

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL
STUDIES

**THE ROLE OF TRACK II DIPLOMACY IN MANAGEMENT OF
INTERNAL CONFLICTS: A CASE STUDY OF KENYA'S POST-
ELECTORAL CONFLICT MANAGEMENT (2007-2008)**



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**A RESEARCH PROJECT SUBMITTED IN PARTIAL
FULFILMENT FOR THE AWARD OF THE DEGREE OF
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DECLARATION

I, Kiriba Wanja Catherine, hereby declare that this project is my original work and has never been presented for the award of any degree in any other university or institution. Any secondary work has been duly acknowledged. Any errors or omissions are nonetheless mine.

Signature:  Date: 23/11/2015

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This research project has been submitted for examination with my approval as the University supervisor.

Signature:  Date: 23/11/2015

DR PATRICK MALUKI

DEDICATION

I dedicate this project to God for his profound guidance, love and provisions in my life beyond measure.

I also dedicate this project to my husband Penuel Ombane and my daughters Kayla, Tamara and Abigail. They have shaped my understanding of life and the little things that matter most.

Last but not least to my siblings and parents Mr & Mrs Kiriba Muchemi who instilled a sense of belonging and strong work ethic that has shaped me into the person I am today.

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I would like to also acknowledge my friends with whom we shared the academic platform in the onerous task of training as future researchers and diplomats. I recall all of you as we shared the lecture hall, the library and the tough deadlines from our lecturers.

In social life I won't forget my dearest husband Mr. Penuel Obaigwa, for the company he offered to me on those occasions I was stressed with assignments, deadlines and presentations. I appreciate the warm and cordial friendship that mollified my heart and therefore found a purpose of completing my studies.

All others I have not found space to mention above, I collectively say thank you for each level of support you offered to me in the time of need in my academic life.

ABSTRACT

This research set out to investigate the contribution of track II diplomacy in the conflict management process of Kenya's post-electoral conflict in 2007-2008. The study set out three objectives to guide the research. First it sought to examine the role of Track II diplomacy in conflict management. Secondly the study examined the structure of track II diplomacy in electoral conflict management. And finally the study looked into the challenges that confront track II diplomacy in conflict management process. The study relied on both primary and secondary data to make its findings. The study generated a conclusion that track II diplomacy was utilised to achieve inclusive peace in Kenya. In this regard track II diplomacy sought to engage the peace initiative from the lowest level, where the ordinary citizens are based, and at the highest level where the national leaders are based to incorporate the interests of the people in legal and political decisions. The study observed that various challenges were encountered in the process of including the track II diplomacy in the negotiations. Most pronounced was the acceptability of the civil society organisations. Another challenge emanated from the delay in presenting the agenda items advanced by the civil society in the plenary. The challenges were a setback but through concerted lobbying and tactical advocacy, the agenda items finally formed part of the national accord. The study makes a few recommendations about the study but a fundamental prescription that would bolster the role of track II diplomacy in management of conflicts is to take into account the intrinsic and extrinsic inter-linkages of the conflict to accommodate the interests of various parties in the peace processes. Track II diplomacy should further focus on identifying various layers of the manifested conflict and carefully identify the root causes to inform the agenda and outcome of peace engagements. The track II diplomacy is therefore an essential tool that would attend to conflicts from relapsing in the future by reaching out into the grassroots, analyzing the conflict dynamics and suggesting sustainable approaches to conflict management.

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ABBREVIATIONS and ACRONYMS

ICJ-K	International Commission of Jurists, Kenya
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National Commission of Human Rights

CHAPTER ONE

1.0 BACKGROUND TO THE STUDY

1.1 Introduction

Conflicts in Africa can be classified as internal, internationalised or international. These conflicts are classified as internal if they are limited within territorial boundaries of a state. The internal conflicts become internationalised if they are connected to the neighbouring states, or when they involve actors from the region or from the international levels. These actors include nation states, intergovernmental regional institutions, and supranational institutions.

International conflicts refer to those conflicts that arise between individual states over issues that affect their national interests.¹ International conflicts in Africa have reduced in the post Cold War period in Africa. In contrast the internal conflicts have increased in the same period. There is a significant reason for scholars to find out the reason that have led to the rising trend of internal conflicts in African states. The internal conflicts if understood on the basis of the actors at domestic, national, regional and international levels, it is difficult to get a breakthrough in the peace process. The conflict mapping must consider harmonising the actors' interests to avoid stalemate in negotiations.

The object of conflict management is to end suffering and protracted conflict.² Interest in peace making in the Horn of Africa region emerge from the fact that countries in the region are

¹Ibid
²Bercovitch, J.(Ed), *Resolving International Conflicts: The Theory and Practice of Mediation*, London, Macmillan Press, 1992, P. 11

unstable and conflict in one states provokes other conflicts in the neighbouring states. The countries have continually accused each other as initiator or supporters of the conflicts that continue to plague the territories.

The Kenya's post-election conflict presented an unusual confluence of sub-regional, regional and international interests.³ At sub-regional and regional levels, there was a concern over the security of the nation in the East African sub-region as a result of instability in the Kenyan territory. The countries that surround the Kenya are recipients of large trade volume transiting through the territory of Kenya. On the other hand Kenya hosts refugees from the neighbouring states consider Kenya as their best home if Kenya would become unstable then the refugees would become a source of security concern in the sub-region.⁴ In this regard neighbouring states had to seek quick intervention for the Kenyan situation to maintain regional security.

At international level the Kenyan conflict attracted the attention of the international actors due to the strategic location that the country occupies for diplomatic networking and monitoring of national interests for most of the western states.⁵ Those states that have established regional diplomatic offices in Nairobi found it difficult to seek alternative locations for regional diplomatic engagement. Therefore instability in Kenya distorted the diplomatic processes in the developed states that depend on Nairobi for diplomatic engagements.

The above overview presents a scenario in which instability in Kenya would jeopardise the national interests of many state actors both form developed and developing world. In this scope of events the country required both level I and track II diplomacy to quickly restore peace and

³Mekenkamp, M., P. Tongeren, & H. Veen, *Searching for Peace in Africa: An overview of Conflict Prevention and Management Activities*, <http://www.euconflict.org>. Accessed 24th March, 2007.

⁴United Nations Office for the Coordination of Humanitarian Affairs - *Integrated Regional Information Networks* (IRIN). 17 March 2008.

⁵lbsd

security. This study will therefore seek to establish the link between track two diplomacy and the management of the post-electoral conflict in Kenya.

1.2 Statement of the Research Problem

Conflict management is the process that entails seeking solution to differences between two or more parties.⁶ Internal conflicts are managed more easily when the parties are known to be limited to national levels and their interests are not subject to external influence or manipulation. A conflict will be prolonged if the parties' perceived interests continue to change from time to time. The parties' interests are likely to change if when some of the intervening variables originate beyond the traditional territory of the state. At the sub-systemic level,⁷ a region has its own dynamic which is semi-autonomous but not independent from the global great power system and domestic politics. Competition occurs among the major regional players for leadership over the territories of interest. This characteristic often results in foreign meddling and subversion in domestic politics rather than foreign military intervention or invasion.

The post-election violence in Kenya in 2007-2008 was an evolution of electoral cycles in Kenya since the inception of multiparty politics. However the previous incidents did not generate sufficient background for the internationalization of the Kenyan conflict. The 2007-2008 post-election violence generated conflict of an international character, which brought into picture many international actors and eventually an international mediation process which took a long time to reconcile the parties that gave rise to a grand coalition government. The stalemates and

⁶Touval, Saadia and I. William Zartman. "Mediation in Theory," In Saadia Touval and I. William Zartman, eds., *International Mediation in Theory and Practice*. Boulder, CO: Westview Press. 1985. Pp. 7-17

⁷ R, Vayrynem "Regionalism: Old and New,". *International Studies Review*, Vol. 5, (2003), pp. 25-51

walkouts in the peace process led to delays and to restore the continuity of negotiations track two diplomacy had to be employed. These developments in the post-electoral search for peace lead the researcher to inquire into the role played by track II diplomacy in internal conflicts. The basic question for the study is examine the contribution of track two diplomacy to addressing electoral conflicts.

1.3 Objectives of the Research

The research will be informed by the following objectives:

- 1 To examine the role of Track II diplomacy in conflict management.
- 2 To examine the structure of track II diplomacy in electoral conflict management.
- 3 To find out the challenges of track II diplomacy in electoral conflict management in Kenya.

1.4 Literature Review

The literature review encompasses the literature on conflict and that on conflict management processes. The literature on conflict would present the theoretical, social and economic basis for examining electoral conflicts. The aim here is to establish any link between the conflict occurrence and the motivation for intervention. Literature on conflict management would present a background to examine the methods that have been adopted in peace processes and their effectiveness. The literature review finally presents a critique and a general overview gathered on causes, issues actors and peace initiatives.

1.4.1 Literature on Conflict

Literature on conflict is divided into two sub-categories. The first category is that on causes of conflict and the second deals with management of conflict. The first set of literature will outline the causes of conflict in the society. This will bring about some understanding on the various causes of conflict and the second set of literature will outline some forms of interventions in conflict. The researcher will use this basis to develop hypotheses for the study.

