

Regulatory and Policy Frameworks Supporting Digital-Era Foreign Policy in Kenya, 2020–2025

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DOI: <https://doi.org/10.47772/IJRISS.2026.100800761>

Received: 02 September 2026; Accepted: 07 September 2026; Published: 17 September 2026

ABSTRACT

This study evaluates the effectiveness of Kenya's regulatory and policy frameworks in supporting digital-era foreign policy adaptation between 2020 and 2025. It examines the degree to which Kenya's digital governance legislation, ICT policies, and cybersecurity strategies are aligned with foreign policy objectives, adequately address digital risks in diplomatic operations, and are supported by functioning inter-agency coordination mechanisms. A mixed-methods cross-sectional design was adopted, combining structured questionnaires administered to 181 respondents from the Ministry of Foreign and Diaspora Affairs, selected diplomatic missions, the ICT Authority of Kenya, and the Ministry of Information, Communications and the Digital Economy, with 12 Key Informant Interviews. Quantitative data were analyzed using descriptive statistics, Pearson correlation analysis, and multiple regression analysis. Qualitative data were subjected to systematic thematic analysis. Findings reveal persistent regulatory inadequacy. A combined 43.6 percent rated existing digital policies as providing low or no support to foreign policy functions. All three Likert-scale regulatory framework indicators yielded means below the neutral midpoint (range: 2.12–2.21), with inter-agency coordination recording the highest combined disagreement rate across all nine study items at 83.9 percent. Correlation analysis established a positive and significant association between regulatory frameworks and foreign policy performance ($r = .641$, $p = 0.000$). Multiple regression identified regulatory frameworks as the second strongest predictor ($B = 0.240$, $p = 0.000$). This study provides empirical evidence that Kenya's digital governance legislation, while relatively well-developed, was designed for domestic governance rather than foreign policy integration, creating a systemic disconnect between regulatory design and diplomatic operational needs. It links regulatory fragmentation and absent inter-agency coordination mechanisms directly to reduced foreign policy performance. The Ministry of Foreign and Diaspora Affairs should develop a dedicated Digital Foreign Policy Framework providing explicit operational guidelines for diplomatic practice and formalize mandatory inter-agency coordination protocols through a Joint Digital Foreign Policy Committee with clear mandate, reporting structures, and accountability mechanisms.

INTRODUCTION

Regulatory and policy frameworks constitute the foundational enabling environment through which digital transformation is embedded into state governance systems. In the foreign policy domain, the effectiveness of digital-era adaptation depends not only on institutional capacity and technological infrastructure but equally on the coherence and applicability of the regulatory frameworks that govern digital operations, data protection, cybersecurity, and inter-agency coordination (UNCTAD, 2021). Without clear legal mandates, operational guidelines, and enforcement mechanisms, even well-resourced institutions cannot systematically integrate digital transformation into foreign policy processes.

Kenya has developed a relatively comprehensive digital governance regulatory environment, including the Data Protection Act (2019), the Computer Misuse and Cybercrimes Act (2018), the National ICT Policy (2020), and the National Cybersecurity Strategy (2022–2027). These frameworks provide legal and policy support for digital governance, data protection, and ICT sector development (Government of Kenya, 2022). The Kenya Foreign Policy (2024) further incorporated Science, Technology and Innovation as a strategic external engagement priority, signalling growing recognition of digital transformation's importance to Kenya's international positioning.

Yet the critical question is whether these frameworks effectively support foreign policy adaptation in the digital era. Otieno (2021) and Mwangi (2022) noted that Kenya's digital legislation was designed primarily for domestic governance without explicit foreign policy integration, creating a disconnect between regulatory design and diplomatic operational needs. This study empirically investigates the effectiveness of Kenya's regulatory and policy frameworks in supporting digital-era foreign policy between 2020 and 2025.

