SPECIAL ENVOYS IN KENYA'S DIPLOMACY OF CONFLICT MANAGEMENT
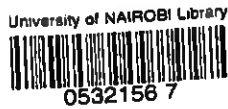
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A Research Project Submitted to the Institute of Diplomacy and International Studies, University of Nairobi in Partial Fulfillment of the Requirements for the Award of the Degree of Master of Arts (MA) in International Conflict Management.

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Declaration
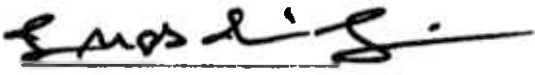
This project is my original work and has not been submitted for a degree in any other university.

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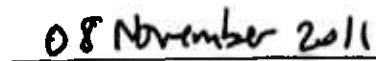Mohamed A. Affey   Date

This project has been submitted with my approval as University supervisor.

_____   08 November 2011

Prof. Makumi Mwagiru   Date

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Dedication

The project is dedicated to my wife Zahra Ibrahim Abbas and sons Abdulwaheed, Hamza, Mustapha, Munir, Zakaaria and Yahya. You have been a pillar and source of strength in my life.

Acknowledgement

Abbreviations

AU – African Union

PNU-Party of National Unity

ODM-Orange Democratic Party

IGAD-Inter-Governmental Authority on Development

SPLA-Sudan People Liberation Army

SALWs- Small and Light Weapons

TFG-Transitional Federal Government

KANU-Kenya National African Union

US-United States

EAC- East African Community

PTA-Preferential Trading Area

COMESA- Common Market for East and Southern African States

OAU-Organization for African Unity

MPLA-Popular Movement for the Liberation of Angola

FNLA-National Front for the Liberation of Angola

UNITA-Total Independence of Angola

AACC-All African Conference of Churches

WCC-World Council of Churches

IGADD-Intergovernmental Authority on Drought and Development

DoP- Declaration of Principles

GoS-Government of Sudan

TNG-Transitional National Government

SRRC-Somali Reconciliation and Reconstruction

AOGs-Armed Opposition Groups

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ABSTRACT.

Kenya has pursued a foreign policy and diplomacy of conflict management especially beginning in 1980s. It has actively mediated conflicts within and outside the Horn of Africa sub-region. The involvement in mediation of conflicts was motivated by the need to secure Kenya's national interests which are threatened by continued conflicts as well as the desire of the then president Moi to carve a *niche* as a peacemaker. The interests are economic, political, diplomatic and security in nature.

In the pursuit of the foreign policy and diplomacy of conflict management, Kenya has utilized the institution of the special envoy. This institution has been categorised into three generations. The first generation is represented by Ambassador Mboya who was appointed in 1998 to mediate the Sudan's conflict. The second generation is represented by General Sumbeiywo and Mwangale who were mandated to mediate the Sudan and Somalia conflict respectively. The third generation of the special envoy is represented by Ambassador Kiplagat who succeeded Mwangale as the mediator during the Somalia peace process.

The study has examined the institution of the special in Kenya. In the examination it has brought out the development of Kenya's' foreign policy and diplomacy of conflict management, the role the institution of the special envoy has played in securing Kenya's interests through mediation, challenges faced and proposed solutions. The examination has been informed by the two premises. One, mediation by states should be viewed from foreign policy perspective since states engage in mediation in order to secure some foreign policy goals. Two, in the analysis of the performance and challenges faced by the institution of special envoys in mediation of conflicts, attention should focus on the institution itself and the interests special envoys are supposed to secure.

Data for study has been collected using content analysis/documentary research and interview methods, Though the documentary research, the study focused on scholarly and media information covering the fields of diplomacy, foreign policy, special envoys, and mediation. The data gathered was augmented by primary data gathered though interview which targeted the special envoys who have been appointed. Data generated was qualitatively analysed and used to test the study's hypotheses and conclusions made.

The study has established that, the institution of special envoy has had mixed outcomes in securing of Kenya's interests. This has been because of lack of a clearly articulated foreign policy and policy on its implementation, access to the appointing authority, organization and strategic management of the diplomacy of conflict management and the personality of the special envoys. Also, there has been lack of continuity with the fortunes of this institution rising and falling depending on who is occupying the presidency.

On the strengths of the findings, the study concludes that there is a need to address these in order to strengthen and further institutionalize the use of special envoys in the mediation of conflicts. This should be done in concert with the reinvigoration of Kenya's foreign policy and diplomacy of conflict management which has declined especially under the presidency of Kibaki.

Chapter One

INTRODUCTION

States have interest in what is happening in their external environment. The reality of interdependence characterized by networks of relationships and interests whether political, economic or social has blurred the internal and international dichotomy. Consequently, events happening in one part of the world often have ramifications going beyond the local. Nowhere in this view more evidenced than when there is conflict which though initially may have domestic sources eventually become internationalized.[1]

The internationalization of conflict impacts differently on states. depending on their proximity to the conflict environment. States contiguous to the zone of conflict are more affected by the conflict. This is because, being members of a given security complex or a conflict system their fate is inevitably interlinked and interrelated with the fate of other members of the system.[2] As a result, states like Kenya often prioritize their foreign policies on the neighboring countries or near abroad.

Kenya, being geographically located in a conflict prone region has developed foreign policy of conflict management primarily focused on the region. Indeed, within the region, Kenya has been a mediator either individually or as a chair of the frontline states in various states engulfed in conflict. This is best exemplified by its involvement in Sudan and Somali peace process.

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[1] For a detailed discussion on internationalization of conflict see M. Mwagiru, Conflict *in Africa: Theory, processes and Institutions of Management*. Nairobi: CCR 2006, pp.58-70

[2] K. Kaiser 'The Interaction of Regional Sub-systems: Some Preliminary notes on Recurrent Patterns and the Role of Super Powers', *World Politics*, Vol 21, No.1, 1968, pp.84-109 and M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, op cit, pp.71-85.

In its diplomacy of conflict management, Kenya has established the institution of special envoy. This institution of special envoy in the diplomacy of conflict management is a critical pointer of the level of interest Kenya has shown as a third party in the various conflicts in the region. Importantly, it is indicative that there are serious interests that Kenya has in the region and the need to protect them. Further, it points to the attitudes of various presidents towards the conflicts in the region, for special envoys are bearers of the president's mandate and manifests his/her desire to be proactively involved in conflict management.

STATEMENT OF THE PROBLEM

State operates in an international environment where opportunities and threats abound. Thus it is important for them to develop various strategies and structures for maximizing opportunities and minimizing threats. Within the range of means available to states, diplomatic instruments remain the most dominant. This is because diplomacy avails a peaceful method of not only realizing foreign policies but also coordinating the other instruments to make sure that they serve the stated strategic goals. This fact informs Kenya's foreign policy of conflict management and the development of the institution of special envoys.

In diplomacy, the structure which is mandated with implementation of the foreign policy plays critical role in the realization of strategic goals envisaged by the policy. Indeed, strategy serves no useful purpose if it is not underpinned by a structure capable of navigating though various obstacles, seizing windows of opportunities and bringing resources to bear on the stated strategic goals. As such the explanation of success or failure of a strategy must focus on the institutional set up which constitutes the structure.

In Kenya, the pursuit of regional foreign policy of conflict management has relied on the institution of special envoys among other means. The establishment of this institution has been

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informed by a need to secure certain interests which are undermined by the continued conflict in the region. Through the institution of special envoys, Kenya has actively mediated the Sudan and Somalia conflict with mixed outcomes. The outcomes have been determined by among other things, the institution of the special envoy.

This study provides a critical analysis of the role of the institution of special envoys in Kenya's diplomacy of conflict management. The analysis has focused on Kenya's mediation of the Sudan and Somalia violent conflicts using the institution of special envoys. Through the analysis, the study brings out the role of this institution in Kenya's diplomacy of conflict management in the region, its success and challenges.

Objectives of the Study

To trace the development of the institution of special envoy in Kenya's diplomacy of conflict management, the role the institution has played as well as its success and challenges.

Sub-Objectives

- Provide an overview of the evolution of Kenya's foreign policy of conflict management.

- Examine the role of the institution of special envoys in Kenya's diplomacy of conflict management.

- Analyze the challenges the institution of special envoys has faced and provide possible solutions.

Literature Review

This section reviews literature related to diplomacy of conflict management. It is divided into five sub-sections. Sub-section one has reviewed the literature on foreign policy, its means and goals. The second sub-section has reviewed literature on diplomacy as an instrument of foreign policy and how it fits in states' foreign policy of conflict management. The third sub-section has examined literature on the institution of special envoys in general while the fourth sub-section has provided a review on the evolution of Kenya's foreign policy of conflict management. The fifth section has examined the literature on Kenya's institution of special envoys.

