary visits likewise serve to strengthen warm conciliatory relations between two nations and their parliaments or to reconcile following a time of strain among states and their parliaments as a method for flagging a significant move in diplomatic relations (Paul, O.I., 19/6/16). This study uncovers that parliamentary visits improves and encourages trade of perspectives preceding for instance, a territorial and additionally international parliamentary gathering. During such visits, parliamentarians accept the opportunity to engage in side diplomacy by holding short gatherings with their partner states as a multilateral gatherings (Rusen, 2014).

In an interview with a member of parliament, it was established that the Parliament has receiving several delegations on a bilateral premise from other parliaments and this has been expanding throughout the years. It is important to note that bilateral visits don't just contain parliamentarians yet can likewise include parliamentary support staff with the target of improving the productivity and viability of parliamentary activities (Kelvin, O.I., 4/3/16). Parliamentary visits provide important information on how other parliaments conduct foreign policy issues and support it (Sukma, 2008). Along these
lines, such delegations are not really parliamentary assignments but rather might be state appointments. This promotes various opportunities for tet-a-tet gatherings; making a stage for parliamentarians to progress foreign policy objectives.

Under the Kibaki’s system the government kept on advancing the standards of the United Nations (UN) Charter and assume its legitimate role in supporting work crafted by the United Nations framework in the advancement of international peace and security, human rights and democratic government, sustainable development and the reform of the UN framework (Renouvin, 2011). In this regard, a member of parliament concedes that Kenya kept on producing more noteworthy joint effort with the United Nations framework and other international bodies. For instance, by recognizing changes of UN, for example, calling for equal representation in its organs and establishments (Kazungu, O.I., 17/4/16).

Olokooba (2009) articulates that, the Parliament also continued to effectively engage with the Commonwealth and other multilateral associations to advance international participation and joint effort in finding enduring answers for global challenges and in helping change of the multilateral framework to mirror the decent variety of the nation, and to guarantee its centrality in global governance. Parliament additionally keeps on protecting and advance the general international policy objectives through vigorous commitment at the World Trade Organization to make an anticipated, straightforward and empowering condition for reasonable multilateral trading framework.
It was evidenced during an interview with an expert on foreign affairs that advocating for parliamentary diplomacy as an instrument of enhancing the conduct of foreign policy among the members of parliament is crucial, and it is an important characterises of the parliamentary delegations (Murugi, O.I., 20/6/16). Parliamentary gatherings are additionally a significant instrument in parliamentary diplomacy since they make a stage for an enormous number of parliamentarians to meet, exchange ideas and examine issues of common intrigue (Concotta, 2006). This study established that the KNA participates in such conferences for example, IPU parliamentary conference.

4.2.3. A Snapshot of the First Year of Uhuru Kenyatta’s Regime; 2013 – 2014

4.2.3.1 The Influence of Parliament on Kenya’s Diplomatic Relations

Uhuru Kenyatta in his inauguration speech on 9 April 2013 clearly proclaimed his government’s commitment to rejuvenating the country’s foreign policy and engagement to reflect, among others, an assertive pan-African focus (Capital FM News, 2013). According to Kagwanja (2013) Uhuru Kenyatta felt that enhancing regional cooperation was just as important as the national unity. From the beginning Uhuru foreign policy focused on pan-Africanism, regionalism, nationalism and multilateralism (Deacon, 2015). In practice, a regional and pan-African focus was evident where his first state visits were mainly focused on the regional and African states.

During a focus group discussion with members of parliament it was established that Uhuru Kenyatta’s emphasis on pan-Africanism was, to an extent as a result of ICC cases against him and his deputy William Ruto. Both Uhuru and Ruto utilized the
apparent Western objection to his office to tie support in his discretionary fortifications under the emotive flag of ensuring Kenya's sovereignty. Thus, after his political race, he pursued other African states and the AU to battle against the ICC and it's purportedly 'politically motivated' plan. That push resulted in an AU consensus to support a deferral of all cases against active heads of state at a summit in Addis Ababa in October 2013 (F.G.D., 24/6/16). This lobbying of the AU and the AU member states by Uhuru Kenyatta’s government steered Kenya into the pan-African limelight. The ICC cases end up being among the most definitive scenes throughout the entire existence of Kenya's foreign policy (Onyango-Obbo, 2013; and Rosen, 2014).