Problem Statement

Despite Kenya's relatively well-developed digital governance regulatory environment, there is limited empirical understanding of whether existing frameworks effectively support foreign policy operations, diplomatic negotiations, and external digital engagement. Evaluations of Kenya's regulatory frameworks have focused on domestic digital governance without examining their applicability to foreign policy processes, consular services, diplomatic communications, international data sharing, or Kenya's participation in global digital governance forums. Reports identify a lack of coherence between inter-agency coordination mechanisms, particularly between the Ministry of Foreign and Diaspora Affairs and digital regulatory institutions, as hindering participation in global digital governance processes (Communications Authority of Kenya, 2023). Moreover, the rules of engagement of digital legislation in foreign policy remain vague and aspirational rather than operationally defined. Without systematic empirical investigation, policymakers cannot assess whether regulatory frameworks represent an enabling or constraining factor in Kenya's foreign policy digital adaptation. This study addresses this gap.

Research Gap

Existing scholarship on digital governance and foreign policy predominantly focuses on advanced economies and continental frameworks without examining national-level regulatory effectiveness in African states. Kiggundu (2022) identified regulatory fragmentation and weak enforcement mechanisms as continental-level constraints without providing Kenya-specific empirical evidence. Otieno (2021) and Mwangi (2022) noted Kenya-specific regulatory gaps but without systematic survey-based quantification. No study has empirically measured policy alignment, regulatory risk management, inter-agency coordination, policy gap identification, and familiarity with digital governance legislation simultaneously across Kenya's foreign policy and ICT governance institutions.

Study Objective

The objective of this study is to evaluate the effectiveness of Kenya's regulatory and policy frameworks in supporting digital-era foreign policy adaptation between 2020 and 2025.

Contribution of the Study

Empirically, this study provides quantitative and qualitative evidence on regulatory framework effectiveness across five dimensions, filling a critical gap in Kenya's digital foreign policy evaluation literature. Theoretically, it applies New Institutionalism to demonstrate that well-designed regulatory frameworks fail to produce substantive outcomes when inter-agency coordination mechanisms are absent and operational guidelines remain undefined. From a policy standpoint, it generates actionable evidence for developing a dedicated Digital Foreign Policy Framework and establishing formal inter-agency coordination protocols.

THEORETICAL FRAMEWORK

New Institutionalism

New Institutionalism, anchored in the foundational work of March and Olsen (1984) and developed by North (1990) and Hall and Taylor (1996), posits that institutional outcomes are determined not merely by formal rules but by the informal norms, enforcement mechanisms, and coordination structures through which formal rules are operationalized. A central challenge is the gap between formal rule design and operational implementation, particularly when enforcement mechanisms are weak, coordination structures

absent, or actors lack knowledge of the applicable frameworks. Applied to this study, New Institutionalism explains why Kenya's formally well-designed digital governance laws have not translated into effective foreign policy support. The theory frames the disconnect between regulatory design and diplomatic operational needs as an institutional failure stemming from absent operational guidelines, weak enforcement mechanisms, and non-existent formal inter-agency coordination protocols between the Ministry of Foreign and Diaspora Affairs and digital regulatory institutions. Regulatory frameworks that exist in formal law but are not operationally embedded in foreign policy practice represent a classic example of institutional decoupling.

Resource Dependency Theory

Resource Dependency Theory, developed by Pfeffer and Salancik (1978), highlights that organizations depend on external actors and resources to achieve their objectives. In the regulatory context, foreign policy institutions depend on ICT governance bodies, legal expertise, and inter-agency knowledge-sharing mechanisms to effectively implement and comply with digital governance frameworks. Where these dependencies are unmanaged or coordination mechanisms absent, regulatory effectiveness is diminished. In this study, Resource Dependency Theory explains why budget constraints are the most frequently cited policy gap, why enforcement mechanisms are weak despite formal legislative frameworks, and why regulatory compliance varies across foreign policy institutions depending on their access to digital governance knowledge and technical advisory support. The theory frames regulatory effectiveness not as a purely legal matter but as an organizational resource challenge requiring active coordination between foreign policy and digital governance institutions.

LITERATURE REVIEW

At the global level, empirical scholarship establishes that regulatory coherence is a critical enabler of effective foreign policy positioning in the digital era. The European Commission (2021) established that states with coherent digital regulatory frameworks, including data protection and cybersecurity legislation, demonstrate stronger foreign policy leverage and negotiation credibility in global digital governance forums. Bradford (2020) demonstrated that the European Union's regulatory framework exercises what he terms a Brussels Effect, influencing international norms and facilitating external partnerships from a position of regulatory authority. Pamment (2022) and Nye (2011) confirmed that the United States similarly connects domestic digital policies and AI governance frameworks to foreign policy goals, with regulatory coherence improving foreign policy leverage and strategic positioning.