Literature on Foreign Policy

Foreign policy has been variously defined in the study of international relations. Holsti views foreign policy as actions that a state takes in relations to other states in order to defend or to achieve its purpose (welfare, autonomy, security, autarky and so on).[3] Along the same line Reynolds has characterized foreign policy as actions of a state in reference to other bodies acting on the international stage in order to advance its goal (security, welfare and preservation and promotion of values).[4]

Modelski and Seabury have conceptualized foreign policy in terms of inputs and outputs. Thus, foreign policy refers to the totality of purposes and commitments which states seeks, by means of influence, power and violence to deal with foreign states and problems in the international environment, to influence the behavior of other states and adjust their own

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[3] K.J.Holsti, *International Politics: A Framework of Analysis*. Prentice Hall: Eaglewood Cliff, 1995, p.15
[4] A. Reynolds, *International Relations (3rd ed)* .London: Longman, 1974, p.41

according to the prevailing environment.[5] Okoth and Ogot have defined foreign policy as a combination of principles and norms which guides or determines relations between states and other states or bodies in the international system.[6]

These conceptualizations indicate that the main goal of foreign policy is to safeguard states interests in the international environment. These interests may range from the need to safeguard territorial integrity, political independence, security, economic advancement, presentation of national strength, protecting of societal values, and enhancement of fundamental institutions. Interests are critical in explaining and understanding states behavior. Abdul has argued that national interests serve as an analytical tool to be employed in describing and explaining the thrust of a state's foreign and are used to justify denounce or purpose policies by states.[7] National interests are aggregated into various policies which constitutes the strategic objectives of the state at the international stage.

The pursuit of foreign policy relies on various instruments. The central instruments are diplomacy and military. According to White, all actors have goal or ends towards which foreign policy behavior is directed. In order to achieve ends, actors need means – often called policy instruments. Diplomacy provides one instrument that international actors use to implement foreign policy.[8]

Diplomacy

White has noted that diplomacy is as old as humanity. Political entities have always established communication processes between them, aimed at addressing mutual and divergent

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[5] P. Seabury, *Power, Freedom and Diplomacy: The Foreign Policy of United States*. New York: Random House Vintage, 1965, p.7 and G. Modelski, *A Theory of Foreign Policy*. New York: Praeger, 1962, pp.6-7

[6] P.G.Okoth and B.A.Ogot, *Conflict In Contemporary Africa*. Nairobi: Jomo Kenyatta Foundatio,2000, p.118

[7] M. Adbul, *National security in the Third World* .London: Westview Press, 1985, p.27

[8] B. White 'Diplomacy' In Baylis J. and Smiths S (eds), *The Globalization of Worlds Politics (2nd ed)*. Oxford: OUP, 2001, p.318

interests between them.[9] Magalhaes in his analysis of the the historical evolution of diplomacy has provided evidence to support the antiquity of diplomacy. He has observed that ancient civilizations such as Egypt and Assyrians had envoys who were used to pursue the interests of these civilizations. Further, he has quoted the law of Manu, which constituted one of pillars of Hindu civilization. The law of Manu stated that 'peace and its opposite (that is war) depend on Ambassadors, since it is they who create and undo alliances. The affairs that provoke war or peace between kings are in their power.[10]

Wolpert in an analysis of classical Greece diplomacy has shown how diplomacy was used as an instrument of pursuing interests of city states, and how it was prioritized over other instruments. For instance, he has noted that in 416 BC, before Athenian expedition set out against the Melians with intent of forcing the island to pay tribute and join the Delian league, Athens had sent envoys to negotiate terms of surrender. The encounter has been captured by Thucydides in his accounts of the Peloponnesian wars.[11]

Since then diplomacy has evolved into a complex system of communication within the modern international system. A key change has been the institutionalization and professionalization of diplomacy. White has explained the changes as occasioned by increased complexity of interactions between political entities and the need to maintain regular contacts.[12]

Mwagiru et al have defined diplomacy as an art of resolving disputes between states by highly skilled communication among representatives of government. The importance of diplomacy lies on the need to have peaceful relationships among actors in the pursuit of their

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[9] B. White 'Diplomacy', op cit, p.320
[10] J.C Magalhaes ,*The Pure Concept of Diplomacy*. New York: Greenwood Press, 1988, p.17
[11] A.Wolpert, 'Genealogy of Diplomacy in Classical Greece', *Diplomacy and Statecraft* ,Vol 12,1 ,2001,pp.71-88
[12] B. White 'Diplomacy' op cit, p.320

interests.[13] As an instrument of policy, diplomacy is subordinated to the pursuit of foreign policy objectives. This view has made Clinton argue that the national interests are the regulative principle of diplomacy.[14]

One of the most disruptive factors in pursuit of national interests is violent conflicts. This is more so if the conflict occur within a region which a given state belongs to. This is because such conflicts tend to become internationalized leading to negative consequences. To respond to such conflicts states have developed diplomacy of conflict management. The diplomacy aims at defending or expanding certain interests which a given state values.

Conflict Management

Bercovitch has observed that conflict is a pervasive and inevitable social phenomena whether in simple or complex society and irrespective of time and space.[15] Nhema has stated that conflict is an expression of heterogeneity of interests, values and beliefs that arise as new social formations comes up against inherited social constraints.[16] According to Reuck a conflictual situation is characterized by parties (however defined or organized) who perceive that they possess mutually incompatible goals.[17] Summarizing the definitions of conflict, Dixon has stated that despite multiple definitions of conflict, there exists a convergence of what it is. It arises from mutual recognition of competing or incompatible material interests and basic values.[18]

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[13] M. Mwagiru et al, Diplomacy: *The Concept, Actors, Organs, Rules and Process*, Nairobi: Institute of Diplomacy and International Studies,2004, p.5
[14] D. Clinton 'The National Interest: Normative Foundation' in Little R et al (eds) *Perspectives in World politics*. New York: Routledge, 1991, p.45
[15] J. Bercovitch 'The Study of International Mediation: Theoretical Issues and Empirical Evidence in Bercovitch J (ed) *Resolving International Conflict: The Theory and Practice of International Mediation*. Boulder: Lynne Reinner, 1996,p.15
[16] A. Nhema, The *Quest for Peace Africa: Transformation, Democracy and Public Policy*. Utretch: International Books, 2004, p.12
[17] A. Reuck, *'The Logic of Conflict, its Origins, Development and Resolution'*, in Banks M (ed), *Conflict in World Society: A New Perspective in International Relations*. Brighton: Harvester, 1984, pp.97-113
[18] W. Dixon 'Third Party Techniques for Preventing Conflict Escalation and Providing Peaceful Settlement', *International Organization*, Vol 50, 4, 1996, p.655

Thus, conflict has three elements. These are: conflict about perception of how things are (conflict about facts), conflict about how things should be (conflict about values) and conflict about who is entitled to what (conflict of interests).[19]

The inevitability of conflict and the fact that it has both destructive and constructive potential has led to the need to regulate conflicts. Lederach views this need as driven by desire to maximize mutually beneficial processes and outcomes of conflict and minimize its destructive impact.[20] This has informed the development of a repertoire of methods of conflict management.

Mwagiru has used the term conflict management to refer to any management process by which parties to the conflict are encouraged to come together do something about their conflict[21]. He has further noted that the United Nations Charter has identified various methods of peaceful settlement of disputes. These are negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or any other peaceful means of their choice.[22]

Among the methods identified, mediation has become the most prominent method used. Mediation has been defined as a continuation of negotiations by other means. Skjelsback and Fermann, have defined mediation as efforts by third parties to prevent the eruption or escalation of destructive behavior and to facilitate a settlement that makes renewed destructive behavior unlikely.[23] Similarly, Bercovitch has characterized mediation as a process related to but distinct from the parties own negotiations, where those in conflict seek assistance or accept an offer to help from the outsider (whether individual, an organization group) to change their perceptions or

[19] W. Heinrich ,*Building Peace: Experiments and Reflections of Collaborative Peace building: The Case of Somalia* (2nd ed) .Upsalla: Life and Peace Institute 2006, p.3

[20] J.P Lederach, *Building Peace: Sustainable Reconciliation in Dividend Societies*, op cit, p.43

[21] M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, op cit, p.43

[22] See UN, *Handbook In The Peaceful Settlement of Disputes Between States*. New York: United Nations, 1992.

[23] K. Skjelsback and G. Fermann, 'The US Secretary General and Mediation of International Disputes' in Bercovitch ,J (ed), *Resolving International Conflicts. The Theory and Practice of Mediation*, op cit, p.76.

behavior and do so without resorting to use of force.[24] A key defining elements of mediation is the entry of a third party into the conflict. Such entry is rarely motivated by altruistic reasons. Rather, third parties intervene into conflict for various motivations which are less than benevolent as reviewed below.