Causes of conflicts and especially violent conflicts would be attributed to various reasons. This depends on the level of analysis used. Waltz⁸ in his analysis of man, state and war observes that an appropriate way to discuss and critically evaluate the multitude of approaches and theories on the causes of war is to divide them in terms of where along the social spectrum they locate the fundamental nexus of war causality. Upon this basis, he identifies three main orientations on the cause of war. These are individual image, nation-state image and the state system image. This means that conflict may draw actors from groups of individuals, and states, both locally and internationally.

Sandole⁹ concurs with Waltz when he asserts that conflict is multidimensional. He identifies these dimensions as connected to decision making, societal and trans-societal aspects. In this regard Sandole agrees with Waltz's individual, state and international levels of analysing the sources of conflict. Sandole though investigated the role of variables located in different levels throughout the life-cycle of conflicts, which he divided into three successive periods,

⁸ Waltz, K., *Man, State and War: A Theoretical Analysis*, New York & London, Columbia University Press, 1959, p. 453.

⁹ Sandole, D. J. D., *Capturing the Complexity of Conflict: Dealing with Violent Ethnic Conflicts of the Post-Cold War Era*, London & New York, Pinter, 1999, p. 18.

early, intermediate and late stages of a conflict systems' development. These features must be understood when carrying out conflict mapping for appropriate intervention like the DRC because of its protracted nature.

Sandole¹⁰ further found that it is critical to distinguish between conflict-as-start up conditions and conflict-as-process. The trend established that across the three stages of conflict systems' development of self-stimulating or self-perpetuating conflict processes, is important in evaluating relationship between different variables located at different levels through time. Conflict-as-start up conditions is seen to engender conflict-as-process and once process comes to characterize conflict, it does not matter how or when the conflict started. Therefore different start-up conditions can lead to the same process-initiation, escalation and controlled maintenance.¹¹ This means at some point in the Kenya's electoral conflict cycle itself has become the main source of its recurrence and intensification.

Lund¹² asserts that once some level of significant violence has begun, it is prone to escalate because an interactive process of attack and retaliation leads to a self-perpetuating cycle. Thus conflicts begin and continue escalating because intervening variables facilitate the process. These variables are present on the behaviour of actors and their interests.

Mitchell¹³ concurs with the above view when he observes that conflict behaviour itself can be an important influence in affecting conflict intensity if it involves high levels of violence, damage or loss of participants. Such behaviour would involve an increase in the levels of anger,

¹⁰ Ibid

¹¹ Ibid, Pp. 129.

¹² Lund, M. S., *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*, Washington, US Institute of Peace Press, 1996, Pp. 133 – 134.

¹³ Mitchell, C., *The Structure of International Conflict*, London, Macmillan Press, 1981, Pp. 52.

hatred, restraint, fear, or desire for revenge on the part of those suffering damage. Over time, behaviour of the opposing party may appear sufficient reason for continuing and intensifying one's own conflict behaviour often producing an analogous impact on the attitudes and subsequent behaviour of the adversary. This means conflict behaviour may become the source of future conflict attitudes and behaviour irrespective of any future development of mutually incompatible goals.

Jabri supports Mitchell's view and he observes that 'war mood' takes hold when conflicts escalate.¹⁴ For her it is expected that once violent destruction of the enemy and his valued resources comes to define a relationship, then rules of the game change and behaviour that is unacceptable during peacetime becomes legitimate during wartime. These acts include killing, torture, rape, mass expulsions, ethnic cleansing and creation of concentration camps. This position points out that conflict is not only destructive but it also leads to some form of gains to warring groups.

Ampleford et al¹⁵ however contend that over time conflict-as-process may be more important than conflict start-up conditions. Therefore it will not be sufficient to statically identify operating variable worth looking but also to identify the dynamic processes that may overtake these static start up conditions. Identification of a conflict's start-up conditions is necessary as demonstrated by the gradual incorporation into mainstream conflict analysis of underlying causes or structural dimensions or sources of latent or open conflict. This analysis points out that conflicts tend to develop in environments characterized by structural factors, which form the pre-

¹⁴ Jabri, V., *Discourses on Violence*, Manchester, Manchester University Press, 1996, Pp. 6.

¹⁵ Ampleford et al; *Country Indicators for Foreign Policy: RIJK Assessment Template*, FEWER, the Norman Paterson School of International Affairs, August 2001, Pp. 4.

conditions of crisis situations, such as systematic political exclusion, shifts in demographic balance, entrenched economic inequities, economic decline and ecological deterioration.

Azar¹⁶ further argues in support of Ampleford et al that the most useful unit of analysis in protracted social conflict situations is the identity group - racial, religious, ethnic, and cultural. In intra-state conflicts, actors range from conventional armies to para-military units, local warlords, mercenary groups and even criminal gangs. This requires state level analysis to comprehend the groups in conflict and their claims. The understanding gained from the analysis of actors would help identify issues to negotiate in the peace process.

In synthesis of the views expressed above, Azar¹⁷ hypothesises that the source of protracted conflict is the denial of those elements required in the development of all people and society, and whose pursuit is a compelling need. These are security, distinctive identity and effective participation in the process that determine conditions of security and identity and other such developmental requirements. To him the real source of conflict is the denial of those human needs that are common to all and whose pursuit is an ontological drive in all.

Porto¹⁸ observes that resource based conflicts in Africa including can be studied along the geographical boundaries of these conflicts. These would be categorized under different conflict systems. The most volatile conflict systems are the Horn of Africa and the Great Lakes Region. A number of linkages bind different conflicts in the Great Lakes region and the Greater Horn to national, regional and international contexts. It is evident that conflicts emanate from

¹⁶ Azar, E. E., *Protracted International Conflicts: Ten Propositions*, in J. Burton & F. Dukes (Eds.), *Conflict; Readings in Management and Resolution*, London, Macmillan Press, 1990, Pp. 147 – 148.

¹⁷ Ibid. pp 156

¹⁸ João Gomes Porto, *Contemporary Conflict Analysis in Perspective*, in Lind, J. and Kathryn Sturman (Eds) *Op Cit*, Pp. 28.

environmental resources that communities share. For example conflict between herders and farmers in the Awash Valley in Ethiopia and in the Nile flood plain in the Equatorial province of Sudan have linkages to wider regional conflicts involving Sudan, Ethiopia and Egypt.¹⁹ Despite these conflicts involving the sharing of the Nile waters, they also include other important sources of conflict as well. A similar observation can be made in Eastern Congo where communities are fighting over the access to and control of natural resources. The conflict here is linked to the national conflict involving the governments of the Democratic Republic of Congo, Rwanda, Burundi, Uganda, Angola, Namibia and Zimbabwe, as well the rebel movements and militia groups such as the Mai Mai. At the level of regional conflict, the governments of Rwanda, Uganda and the Democratic Republic of Congo have established a number of alliances with local Congolese communities, rebel movements and local militias for political expediency. A key strategy of these alliances is to gain leverage in the struggle to control the extraction, marketing and export of the country's abundant natural resources.

Bigagaza, Abong and Mekarubaga²⁰ confirm the above the above observations through an extensive analysis on the issue of land and conflict in Rwanda. In their analysis they reveal how ethnic mobilization by elite groups served as underlying competition for scarce resources. The authors have dwelled on land scarcity and unequal land distribution as the basis of competition between Rwanda's elite groups. They argue that Rwandan elites are responsible for characterizing as an ethnic conflict, the struggle for the control of the state. This study concludes that an ethnic conflict needs to be deconstructed and focus on the underlying motivations of groups in conflict.

¹⁹ *Ibid.*

²⁰ J. Bigagaza., C. Abong and C. Mukarubaga, "Land Scarcity, Unequal Land Distribution and Conflict in Rwanda," in Lind, J. & Kathryn Sturman (Eds.), *Op Cit*, Pp. 51 – 84.

The response towards the land problem in Rwanda has been government intervention through land reform programme.²¹ The government proposed Rural Development Centres to mitigate land scarcity was essentially a failure. This was partly due to resistance to this programme by rural populations. The next move by the government was to initiate the villagisation programme in order to settle the Tutsi and Hutu refugees. This was aimed at mitigating conflict emerging over property and land by the returned refugees. But the government still faces a problem in its implementation due to huge population. It is evident therefore that the government requires sufficient financial support to realize this programme.

Oketch and Polzer²² concur with the above views when they focus on coffee production, which accounts for 80% of Burundi's foreign exchange receipts. Over-reliance on a single crop leaves the country vulnerable to global markets and scarcity. A predatory state-dominated system links the production and marketing of coffee to the country's long running civil war. Northern consumers pay in excess of US \$10 per kilo of Premium Arabica blend Burundian Coffee. However peasants who produce Arabica coffee beans are paid a small fraction of this.²³ The Tutsi Dominated *Office des Cultures Industrielles du Burundi* (OCIBU) regulates the Coffee sector. The OCIBU consistently fixes low producer prices paid to coffee farmers. This hierarchy of intermediaries greatly disadvantages the primary producers and it is a potent linkage coupling the production and marketing of coffee to civil war to control of the state.

²¹Ibid

²² J. S. Oketch & T. Polzer, Conflict and Coffee in Burundi, in Lind J. & Kathryn Sturman (eds.), Ibid, Pp. 85 – 156.

²³ Ibid, Pp. 30.