Crawford (2021) established that legal consistency, institutional authority, and policy mandates enable the integration of STI into foreign policy, while regulatory fragmentation undermines a state's ability to engage credibly in international digital governance processes. These findings collectively demonstrate that regulatory effectiveness is not merely a domestic governance matter but a strategic foreign policy asset with direct implications for international influence and negotiating capacity. At the continental level, Africa has developed collective digital governance frameworks through the African Union Digital Transformation Strategy and cybersecurity conventions. However, Kiggundu (2022) demonstrated that ratification remains limited, implementation is uneven, and enforcement mechanisms are weak in member states. This fragmentation undermines the continent's collective bargaining power in global digital governance and creates coherence gaps between continental policy priorities and domestic foreign policy systems.

In East Africa, the digital regulatory landscape is uneven. While several states have enacted data protection laws and cybersecurity frameworks, Kansime (2021) and the World Bank (2022) demonstrated that these typically lack strong foreign policy connections and focus on domestic service delivery and private sector development without systematic integration into foreign policy priorities. The absence of formal mechanisms between regulatory agencies and foreign ministries restricts the external engagement of digital governance frameworks.

Kenya's regulatory environment is relatively well developed, incorporating the Data Protection Act (2019), the Computer Misuse and Cybercrimes Act (2018), the National ICT Policy (2020), and the National Cybersecurity Strategy (2022–2027) (Government of Kenya, 2018, 2019, 2020, 2022). The Kenya Foreign Policy (2024) includes digital transformation and STI as strategic priorities. However, Otieno (2021) and Mwangi (2022) documented that these regulations were developed for domestic digital governance without explicit foreign policy integration, and that policy coherence between inter-agency coordination mechanisms is lacking, particularly between MF&DA and digital regulatory institutions. The Communications Authority of Kenya (2023) further identified the absence of operational guidelines as a key constraint on effective digital policy implementation, explaining why regulatory frameworks have not translated into improved foreign policy performance. This literature gap directly informs the study's empirical investigation.

METHODOLOGY

The study adopted a mixed-methods cross-sectional design, integrating structured questionnaires with Key Informant Interviews to produce methodological triangulation. The quantitative component provided measurable indicators of regulatory framework effectiveness, while the qualitative component offered contextual explanations of the mechanisms and structural factors underlying observed regulatory gap. The study was conducted in Nairobi, Kenya, housing the Ministry of Foreign and Diaspora Affairs headquarters, the Ministry of Information, Communications and the Digital Economy, and the ICT Authority. These institutions constitute the primary sites for Kenya's digital governance regulation, inter-agency coordination, and foreign policy planning. Selected diplomatic missions provided complementary operational perspectives on how regulatory frameworks are applied at mission level.

The target population of 420 officers was drawn from the Ministry of Foreign and Diaspora Affairs, selected diplomatic missions, the Ministry of Information, Communications and the Digital Economy, and the ICT Authority. Using Yamane's (1967) formula at a 95 percent confidence level with a five percent margin of error, a sample of 205 respondents was drawn through stratified random sampling for proportional institutional representation. Purposive sampling identified 12 senior officials for Key Informant Interviews. Of the 205 questionnaires, 181 were fully completed and returned, representing a response rate of 89.2 percent.

A structured questionnaire captured quantitative data on respondents' familiarity with Kenya's digital governance policies, the extent to which existing policies support foreign policy functions, perceptions of policy alignment, regulatory risk management and inter-agency coordination, and identification of policy gaps. A semi-structured Key Informant Interview guide captured expert perspectives on regulatory adequacy, operational guidelines, inter-agency coordination effectiveness, and priority regulatory reforms. Documentary analysis of relevant legislation, strategic plans, and institutional reports provided secondary contextual data.

Content validity was established through expert review by specialists in digital governance and foreign policy. Items were scrutinised to verify adequate measurement of regulatory framework effectiveness constructs. Triangulation across questionnaires, interviews, and document analysis strengthened internal validity. Consistency in patterns across data sources confirmed instrument reliability.