Third Parties in Diplomacy of Conflict Management

There is rich literature on third party motives for conflict management. The literature revolves around whether third parties are driven by self or humanitarian interests in their intervention. Crocker, has argued that the imperative to mediate is driven by a growing sense of moral responsibility that the international community has interest in advancing human rights, democracy and the rule of law because strengthening them will contribute to the development of a more peaceful and stable international order.[25] This view has been supported by Carment and Rowland's argument that intervention is motivated by the need to alleviate humanitarian impacts in the shorter term and resolve underlying disputes in the longer term.[26]

However, the view that third party intervention is driven by humanitarian reasons has been put under sustained attack. Opponents argue that 'humanitarian' concerns are just but smokescreen. Wheeler and Bellamy in their discussion on France involvement in Rwanda have argued that 'though France emphasized the strictly humanitarian character of the operations, this lacks credibility given the evidence that they seemed to have been covertly pursuing national

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[24] Cited in C. Crocker et al, 'Is More Better?, The Pros and Cons of Multiparty Mediation, p.499
[25] C .Crocker 'Is More Better? The Pros and Cons of Multiparty Mediation', *International Studies*, 2, 2001, p.450
[26] Carment et al 'The United Nations at 50: Managing Ethnic Crises Past And Present', *Journal of Peace Research* 35 (i) pp.61-82

self-interests behind the fig-leaf of humanitarianism.[27] This raise the question of motivations that make states intervene.

There are various explanations on motivations for third party interventions. From the foreign policy perspective intervention is viewed as an instrument of achieving some policy goals. It is motivated by both domestic and international influences. Externally it aims at achieving strategic goals and as such is motivated by less benevolent reasons. One strategic reason is to enhance states long term security and respond to domestic demands especially where there are ethnic affinities across borders making citizens to pressure their leaders to intervene in order to aid their co-ethnics.[28]

Lemke and Regan have identified factors influencing intervention as major power status, colonial history and alliances, ties with the civil war county, refugee problems and casualties.[29] Findly and Teo in their case for an actor-based approach towards understanding intervention have stated that third parties may also intervene in response to involvement of other third parties in the conflict. These interrelated interventions are reflections of the interaction between a potential intervener's interest and interests of other states. They support their argument by observing that in the 1998 war in Democratic Republic of Congo, Uganda intervened on the side of the opposition, followed by its rival Sudan on the side of the government. Sudan involvement

[27] J. Wheeler and A. Bellamy 'Humanitarian Intervention and World Politics' in Baylis.J and Smith.S, *The Globalization of World Politics*, op cit, p.480

[28] See Balch Lindsey et al 'Killing Time: World Politics of Civil War Duration 1820-1992', *International Studies Quarterly* 44(4), pp.615-642, S. James, *Deciding to Intervene: The Reagan Doctrine and American Foreign Policy*. Durham: Duke University Press, 1996, S. Saideman, 'Explaining the International Relations of Secessionist Conflicts, Vulnerability Vs, Ethnic Ties', *International Organization*, 51 (4), pp.721-752 and R.A Bikash, 'Intervention Across Bisecting Borders', *Journal of Peace Research*, 34 (3): pp.303-314.

[29] D. Lemke and P. Regan, 'Intervention as Influence' in Diehl P. and Arbor A. (eds) *The Scourge of War: New Extensions on an old Problem*. Michigan: University of Michigan Press, 2004, pp.145-168.

can be explained as a response to Uganda's intervention.[30] Their argument is has been supported by Keeley, who has explained the United States goals during negotiations on Zimbabwe's independence as motivated by need to bring about self-determination in such a way that the Soviet Union and its friends would not accrue influence.[31]

Haraclides in his analysis of the identities of would be interveners has stated that, the probable interveners in internal conflicts are those states which are contiguous to the state engulfed in conflict as a preemption against the danger of conflict spill over.[32] This argument is best captured by the notion of a conflict system. The notion rejects the traditional ideographic understanding of conflict. Instead, every conflict has linkages with other conflicts across borders and its processes are informed by the dynamics in the conflict system. Within a conflict system there is a complex tessellation of relationships between actors and issues.[33] This interrelatedness makes states within a conflict system to intervene.

Mwagiru has identified various motivations behind states diplomacy of conflict management. These include: enhancing of foreign policy platform, need to achieve certain needs that they feel and achieve certain national interests, quest for regional leadership and dominance, and personal wish of their leaders to carve a niche for themselves in history.[34] Third parties interests in conflict management are secured by individual or a group representing it in the mediation process. This includes the use of special envoys.

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[30] M. Findly and K. Teo, 'Rethinking Third Party Interventions into Civil Wars: An Actor Centric Approach' *Journal of Politics*, 68(4), 2006, pp.828-837

[31] R. V Keeley 'Negotiating Zimbabwe's Independence: Introduction' in Bendahame D and McDonald J.W (eds) *Perspectives on Negotiations: Four Case Studies and Interpretations* .Washington: US Departments of State, 1986, p.162.

[32] A. Heraclides, 'Secessionist Minorities and External Involvement', *International Organization* 44 (3) 1990, pp. 347-348

[33] M.Mwagiru, *Conflict in Africa*, op cit, p.74

[34] M. Mwagiru, *Diplomacy: Documents, Methods and Practice.* Nairobi: Institute of Diplomacy and International Studies, 2004, p.119

Special Envoys

The institution of special envoy is not new in diplomacy. Indeed, it precedes the modern day practice of having resident envoys. Berridge has noted that in the middle ages, diplomacy was conducted on part time basis by emissaries of monarchs in Europe who were vested with full powers to conduct their missions. They were sent on temporary basis with narrowly focused tasks. Once the task was complete, the envoy was required to return home.[35]

Singh has succinctly observed that the appointment of a special envoy signals special focus on an issue by the appointing authorities. Further he argues that such appointees must be persons who command respect and enjoy personal attention from the president. This way, the appointment of envoys is beneficial for it brings to bear the level of diplomatic focus and efforts required to resolve a given issue.[36] This view has been supported by Fullilove argument that, personal representatives can offer certain advantages over many resident diplomats when it comes to communicating and negotiating with foreign parties and assessing local conditions and personalities. They are able to speak more candidly than career diplomats and negotiate with full presidential authority. More so by relying on such agents, the president can overcome bureaucratic constraints, avoid entrenched beliefs and standard operating procedures and generally strengthen his control over policy.[37]

Wirston on his analysis of special envoy in America has identified two categories of envoys. One category is composed of persons employed to perform duties which for one reason or another, are inappropriate for regular officers to perform. These include envoys dealing with

[35] G.R Berridge, *Diplomacy: Theory and Practice*. Prentice Hall: Wheatsheat, 1995, pp.2-3
[36] M. Singh, 'Special Criteria for Special Envoys', *Foreign Affairs*, 2009, accessed at www.newforeignpolicy.com
[37] M. Fullilove ,'All the Presidents Men', *Foreign Affairs*, 2009 accessed at Encarta, an online encyclopedia

none sovereign or unrecognized states, unrecognized governments or in opening ruptured relations. The other category consists of persons who not only inform, but in fact represent the president personally. In some cases their relationships is intimate that the envoy is almost an alter ego of the president.[38]

Mwagiru has argued that the special envoy in the proper diplomatic sense is appointed by high authorities, to whom he reports and answers to. He is appointed because the job for which appointment is made cannot be done properly within the normal administrative and political structures of a government department or a ministry.[39]

The presence of special envoys may pose problem to the foreign service bureaucracy. Fullilove has argued that, tension exists between special envoys and the diplomats due to various reasons: Special envoys may attract prejudice from normal foreign envoys bureaucrats; personalizing of policy nearly rob it the wide bureaucratic support; operating through special envoys may demoralize regulars in diplomatic service and ambassadors may lose their stature in the eyes of the officials who they are accredited to. This view has been captured by George Kennan, who when he was a diplomat quipped, the (United States) foreign service is packed with outsider to a point where member of the foreign service find themselves like once the unhappy wife and son of Homer's Ulysses, barely tolerated guests in their homes.[40] Similarly, Wirston has stated that, 'no matter how clear an explanation is [on special envoys] there is always some feeling that the mere presence of an 'outsider' reflects some inadequacy upon the part of the regular diplomats'.[41]

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[38] H.M .Wirston, 'The Special Envoy' Foreign *Affairs*, 2009. Available at www.newforeignpolicy.com, p.223
[39] M. Mwagiru, "Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management' A Paper Presented at IDIS, p.6.
[40] M. Fullilove, Op cit
[41] H.M Wirston, Op cit, p.237

KENYA'S FOREIGN POLICY SINCE INDEPENDENCE

Kenya independence foreign policy can be traced to the KANU manifestoes of 1961 and 1963. Gertel has noted that the 1961 manifesto underscored Kenya's commitment to safeguard its national interests, maintain its independence and join other forces to fight against racism, imperialism and other forms of oppression. Further, it sought to foster close collaborations with African states and work under the United Nations framework for maintenance of international peace and security.[42] According to Oyugi these principles were reaffirmed by the 1963 manifesto, where KANU promised to preserve national integrity of Kenya, maintain military force capable of protecting the people and state, foster East Africa cooperation, support liberation movements in Africa, be non-aligned in global politics and participate in fully in international affairs.[43]