Oketch²⁴ concurs with the preceding observation when she asserts that the peace processes in Burundi have involved Track I and Track II initiatives. Regional and international peace interventions included OAU military observer mission from 1993, and the military intervention of UN, EU and US sent special representatives. These initiatives had little effect. The international and regional initiatives, sanctions and the Arusha peace process did have significant, but very ambivalent effects. These initiatives dwelled more on the political and military interventions but they did not take into account the core issues of natural resources. This means that external actor in conflict management are not a sure means to bring peace. This also shows that actors will seek to have representation in peace processes to safeguard their interests.

Moyroud and Katunga²⁵ continue to debate that in the Democratic Republic of Congo, only *ad hoc* and Track II diplomatic mediation initiatives have been engaged in the process of reconciling the warring factors. Most have been African-led efforts launched by groups of nearby states, influential heads of state, or operational sub-regional organization outside Central Africa. The UN, Western governments and international non-government organizations attempted to bring the influence and capabilities to bear. The Track II peace initiatives focused on establishment of a ceasefire, freezing of the territorial control of all conflict parties, deployment of a UN peacekeeping force in the DRC, establishment of a joint military commission made up of African countries to monitor the implementation of the agreement and initiation and setting up of the inter Congolese National Dialogue, aimed to bring about a new political order in Congo.

²⁴ Oketch, S. J., *A Critical Evaluation of Sanctions as Third Party Leverage in the Management of Internal Conflict: The Burundi Peace Process, 1993 – 2000*, M. A. Dissertation, Institute of Diplomacy and International Studies, University of Nairobi.

²⁵ Ibid

Farah, Hussein and Lind²⁶ agree with observation made by Flintan and Tamrat when they show that *deegan* or a land base and its resources play a central role to Somalia conflict. The Somali conflict involves many clans and sub-clans. Shifting alliances were formed between different clans and sub-clans to gain leverage in the conflict and to stake stronger claims to particular *deegan*. In particular the ecological conditions of Jubbaland region in Southern Somalia are better compared with the rest of the former democratic republic and they provide a major source of income and sustenance to Somalis. Control of these resources is a major source of the conflict in Jubbaland and to comprehensively address the emergent source of conflict in Somalia, the Track II actors are fundamental in negotiating for end of inter-clan conflicts.

Verney²⁷ agrees with Farah, Hussein and Lind when he observes that the Sudan conflict that reveals demographic and environmental forces operating underneath the political and social chaos, civil society organisations are crucial in injecting durable solutions into the Sudan peace. He observes that civil society platforms would favourably identify the mitigating approaches to decreasing rainfall in pastoral areas, environmental degradation in agricultural islands, and technological economic stagnation that intensify ethnic conflicts over subsistence resources in both South and the North.

Goldsmith, Abura and Switzer²⁸ complement Verney's views when they show track II involvement contributed to a rapprochement with Southern demands for autonomy how and self-determination. In their contention they observe that oil exploration had displaced the Dinka, Nuer and other Southern communities from their homes and that the government institutions

²⁶ I. Farah, A. Hussein and J. Lind, "Deegan, Politics and War in Somalia," in Lind, J. & Kathryn Sturman (eds.), *Ibid*, p. 321 – 356.

²⁷ P. Verney, P., *Sudan: Conflict and Minorities*,. Minority Rights Group International, London, 1995, p. 123

²⁸ P. Goldsmith, L. A. Abura, & Jason Switzer, 'Oil and Water in Sudan,' in Lind, J. & Kathryn Sturman (Eds.), *Op Cit*, Pp. 187 – 241.

have no means to be objective in identifying a durable and sustainable solution. They contend that the activities of displacement, environmental pollution and the ecological degradation would be advanced in the negotiations through the objective representation of the civil societies that based their projects in the society. In this regard track II diplomacy would enable the effective bargaining for compensation and advocacy of the people society investments in the oil production industry in Sudan.

Mwagiru²⁹ takes the above debate to another dimension when he observes that in practice an internationalised conflict has domestic sources. The domestic actors develop linkages with external actors while pursuing different goals. To bring the interests of the external stakeholders, the track II diplomacy should be injected into the negotiation process. He avers that internal and external interdependence of actors in conflict tends to influence the negotiations and the outcome thereof. It is also possible to observe that track II diplomacy establishes domestic linkages with the external actors that attend to the problem of impartiality in mediating internal conflicts.

Bercovitch³⁰ observes that track II diplomacy is particularly likely to take place when disputes are long, drawn out and complex. In this regard the disputants' own conflict management efforts reach an impasse and neither side is prepared to countenance further costs or escalation of the dispute. In this context the Track II diplomacy seeks to reach the disputants and prepare them to break their stalemate by cooperating with each other and engaging in some contact and communication. All these conditions apply to the new breed of conflicts experienced in the global stage.

²⁹ Mwagiru, M., *Conflict: Theory, Processes and Institutions of Management*, Nairobi, Watermark, 2000, p. 62

³⁰ Bercovitch, J., *International Mediation and Dispute Settlement*, *Negotiation Journal*, 7 (1), 1991, pp. 17-30

Zartman³¹ asserts that track II diplomacy is important in conducting mediation. In his view the most common form of track II diplomacy is initiated through third party intervention stakeholders. He contends that track II diplomacy forms the character of mediation. He concludes that track II diplomacy accelerate the process of conflict management and disputants seek the assistance of, or accept an offer of help from, an individual, group, or organization to settle their conflict or resolve their basic differences without resorting to physical force or invoking the authority of the law.

Zartman³² continues to postulate that track II diplomacy continues to dominate the agenda of regional conflict management. In his opinion, track II diplomacy can pacify conflict in three different ways, each suggesting a different approach to their resolution. Track II diplomacy could thus mitigate a clash of conflicting unilateral solutions, which then require a formula for a joint stakeholders' participation to guarantee a satisfactory outcome to both parties. A second track II approach is the succession of opposing policies based on cost-benefit calculations of the parties which then require a ripe moment comprising specific components of mutually hurting stalemate, impending catastrophe, and a formula for a way out for resolution. A third approach is where track II diplomacy can be used as an event or a process of changing the behaviour and attitudes of the actors. This requires the negotiation of a new regime to replace an old one that previously embodied certain expectations and behaviours. Track II diplomacy therefore assembles these different approaches to forestall any forms of conflicts through premeditated involvement of stakeholders and their interests in the process of negotiations.

³¹Zartman, I., *Ripe for Resolution: Conflict and Intervention in Africa*, New York: Oxford, 1989, p. 15

³² Zartman, I., *Op cit*

From the literature review it is observed that the authors have highlighted majorly on how track II diplomacy would address the conflict and how the interests of domestic actors can be propelled to the negotiations without creating a misunderstanding among actors. However the authors have not explored the role of track II diplomacy in the process of electoral conflict management. The study therefore seeks to fill the gap by analysing the role of track II diplomacy in the electoral conflict management process. The research therefore sets out to investigate the role of track II diplomacy in resolving Kenya's post-electoral conflict of 2007-2008.

1.5 Justification of the Study

This study can be justified both at academic and policy levels. At academic level the study will contribute towards the existing literature on the study of electoral conflict management processes. It would also contribute to theory on the role of track II diplomacy and management of internal conflicts.

At policy level, this study will contribute to policy decisions by conflict management organs of states and institutions to strategically determine the way forward in ending conflicts through application of track II diplomacy.

1.6 Theoretical Framework

This study will rely on the conflict research in its investigations. This paradigm views international relationships as being based on a complex pattern of transactions and interrelationships.³³ These interactions engender conflict in the process. The conflict management arm of world society paradigm is conflict research.

Conflict research approaches conflict management by defining the issues that underlie the conflict. It identifies the parties' interests in a conflict and encourages them to understand the basis of their contending views. This is aimed at helping the parties to ultimately solve their conflict.³⁴

The preoccupation of the institutions and states is to engage themselves in peace processes to settle conflicts peacefully. This is espoused in the UN Charter.³⁵ Since the process of settlement of conflict would stretch beyond peace accords, it makes the conflict to be protracted and change in dimension. This brings us to the problem of conflict transformation. New issues arise, actors increase and the management process gets more complex. This significantly has to rely on the problem-solving workshop to gather consensus.

³³ Mwangi, M., *Conflict: Theory, Processes and Institutions of Management*, Nairobi, Watermark Publications, 2000, Pp. 39.

³⁴ M. Light, *Problem – Solving Workshops: The Role of Scholarship in Conflict Resolution* in M. Banks (Ed.), *Conflict in World Society, A New Perspective on International Relations*, Brighton, Wheatsheaf Books, 1984, Pp. 146 – 160.

³⁵ UN, *UN Charter*, Article 2(4)

The conflict research paradigm also considers conflict resolution to be attainable only where post conflict relationships are legitimised and self-sustaining.³⁶ Conflict resolution must be achieved without the imposition of certain values on the conflicting parties. There must be situations where post conflict behaviour is based on criteria and understanding, which are acceptable to the conflicting parties. In searching for a resolution of the conflict, all interested parties must be involved in the process and the position of all parties should be taken into account.