Quantitative data were analyzed using descriptive statistics, Pearson correlation analysis, and multiple regression analysis. Pearson correlation tested the bivariate association between regulatory framework effectiveness and foreign policy performance at $p < 0.05$. Multiple regression determined the unique predictive contribution of regulatory frameworks to foreign policy performance. Qualitative data from Key Informant Interviews and open-ended responses were subjected to thematic analysis, with themes aligned to the study's regulatory framework dimensions. Research approval was obtained from the National Defence University – Kenya and a permit secured from the National Commission for Science, Technology and Innovation. All participants provided informed consent, confidentiality was maintained through response de-identification and data encryption, and no information sensitive to national security or diplomatic negotiations was collected.

RESULTS AND DISCUSSION

Response Rate

Of the 205 questionnaires administered, 181 were fully completed and returned, representing a response rate of 89.2 percent. The 24 non-returns were from officers on diplomatic assignment, those declining due to time constraints, and questionnaires with missing data sections excluded to preserve validity. All 12 scheduled Key Informant Interviews were completed, representing a 100 percent qualitative response rate, providing sufficient data for triangulation.

Policy Familiarity and Support for Foreign Policy Functions

Table 1 presents the respondents' level of familiarity with Kenya's digital governance policies including the Data Protection Act, ICT Policy and Cybersecurity Strategy.

Table 1: Familiarity with Kenya's Digital Governance Policies

Response Category	Frequency	Percentage (%)
Very Familiar	33	18.2
Familiar	72	39.8
Slightly Familiar	58	32.0
Not Familiar	18	9.9
Total	181	100.0

Source: Research Data (2026)

The findings in Table 1 indicate a mixed but relatively positive pattern of familiarity with Kenya's digital governance policies. A combined 58.0 percent of respondents reported being very familiar or familiar with the relevant policies, while 32.0 percent reported being slightly familiar and 9.9 percent not familiar at all, giving a combined low familiarity rate of 41.9 percent. While the majority of respondents possess at least a basic awareness of Kenya's digital governance policy landscape, the significant proportion reporting slight or no familiarity suggests that policy awareness has not been uniformly disseminated across foreign policy and ICT governance institutions. This uneven familiarity with the regulatory environment is significant because effective implementation of digital-era foreign policy requires that practitioners have working knowledge of the legal and regulatory frameworks governing digital operations, data protection and cybersecurity. Table 2 presents the respondents' assessment of the extent to which existing digital governance policies support foreign policy functions.

Table 2: Extent to Which Existing Digital Policies Support Foreign Policy Functions

Response Category	Frequency	Percentage (%)
Very Great Extent	13	7.2
Great Extent	33	18.2
Moderate Extent	56	30.9
Low Extent	63	34.8
Not at All	16	8.8
Total	181	100.0

Source: Research Data (2026)

The findings in Table 2 indicate that the majority of respondents rated the support provided by existing digital policies to foreign policy functions as inadequate. Low extent was the most common response at 34.8 percent, followed by not at all at 8.8 percent, giving a combined low-support rating of 43.6 percent. A further 30.9 percent rated support at a moderate extent, while only 18.2 percent and 7.2 percent rated it at a great and very great extent respectively, representing a combined high-support rating of 25.4 percent. These findings confirm that while Kenya has invested in developing digital governance frameworks, their operational translation into concrete support for foreign policy functions remains limited, reflecting persistent gaps between policy design and implementation that are consistent with the study's theoretical framework on institutional decoupling. Table 3 presents the respondents' level of agreement with statements on policy alignment, regulatory risk management and inter-agency coordination in supporting digital-related foreign policy.

Table 3: Regulatory and Policy Frameworks Supporting Digital-Era Foreign Policy

Statement	SD (%)	D (%)	N (%)	A (%)	SA (%)	Mean	Std Dev
There is alignment between Kenya's digital policies and foreign policy objectives.	25.70	52.30	8.60	10.70	2.70	2.12	1.00
Regulatory frameworks adequately address digital risks in foreign policy operations.	19.80	57.80	9.10	8.50	4.80	2.21	1.01
Inter-agency coordination supports implementation of digital-related policies.	17.60	66.30	2.70	10.20	3.20	2.16	0.96
Average						2.16	0.99

Source: Research Data (2026)