Despite the stated principles, Mwagiru in his analysis of Kenya's diplomacy of conflict management has argued that, from 1963 to 1997, Kenya's foreign policy was largely held prisoners by cold war politics. It was not able to articulate independent policies but instead its content was shaped and moved by the agenda of other states and their relationship with the cold war.[44]

Despite the influence of the cold war politics, Kenya has articulated and pursued a foreign policy of conflict management since the 1980s. It was involved in mediating several conflicts in the region. For instance in 1983, when Sudan relapsed into conflict, it was a great threat to Kenya's national interests and therefore in Kenya's interests to spearhead the search for peace in Sudan. Mwagiru has noted that since 1980s Kenya has been involved in mediating

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[42] C. Gertel , *The Politics of Independent Kenya 1963-1968*. Nairobi: East Africa Publishing House, 1968, pp.32-72
[43] W.O. Oyugi, *Politics of Independent Kenya 1963-1968*.Nairobi: East Africa Publishing House, 1968, pp.32-72
[44] M. Mwagiru 'The Elusive Quest: Conflict, Diplomacy and Foreign Policy in Kenya' in Okoth. P.A and Ogot. B.A(eds), *Conflict in Contemporary Africa* .Nairobi: Jomo Kenyatta Foundation, 200, pp.177-187

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conflict either individually or as a chair of the frontline states' mediation under the umbrella of IGAD[45]. It has been involved in mediating conflicts in Uganda and Sudan, Somalia, Democratic Republic of Congo and Mozambique. The involvement has led to the development of the institution of special envoy as a key instrument of pursuing this policy.

The Institution of Special Envoys in Kenya's Diplomacy of Conflict Management

Layton has defined institutions as patterned rules of interactions which set the boundary between the acceptable and unacceptable actions. Thus institutions are enhancing and limiting social artifacts[46]. Giddens in his theory of structuraction has observed that institutions sets structures which puts limits on individuals by influencing options open to them through mutual dependence. The limits are determined by the amount of resources in their possession. These resources enable interactions, opening up some possibilities for human agency while precluding others.[47]

Seimmo et al have identified crucial roles of institutions. Institutions shapes goals and structure 'interest' battles and in so doing influence their outcome. Importantly they determine the 'strategic context' by availing means, opportunities and constraints on action.[48] Thus through studying of given institution, one is able to link the role of structure and agency in explaining outcomes.

In his analysis of the institution of the special envoys in Kenya Mwagiru has divided it into three generations. The first generation of special envoys represented by Ambassador Mboya did not represent special envoy proper. The envoy lacked access to the president and was

[45] M. Mwagiru 'Special Envoys in Management of Internal Conflict', op cit, p.1
[46] R. Layton, Order *and Anarchy: Civil Society, Social Disorder and Wars*. Edinbrugh: Cambridge University Press, 2006, p.75
[47] Ibid, p 80
[48] S. Seimmo et al (eds) *Structuring Politics*. Cambridge: Cambridge University Press, 1992, pp. 60-80

overcrowded by the permanent secretary and even lacked serious access to the minister of foreign affairs. The second generation of special envoys represented by ambassador Bethwell Kiplagat,Elijah Mwangale,and General Sumbeiywo. These envoys enjoyed more access to the appointing authority. There was reduced role of ministers for foreign affairs, and was characterized by president having direct control of the peace process in question. Importantly, they occupied positions which made it easy to overcome the foreign affairs bureaucracy. For instance, Kiplagat served as the permanent secretary in the Foreign Affairs ministry. As the head, he was not encumbered by the need to go through the ministry's channel in order to access resources or the president. The third generation of special envoys represented by Kiplagat which came in from 2002 did not enjoy the same access as the second generation. It was a turn around period with special envoys lacking access to the appointing authority and being treated like normal ambassadors.[49]

Drawing from the perspectives reviewed in the literature, the following section provided a brief assessment of the literature. Additionally, it identifies the entry point of this study into the debates on the institution of special envoys. Finally, it provides a justification of the study.

Justification of the Study

The literature reviewed has covered various aspects which help analyze the role of special envoys in diplomacy of conflict management. The appointment of special envoys points to a need to focus diplomatic resources on a given issue by the president. Further, it indicates presence of interests that need to be protected or secured.

The study has broken away from normal analysis of third parties involvement in conflict management. Most analyses focuses on the interest of the parties involved in conflict during

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[49] M.Mwagiru, 'Special Envoys in the Management of Internal Conflicts' ,Op cit,pp.3-6

mediation and on the mediation process. Importantly, even where such interests are acknowledged, they are often treated as 'background' or 'antecedent' conditions influencing the mediator's perceptions and relationships with disputants or as 'concurrent' external factors enhancing or constraining the mediator. As such the analysis tend to ignore the question whether the mediation has contributed to the attainment of domestic and foreign policy objectives that motivated the intervention in the first place.[50] This study has approached the issue of mediation by states from a foreign policy perspective, that is, mediation is underlined by foreign policy deriving from domestic needs and external objectives.

Further, there generally lacks attention on the institution of special envoys in diplomacy of conflict management. This has been the situation in Kenya. Despite the presence of diplomacy of conflict management in Kenya and the institution of special envoys as a key structure of pursuing this diplomacy, only a few scholars, notably Mwagiru have given it attention. The study has contributed to the understanding of Kenya's foreign policy of conflict management and the place of the institution of special envoys in it.

Finally, the study has provided important lessons to policy makers especially on the need to have a clear foreign policy on the conflicts Kenya is mediating. This is important since mediation aims at securing Kenya's interests. Additionally the policy makers need to develop a framework for fitting the institution of special envoys in the diplomatic service. This way it can be shielded from the changes in national politics. Finally the study has pointed out the need to develop a cadre of potential special envoys who are versed with the business of conflict management.

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[50] S. Touval, 'Mediation and Foreign Policy', *International Studies Review*, Vol 5, No.4, 2003, pp.91-95

Theoretical Framework

The study will utilize the institutional approach. The use of institutional approach is informed by the view that actors do not operate in a vacuum. Instead they operate within institutions which on one hand avails opportunities and on the other places limitations on human action. In addition institutions determine the structures which strategic goals are pursued and influence their outcome.

Special envoys are a part of the structure of Kenya's diplomacy of conflict management. By analysing how special envoys have interacted with the policy makers (strategy) and the implementing counterparts (structure) it is possible to explain the success or failure of the institution of special envoys as a key plank in Kenya's diplomacy of conflict management.

Further institutional approach helps to focus attention on the interactions between the structure and agency. A special envoy may be good in terms of personal capabilities but he maybe constrained by the structure. Alternatively the structure may be enabling but the agency is ineffective or incapable of carrying out the task. With these two possibilities, an analysis focusing on either structure or agency will overlook important insights. Thus there is a need to link the structure and agency.

Lastly, institutional approach enhances the ability to analyse the relationship between the structure and the strategy in Kenya's diplomacy of conflict management. The success or failure of strategy is partly explainable by the integrity of the structure implementing it. Hence there is a need to focus attention on the institutions of strategy and structure.

Hypotheses

1. Kenya does not have well articulated foreign policy of conflict management.

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2. The institution of special envoys has played an effective role in Kenya's diplomacy of conflict management.

3. Lack of a well institutionalized structure of special envoys hindered Kenya's foreign policy of conflict management

Methodology

The study is qualitative in nature and this informs its methodology. It has relied on content analysis and non-scheduled open ended interviews. Content analysis entails systematic reading of studies done on the institution of special envoys in Kenya and elsewhere. The main source of information has been journal articles, textbooks, newspapers and academic papers presented in various conferences on the subject. These sources have been augmented by biographies and autobiographies of individuals, who have been involved in Kenya's diplomacy of conflict management, where available.

Content analysis has helped in provision of key information on the theoretical foundations of the institution of special envoys in Kenya, the peace processes Kenya has been involved in and its interests and tracing of the historical development of the institution of special envoys.

Secondary data collected through content analysis has been reinforced by primary data. The primary data has been collected using non-scheduled and open ended interviews. The interviews focus on both the process and substance of institution of special envoys. The use of non-scheduled and open ended interviews, has enabled the researcher to explore different issues of concerns and seek clarification where needed. It has also enabled the researcher to build rapport with interviewees and thus able to ask sensitive questions.

Sampling Design for Non Scheduled Interview

The study has used purposive sampling method. The institution of special envoy in Kenya is relatively young and most of individuals appointed as special envoys, and bureaucrats at the ministry of foreign affairs and the appointing authorities are still alive and accessible. This supports the use of purposive sampling.

Primary data collected through interviews and secondary data from content analysis has been analysed qualitatively and logical inferences made.

Scope of the Study

The study has focused on the institution of special envoys as its unit of analysis. Issues of the peace processes Kenya has been involved are only highlighted where relevant. Although analysing those conflicts yields useful insights of the diplomacy of conflict management, they are largely beyond the scope of the study.

Organization of the study

The study is divided into five chapters:

Chapter One introduces the study. It develops the research problem, reviews the literature and the theoretical framework.