A member of foreign affairs committee noted that parliamentary diplomacy should be assessed against the executive decisions in foreign policy matters. The biggest foreign policy decision for example was made in 2011 when Kenya went into Somalia. More so, Uhuru pursued Pan African foreign policy under the shadow of the ICC that he explained sought to deepen bonds in East Africa and Africa as he sought support for deferral of active cases against sitting heads of states (Stella, O.I., 8/4/16). The ICC question and corruption within government strained Kenya’s relation with European Union and the USA. That however changed in 2014 when ICC dropped cases against Kenyatta and dramatically changed Kenya western relations (Sriram & Brown, 2012). With the ICC’s dropping its case against him in 2014, the Kenyan government renewed its relations with Western countries (De Vos, 2013; and Joselow, 2013).

A foreign affairs relations expert concedes that the turning point of Uhuru’s Afro centric foreign policy was further cemented with the high-level visits by president

During his first year, Uhuru Kenyatta’s administration published the foreign policy document in 2014 emphasizing its Afro centricity and increased intra African trade. This policy document had been supplemented by vision 2030 document, sessional papers, medium term plans and executive pronouncements from time-to-time (Myers, 2015). A member of foreign affairs committee stipulates that visits by Israel, India, Japan, China, Turkey, The Holy See and South Korea suggested Uhuru’s international acceptance and elevated Kenya’s image globally. In addition, Kenya held major international conferences (WTO, UNCTAD, and AGRF) all aimed at attracting and increasing foreign capital and investments (Stella, O.I., 8/4/16).

4.2.3.2 The ICC and its Implications on Kenya’s Foreign Policy after Kibaki

According to a legal expert that was interviewed it was noted that the potential election of Uhuru and Ruto who were facing charges in the ICC was seen to eventually affect our relations with our partners. Both were charged with crimes against humanity (Muthomi, O.I., 27/1 18). Kenya's partners cautioned of the ramifications of Kenyatta and Ruto's conceivable election. In a telephone instruction with correspondents, the top U.S. representative for African Affairs, Johnnie Carson, emphasized Washington's situation on the conceivable appointment of the ICC suspects, saying "choices have consequences" (Wanyama, 2013).
A foreign affairs relations expert asserted that the indictment of Uhuru and Ruto by the ICC was riddled with the risk of having them elected to the presidency. The two used the ICC tribulation to hammer away a message of reclaiming the country’s sovereignty that pressed the advantage for the Jubilee coalition in the March 4 presidential vote (Murugi, O.I., 20/6/16). In September 2013 the Parliament was dominated by the Jubilee coalition formed by Kenyatta and Ruto, an emergency motion was sent to the House by Jubilee MPs seeking the exit of Kenya from the ICC. The motion was boycotted by most opposition lawmakers (Wanyeki, 2012). The Parliament had voted to back a call for the government to pull out of the ICC.

A foreign affairs relations expert argued that the west since 2013 declaration of Uhuru Kenyatta as the president had adopted a wait and see attitude. The decision to withdraw charges was not unexpected as high-profile engagement and diplomacy was sustained since 2012 (Murugi, O.I., 20/6/16). Moreover, since September 2013 Westgate attack, Kenya had prioritized counter terrorism and deradicalization as core a foreign policy issue that was given western tacit approval from early 2014 (Wanyama, 2013).

4.2.3.3 The use of Bloc Diplomacy

In a discussion with a current Member of Parliament, it was built up that inside the primary year of Uhuru Kenyatta there were significant improvement of parliamentary gatherings that is, the preconference gatherings through Bloc diplomacy which went to be a key element of parliamentary meetings. Territorial and sub-regional alliances would meet before the principle gathering in order to concoct progressively combined
situations on issues important to those concerned. For instance, the former Vice President Kalonzo Musyoka spearheaded discussions with cabinet ministers and top Grand Coalition Government MPs on seeking deferment of the cases from the ICC. A delegation of African ministers was also dispatched to New York to seek deferral of the case against Kenyatta following an AU resolution to that effect (Kazungu, O.I., 17/4/16).

The mechanisms that Africa countries through their representatives use includes meeting a day or two before approaching international system (for example, UN and EU) to discuss how best the African bloc can move towards the international framework to address issues of shared concern which are in accordance with their national interests (Mwagiru, 2009). A major objective of the KNA is to work in partnership and collaboration with regional parliaments in enhancing regional parliamentary bodies.