The results in Table 3 indicate that respondents disagreed with all three statements on the effectiveness of Kenya's regulatory and policy frameworks. On the statement that there is alignment between Kenya's digital policies and foreign policy objectives, 78.0 percent (25.70% + 52.30%) disagreed while only 13.4 percent (10.70% + 2.70%) agreed, with a mean of 2.12 and standard deviation of 1.00. Regarding whether regulatory frameworks adequately address digital risks in foreign policy operations, 77.6 percent (19.80% + 57.80%) disagreed while only 13.3 percent (8.50% + 4.80%) agreed, with a mean of 2.21 and standard deviation of 1.01. On inter-agency coordination supporting implementation of digital-related policies, 83.9 percent (17.60% + 66.30%) disagreed while only 13.4 percent (10.20% + 3.20%) agreed, recording the lowest mean of 2.16 and standard deviation of 0.96. The overall mean of 2.16 is well below the neutral score of 3.0, with consistently low standard deviations indicating strong consensus among respondents on the inadequacy of Kenya's regulatory and policy framework for digital-era foreign policy.

The consistently negative ratings across all three regulatory framework indicators point to fundamental alignment and coordination failures in Kenya's digital governance architecture as it relates to foreign policy. The near-unanimous disagreement of 83.9 percent on inter-agency coordination is the highest combined disagreement rate recorded across all nine Likert items in the study, signalling that the coordination deficit between digital governance institutions and foreign policy institutions represents the most critical regulatory gap in the system. The low standard deviations of 0.96 to 1.01 indicate an exceptionally high degree of consensus among respondents, suggesting that regulatory framework weaknesses are uniformly experienced across institutions, departments and seniority levels rather than being confined to specific sub-groups. These findings corroborate New Institutional perspectives that formal regulatory frameworks, however well-designed, fail to produce substantive outcomes when inter-agency coordination mechanisms are absent and operational guidelines remain undefined. Table 4 presents the policy gaps identified by respondents as hindering effective digital transformation in foreign policy. Respondents were allowed to select all applicable options.

Table 4: Policy Gaps Hindering Effective Digital Transformation in Foreign Policy

Policy Gap	Frequency	% of Respondents
Budget constraints	73	40.3
Lack of operational guidelines	60	33.1
Other	59	32.6
Limited policy coordination	58	32.0
Outdated regulations	53	29.3
Weak enforcement mechanisms	51	28.2

Source: Research Data (2026)

The findings in Table 5 indicate that budget constraints were the most frequently cited policy gap, selected by 40.3 percent of respondents, followed by lack of operational guidelines at 33.1 percent and other unspecified gaps at 32.6 percent. Limited policy coordination was cited by 32.0 percent of respondents, outdated regulations by 29.3 percent and weak enforcement mechanisms by 28.2 percent. The prominence of budget constraints as the leading policy gap is consistent with the institutional capacity findings in Section 4.3.2, which identified insufficient budget allocation as the third most significant institutional constraint, and reinforces the argument that financial resource deficits cut across both institutional and regulatory dimensions of digital transformation in Kenya's foreign policy system.

The relatively even distribution of responses across all six policy gap categories further confirms that the regulatory and policy framework weaknesses are multidimensional and cannot be resolved through single-issue interventions, requiring instead a comprehensive and coordinated policy reform approach.

Correlation Analysis

Table 5 presents the Pearson correlation coefficient between regulatory frameworks and Kenya's foreign policy performance.

Table 5: Correlation Analysis

	Kenya's Foreign Policy Performance	Regulatory and Policy Frameworks
Kenya's Foreign Policy Performance	1.000	
Regulatory and Policy Frameworks	.641**	1.000
Sig. (2-tailed)	0.000	

** Correlation is significant at the 0.01 level (2-tailed).

Source: Research Data (2026)

Correlation analysis established a positive and statistically significant association between regulatory framework effectiveness and Kenya's foreign policy performance ($r = .641$, $p = 0.000$), confirming that more effective regulatory frameworks are associated with better foreign policy performance outcomes. This result is consistent with Otieno (2021), who found that coherent digital policy frameworks positively influence foreign policy implementation effectiveness in Kenya, and with Kiggundu (2022), who established that regulatory alignment between digital governance and foreign policy objectives significantly improves diplomatic outcomes across African states.