Chapter Two reviews the concept of special envoy and its application within the framework of diplomacy.

Chapter Three: Analyses the institution of special envoys in Kenya's diplomacy of conflict management.

Chapter Four provides a critical appraisal of the institution of special envoys within Kenya's diplomacy of conflict management.

Chapter Five concludes the study.

Chapter Two

Special Envoys in the Foreign Policy and Diplomacy of Conflict Management

Introduction

The chapter contextualizes the use of special envoy within the broader framework of foreign policy and diplomacy of conflict management. It is divided into four sections. The first section situates special envoys in the international diplomatic law. The second broadly introduce the rationale for states engagement in the diplomacy of conflict management. It focuses on the role of the foreign policy in pursuit of national interests and how these relate to the diplomacy of conflict management. The third section examines the position of special envoys within the diplomacy of conflict management whereas the final section analyses factors which explains their success and failure.

Special Envoys and International Diplomatic Law

A Special envoy is an official of a foreign state who under its law, is either vested with legal authority to act as its official representative and is authorized by the sending state to act officially on its behalf.[1] Though the definition is applicable to even permanent diplomatic representative, there is a clear difference under the international diplomatic law. This is because special envoys are appointed to perform specific task and usually it is a temporary appointment. The 1960 International Law Commission Draft on Diplomatic Intercourse and Immunities defined a special mission thus, 'the expression 'special mission' means an official mission of state representatives to another in order to carry out a special task. It also applies to itinerant envoy who carries out special tasks in the state to which he proceeds.[2]

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[1] F. Przetacznik, *Protection of Officials of Foreign States According to International Law*. Hague: Martinus Nijhoff, 1983, p.15

[2] International Law Commission, International Law Commission Yearbook, Volume II, 1960. Accessed aluntreaty.un.org

The definition was codified in the 1969 *Convention on Special Missions* whose objectives was to fill the legal lacuna since the 1961 *Vienna Convention on Diplomatic Relations* did not address the status of special missions. This was an oversight considering that the use of special missions preceded the presence of permanent diplomatic representation in the conduct of diplomacy.[3] Dembinski has observed that ad hoc missions occasionally sent by sovereigns to their counterparts, were as a matter of fact, the first norms of diplomacy. The establishment of permanent missions emerged in early 17th century. However with this development, the use of special envoys declined until during World War II when conditions necessitated the use of special envoys often charged with urgent and delicate missions which could not be entrusted to embassies without fear of enemy intelligence.[4] The use of special envoys increased after the war as the affairs of states became more specialized and complex.

Under the 1969 *Convention on Special Missions,* which distilled the definition by the International Law Commission, special missions are defined as temporary missions representing the state, which is sent by one state to another state with the consent of the latter for the purpose of dealing with it on specific questions or of performing in relation to its specific task.[5] The missions are accorded diplomatic privileges and immunities similar to other permanent diplomats, during the performance of their mission.[6] However it is notable that ever since this definition was adopted, the increased activities of organizations of states as key actors in the international system means that they too do appoint special envoys. Further though the definition is comprehensive, Dembinski has observed that special missions do not mean the same as special

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[3] M. Hardy, *Modern Diplomatic Law*. Manchester: Manchester University Press, 1968, p.89
[4] L. Dembinski, *The Modern Law of Diplomacy: External Missions of States and International Organizations*. Boston: Nijhoff Publishers, 1988, pp.55-56
[5] Convention on Special Missions, 1969, Article 1(a)
[6] Ibid

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envoys. A special envoy is an individual entrusted with specific task as a representative of a sovereign head of state or of government.[7]

The Rationale for States Involvement in the Diplomacy of Conflict Management:

Every state possesses interests going beyond its international boundaries. These interests are collectively referred to as foreign policy. Foreign policy has been variously defined in the study of international relations. Holsti views foreign policy as actions that a state takes in relations to other states in order to defend or to achieve its purpose (welfare, autonomy, security, autarky and so on).[8] Along the same line Reynolds characterizes foreign policy as actions of a state in reference to other bodies acting on the international stage in order to advance its goal (security, welfare and preservation and promotion of values).[9] Modelski and Seabury conceptualize foreign policy in terms of inputs and outputs. Thus, foreign policy refers to the totality of purposes and commitments which states seeks, by means of influence, power and violence to deal with foreign states and problems in the international environment, to change behavior of other states and adjust their own to fit the prevailing environment.[10] Okoth and Ogot, observes that foreign policy is a combination of principles and norms which guides or determines relations between states and other states or bodies in the international system.[11] Foreign policy thus is a combination of aims and interests pursued and defended by a given state and its ruling class in the relations with other states and the methods and means used by it for the achievement and defense of these purpose and interests.[12]

[7] L.Dembinski, *The Modern Law of Diplomacy*, op cit, p.67
[8] K.J.Holsti, *International Politics: A Framework of Analysis*. Prentice Hall: Eaglewood Cliff,1995,p.15
[9] Reynolds, *International Relations (3rd ed)*. London: Longman, 1974, p.41
[10] P. Seabury, *Power, Freedom and Diplomacy: The Foreign Policy of United States*. New York: Random House Vintage, 1965, p.7 and G. Modelski, *A Theory of Foreign Policy*. New York, Praeger, 1962, pp.6-7
[11] P.G.Okoth and B.A.Ogot, *Conflict In Contemporary Africa*. Nairobi: Jomo Kenyatta Foundatio,2000,p.118
[12] Levin cited in O. Olatunde et al, African International Relations: London Longman publishers, 1985, p.44

These conceptualizations indicate that the main goal of foreign policy is to safeguard states interests in the international environment. These interests may range from the need to safeguard territorial integrity, political independence, security, economic advancement, presentation of national strength, protecting of societal values, and enhancement of fundamental institutions. Interests are critical in explaining and understanding states behavior. Abdul observes that national interests serve as an analytical tool to be employed in describing and explaining the thrust of a nation's foreign policy and are used to justify denounce or purpose policies by states.[13] National interests are aggregated into various policies which constitutes the strategic objectives of the state at the international stage.

In pursuit of foreign policy goals, states have a range of instruments at their disposal. For instance, they can opt to use military force to bend other actors to their will, defend threatened interests or expand some interests which they believe will enhance their capabilities to undertake various roles which they are expected to play. However, military force as an instrument of foreign policy does not operate in isolation; rather it is driven and coordinated by diplomatic effort.[14] States engaged in warfare inevitably need to generate resources, have allies and project their action as legitimate. To do so, they need diplomacy.

What this indicates is that irrespective of other available instruments diplomacy remains central to states external relations. Considering that military force is an instrument of last resort, and it too rely on diplomacy in its prosecution and legitimation, diplomacy serves a very important role of coordinating the pursuit of foreign policy. This explains why various external activities of states are suffixed by the term diplomacy. For instance we talk of environmental, economic, war or conflict diplomacy. More so, within the range of competing priorities, states

[13] M. Adbul, *National security in the Third World* .London: West view Press, 1985, p.27
[14] G. Marcella and S. O. Fought, 'Teaching Strategy in the 21st Century', *Joint Force Quarterly*, Issue 52, 1st Quarter, 2009, p.56

rank their interest and develop specific strategies and structures of achieving them. As such, a state which is concerned with the negative impacts of conflict will develop a specific foreign policy (strategy) aimed at addressing such conflicts and establish the necessary structures to enable it to engage in peaceful management activities.

Thus, the main reason why states establish foreign policy of conflict management and the necessary diplomatic structure is to address the negative impacts a given conflict has on their interests. The negative impact is best viewed within the framework of internationalization of conflict. Basically, internationalization is the process through which domestic affairs become internationalized blurring the dichotomy between domestic and international. Mwagiru has identified various processes that lead to internationalization of conflict. These are: the networks of interdependence among states; the universalization of some aspects of human rights, presence of ethnic groups straddling international boundaries whereby the co-ethnics across the borders are influenced by what is happening to their kins in another state; the media through 'CNN effect' and advances in media technology leading to global instantiation of local issues and refugees through their interactions with local communities, state of their nationality, host state and international governmental and non-governmental organizations. [15]

Another way of understanding this relationship is through Buzan argument that security is a relational phenomena and one cannot talk of national security without paying attention to its embededdness within regional and global system. [16] For instance, no matter how stable and secure a given state is, it is not immune to security threats emanating from its unstable neighbours. It cannot afford to remain disengaged with such conflicts. Within the Horn of Africa region, which

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[15] M. Mwagiru, *Conflict in Africa: Theory processes and Institutions of Management.* Nairobi: CCR,2006, pp.62-68
[16] B. Buzan, *People States and Fears: An Agenda for International Security Studies in the Post-cold War Era (2nd edition).* op cit, pp 186-221. Also B.Buzan 'Third World Regional Security in Structural and Historical Perspective' in Job, B (ed), *The Security Dilemma: National Security in Third World States.* Boulder: Lynne Reiner, 1992, pp.167-171

currently remains the most unstable in Africa, the continent, Kenya regardless of its relative stability, has had to bear negative costs emanating from such conflicts. These include massive inflow of refugees, proliferation of small and light weapons, terrorism, piracy especially along Somali coast and money laundering. In the Great Lakes regions, refugees have been constitutive of the conflicts which have engulfed most of the states. Indeed, it is in this region that the notion of 'warrior refugees' has become more pronounced.[17]