Conflict research is relevant in this study because it helps to expose the circumstances that fuel internal conflicts.³⁷ This involvement intensifies the conflict while peace initiatives stall. The ruling class has established structures in the government that enable them to continue dominating the marginalized groups. By extension the government dominates all the decision-making mechanisms in the state and this is in tune with the various national interests of external actors. The poor cannot fight back nor protect themselves because they are relegated to the periphery of their country's economy.³⁸ This makes it easier to organise the poor masses to join a rebellion. The world society paradigm will therefore cater for the analysis of the Kenya's electoral conflict, the actors and the peace initiative.

1.7 Hypotheses

This research makes the following hypotheses in its study:

³⁶ Ibid

³⁷ Groom, A. J., "Paradigms in Conflict; The Strategist, The Conflict Researcher and the Peace Researcher;" In J. Burton & Dukes F. (Eds.) *Conflict: Readings in Management Resolution*, London: Macmillan, 1990, Pp. 71 – 198.

³⁸ Hollis, M. & Steve Smith: *Explaining and Understanding International Relations*, Oxford; Clarendon Press, 1990, Pp. 39.

1. Track II diplomacy contributed to electoral conflict resolution in Kenya's post-electoral violence.
2. Track II diplomacy faced challenges in addressing Kenya's electoral conflict.

1.8 Definition of Concepts

Conflict:

The term conflict usually refers to a condition in which one identifiable group of human beings whether tribal, ethnic, linguistic, cultural, religious, socio-economic, political or other is engaged in conscious opposition to one or more other identifiable human groups because these groups are pursuing what are or appear to be incompatible goals.³⁹

Conflict Management:

It is the process of introducing external actors or exogenous managers and introducing external factors such as mediation into a conflict. Conflict management can also be carried out by endogenous, exogenous or heterogeneous conflict managers. Endogenous refer to conflict managers who hail from within the conflict, exogenous are external to the conflict and heterogeneous exhibit both characteristics.⁴⁰

Actors:

³⁹ Dougherty, J. E., & R. L., Pfaltzgraff, *Contending Theories of International Relations*, New York, Harper & Row Publishers, 1971, p. 182.

⁴⁰ M. Mwangi, *International Management of International Conflict in Africa: The Uganda Mediation 1985*, PhD Thesis, University of Kent 1994, p. 24

The concept of actors refers to those parties that are directly or indirectly involved in an ongoing conflict.⁴¹ They would be domestic i.e. those emanating from the territory, or external if they originate beyond the territorial boundaries of the state in conflict.

1.9 Research Methodology

This research relied on both primary and secondary data. Primary data will be gathered through interviews with the members of the negotiating team in the post-election negotiations in 2007-2008. Structured interviews will have a pre-planned schedule of questions that aim to elicit specific responses from the respondents.

Secondary data will be sourced from published texts, journals, newspapers, magazines and Internet. The secondary data will be qualitatively analysed and put in academic perspective in tandem with the proposed research topic.

The combination of primary and secondary forms of data will therefore form a compact basis for academic arguments and policy formulation. The researcher intends to validate the objectives not only from the theoretical basis but also from experiences founded in the society.

1.10 Chapter Outline

The study is organised into Five Chapters. The First Chapter will cover Background to the Study on Engendering Peace Process. It will form the proposal to the study. Chapter Two of the study will present an overview on Diplomacy and Conflict Management. Chapter Three of the study will cover the Kenya's Electoral Conflicts and the findings on the management of

⁴¹Mwagiru, M., *Conflict: Theory, Processes and Institutions of Management*, Op cit, p 49

2007-2008 electoral dispute. Chapter Four of the study will make a Critical Analysis of the Research Findings. Chapter Five of the research will present the Conclusion of the research in addition to making recommendations on the way forward.

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CHAPTER TWO

2.0 AN OVERVIEW OF TRACK II DIPLOMACY IN CONFLICT MANAGEMENT

2.1 Introduction

An overview of track II diplomacy in conflict management presents an array of debates from the global perspective and seeks to tie up various experiences with the theory and practice. The chapter presents first the object of track II diplomacy in the context of carrying out the mandate of diplomacy.

The chapter further advances the general challenges and limitations of track II diplomacy in the process of conflict management. It also looks into the complementary role of the track two diplomacy in pursuing peace and stability in in the global stage.

2.2 Global overview on Track Two Diplomacy

Globally it has been observed that track-I diplomacy can only address the resource-based aspects of the conflict, critics have also argued that the traditional government-to-government model is rigid, formal, and overly constrained due to a number of structural limitations.⁴² Saunders⁴³ points out three structural limitations in regard to the track one diplomacy. First, an official empowered individual presiding in an official government delegation is not able to articulate an idea departing from the government line. Irrespective of how unequivocal government leaders may be about speaking personally, rival governments will likely perceive their arguments and activities as that of the authorized government position. The

⁴²Hopmann, P.T. 1996. *The Negotiation Process and the Resolution of International Conflicts*. Columbia, SC: University of South Carolina Press. P 184

⁴³Saunders, Harold. 1991. "Officials and Citizens in International Relations." In *The Psychodynamics of International Relations: Vol. 2, Unofficial Diplomacy at Work*, edited by Vamik D. Volkan, Joseph P. Montville and Demetrios A. Julius, 41-69. Lanham, MD: Lexington. P. 52

arguments of government officials will thus obligate their governments in one way or another. In this regard the government officials would infrequently deviate away from the government's official position. Although they may be willing to explore new ways of addressing a conflict, it is quite unlikely that they will speak contrary to their own government. To this end the diplomats would carry out their responsibilities from a sense of allegiance and acknowledgment of the need for discipline if the governmental system is to operate successfully. For this reason, rival governments will find it difficult to believe that an official would be speaking without the permission of their government or that the government unquestioningly would support the leader's personal ideas.

Saunders⁴⁴ further contends that a second related structural limitation in the track one diplomacy is that government officials speak on behalf of the institution they represent and therefore losing a very important human dimension of the relationship between the individual diplomat and the institution represented. The individual diplomats though disagreeing with a position, or had no part in setting the position, individuals who hold a title in the government are often restricted to present only the formal position adopted by the government. They speak as if they were the institution itself rather than the people it represents. In formal negotiations the exchange of such positions exclude the human elements of the conflict and tend make the outcome eschewed to institutions and not the social elements the conflict seeks to address.

Finally, Saunders⁴⁵ argues that the third structural challenge of traditional track-I diplomacy is that governments are often unable to quickly change existing ways of thinking to respond to new situations. In this observation the governments have continuously invested time,

⁴⁴Saunders, H., 1991, op cit. Pp.52-53.

⁴⁵Saunders, H, 1991, ibid, p. 54

money, resources, and lives into traditional diplomatic channels and the interests that they seek to advance. The governments have analysed the problems being pursuing intensely and have made and reviewed every decision before drawing an official verdict to be followed. Due to these constraints, Saunders argues that track-I diplomats are often unable to easily adapt to new ways of thinking, therefore the desire to use Track II diplomacy to pursue the agenda of peace and security in the international stage.

2.3 The Evolution of Track-II Diplomacy

Track I diplomacy presents structural challenges for parties to conflict to bring forth new ideas to engage in seeking solutions to conflicts. The inclination of traditional diplomatic models to overlook the non-material requirements of each party, scholars argue that other instruments for getting resolution to the conflict are needed. McDonald⁴⁶ observes that normal state-to-state or government-to-government diplomacy has shown itself to fall short of resolving the vast majority of conflicts in today's world. The resolutions that are settled by the parties are usually based on the relative power of the parties concerned and can be unsettled if power shifts. Currently, little effort is being made to reduce conflict by attending to the fundamental reasons for the conflict that provoked the conflict. The concept of a non-official diplomatic channel to fill in these gaps underscores the introduction of problem-solving workshops and third party consultation exercises as a mode of getting people together on an unofficial level.

⁴⁶McDonald, John W. 1999. Further Exploration of Track Two Diplomacy .In *Occasional Paper Number 3*. Washington, DC: The Institute for Multi-Track Diplomacy. P. 4

Funk⁴⁷ observes that the terms such as unofficial diplomacy, public diplomacy, non-official mediation and analytical problem solving were increasingly discussed, studied, and practiced as a possible second track of diplomacy as early as the 1960s. However he contends that the term track-II diplomacy is term used to describe all models of unofficial initiatives that aim to support the resolution of a conflict situation. In his view the term is used to illustrate the necessity of a second track to the formal negotiation channels between governments and it seeks to specifically refer to any unofficial or informal interaction among members of adversarial groups with the objectives of developing approaches that aim to impact on the public opinion and organizing human and material resources in ways that might help to resolve the conflict. This is a broad and inclusive definition of the term Track II diplomacy as envisaged in the diplomatic practice.

Montville⁴⁸ avers that track II diplomacy should bear a concrete definition to differentiate initiatives that are addressed to the political elements of the conflict from those that simply were interactions or dialogues between adversarial groups. Montville's terminology sought to consolidate the wide range of exchanges between opposing groups that supplement, rather than replace, traditional diplomacy. Track-II diplomacy in his view provides an informal, flexible, and unofficial venue outside the official negotiation circles to fill in the holes that track-I diplomacy could not address.