4.3. Conclusion

It has been noted that under Kibaki’s regime KNA role changed drastically by encompassing more active roles to play including that of budget making. In the 10th parliament, the speaker for example, committed to a progressive reform like amending of the standing orders, to put them on per with modern parliamentary jurisdictions. The speaker therefore plays a crucial role in reinforcing the effect of national assembly on Kenya’s foreign policy from 2003-2013. Under Kibaki’s regime, we have seen that parliament extended its hover of enthusiasm for the foreign field, where issues of foreign policy have habitually been topic of conversation, either in committees or
during a parliamentary plenary session. However, it is crucial to understand that still some foreign policy issues and parliamentary diplomacy failed to achieve their desired goals for example, due to highly charged political atmosphere and/or lack of elite cohesion and consensus on reforms.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1. Summary of Findings

Our study was guided by three objectives namely; (i) interrogating the extent to which Kenya’s National Assembly influence Kenya’s foreign policy from 1963 to 1978, (ii) investigating the mechanisms used by the National Assembly to influence Kenya’s foreign policy from 1979 to 2002, and (iii) assessing the impact of the National Assembly on Kenya’s foreign policy from 2003 to 2014.
On objective one it was noted that constitutional restriction had significant impacts on the extent to which KNA influence Kenya’s foreign policy. It was used to strike down policy formulation and implementation dealing with questions of foreign affairs. It was further established that under Kenyatta’s regime Parliament had the mandate to actively influence foreign relations as enshrined in the constitution. It is however evidenced that constitutional structure did not last long. Parliament faced constitutional restrictions on their right to introduce foreign relations legislation, only the president could initiate a foreign policy. The constitution provided for executive veto authority of the kind that requires extraordinary majority to be overridden by parliament. By exercising a veto, the president challenged legislative choices including that on foreign affairs matters.

Abuse of executive powers was another emerging theme, it was characterised by the commission of an unlawful act by the executive, done in an official capacity, which affected Parliament’s influence on foreign policy. It also meant that in the period between 1963 and 1978, the President was using the power he had for his own personal gain. Our study revealed that under his regime, Kenyatta often misused the constitution to his favour in order to discipline members of parliament who seemed to be opposing his authority. The constitution protected the executive even when he made foreign affairs decisions that ought to have involved the Parliament.

On the second and third objective of the study it was concluded that neo-colonialism was an important theme that continued to define the continued dependence of Kenya on foreign countries. During the reign of Moi, it was noted that Kenya continued to be controlled by its colonial master the British through indirect means. This involved the
control of the economy, politics, education system, culture among others. It is evident that Kenya inherited the former colonial systems that was transferred from the British.

The issue here was the substantial reliance on remote capital and work particularly the British kind. Kenyatta's system gave little protection from the pressure of outside capital interests for instance, foreign policies that were formulated and implemented by Parliament further entrenched foreign capital interests in the country. Jomo Kenyatta, was castigated for abandoning the pan-African cause.

On the third objective in particular the study concluded that four mechanisms were used by KNA to influence Kenya’s foreign policy thus: parliamentary questions and open debates; parliamentary committees and foreign visits; parliamentary motion and informal social gatherings; and legislation, oversight and representation.

It was also argued that President Moi's international relations strategy didn't give a generally open world of politics for service of ministry of foreign affairs and other government divisions including parliamentarians, who were straightforwardly or by implication associated with the foreign policy detailing and execution. Thus, the only other avenue available for MPs to deliberate on foreign affairs issues was either through parliamentary questions in the National Assembly, or during open debates such as the debate on presidential address to the National Assembly and the budget debate. In regard to the motion relating to foreign policy in the period 1979 and 1982, it was further established that parliamentary questions and motions were not very significant. The failure of parliament to debate foreign-policy issues during such a long period of time was itself an indication of how the role of the House on foreign affairs had really
declined. The failure of parliament to handle foreign-affairs issues as had been the case during the Kenyatta era was brought about mainly by Moi’s direct intervention to stifle the powers of parliament and by his style of leadership.