Regression Analysis

Table 6 presents the regression coefficients for the influence of regulatory frameworks on foreign policy performance.

Table 6: Regression Coefficients

Model	B	Std. Error	Beta	t	Sig.
(Constant)	0.259	0.102		2.536	0.012
Regulatory and Policy Frameworks Supporting Digital-Era Foreign Policy	0.240	0.038	0.322	6.307	0.000

Source: Research Data (2026)

The regression analysis revealed that regulatory and policy frameworks had a positive and statistically significant effect on foreign policy performance ($B = 0.240$, $p = 0.000$), indicating that a one-unit increase in regulatory framework effectiveness produced a 0.240 unit increase in foreign policy performance, establishing regulatory frameworks as the second strongest predictor of foreign policy performance among the three study variables. This finding corroborates Otieno (2021), who determined that coherent digital policy frameworks have a strong positive effect on foreign policy implementation effectiveness in Kenya, and the European Commission (2021), which established that states with coherent digital regulatory frameworks demonstrate stronger foreign policy leverage and negotiation credibility in global digital governance forums.

Qualitative Analysis

Qualitative data provided rich contextual explanation for the quantitative regulatory gaps. Key informants consistently highlighted that while Kenya's digital legislation is relatively comprehensive, it was designed for domestic governance rather than foreign policy operational needs. One informant (ICT-KII07) stated that Kenya has good digital legislation including the Data Protection Act and the Cybersecurity Strategy, but these were designed primarily for domestic digital governance and do not provide specific guidance for foreign policy operations, negotiations, or international digital engagement. Another (MFD-KII08) explained that officers are not always sure how existing digital laws apply to their work in consular services, diplomatic communications, or international data sharing because operational guidelines translating the legislation into foreign policy practice do not exist.

Regarding policy gaps and inter-agency coordination failures, one informant (DPS-KII09) noted that digital policy in Kenya is developed in sector silos, with ICT policy on one side and foreign policy on the other, with no formal mechanism ensuring alignment between them, meaning that implementation falls through the gaps. Another (MFD-KII10) explained that even where policies are aligned on paper, weak enforcement mechanisms and the absence of an accountability framework tracking whether digital transformation commitments in foreign policy are being implemented mean that regulatory design does not translate into operational outcomes. These observations directly explain the quantitative finding that 83.9 percent of respondents disagreed that inter-agency coordination supports implementation of digital-related policies. Informants converged on the recommendation to develop a Digital Diplomacy Policy providing clear operational guidelines for MF&DA and missions on data governance, cybersecurity protocols, digital engagement, and STI diplomacy, alongside mandatory inter-agency coordination protocols with formal reporting mechanisms. These recommendations align with the regression finding identifying regulatory frameworks as the second strongest predictor ($B = 0.240$, $p = 0.000$), confirming that policy and regulatory reform constitutes a high-leverage intervention.

CONCLUSIONS

This study concludes that regulatory and policy frameworks supporting digital-era foreign policy are positively and significantly related to Kenya's foreign policy performance ($r = .641$, $B = 0.240$, $p = 0.000$), establishing regulatory coherence as a high-leverage determinant of diplomatic effectiveness. The findings reveal a fundamental alignment and coordination failure: while Kenya's digital governance regulatory environment is relatively well-developed, it was designed for domestic purposes and does not provide operational guidance for foreign policy practice, creating a systemic disconnect between regulatory design and diplomatic need.

The near-unanimous disagreement of 83.9 percent on inter-agency coordination, the highest combined disagreement rate in the study, signals that the coordination deficit between digital governance institutions and foreign policy institutions represents the most critical regulatory gap requiring immediate attention. The Ministry of Foreign and Diaspora Affairs, in collaboration with the Ministry of Information, Communications and the Digital Economy and the ICT Authority, should develop a dedicated Digital Foreign Policy Framework providing explicit operational guidance on data governance, cybersecurity protocols, digital engagement standards, and STI diplomacy procedures that translate existing legislation into actionable foreign policy guidelines. Mandatory inter-agency coordination protocols should be formalised through a Joint Digital Foreign Policy Committee with a clear mandate, reporting structures, and accountability mechanisms to eliminate the institutional silos currently undermining coherent digital foreign policy implementation.

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