From the above views scholars have been unable to concur on the actual format and design of track-II diplomatic efforts. However certain assumptions are common in articulating

⁴⁷Funk, Nathan C. 2000. *Theory and Practice of Track-Two Diplomacy: Impact and Dynamics of the Search for Common Ground in the Middle East Initiative.*, Ph.D. dissertation, American University, Washington DC. P. 34

⁴⁸Montville, J. 1987. "The Arrow and the Olive Branch: A Case for Track Two Diplomacy." In *Conflict Resolution: Track-Two Diplomacy*, edited by J. Mc Donald and D. Bendahmane. Washington, DC: Foreign Service Institute.

the conceptualization of track II diplomacy. First, track-II initiatives are founded on belief that the cooperation between the adversarial groups in an unofficial setting will help improve relations between the two parties. It is noted that in cases of intractability, violence and heightened tension usually lead to a complete interruption of formal lines of communication. Restrictions in communication could be a result of physical divide, but could also be political, social, and psychological constraints. A lack of communication between the two parties serves as a contributing factor to the dehumanization of the other. Informal meetings, theoretically, can assist in the breaking down of negative stereotypes and generalizations of the other side.

Chigas⁴⁹ opines that unofficial intermediation practices involve the psychological magnitudes of the delineation of the conflict directly. Members of the negotiating team identify underlying needs, values, and interests that are harmonious and that can form the basis for a new definition of a common problem that the two parties share. Therefore from this departing point the parties arrive at an objective in problem solving and advance a deeper understanding of the other side's needs and demonstrate a greater openness while abandoning previous non-negotiable positions.

Montville⁵⁰ contemplates that if the needs of good will and reasonableness are identified between the parties then it can be revealed on whether the actual or potential conflict can be resolved by appealing to common human capabilities.

Cuhadar⁵¹ observes that the track II platform leads to improved relations and jointly formulated ideas that are transferred and incorporated into the society and or the official

⁴⁹Chigas, Diana. 2005. "Negotiating Intractable Conflicts: The Contributors of Unofficial Intermediaries." In *Grasping the Nettle: Analyzing Cases of Intractable Conflict*, edited by Chester A. Crocker, Fen Osler Hampson and Pamela Aal. Washington DC: United States Institute of Peace. Pp., 140-141.

⁵⁰Monteville, 1987, op cit, p. 162.

policymaking processes. The track II diplomacy in this regard yields to generation of concrete proposals that feed legislation or policy instruments thus having an impact at a larger scale in conflict mitigation.

Ballet al⁵² contend that the track II initiative's definitive goal is not to exclusively address the one-on-one relationship between participants of the track-II meeting but to also bring about desirable implications for the larger dynamics of the conflict. They argue that this can be accomplished in several ways. First the track-II diplomacy can best serve as a mechanism for the development of policy advice to governments. In their considerations the new concepts or specified proposals can be debated in an atmosphere within which governments are not committed into. The track-II thus if accepted by regional governments, can serve as a kind of reservoir of intellectual capacity.

Gawerk⁵³ further underscores the link of track II diplomacy to the government institutions. In his view track-II diplomacy can lead to ideas and insights that can be incorporated into the official governmental process and it provides pace for discussions on how to viably improve the communication between the governments and or parties with an intention of adding value in identifying common problems and seeking out for common solutions.

Montville⁵⁴ points that the application of track-II diplomacy is instrumental to affecting wider public opinion on peace processes. He observes that track-II diplomacy seeks to promote

⁵¹Cuhadar, Esra. 2009. "Transfer from Track Two Diplomacy: The Cases of Water and Jerusalem." *Journal of Peace Research* no. 46 (5):641-658. (2009, 641).

⁵²Ball, D., A. Milner, and B. Taylor. 2006. "Track 2 Security Dialogue in the Asia-Pacific: Reflections and Future Directions." *Asian Security* no. 2 (3).P.179.

⁵³Gawerk, Michelle I. 2006. "Peace Building: Theoretical and Concrete Perspectives." *Peace and Change* no. 31 (4). P. 44

⁵⁴Montville, op cit., 1987, p. 162.

an environment in a political community, through the education of public opinion that would make it safer for political leaders to take risks for peace.

Kelman⁵⁵ notes that track-II diplomacy can encourage the momentum for peace by building broad public support, strengthening the political will for peacebuilding processes. In his view the process of track II diplomacy is an indicator of building peace from the bottom up. Agha³⁶ avers that in order to address the range of opinions for how track-II diplomacy specifically is transferred to larger peace processes, efforts should be directed in identifying two broad descriptive categories. These are the soft and hard track-II diplomacy. He contends that at a minimum, track-II diplomacy aims to improve each side's understanding of the other's positions and policies through an exchange of views, perceptions, and information. In this scenario, talks aim to help participants familiarize themselves with one another, as well as the intangible identity-based dimensions of the struggle, in the hope of affecting larger public opinion. Such activities can be considered soft track-II diplomacy. Hard track-II diplomacy, on the other hand, refers to talks that help negotiate political agreements between governments. Participants talk about sensitive issues that cannot be dealt with in a formal setting between parties. Agha concludes that the objective of hard track-II talks is to reach a political agreement or understanding that will be acceptable to the conflicting parties. These talks tend to take place in complete secrecy with as few people knowing about their activities as possible. Therefore track two exchanges are policy-related and ultimately aim to address and solve key challenges between the parties that would have taken longer to address in the formal setting.

⁵⁵Kelman, Herbert C.2002. "Interactive Problem Solving as a Tool for Second Track Diplomacy."In *Second Track/Citizen's Diplomacy*, edited by John Davies and Edward Kaufman. Lanham, MD: Rowman and Littlefield Publishers. P. 85

³⁶Agha, Hussein, Shai Feldman, Ahmad Khalidi, and Zeev Schiff. 2003. *Track II Diplomacy: Lessons from the Middle East*. Cambridge, MA: MIT Press.

Kelman⁵⁷ presents an assumption that track-II diplomacy is to produce changes in the individual participants and to transfer these changes into the political process. In this regard the participants involved usually have certain characteristics that enable or drive them to build consensus for their future survival and social acceptance. He projects that track-II participants are non-officials who do not serve a role in the government's formal diplomatic structures. They are often middle-level, civil society leaders with some form of access to decision-makers.

Davies and Kaufman⁵⁸ argue that track II participants tend to have political influence on both the *horizontal* and *vertical* relationships of the conflict. New ideas emerging from the processes are communicated vertically to the top levels, while simultaneously horizontally communicated to other civil society members to consider how they might help each other in moving toward settlement or resolution of the conflict. Participants in track II diplomacy bridge critical divides that complicate and often retard the process of conflict transformation that include the divisions between government and civil society, between elite and grassroots levels within communities, and between different cultural worldviews and assumptions about how to manage conflict and change.

Agha et al,⁵⁹ observe that traditionally, track-II diplomatic efforts have included scholars, senior journalists, retired military or government officials, opinion leaders, or other politically influential individuals from conflicting parties. They assert that regardless of their background,

⁵⁷Kelman, Herbert C. 2002. "Interactive Problem Solving as a Tool for Second Track Diplomacy." In *Second Track/Citizen's Diplomacy*, edited by John Davies and Edward Kaufman. Lanham, MD: Rowman and Littlefield Publishers. P. 47.

⁵⁸Davies, John, and Edward Kaufman. 2002. "Second Track/Citizen's Diplomacy: An Overview." In *Second Track/Citizen's Diplomacy*, edited by John Davies and Edward Kaufman. Lanham, MD: Rowman and Littlefield Publishers. P. 6

⁵⁹Agha, Hussein, Shai Feldman, Ahmad Khalidi, and Zeev Schiff. 2003. *Track II Diplomacy: Lessons from the Middle East*. Cambridge, MA: MIT Press. P. 176.

participants need to have certain characteristics and qualities. First, they need to be available and committed to the process. Track-II engagement requires a considerable amount of time and effort and a lack of it can compromise the exercise. Second, they must be willing to take risks or think beyond the government position. They conclude that the Track-II talks require challenging or bypassing official positions or articulating creative ideas that do not correspond with the established common wisdom within each camp. Therefore Track-II participants must be willing to enlarge the envelope. Thirdly, they need to come with some sort of generalizable expertise in their field to be able to speak with some authority in their field. Finally, they need to be prepared to use a problem-solving approach to their discussions.

Jones⁶⁰ contends that problem solving approach in track II diplomacy implies a non-ideological perspective and a readiness to acknowledge that practical solutions on the ground are not always fully compatible with longstanding ideological or political aspirations. Participants must therefore step back from official positions to jointly explore the underlying causes of the dispute in the hope of jointly developing alternative ideas.

2.4 Non-State Actors and Track-II Diplomacy

Track two diplomacy stems from the wide participation of the civil society organisations in matters that are traditionally believed to belie the state institutions and processes.

While literature on track-II diplomacy tends to overlook the prospects of religious actors serving in track-II roles, a significant amount of research has been conducted on religious actors in other peacebuilding roles. With the decline of the Cold War and the collapse of the former

⁶⁰Jones, Peter. 2008a. Canada and Track Two Diplomacy. In *Canadian Foreign Policy in a Changing World*: Canadian International Council.

Soviet Union, the question of religion, conflict, and peace have emerged in the field of research and study. Literature on the practice of religious peace building indicates greater interest in the potential impact of religion as a constructive force rather than solely a source of violence and war.