The study revealed that parliamentary committees in the period 1979 to 1982 utilized parliamentary committees to attempt to influence the conduct of foreign policy. For example, there was a motion on the adoption of Sessional Paper No. 10 of 1979 which was tabled in parliament on 26th July 1979, the motion spoke at length on Committee E which addressed itself to foreign-affairs issues. The General Purposes Committee as specified in the Standing Orders was entitled to examine and ask into the exercises and organization of the services or offices relegated to them, and such examination and request reached out to proposition for enactment. However, despite the adoption of the motion, Committee (E) never got off the ground as required. This particular set-back marked the beginning of parliament’s lacklustre performance on their role in influencing the conduct of foreign policy during Moi’s regime.

Between 2003 and 2014 it was noted that the Constitution of Kenya 2010 significantly decreases the influence of the president over the parliamentary body, Speaker of the National Assembly, and visitation/representation/fact-finding missions. The study also concluded that under Kibaki’s regime and particularly with the enactment of the 2010 constitution there are several provisions in the 2010 Constitution that afford the National Assembly considerable power to leverage the country’s foreign relations. The Constitution demarcates the powers of and outlines a system of checks and balances to administer the connection between the three arms of government. It is however,
important to note that by and large and indeed world over, the executive is at the core of
the conduct of matters of foreign relations of countries. For instance, according to the
Vienna Protocol, which is the international regime that regulates conduct of foreign
relations, the executive is the recognized entity that can make undertakings on matters
of foreign relations on behalf of governments.

The study further established that under Kibaki and transition to Uhuru (2003-2014)
regime and particularly under the current Constitution, the National Assembly has been
granted considerable checks against the Executive in terms of administration of foreign
policy. Since the promulgation of the Constitution in 2010, no instance has arisen where
the National Assembly has been at variance with the position adopted by the Executive
on foreign relations. An isolated case was following the 2007/2008 post-election
violence, the ICC intervened after Parliament failed to heed to the plea of the executive
to pass a law to establish a local tribunal to deal with post-election cases. This presented
a foreign policy challenge to our sovereignty especially when Kenya’s leaders were
expected to appear before a court outside its jurisdiction. Otherwise, the assembly
during this period had not been constrained to "put its foot down" on foreign relations
matters.

5.2. Conclusion

The study concluded that in the period under study executive weakened the legislature
through control of parliamentary calendar, constitutional amendments, budget, threats
and intimidation, carrot and sticks within political parties’ framework among other
considerations. This however changed with the passage and adoption of the new constitution in 2010. The role of parliament is provided in articles 94, 95, 96 and 221 as representation, oversight, budget and legislation. The new constitution gave parliamentary reforms enabling legislations that began in 1999 with the formation of parliamentary service commission. Furthermore, the 10th parliament (2008-2012) initiated fiscal management laws that created budget committee and parliamentary budget office.

With the establishment of the new constitution of Kenya (2010) there were clearly separated powers which enabled the legislature to play its constitutional role. Today parliament has many parliamentary bodies engaged in parliamentary diplomacy and foreign policy such as committees, assemblies, associations, councils and even parliament itself. These structures work both formally and informally to give meaning to parliamentary diplomacy. Yet parliamentary diplomacy has been criticized as political tourism that reproduces what is already known without any debate taking place or even generating new knowledge. Furthermore, the fact that it works in sporadic or ad-hoc manner removes continuity in parliamentary diplomacy while at the same time fails to address issues due to limited resources and technical capacity.

The 2010 constitution, notwithstanding its short comings has, however, considerably shifted power from the traditional functions of parliament to parliamentary diplomacy as compared to the period under research where the executive dictated diplomacy. Parliament in Kenya has extensive constitutional powers of defining and directing foreign policy and has been playing that role even though with political constraints.
This study found that the effectiveness of parliamentary diplomacy is anchored in the 2010 constitution. The constitutional dispensation enabled parliament to play its traditional role of oversight, legislation, budget and representation. Furthermore, the study found executive interference and agency weakness as the parliamentary diplomacy slowly evolves. In fact, there has been practically speaking constrained acknowledgment given to the job parliament plays in global relations. Many legislators attributed this to the ad hoc approach to the international relations under the parliamentary committee system and short fall in institutional memory but perhaps most importantly, reluctance or ignorance on the part of legislators as to the exact role of legislators in foreign policy formulation.