Since security is interconnected and indivisible, it is in the national interest of a given state to be involved in managing conflicts especially those in its neighbourhoods. Beyond the need to secure national interests, states are members of various intergovernmental organisations organisations in varying degrees have peace and security component and requires its members to pursue peace and security activities within their regions. For instance, the constitutive act of the African Union in its preamble notes that, member states are conscious of the fact that the scourge of conflict in Africa ;constitutes a major impediments to social-economic development of the continent and the need to promote peace, security and stability as a prerequisite for development and integration.[18] Further, the Peace and Security protocol of 2002 has its objectives as the promotion of peace, security, stability, conflict prevention, management, peace building and so on.[19]

This requires the member states of the African Union collectively and individually to engage in conflict management, since one of the cardinal principle of treaties is that they should be carried out in good faith. More so, their involvement helps to preserve the structure which enhances inter-state interactions in other aspects which are important in realising various national

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[17] C.Boswell, *The Conflict between Refugee Rights and National Interest: Background and Policy Strategies.* Geneva: United Nations High Commission For Refugees, 1999, p.28
[18] Preamble, Constitutive Act of the African Union, 2000
[19] See Article 3, Protocol Relating to the Establishment of Peace and Security Council of the African Union, 9th July, 2002.

interests. These include enhancing of trade relations, rule of law and negotiating with other extra-continental states and organisations. Significantly beyond fulfilling such obligations, the pursuit of foreign policy of conflict management enhances states foreign policy platform.[20] For instance, the lead role that Kenya has played in IGAD's mediation of Sudan conflict enhanced its reputation and dominance in the region. Further, it has led to a special relationship between Kenya and Southern Sudan, which will have long term benefits.

Beyond these motivations, the leadership of a given state determines the thrust and degree of foreign policy of conflict management. Mwagiru notes that, among other reasons for engaging in the diplomacy of conflict management is the personal wish of a leader to curve a *niche* for themselves in history.[21] Further, in his analysis of the institution of special envoy in Kenya, he has shown that there has been a marked difference, between the Kenyatta and Moi administration. Indeed it is during Moi administration that the institution of special envoys engaged in conflict management begun and blossomed. This is connected to president Moi need to be recognised as a peacemaker.[22]

In their analysis on the role of leadership in determining the thrust and degree of involvement in foreign policy, Hermann et al, have shown that a leader generally interested in foreign policy is bound to take a more active role than one who is concerned predominantly with domestic affairs. For instance, they provide an example of Nigeria's president Murtalla Mohammed whose tenure was marked by a strong, independent foreign policy. The authors observe that Murtalla came to office with a view that 'Nigeria must be visible in the world and

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[20] M. Mwagiru, *Diplomacy: Documents, Methods and Practices.* Nairobi: Institute of Diplomacy and International Studies, 2004, p.119

[21] Ibid, p.119

[22] See M. Mwagiru, 'Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management'. A Mimeo presented at the at the Institute of Diplomacy and International Studies, p.1

'the foreign minister was instructed to spend one week out of every two abroad'.[23] This led to a more activist foreign policy evidenced by Nigeria's involvement in Angolan problem and push of 'African solution to African problems. They concluded that where a leader is interested in foreign policy and he is predominant and bold enough to make decisions he has greater influence on foreign policy issues.[24]

The Position of Special Envoys in Diplomacy of Conflict Management

Within the structure of diplomacy, special envoys occupy a unique place in the sense that they do not operate within the normal diplomatic structures. Instead they are special appointees of the high authorities and ideally they are supposed to report and answer to the appointing authority. This is because they are appointed to do a job that cannot be done properly through the normal administrative and political structures of a government department or a ministry.[25]

Leadership is important in determining the extent which a given state rely on special envoys in conduct of its diplomacy. Thus, there are marked differences between administration regarding whether special envoys are appointed, their numbers and authority bestowed to them. For instance, Steele in his analysis of the appointment of US special envoys to Middle East observes that, for the majority of his tenure in office, President George W. Bush largely acted without a special envoy, instead opting to use his secretary of state James Baker, whereas during Clinton administration, special envoys were his [Clinton] staple. Later, his successor George W. Bush initially opted to reduce the use of special envoys whereas the Obama administration has witnessed a surge in the use of special envoys.[26] This reduction of envoys during Bush

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[23] M. Hermann et al, 'Who Leads Matters: The Effect of Powerful Individuals', *International Studies*, 2001, pp.102-103

[24] Ibid, p.119

[25] M. Mwagiru, 'Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management', p.6

[26] During George.W.Bush first term 23 out of 55 inherited special envoys positions were abolished. See 25 Envoys Positions Ended, *New York Times*, 3/13/2001, p.7

administration can be explained by his doubts towards multilateralism, and believe in unilateralism and use of military force to secure foreign interests.

When they are appointed, special envoys act as the 'eye and 'ears' of the appointing authority. This bestows them with special attributes which envoys operating within the normal diplomatic structures lack. The attributes include: They evidence commitment and signals prioritisation of given issue by the highest authority.[27] This is important especially when it comes to management of protracted conflicts.

Nathan has observed that in protracted conflicts, the disputants are fiercely resistant to negotiations. This is because, such conflicts are characterised by parties regard of each other with mistrust and animosity; who believe that their differences are irreconcilable and positions non-negotiable as there is a profound absence of confidence in the negotiation as a means of achieving a satisfactory outcome even when the cost of hostilities a high and the parties recognize that there is no possibility of military victory.[28] In these conflicts, the special envoys being representative of the president can and do play an important role in building confidence among conflict parties that a negotiated outcome is possible and such an outcome has direct support from the president.

Two, being presidential appointees, special envoys are able to negotiate with more authority and have more access to various actors compared to normal diplomats. Regarding authority, since the envoy is speaking on behalf of the president, he is backed by authority to take initiatives, with expectation that they will be honoured.[29] As such he is better placed to use leverage (rewards and sanctions) in making the conflictants move towards a settlement.

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[27] R.C.Steele, 'A Tall Task: The Significance and Role of Special Advisors in the Middle East', United States Military Academy, 2000, pp.7-8

[28] L. Nathan, 'No Ownership, No Peace: The Darfur Peace Agreement', Crisis States Research Centre, Working Paper No.5, 2006, pp.1-2

[29] M. Fullilove, 'All the Presidents Men', Foreign Affairs, 2009, p.16

Concerning access, special envoys are usually focussed on a single issue and hence they give it the attention it deserves. This allows for networking and meeting of relevant actors in the field and their allies. Further, their status on one hand means that they can speak truth to power and actors can be frank with them regarding various issues.

Third, special envoys are shielded from the bureaucratic constraints, entrenched beliefs and standard operating procedures of a given diplomatic service since they report directly to the appointing authority.[30] Bureaucracies exhibit different and competing interests and this may impact on the effectiveness of a given policy. A leading scholar of foreign policy decision making, Allison notes that, 'the maker of a government policy is not one calculating decision maker, but rather a conglomerate of large organizations and political actors who differ substantially about what their government should do on any particular issue and who compete in attempting to effect both governmental decisions and action of their government'.[31] Consequently, these competing visions of what should be done may hinder the realisation of set objectives. Further, the reliance on standard operation procedures makes bureaucracies resistant to change. Welch, observes that standard operations procedures degrades rational instrumentalities of foreign policy for though the procedures have limits in addressing problems, this is not always perceived so by bureaucrats.[32] More so, standard operating procedures mean that information reaching the top decision makers is largely filtered as it moves through bureaucratic hierarchy. As a result, central players may end up acting on inappropriate, biased or

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[30] Ibid, p.16
[31] G. T. Allison and M. H. Halperin , 'Bureaucratic Politics : A Paradigm and Some Policy Implications', *World Politics*, vol.24, 1972, p.42
[32] D. Welch, 'The Organization Process and Bureaucratic Politics Paradigms: Retrospect and Prospect', *International Security*, vol 17, No 2, pp.42-43

reframed information. Finally, standard operation procedures may lead to sluggish and inflexible response during periods of crises.[33]

Fourth, special envoys being appointees of highest authority enjoys more visibility and gravitas. This makes them well placed to engage in public diplomacy without the usual restraints faced by resident diplomats who are required to exercise restraint when commenting on internal affairs of the host state. Public diplomacy is critical in conflict management since parties involved have allies and constituencies which are impacted by the outcome of management effort.[34] By directing communicating to such constituents and allies, the special envoy is in a position to state his country's position, suggest a formula, call for restraint and cooperation and promise rewards and sanctions and communicate to a larger audience. Also he is in a position to gauge the public reaction to a given initiative.