Sampson⁶¹ notes that religious actors have played active and effective roles as advocates, intermediaries, observers, and pursuers of transnational justice. Little and Appleby⁶² echo this claim, noting that in many situations, religious leaders have been asked to mediate conflicts, reconcile opponents, and assume a larger share of the responsibility for social welfare and the common good. Religious actors are observed to be long-term players who live among and often belong to the people and groups involved in conflict.

Villumstad⁶³ There are several distinct characteristics that religion and religious actors have that could contribute to peacebuilding. Religious leaders, in particular, may potentially be in a significant functional position for track-II diplomacy for several reasons. First, religious leadership is generally able to access both the vertical and horizontal dimensions of society. Religious leaders in this regard have direct access both to the grassroots level and to the top leadership level. Their access to the grassroots is through their own religious communities, or constituencies. Their access to the top leadership is through their representative mandate from smaller or larger constituencies within the larger community. Their strategic potential to make a

⁶¹Sampson, Cynthia. 1997. "Religion and Peace-Building." In *Peace making in International Conflicts*, edited by I. William Zartman and L. Rasmussen. Washington DC: United States Institute of Peace.

⁶²Little, David, and R. Scott Appleby. 2004. *Religion and Peacebuilding*. Albany: State University of New York.

⁶³Villumstad, Stein. 2002. *Frameworks for Dialogue: Interfaith Action in Times of Conflict*. Oslo: Norwegian Church Aid. P.19

difference in conflicts is considerable, and transcends different levels in national and international contexts.

Moix⁶⁴ (2006), observes that religious leadership often represents the voice of collective identities in a conflict. She argues that religion is a significant factor in what contributes to a sense of self and place in society. Since religion provides answers to most fundamental questions in life for many people, it often overcomes other identity factors in decision making. Thus, religious identity can either draw on extreme lines between in- and out-groups or it can provide an access point for connection with parties in conflict to build trust and open dialogue.

Harpviken and Roislien⁶⁵ observe that religious leaders are in a position to negotiate with reference to the normative system of the religious group, and may at the same time be in a position to issue theological interpretations of the normative system. The religious leaders speak on behalf of the larger, non-tangible identity-based needs of the parties and are in a particular position to address the collective identity issues manifest in terms of cultural values, images, customs, language, religion, and racial heritage.

Little and Appleby⁶⁶ conclude that the religious leaders are able to bridge to the most relevant obstacle to many peace processes call the hermeneutical gap. In other words, religious leaders are often in a position to connect the larger normative worldviews of the religious group with what is actually happening on the ground. Religious narratives often tell the history of the region, the land and its peoples, and frame where one fits in the world in relation to other groups.

⁶⁴Moix, Bridget. 2006. "Matters of Faith: Religion, Conflict, and Conflict Resolution." In *The Handbook of Conflict Resolution: Theory and Practice*, edited by Morton Deutsch, Peter T. Coleman and Eric Colton Marcus, 582-595. San Francisco: Josey-Bass. P. 594.

⁶⁵Harpviken, Kristian Berg, and Hanne Eggen Roislien. 2005. *Mapping the Terrain: The Role of Religion in Peacemaking*. Oslo: International Peace Research Institute. P 22.

⁶⁶Little and Appleby⁶⁶ (2004, 11)

Religious leaders exhibit an intimate knowledge of language of this religious framing, and have access to the long-term vision of peace for the conflicted society from a theological perspective.

Little and Appleby⁶⁷ aver that religious leaders can provide an important interpretive framework for negotiations since they are at ease with many actors and familiar with the language and issues at stake. Two areas of literature exhibit parallels to religious actors in track-II roles, but do not specifically entail track-II efforts: multi-track diplomacy and faith-based diplomacy. Diamond⁶⁸ develops the concept further by breaking down diplomacy into nine discrete tracks known as multi-track diplomacy. Track VII relates specifically to religion or peacemaking through faith in action, and it examines the beliefs and peace-oriented actions of spiritual and religious communities.

McDonald⁶⁹ argues that the use of a multi-track system more effectively identifies non-negotiable issues, and removes a traditional hierarchy of diplomatic models in favour of interdependent tracks that address different elements of the conflict. The difference between track-II diplomacy with religious actors and the religious track of multi-track diplomacy, however, is that Diamond and McDonald's definition includes all activities related to addressing spiritual dimensions of the conflict. This does not necessarily include activities that are explicitly track-II.

⁶⁷Little and Appleby. 2004, op cit., p. 11.

⁶⁸Diamond, Louise, and John W. McDonald. 1996. *Multi-Track Diplomacy: a Systems Approach to Peace*. New York: Kumarian Press.

⁶⁹McDonald, John W. 1999. Further Exploration of Track Two Diplomacy. In *Occasional Paper Number 3*. Washington, DC: The Institute for Multi-Track Diplomacy. P.22

Johnston⁷⁰ observes that the term *faith-based diplomacy* was popularized to describe unofficial activities that integrate the dynamics of religious faith with the conduct of international peace making. Cox and Philpott⁷¹ complement the above notion by expanding the term to refer to faith-based diplomacy as peacebuilding efforts rooted in religions. These include their texts, their practices, their traditions and norms. Therefore the practitioners of faith-based diplomacy draw upon secular expertise in conflict resolution and contribute to enhancing the outcome of peace negotiations. The aim of such broad incorporation of religion into international affairs is that religion can be made part of the solution to some of the intractable, identity-based conflicts rather than a destructive force.

2.5 Conclusion

The literature on traditional diplomatic channels and track-II diplomacy in conflict management has tended to project the limitations that are associated with either mechanism in resolving conflicts. As demonstrated above the track-II diplomacy includes every non-official meeting between non-governmental actors in a conflict to seek solutions to the problems that official position and platform may not yield desirable agreement. Although there is a concurrence on the input of the track II diplomacy, there is paucity on how to identify the actors and their input and there should be a deeper analysis on the question of non-state actors in explicit track-II roles.

The above analysis can be tied to the situation in Kenya at the 2007-2008 post- election violence period when the international community sought to end the political feud that pitted the

⁷⁰Johnston, Douglas. 2003. *Faith-Based Diplomacy: Trumping Realpolitik*. New York: Oxford University Press. P., 15.

⁷¹Cox, Brian, & Daniel Philpott. 2003. "Faith-Based Diplomacy: An Ancient Idea Newly Emergent." *The Brandywine Review of Faith and International Affairs* no. 1 (2):31-40. P. 31

incumbent executive and the opposition. When the peace talks were underway it was observed that the civil society was keen to have the political conflict settled while the official delegation of the government was observed to take hard-line positions as the conflict escalated. This study therefore seeks to investigate and establish the link between the civil society and the official delegations during the negotiation process to come with acceptable positions that would contribute to the greater good of the society.

CHAPTER THREE

3.0 THE ROLE OF TRACK II IN CONFLICT MANAGEMENT: A CASE STUDY OF KENYA (2007-2008)

3.1 Introduction

This chapter outlines the aspects of track II in conflict management with a specific reference to Kenya. The fundamentals of track II involvement during the electoral conflict that engulfed Kenya in 2007-2008 is explored. The chapter examines the modalities and mechanisms for track II engagement in the Kenyan situation. This part seeks to reveal the manner through which the actors in track II were identified to participate in the peace making process. The section further identifies the track II agenda items that were found relevant to the peace making process and how they were addressed in the mediation process. The chapter also identifies the challenges that were faced by the mediation team in engaging and incorporating the agenda of track II diplomacy in the formalities of the principal actors in the Kenyan dispute. The chapter concludes the study by

3.2 Track II Actors in Kenya's Conflict Management

To identify the track II actors in Kenya's conflict management process, the background actors in the conflict should be understood. The Kenyan conflict was pitted between two political establishments that were competing for power. On the one hand there was the incumbent government aligned party, the PNU and on the other the opposition inclined Orange Democratic Movement. The apex of the political power in Kenya is vested in the presidency. Therefore the

two political entities aspired to garner the top seat of political authority and they formed the core principal actors in the electoral dispute.

The electoral conflict in Kenya in 2007-2008, occurred in a social context where the ordinarily the nationals of the country co-exist and advance their social and economic activities. To this end society got affected by the political disputes as individuals sought to identify with one political grouping or the other. From this segment arose a third grouping of actors in the Kenya electoral conflict that was composed of the civil society organizations. It is this disjointed grouping that eventually gave rise to the track II involvement in the search for a solution to the electoral conflict.

The civil society organizations in track II diplomacy in the Kenya context was viewed as that segment of society that falls outside the control of the state but is organised enough to articulate issues, undertake certain action and even fit into policy and action frameworks. In Kenya's 2007-2008 electoral conflict became relevant to articulate track II involvement as a result of the political dominance of PNU and ODM in the negotiations that would have given rise to some gaps peace and reconciliation. These gaps were evident in the conceptions of the roles of PNU and ODM in search for power and not justice for the society. In this regard various civil society organisations coalesced around a common national platform in order to work with the mediators and impart the neutral and correct information about the issues that were pertinent to the post-election violence. The civil society further found it necessary to raise the issues that were affecting the Kenyans at individual and social levels. The civil society therefore provided useful feedback to the mediators on consultation of the various agenda items.