Contemporary types of parliamentary diplomacy work inside casual gatherings, for example, between parliamentary helpful or specially appointed between parliamentary ones and they will end up being the modern devices of progress and development of between parliamentary collaboration in a world that should be globalized, most importantly, interdisciplinary, intercultural yet generally participatory. The national assembly has established institutional partnerships within the framework of parliament to parliament relations under Pan African parliament, association of speakers, International Parliamentary Union (IPU), Commonwealth Parliamentary Association, East Africa legislative assembly (EALA) and parliaments with bilateral relations with national assembly. This notwithstanding, critics argue that such endeavours have not strengthened parliamentary diplomacy in Kenya adequately.
Under Kibaki’s regime and transition to Uhuru’s tenure (2003-2014) it is established that the National Assembly has invested more resources on foreign affairs matters compared to the previous regimes. The National Assembly has been able to invest more resources to carry out its mandate to check the administration of foreign relations by the Executive. In addition, with the enactment of the 2010 constitution parliament has the power of oversight and budgeting. For instance, in successive financial years, the National Assembly has been steadily increasing the budgetary allocation to the Ministry of Foreign Affairs. A point in case is the FY 2018/2019, the National Assembly allocated Kenya shillings. 17.1 billion, as compared to Kenya shilling 16.89 billion allocated in the 2017/2018 Financial Year.

In addition, there has been deliberations in the National assembly on matters relating to Kenya's engagements internationally, the increasing number of oversight visits to Embassies/Missions abroad by the Committee on Defense and Foreign Relations to understand and guide what goes on in our Missions, among others. Also, through the departments of research and legal, there is continuous investment on highly qualified personnel who can effectively support the National Assembly on matters foreign affairs. However, it is important to note that such investments are still grossly insufficient given the Ministry’s responsibilities and ambitions. There is need to have a deep understanding and appreciation of the linkage between foreign policy goals and nation building and match the country’s ambitions with resources.
5.3. **Recommendations**

The study makes the following recommendations in enhancing the influence of parliamentary diplomacy on Kenya’s foreign policy.

- Parliament ought to be sufficiently resourced so it can actualize its arrangements, plans, undertakings and projects without control either by agencies of government for their own narrow minded ends or by donors and other foreign agencies twist on propelling their foreign interest.

- There is additionally need to build up an effective and complete parliamentary strategic framework which guides parliamentary diplomacy and its linkage to legislative discretion. The framework will control the ways to deal with parliamentary diplomacy, the issues in question, preparing and improvement programs and the overall objectives of parliamentary discretion.

- The national assembly needs to strengthen its oversight and budget making roles by allocating more resources and integrating permanent research structures to support them and through building bridges with knowledge-based institutions to support decision making.

- Parliament needs to play an active role in foreign affairs in a systematic manner by ensuring the Standing Committees on Defense and Foreign Affairs are pro-active. This Committee should examine significant international relations strategy with the assistance of contributions from specialists and authorities, and present their decisions and proposals for its consideration.
• Strategic preparing workshops ought to be completed particularly during the enlistment of new Members of Parliament. MPs ought to be outfitted with abilities on political, monetary and social parts of their nation to empower them to verbalize national foreign policy objectives and the national intrigue. The contribution of the Ministry of Foreign Affairs and other vital partners in such preparing projects will encourage common comprehension among parliament and the official and encourage the co-appointment of international relations in light of a legitimate concern for the nation.

5.4. Areas for Further Studies

The continued political and economic polarization between the executive and parliament diplomacy presents a challenge to the conduct of foreign policy in Kenya which has not been explored. The researcher thus recommends that a study focusing on the relationship between parliamentary diplomacy and the executive, and finding a middle ground as a strategy to formulate and implement foreign policy be carried out.
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Sessional Paper No. 10 of 1979

**Newspapers**


**APPENDICES**

A1: Questionnaire

*SERIAL NO.: _____________________/KU*

**INFORMED CONSENT FORM**

**Title of the Study**: The Dynamics of Parliamentary Diplomacy in Kenya’s Foreign Policy, 1963 – 2014

**Principal Investigator**:

Adan Keynan Wehliye

**Supervisors**:

1. Dr. Susan Mwangi
2. Dr. Felix Kiruthu

Introduction:

My name is Adan Keynan Wehliye, currently pursuing post graduate studies in Master of Arts in International Relations and Diplomacy at the Kenyatta University of Nairobi. I am conducting a study to examine the dynamics of parliamentary diplomacy and Kenya’s foreign policy: The case of Kenya National Assembly, 1963 – 2014. I would like to invite you to participate in the above named research study by responding to the questions in the attached questionnaire. It takes approximately 30 minutes to answer these questions.