Functions of Special Envoys in Diplomacy of Conflict Management

Enjoying these attributes, special envoys perform different functions in their business of conflict management. These functions include; information provision, policy making, international crisis management, coordination, networking and multilateralization. These functions are elaborated below.

Information Provisions

The status of special envoys provides them with more access to different actors and enough time to engage with a given conflict. Consequently they are in a position to gather, analyse and collate information on a given conflict situation. This task is critical because of various reasons. One, comprehensive and up to date information on a given conflict helps in

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[33] G. T. Allison and M. H. Halperin, 'Bureaucratic Politics : A Paradigm and Some Policy Implications', Op cit, p.50

[34] An example of the relationship between parties, constituents and allies has been provided by Wall in his mediation paradigm. See J. A. Wall Jr. 'Mediation: An Analysis, Review and Proposed Research', *Journal of Conflict Resolution*, Vol 25, No.1, March 1981, pp.157-180.

understanding of the complex dynamics driving the conflict, developing strategies which can be used to address those dynamics and identifying the actors involved. Bradshaw notes that, it is vitally important to have access to credible and up to date information about the conflict and the parties since one of the major frustrations disputants experience is the feeling that no one really understands their problems and concerns.[35]

Policy Making

The role of special envoys in foreign policy making, though, overlooked is important. Since they are on the ground, they are in a position- formally and informally- to gather actionable information from various sources. This endows them with in-depth and invaluable information on how best to deal with a given conflict. Importantly, they have access to the highest levels of policy making, and this means that they can provide 'raw' information to the highest authority, which he can use to make foreign policy decisions.

This raw information is critical because at times, foreign policy bureaucracies filter information available to them in order to preserve their interests. As Allison famously stated, in bureaucracies, 'where you stand is substantially affected by where you sit, that is, official's positions and policy preferences reflects their positions in the bureaucratic hierarchy.[36] Such filtered information may lead to policy responses which are not adequate and timely.

International Crisis Management

International crisis refers to an acute conflict associated with a specific issue and involving a perception by decision makers of a serious risk of war. It is characterised by three conditions. One, there is distortion in the type and increase in the intensity of disruptive

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[35] Bradshaw, G., *Conflict Handling Skills Training Manual.* Port Elizabeth: Nelson Mandela Metropolitan University. 2007, p.89
[36] Cited in V. M. Hudson and C. S. Vore, 'Foreign Policy Analysis: Yesterday, Today and Tomorrow', *International Studies Review*, vol 39, No 2, 1995, pp.209 -238:217

interactions between two or more adversaries with an accompanying probability of military hostilities or during war, as adverse change in military balance. Two, there is a challenge to the existing structure of international system-global, dominant subsystem-posed by higher than normal conflict situation. Lastly, there is a finite time threshold within which decision has to be made.[37]

A critical element in crisis is the perceptions of actors involved that the actions of others are highly threatening. Consequently, the actor responds in a similar way leading to hostility spiral. Jervis captures this perceptual dynamic by noting that 'one party initiates a crisis, because it perceives the actions of others as threatening, perceiving the initiators actions as threatening the other responds in ways which reinforce the original perception of hostility.[38] If this spiral of hostility is not checked there is high probability of armed hostilities.

In moments of crisis, special envoys are important because, being appointees of the highest authority, their message carries more weight. Hence they contribute to de-escalation of crisis and confidence building by explaining the actions of their state, clearing misperceptions and opening up high level channel of negotiations. Importantly, enjoying the presidential mandate, they are in a position to make decisions on the ground within their mandate without necessarily having to go through the diplomatic bureaucracy of the appointing state. In addition, they are critical especially if the state is involved have severed diplomatic relations.

Coordination and Multilateralisation

In any given conflict there exist various third parties, motivated by a need to secure certain interests. These multiple actors pose risks to the management effort especially if they fail

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[37] P. James and F. Harvey, 'Threat Escalation and Crisis Stability: Super Power Cases 1948-1979', *Canadian Journal of Political Science Association*, No.3, 1989, pp.523-545:533
[38] See R. Jervis, 'The Impact of the Korean War on the Cold War', *Journal of Conflict Resolution*, vol 24, No.4, 1980

to coordinate their response. Crocker, in his study on the pros and cons of multiparty mediation identifies such risks. They include differing diagnosis of cause of conflict, diverging and at times competing interests, buck passing as actors duck tough issues and try to pass responsibility and blame when things go wrong.[39]

To moderate these risks, the special envoy acts as a lynchpin of coordination. Indeed much of the special envoys time is taken up by efforts aimed at establishing and maintaining contacts among actors with different interests, leverage and competencies. This way the neutralizing of spoilers is important since the success of any peace agreement often depends on hte ability to control potential spoilers – parties in conflict, constituents, and allies – who may seek to overturn the agreement.

Regarding multilateralisation, the reality is bilateral diplomacy has become increasingly multilateralized.[40] Hence, in conduct of foreign policy of conflict management it is naive to focus only on the state affected by conflict. This is more the case, since the structure of conflict in terms of actors and interests is really a complex one. Hence, there is a need to effectively engage all hte actors in and outside the state.

Compared to resident diplomats, whose activities are usually restricted to the receiving state, special envoys are masters of shuttle diplomacy. Beyond the conflict environment, they participate in major international fora and summits touching on the conflict, travel to neighbouring states which inevitably are somehow involved in the conflict, visit key capitals to mobilize resources and build momentum necessary for settlement.[41]

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[39] See Crocker, C. A. 'A Crowded Stage: Liabilities and Benefits of Multiparty Mediation', *International Studies*, 2, 2001
[40] M. Mwagiru, 'The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy', *Journal of Language, Technology & Entrepreneurship in Africa*, Vol. 2. No.1. 2010, p.241
[41] G. Grevi, 'The EU Special Representatives', Chaillot Paper, No.106, 2007, p.145

To be able to perform the above roles there are certain requirements and attributes which specials envoys should exhibit. The requirement and attributes are both institutional and personal. This section identifies some of these salient aspects. They include a well defined mandate, access to the appointing authority, in-depth expertise of a given conflict and management strategies, acceptability by the parties engaged in conflict, coherent foreign policy of conflict management, and guaranteed availability of the required resources.

A Well Defined Mandate

Special envoy needs to have a clear cut mandate on what he is expected to do and the extent of his decision making powers. A vague mandate leaves the special envoy with so much to do without real powers to affect changes on the ground. Hence the way out, is to provide a clear cut and realistic mandate.

For instance, when Quartet (United Nations, the European Union, United States and Russia) appointed Tony Blair as its special envoy he was given a clear mandate which included mobilization of international assistance to the Palestinians , identity and securing appropriate international support in addressing the institutional governance needs of the Palestinian state, develop plans to promote Palestine economic development and liase with other countries as appropriate in support of the agreed Quartet objectives.[42] This can be contrasted to the vague mandate given to the European Union special envoy to Great Lakes Region Aldo Ajello. His mandate was assisting the country in the region in resolving the crisis and complementing rather than competing with existing international initiatives. The tasks were not specially defined and

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[42] See A. Moller and C. Hanelt, *Tony Blair Needs a Plan: Suggestions for the Working Agenda of the New Representative of the Middle East Quartet.* Bertelsmann Group for Policy Research, No.10, 2007, p.2

the situation was only saved by Ajello's expertise on Great lakes region issues having served as the UN special representative to the Mozambican peace process.[43]

Access to and Support by the Appointing Authority

Fullilove has critically observed that, effective diplomacy of special envoy rest on the assumption that he is speaking for the supreme source of power in his country and he would be backed by its authority in anything he say in its name.[44] This shows the importance of support by the appointing authority to the special envoys. This takes place in various ways.

One, the appointing authority must express and demonstrate that they have confidence in their appointees. According to Mwagiru, the appointing authorities, confidence rests in large part from envoy having direct and unhindered access to the president, rather than having access through middle men of ministers and permanent secretaries. He further notes that drawing from Kenya's experience, these envoys with unrestricted access were able to deliver successful outcomes.[45]

Two, once the special envoy has been vested with the mandate he should be provided with the requisite tools for the job. This is because a mismatch between mandate and available resources ultimately leads to failure. Hence, he should be provided with the required administrative, technical and financial resources. For instance, he should have a freehand in hiring experts in various fields relevant to the conflict he is managing and the administrative staff should be provided with an induction course on what is expected of them.

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[43]C.Adebahr, Not Only a Face but also a Voice for Europe: The EU Special Representatives in Africa and the Western Balkans. Paper presented at the 2008 GARNET Conference: The EU in International Affairs Panel II. 4: EU Member States and European Foreign Policy II Brussels, Belgium, 24-25 April 2008, pp.10-12
[44] M. Fullilove, 'All the Presidents Men', op cit, p.16
[45] M. Mwagiru, 'Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management', Op cit

Coherent Foreign policy of Conflict Management

The need for a coherent policy of conflict management reflects the relationship between foreign policy and diplomacy. Within this relationship diplomacy serves as an instrument of implementing foreign policy, that is, it is a structure through which strategic goals of the state are implemented. The importance of a good strategy (foreign policy) is best represented by Marcella et al dictum that there is no doubt that with good strategy even the weak can succeed, and with a weak strategy even the strong will struggle.[46]

What this means is that in case of special envoys, whether they deliver or not, is to a large extent determined by the coherence of the appointing states foreign policy of conflict management. As a rule, if the state does not have clear objectives of what need to be achieved, the interests to be secured and measurable indicators of these tasks, the special envoy may end up doing so much, without delivering the expected outputs.