The identity of the civil society actors ranged from the traditional segments of the society and they included the groups like the Kenyans for Peace with Truth and Justice, the Inter-Religious Forum, the Kenyan Section of the International Commission of Jurists, (ICJ-K), the Kenya Human Rights Commission (KHRC), the Kenya National Commission of Human Rights (KNCHR), different chapters of the Catholic Peace and Justice Commission, and various religious and faith based organizations.

The track II diplomacy through the civil society had major contributions to make to conclude peaceful negotiation and management of the electoral dispute. It was observed that that civil society was seen as advancing issues and interests from the perspective of how the Kenyan society is organised outside the state.⁷² The contextualisation and perception of the civil society led the negotiating team to suggest and articulate the tangible issues on behalf of the society that the government agents and other political parties would not raise in the substantive items for negotiations.

It is also contended that the engagement of the civil society and the state in negotiations would translate to the common perception of the civil society's aspirations. While this view of the civil society's engagement in the conflict management process allows for the interaction with the state thus the mutual benefit of resolving the conflict at the institutional and social levels. The insistence on the civil society participation in Kenya's electoral conflict offered sufficiently a necessary condition for people voice in the negotiation for binding peace agreement.

The civil society participation additional was useful to the participation of the peace agreement on the basis that Kenya's democratisation processes was for a long time anchored in

⁷²Interview with a Member of the Civil Society Representative, Nairobi, 20 July 2015.

activities of the civil society.⁷³ The civil society's functional dimension in Kenya sought to establish specific roles in different but defined contexts regarding governance and social empowerment. In this regard the participation of the civil society in the negotiations sought to explain the nature and scope of conflict and raise specific agenda items that would deter or contribute to stability. The agenda items advanced by the civil society issued from the concerns of the broader Kenyan population or of a segment thereof.

The second aspect to be analysed from the participation of the civil society in the negotiations for peace in Kenya is the challenges that arose from the incorporation of the civil society organisation in the sidelines of the formal negotiations of the electoral conflict. It was observed that the principal actors in the negotiations treated the matter with caution. In the view of the government, the civil society should not have been equated to the society it claimed to represent because of its previous engagement in political and democratisation processes through which citizens had shape the character of political and social life in Kenya. In this regard the civil society was equated to opposition supporters or sympathisers. In the view of the government therefore the civil society would not be accepted as representative of the society with a neutral and objective agenda.

Another challenge that arose from the track II diplomacy inclusion in the negotiations for Kenya's peace stemmed up from the pre-existing dimension the civil society held in relation to the state.⁷⁴ The civil society in Kenya had been understood to challenge any government policy decision or action that was not anchored on good governance. To this end the suspicion between the government and civil society made the agenda presented on behalf of the people to remain

⁷³ Interview with a Civil Society Representative, 20 July 2015, Nairobi.

⁷⁴ Interview with the Civil Society Representatives, July 20, 2015, Nairobi.

unaddressed or wished away until the entire substantive items of the agenda are exhausted. As result government willingness to support any agendum advanced by the civil society remained suspended or weakly incorporated into the views of the issues being negotiated. The track II participation however had the support of the opposition who viewed the issues being raised as complementary to the agenda that was being pursued at the moment. Hence the opposition insisted on the inclusion the pieces of ideas advanced by the civil society in the peace agreement.

The track II diplomacy as represented in the civil society, was an intermediate realm situated between state and household, populated by organized groups or associations which are separate from the state, enjoy some autonomy in relations with the state, and are formed voluntarily by members of society to protect or extend their interests, values and identities.⁷⁵The European Union views the civil society as part of that broad category of non-state actors who include the private sector, economic and social partners including trade union organisations, and civil society in all its forms.⁷⁶ The track II diplomacy advanced its cause by carrying out canvassing and advocacy with the international organisations that held influence to have the major agenda items on power sharing and post-conflict reconstruction. The track II operations sought to have the United Nations Development Program persuade the principal actors to embrace a broad range of activities that could transform the social, political and economic relationships in the society including the review and adoption of a new constitutional order. Track II diplomacy therefore brought to the negotiations the interests and aspirations of people by mobilising the international actors to pressure the principal actors into incorporating people centred approached to political decisions.

⁷⁵Ibid

⁷⁶ Cotonou Agreement, Article 11.

3.3 Conclusion

It has emerged from the above discussion that track II diplomacy sought to address the ordinary citizens' goals and aspiration during the post-electoral dispute. The civil society and especially the human rights organizations greatly contributed to conflict management process by providing background material and reports concerning the history and patterns of human post-electoral conflict in Kenya. The involvement of the track II diplomacy helped the negotiations to establish a foundation from which to proceed on how to redress the society at the post-conflict period. The participation of the track II diplomacy therefore contributed in assisting and providing the mechanisms through which victims of the conflict would be supported and rebuilding of the society to reinstate the relationships among the members of the society by offering various types of assistance to victims, including medical services, counselling, and various types of community support and information, contacts, and expertise in areas related to post-election violence.

CHAPTER FOUR

4.0 CRITICAL ANALYSIS OF THE STUDY

This chapter attempts to make a synthesis of the findings in other chapters. It evaluates the findings of the research on the basis of objectives set in the background to the study, and tests the hypotheses to validate the research outcomes. The chapter therefore makes an evaluation that brings to fore the role of track II diplomacy in conflict management process.

The research set out in Chapter One to find out the role of track II diplomacy in the management of Kenya's post-electoral conflict.⁷⁷ The chapter also laid a foundation for carrying out the study by defining the concepts of track II diplomacy in conflict management. The concept of conflict identified three dimensions that are connected to decision making, societal and trans-societal aspects of gender was defined as the state of nature that aggregates human beings as being men or women. The concept of conflict was defined as a social phenomenon where two parties hold divergent views about a common goal and how to attain it.⁷⁸ This explanation provides for a perception that conflict may be about values, wants and interests which are negotiable and could be subject to settlement. But conflicts about human needs are non-negotiable and cannot be compromised, tended or repressed.

At another level the concept of track II diplomacy was defined as the process of introducing people centred participation in the mediation of a conflict. These definitions laid a basis for operationalization of the variables of study in the research that seeks to examine the role of track II diplomacy in the management Kenya's post-electoral conflict.

⁷⁷For further details refer to Chapter 1 of this Study

⁷⁸J. W. Burton, World Society. London, Cambridge University Press, 1971, Pp. 46 – 47.

Chapter Two presented an overview of track II diplomacy in the conflict management process.⁷⁹ The Chapter conceptualised that track II diplomacy is fundamentally a new concept of incorporating informal methods of third party in the advancing peace and reducing the conflict intensity in the society. It was observed the track II diplomacy seeks to address the interests and grievance from the point of view of the ordinary citizens to address any gaps on how to share the benefits of peace agreement in a territory.

The Chapter Two further revealed that track II diplomacy would be useful in complementing peace processes and end internal conflicts. Track II diplomacy was therefore viewed as an alternative where unrepresented segment of the society is adequately guarded in its interests among the principal actors by taking specific sides in favour of the unrepresented voices in the negotiations.

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Chapter Two similarly identified the various challenges confronting track II diplomacy peace processes.⁸⁰ It was observed that track II diplomacy is linked to the problems of acceptability, recognition and reliability. The track II diplomacy would be useful in one conflict setting and not the other. The problem of recognition means that track II diplomacy must be carefully integrated into the conflict management process to eliminate the element of suspicion and disdain from the principal actors. Various civil society agents would support a party to conflict hoping to gain the favour from the establishment if certain outcomes are incorporated in the peace agreement. This form of advocacy would be a threat to a peace outcome if the civil society's views did not recognise the needs of the communities that are resident in the territory that is either affected by displacement or human right rights violations and neither of the

⁷⁹Refer to Chapter Two of the Study

⁸⁰More details Captured in Chapter Two of the Study, Section 2.1

principal parties are looking forward to address them through a formal clause in the peace agreement. This means track II diplomacy should always seek to eliminate conflicts by informing the principal actors either overtly or covertly about the contentious issues that informed conflict and the supported positions for socio-economic reconstruction.

The second Chapter further traced the dynamics of track II diplomacy in conflict management.⁸¹ It emerged that the engagement of track II diplomacy in conflict management differs from one context to another. There is the consideration on whether the civil society in that context is structured or unstructured. The Chapter demonstrated that track II diplomacy would be easy to deploy in the conflict situations that have diverse and active sectors of the civil society. It is observed that conflicts arise from human relations when individuals or groups have different values, needs and interests and they are not met. And that conflict emerges whenever resources are not available in unlimited quantities and access to them has to be controlled and fought for. Social disparity in the control and access of resources portends a strong source of conflict. Track II two diplomacy thus requires a comprehensive process of engagement to collectively address the interests of the various actors in the society and avoid post-conflict relapse into violence.

Chapter Three tackled the case study and specifically on the role of track II diplomacy and the management of Kenya's post-electoral conflict.⁸² The Chapter made some findings in regard to the track II diplomacy played in peace making and the resolution of conflict. It was established that track II diplomacy contributed to the management of Kenya's electoral conflict by agitating for an inclusive positions that would influence the sustainability of national peace agreement.⁸³ It was observed that the various sessions of the peace talks engaged in by the

⁸¹ Ibid

⁸² More details can be referred Chapter, Section 3.1

⁸³ Interview with the Civil Society Representatives, July 20, 2015

African Union mediation in Kenya faced several setbacks. The principal actors held hard line position that would have not realised a comprehensive peace agreement. The track II diplomacy sought to intervene on some of the delays that were not necessary. It was interpreted that the principal actors would improperly use their hardliner position to the delay the attainment of peace and therefore improperly redress the interests of the society. Secondly it would be difficult without the track II diplomacy to initiate a peace agreement that could be enforced when on the ground there would be hostility towards the government and when the stakeholders are not bound to respect the peace truce.