Please note that

✓ Your acceptance to participate in this study is voluntary.
✓ Your acceptance to participate in this study does not prevent you from withdrawing from the study at any time.
✓ You will not receive any token or monetary benefit by participating in the study.
✓ Your personal details will be highly confidential.
✓ Part or whole of this study can be availed to you on request.
✓ There is no right or wrong answer.

You are free to ask any questions that will allow you to understand the nature of the study. If you need to seek clarification you can contact me on ________________

This proposal has been reviewed and approved by National Commission for Science, Technology and Innovation (NACOSTI), which is a committee whose task is to make sure that study/research participants are protected from harm. If you wish to find out more about NACOSTI you can contact them on: Email; ________________, Telephone number; +254 ____________

The study has also been approved by the National Assembly

Specifically the study aims:

1. To interrogate the extent to which Kenya’s National Assembly influence Kenya’s foreign policy from 1963 to 1978.
2. To investigate the mechanisms used by the National Assembly to influence Kenya’s foreign policy from 1979 to 2002.
3. To assess the impact of the National Assembly on Kenya’s foreign policy from 2003 to 2014.

Your rights and risks as a participant in the study:

1. It is your right to decide whether to participate or not.
2. There is a risk that you may share some personal or confidential information.
3. Anonymity and confidentiality will be maintained.

Kindly sign below to indicate your acceptance to take part in the study.

Sign (thumb print) ____________________ Date ______/ _____/ 2018

Investigator’s statement:

I have explained to the participant the nature and purpose of this study as described above. I have asked the subject if there are any questions and I have answered them to the best of my knowledge and ability.

Signature of investigator ______________________________________________________

Contact; Mobile __________________ Box _____________________________

SECTION A: THE EXTENT TO WHICH KENYA’S NATIONAL ASSEMBLY INFLUENCE KENYA’S FOREIGN POLICY FROM 1963 TO 1978

1. In the period 1963 to 1978, would you say that the Parliament had a considerable foreign relations power guaranteed by the constitution? Explain

                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
                                                                                           
2. In the period 1963 to 1978, Kenya had basic law that did not limit the role of the Parliament in the conduct of foreign affairs. Explain
3. In the period 1963 to 1978, do you believe that foreign relations power was one of the constitutional powers of the Parliament? Explain

4. Briefly list some of the constitutional provisions that have guided the National Assembly’s oversight over Kenya’s foreign policy in the period 1963 to 1978.
5. What is your take on the statement that “foreign relations power is always usurped by the executive arms of government through the use of “party whip”, “veto”, and executive interference with the act of the legislative functions? 

SECTION B: THE MECHANISM USED BY THE NATIONAL ASSEMBLY TO INFLUENCE KENYA’S FOREIGN POLICY FROM 1979 TO 2002

6. From 1979 to 2002, would you say that the Parliament was investing more resources in foreign affairs matters? Explain.
7. From 1979 to 2002, what were some of the mechanism which enabled the Parliament to exercise its control over the foreign policy? How was mechanism (instruments) applied in order to influence the Kenya’s foreign policy?

8. From 1979 to 2002, would you say that in practice the Parliament had engaged itself in very little legislation on matters pertaining to the foreign affairs? Explain.
9. Kindly list the role Parliament played from 1979 to 2002 in regard to Kenya’s foreign policy.

SECTION C: THE IMPACT OF THE NATIONAL ASSEMBLY ON KENYA’S FOREIGN POLICY FROM 2003 TO 2014

10. From 2003 to 2014, would you say that Parliament was particularly insistent on asserting their rights to influence foreign policy? Explain.
11. From 2003 to 2014, were you aware of any cases where the Parliament was able to put their foot down forcing the Executive to change the foreign policy course? Explain.