Track II diplomacy was further demonstrated to engage international actors to hasten the negotiations as human suffering escalated in Kenya in 2007-2008 after the election. Civil society organisations were observed to reach out to the AU and the UN to pressurise the government to have been demonstrated as the actors with sufficient resources to intervene and dissuade the actors from engaging in natural resource based conflicts.⁸⁴ Track II diplomacy targeted the AU and the UN based on the political support the two institutions command at continental and universal to levels to leverage the principal actors negotiate and conclude peace in the Kenyan territory. The actions by the AU and the UN therefore precipitated the energy and motivation to negotiate for comprehensive peace agreement.

In Chapter Three, the research continued to content that track two diplomacy is essential in articulating people centred peace agreement. It was observed that the civil society organisations managed to work towards peace with principal actors through advancing the necessary information to address some of the grassroots problems that adversely contributed to

⁸⁴Interview with Civil Society Representatives, Nairobi 20 July, 2015

the post-electoral violence.⁸⁵ First the track II diplomacy affirmed the governance issues would particularly redress the society's inequalities and provide equal opportunities for development. In this regard the principal actors were jointly compelled to view post-conflict reconstruction as core in reintegrating the affected members of the society into their normal working lives. Some of the governance issues that were emphasized was the future sound management of the electoral processes.

Chapter three also identified some of the factor that would contribute to frail contribution of track II diplomacy in the post-electoral conflict management process in Kenya. The first challenge that manifested in the involvement of the track II diplomacy was the issue of acceptability of the civil society in the peace negotiations while the principal actors were competing for power interests.⁸⁶ Therefore seeking to introduce agenda items from the civil society was seen as interfering with the negotiations and therefore delaying the core objective of retaining or pursuing power. The support of the track II diplomacy was delayed in having its agenda objectives substantively explored for the benefit of comprehensive peace.

The second challenge that emerged in regard to track II diplomatic engagement in Kenya's peace process is lack of wide consultation among the civil society before initiating agenda items in the peace process.⁸⁷ This would be attributed to competing interests issuing from different segments of the civil society. On one hand it would be contended that the civil society is not homogeneous and that each segment of the civil society viewed different opportunities and threats in the Kenya's electoral conflict. While some organisations viewed the

⁸⁵Interview with Civil Society Representatives, Nairobi, 20 July 2015

⁸⁶Ibid

⁸⁷Interview with Civil Society Organisations, Nairobi, 20 July 2015

government as being void of inclusivity in national development agenda, others viewed the oppositions as being power hungry and simply articulating interests of actors beyond the national territory. On this basis track II diplomacy would not aggressively petition and leverage on the agenda peacemaking.

The Third Chapter underscored the first objective of the study that set out to find out the role of track II diplomacy in conflict management. It emerged that the track II diplomacy is key in resolving internal conflict. Despite the various challenges that confronted Kenya mediation processes, track II diplomacy has emerged to hold and represent diverse interests of the society. The interests of the society are the key to effective and sustainable peace if there is adequate consultations and harmonization of the society's interests. It is therefore an assurance for comprehensive peace if track II diplomacy entrenches consultations with the stakeholders at the grassroots and at the highest levels of peace making where decisions arrived at affect those at the lower ends of the society.

The third Chapter also addressed the objective of the study that set to investigate the nature and type of actors involved in Kenyan post-electoral conflict and its management. The Chapter depicted the actors in the Kenya's post-electoral conflict to be drawn from the political entities, the PNU and the ODM parties. In addition the peace processes included regional organization, the African Union and the UN as a supra-national organization.

The final objective of this study was to make recommendations in regard to external actors and the management of natural resources based conflicts. This objective is covered in the next Chapter of the research.

CHAPTER FIVE

5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

The study on track II diplomacy and the management of internal conflicts has made a few observations on the connection sustainable peace and involvement of the civil society in a state. In Chapter One of the study, the review of literature on track II and conflict management indicated that the involvement of the civil society in the management of internal conflicts contributes to sustainable peace.⁸⁸ The principal actors were revealed in this section as being driven into a conflict as a result of greed or narrow sectoral interests. The greed and sectoral interest in a conflict attract the attention of the international actors due to the strategic importance territory. Kenya's strategic importance in the international stage attracted external actors whose interest to intervene would not free of political inclinations. In this regard the track II diplomacy had an input in the shaping of the inclusive people's agenda.⁸⁹

The Kenyan electoral conflict once internationalised brought into picture the element of actors and therefore the resultant international mediation efforts by the African Union. This development led to track II diplomacy contributing to the process of conflict management to initiate sustainable peace not only at the political arena but also in the society.

It was further observed from the overview of the track II diplomacy and conflict management that two factors act as catalysts for the involvement of track II diplomacy in conflict

⁸⁸For Details refer to Chapter Two, Section 2.1

⁸⁹Ibid

management.⁹⁰ First is that conflict does not occur in a vacuum but in a society of a people, that is large but could its voice is not represented in the decision making apparatus. Secondly, the role the state in peace making during an electoral conflict is not inclined to take into account of the society's interests but rather on how to protect the power it wields. Therefore the ordinary citizens are not likely to have a role in influencing or contributing to the peace agreements to favour their social and economic relations at grassroots. Since the state controls the production and distribution of material and social resources and hence track II diplomacy would advocate and advance the citizens' interests in the post-electoral conflict. The track II diplomacy in the context of the Kenya electoral conflict sought to empower the citizens and ensure that the welfare of the marginalised was addressed within the context of the national accord.

Track II diplomacy was further observed to have various levels and dimensions of engagement. To achieve sustainable in Kenya, the track II diplomacy, sought to engage the peace initiative from the lowest level, where the ordinary citizens are based, and at the highest level where the national leaders are based to incorporate the interests of the people in legal and political decisions. In this regard the track II diplomacy became an agent of transformation of the Kenya's electoral conflict in 2007-2008.

Although the track II was faced with numerous challenges, it remained the single process that contributed to highlighting and advocating for the marginalised and voiceless person in the AU mediated peace initiative. The peace initiative if left out to political elites then there would have been limited individual reparation and sustainable peace in the society. On this basis a few

⁹⁰ Kelman, Herbert C., 2002. op cit. pp

recommendations could be drawn on the role of track II diplomacy in the management of electoral conflicts.

5.2 Recommendations

The study makes some recommendations regarding the involvement of track II diplomacy in conflict management. To realise the full benefits of track II diplomacy in conflict management various aspects of input should be initiated to make the civil society key in peace making. First the track II diplomatic platform should seek dialogue with the political entities to identify the people's needs to ensure that their political views are incorporated in the electoral democratic processes. The civil society platform is usually mass-based and can locate their support in the various constituencies of the population in identifying the people needs and articulate them appropriately.

Track II diplomacy processes should further cultivate a working relationship between the opposition and the governing party to find out the modalities for peace building. Track II diplomacy should be informed about the politics in the society and seek to bridge the gap and differences between the opposition and the government on key issues affecting the welfare of the society as well as on matters of national interest. This kind of dialogue could help build confidence between the government and the opposition and reduce needless, violent confrontations between the two even in the period of conducting elections.

Track II diplomacy should in addition to contributing to negotiations in peace, seek to have the government commitment to achieve peace. In this regard the process of track II diplomacy should interrogate the government proclamations, declarations, legislation,

communiqué and government commissions on their role towards reconciliation and peace building. Lasting peace can only be achieved through the popular participation of the people. Therefore peace must be made by the people and with the people to sustain the peace in the society.

The study further recommends that government should continually consult or involve the civil society in the process of peace building and seek to increase the legitimacy of government decisions. Thus track II diplomacy process will allow citizens to derive satisfaction that their views are taken into account. In this regard the track II diplomacy could help to generate a sense of ownership of the governance process in Kenya.

Track II diplomacy is noted further to be an ideal networking platform in peace process to carry out advocacy. An increase in networking among civil society advocates is one area that should be intensified to create leverage in arguing for inclusion of agenda items at domestic and international stage. There is evidence that networking among civil society improves its bargaining position and increases its chances of success in its advocacy work. Therefore networking among the Kenyan civil society can also increase its capacities by pooling resources and expertise for peace negotiations and peace building. Networking is underscored as a vital ingredient to advance the success of track II diplomacy and competition for limited attention in the peace making process.

Finally the track II diplomacy should therefore seek to attain a successful strategy for the resolution of conflict by taking into account the external and domestic inter-linkages with the domestic seek to accommodate the interests of various forces in peace processes. In order to bring about positive engagements in sustainable peace, track II peace initiatives should focus on

identifying various layers of the manifested conflict and carefully identify the roots causes and remedies that should feed into peace engagements. The track II diplomacy would thus prevent current conflicts from relapsing in the future by reaching out into the grassroots, analyze the conflict dynamics and suggest the sustainable approaches to conflict management.

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