12. From 2003 to 2014, would you say that the Parliament played a considerable influence in the conduct of foreign policy? Explain.
A2: Interview Schedule

Informed Consent Form

Title of the Study: The Dynamics of Parliamentary Diplomacy in Kenya’s Foreign Policy, 1963 – 2014

Principal Investigator:

Adan Keynan Wehliye

Supervisors:

1. Dr. Susan Mwangi
2. Dr. Felix Kiruthu

Introduction:

My name is Adan Keynan Wehliye, currently pursuing post graduate studies in Master of Arts in International Relations and Diplomacy at the Kenyatta University of Nairobi. I am conducting a study to examine the dynamics of parliamentary diplomacy and Kenya’s foreign policy: The case of Kenya National Assembly, 1963 – 2014. I would like to invite you to participate in the above named research study by responding to the questions in the attached interview schedule. It takes approximately 45 minutes to answer these questions.
Please note that

✓ Your acceptance to participate in this study is voluntary.
✓ Your acceptance to participate in this study does not prevent you from withdrawing from the study at any time.
✓ You will not receive any token or monetary benefit by participating in the study.
✓ Your personal details will be highly confidential.
✓ Part or whole of this study can be availed to you on request.
✓ There is no right or wrong answer.

You are free to ask any questions that will allow you to understand the nature of the study. If you need to seek clarification you can contact me on ________________

This proposal has been reviewed and approved by National Commission for Science, Technology and Innovation (NACOSTI), which is a committee whose task is to make sure that study/research participants are protected from harm. If you wish to find out more about NACOSTI you can contact them on: Email; ________________, Telephone number; +254 _____________

The study has also been approved by the National Assembly.

Specifically the study aims:

5. To investigate the mechanisms used by the National Assembly to influence Kenya’s foreign policy from 1979 to 2002.
6. To assess the impact of the National Assembly on Kenya’s foreign policy from 2003 to 2014.

Your rights and risks as a participant in the study:

4. It is your right to decide whether to participate or not.
5. There is a risk that you may share some personal or confidential information.
6. Anonymity and confidentiality will be maintained.

Kindly sign below to indicate your acceptance to take part in the study.

Sign (thumb print) ______________________ Date ______/ ____/ 2018

Investigator’s statement:

I have explained to the participant the nature and purpose of this study as described above. I have asked the subject if there are any questions and I have answered them to the best of my knowledge and ability.

Signature of investigator ______________________________________________________

Contact; Mobile _________________ Box ________________________________

1. Would you say that the National Assembly has a considerable foreign relations power guaranteed by the constitution? Explain
2. Kenya has basic law that does not limit the role of the National Assembly in the conduct of foreign affairs. Explain
3. Do you believe that foreign relations power is one of the constitutional powers of the National Assembly? Explain
4. Briefly list some of the constitutional provisions that have guided the National Assembly’s oversight over Kenya’s foreign policy from 1963 to 2014?
5. What is your take on the statement that “foreign relations power is always usurped by the executive arms of government through the use of “party whip”, “veto”, and executive interference with the act of the legislative functions?
6. In Post-Independence period, would you say that the National Assembly is investing more resources in foreign affairs matters? Explain.
7. In Post-Independence period, what are some of the mechanism which enables the National Assembly to exercise its control over the foreign policy? How is mechanism (instruments) applied in order to influence the Kenya’s foreign policy?
8. Would you say that in practice the National Assembly has engaged itself in very little legislation on matters pertaining to the foreign affairs? Explain.

9. Kindly list the role National Assembly has already played from 1963-2014 in regard to Kenya’s foreign policy.

10. In Post-Independence period, would you say that National Assembly is particularly insistent on asserting their rights to influence foreign policy? Explain

11. In Post-Independence period, are you aware of any cases where the National Assembly has been able to put their foot down forcing the Executive to change the foreign policy course? Explain

12. In Post-Independence period, would you say that the National Assembly plays considerable influence in the conduct of foreign policy? Explain

------- End -------
A3: NACOSTI Letter of Permission to Conduct Research

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Adan Keyman Weliye
Kenyatta University
P.O. Box 43444-01000
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on “Dynamics of parliamentary diplomacy and Kenya Foreign Policy: The case of Kenya National Assembly, 1963 - 2014” I am pleased to inform you that you have been authorized to undertake research in Nairobi County for a period ending 18th February, 2017.

You are advised to report to the Principal Secretaries of selected Ministries, Clerk, National Assembly, Clerk, East African Legislative Assembly, Chief Executive Officers of selected Government Agencies, the County Commissioner and the County Director of Education, Nairobi County before embarking on the research project.

On completion of the research, you are expected to submit two hard copies and one soft copy in pdf of the research report/thesis to our office.

DR. S. K. LANGAT, OGW
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The Principal Secretaries
Selected Ministries.

Clerk
National Assembly.
A4: Research Clearance Permit