Expertise and Acceptance by Other Parties

The need to have in depth knowledge of a given conflict, its history and dynamics is important, if the special envoy is going to come up with the right strategies of settling the conflict. Conflicts do not just happen. Rather they reflect an interaction of many factors which have been left unattended overtime. As such there is a need for comprehensive conflict analysis so that no issue is going to be overlooked. The alternative is a wrong diagnosis and by extension remedies. Further, he should be conversant with various philosophies and methodologies of conflict management or else he may end up applying inappropriate strategies.

Indeed in some states, such as the US, expertise is a key requirement for one to be appointed a special envoy. For instance, the current US president appointees to Middle East and

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[46] G. Marcella and S. O. Fought, 'Teaching Strategy in the 21st Century', *Joint Force Quarterly*, Issue 52, 1st Quarter, 2009, p.56

Afghanistan peace efforts are experienced experts in foreign policy and conflict management. The special envoy to Middle East George Mitchell successfully negotiated the 1998 peace deal in Northern Ireland whereas Holbrooke brokered agreements in the Balkans in 1995.[47]

The chapter has shown that states pursue foreign policy of conflict management with a goal of defending or expanding certain interests. In this pursuit, they at times do employ the services of the special envoys. The appointment of special envoys signals commitment to settling a given conflict and the desire of the appointing authority to keep tabs on the management process. However for the special envoys to carry out their work effectively they need a clear mandate, access and support of the appointing authority, knowledge and expertise of the conflict they are dealing with and a well articulated foreign policy to guide their mission.

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[47] K. Dilalian, 'Key appointments mark Clinton's first day', *USA Today*; 01/23/2009, p.6

CHAPTER THREE

Kenya's Foreign Policy and Diplomacy of Conflict Management

Introduction

Chapter Two has provided a conceptual overview of the institution of special envoys. The appointment of special envoys signals the need by the appointing to provide a focused attention to a given issue. The need is driven by a desire to safeguard certain interests which are threatened by the current state of affairs. Additionally, such appointments evidence the appointing authority commitments to take charge of a given situation either because it is expected of him or due to a personal wish to carve out a niche for himself.[1]

This chapter provides an overview of Kenya's foreign policy of conflict management and how it has been implemented in the diplomacy of conflict management. The first section examines the evolution of Kenya's foreign policy up to the time when conflict management was identified as a central policy issue in 1980s. The second section analyses Kenya's involvement in diplomacy of conflict management focusing mainly on Sudan and Somalia mediation processes. The choice of Sudan and Somalia is because it is during the mediation of these conflicts, that the institution of special envoy was established.

The Evolution of Kenya's Foreign Policy of Conflict Management

Kenya has not always pursued a foreign policy of conflict management. Indeed in the first independence government, Kenya's foreign policy remained couched in the normal principles of inter-state relations. Gertel has observed that this is traceable to the Kenya African National Union manifestoes of 1961 and 1963. The manifestoes underscored Kenya's commitment to safeguard its national interests, maintain its independence and join other forces to

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[1] See chapter Two.

fight against racism, imperialism and other forms of oppression.[2] Additionally, Kenya was to pursue non-alignment principles in international affairs and promote good neighbourliness.[3]

Once KANU took control of the government after independence, the above principles informed the content of Kenya's foreign policy which was based on a three pronged strategy. One, driven by the desire to safeguard its territorial integrity, which had been threatened by the republic of Somalia irredentist policies and later by Uganda during Idi Amin's presidency, Kenya pursued a policy of harmonious relations with its neighbours.[4] It clearly stated that it will not covet the neighbours' territory, in expectation that the neighbours shall reciprocate. This was reinforced by security arrangements especially between it and Ethiopia. Both states felt threatened by the aggressive irredentist pan-Somali policies and Kenya signed a defence pact with the more militarily powerful Ethiopia.[5]

In order to attain its national interests especially economic ones, Kenya pursued a policy aimed at attracting foreign capital and expanding markets for its goods.[6] Concerning foreign capital, Kenya had inherited an economy dominated by foreign capital especially from Britain. The need to retain this capital and attract more firmly aligned Kenya's economy with the western ones. This alignment made Okoth, characterise Kenya's foreign policy as committed to intensifying sub-imperial relations in Eastern Africa on behalf of metropolitan western European and North American capital.[7]

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[2] C. Gertel , *The Politics of Independent Kenya 1963-1968*. Nairobi: East Africa Publishing House, 1968, pp.32-72
[3] P. G. Okoth, 'Foreign Policy' in Kamenju J and Okoth P. G. (ed) *Power Play and Policy in Kenya: An Interdisciplinary Discourse*. Nairobi: Oakland Books, 2006, p.336.
[4] S. M. Makinda, 'From Quiet Diplomacy to Cold War Politics: Kenya's Foreign Policy', *Third World Quarterly*, Vol 5, No. 2. 1983, pp.300-319: 302.
[5] S. M. Makinda, 'From Quiet Diplomacy to Cold War Politics, Ibid, pp.314-16, Also W.O. Oyugi, *Politics and Administration in East Africa* .Nairobi: East African Educational Publishers Ltd, 1994, p.300
[6] P. G. Okoth, Foreign Policy, op cit, p.336.
[7] Ibid, p.336

Additionally, Kenya pursued a foreign policy targeting the retention and expansion of export markets especially within the region. This was through active participation in the East African Community (EAC) prior to its dissolution in 1977. After its dissolution, Kenya was pivotal in the creation of Preferential Trading Area (PTA) which has grown into Common Market for East and Southern African States (COMESA).[8]

Further, aware of the international environment it was operating in characterised by ideological competition between the Eastern communist and western capitalist blocs, Kenya pursued a non-alignment policy. Though as Okoth argues Kenya hardly made any efforts to be really non-aligned, this was a pragmatic policy aimed at enhancing national survival and reducing the possibilities of neo-colonialism.[9] This way the non-alignment policy aimed at securing Kenya from any threat whether physical, political or ideological that might originate from outside Africa.

Based on these three strategic goals, Kenya's foreign policy was pre-occupied with enhancing territorial integrity, attracting foreign capital, securing markets and pursuing non-alignment. These foreign policies led to a kind of quiet diplomacy whereby Kenya never took any robust partisan position, whether in the region or globally. It was more content with a 'wait and see' foreign policy posture.[10] Often it took cue from the responses of its western allies before stating its position on an international issue.

Indeed, during Kenyatta's administration, the only noticeable involvement of Kenya in diplomacy of conflict management was in 1964 and 1975. In 1964 President Kenyatta was asked to chair the ad hoc Conciliation Commission which had been set up by the OAU to mediate in

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[8] S. M. Makinda, 'From Quiet Diplomacy to Cold War Politics', Op cit, p.367
[9] P. G. Okoth, 'Foreign Policy', Op cit, p.336.
[10] John Okumu, 'Kenya's Foreign Policy' in Aluko. O (ed) The Foreign Policies of African States. London: Hodder and Stoughton, 1977, p.136.

the civil war in the Congo (Zaire). The efforts failed due to powerful interests and intervention by the United States and Belgium. In 1975, due to Kenya's neutrality in the ideological conflicts which had plagued much of Africa, Kenyatta was called upon to mediate between the warring factions in Angola. The factions were the Popular Movement for the Liberation of Angola (MPLA), the National Front for the Liberation of Angola (FNLA) and the Total Independence of Angola (UNITA). For much of 1975, Kenyatta tried to bring these parties together but failed. [11]

Change and Continuity in Post-Kenyatta Period

The independence regime ended when President Kenyatta died in August, 1978. He was succeeded by his vice president, Daniel Moi. The Moi regime continued to pursue foreign policies developed under Kenyatta regime, but there was increased interest in the foreign policy of conflict management and other global affairs. Makinda has observed that the 'Kenya political elite after the death of Kenyatta was eager and impatient to have its voice heard in the world. It [was] an elite which had been told by the west many times that Kenya was a 'pearl of Africa', and the most stable nation on the continent and that seems to have affected its outlook. [12]

Kenya began to be more involved in regional and global affairs. The shift was catalysed by two events. Firstly, Kenya was elected the chairman of the organisation of African Unity. Two, it granted the United States of America military facilities in Kenya, effectively ending its diplomatic posture of non-alignment. [13] Those events had major consequences on Kenya's foreign policy. The status of the OAU chair meant that Kenya had to be more actively engaged in African affairs and also become a voice of pan-African interests at global level. Additionally,

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[11] S. M. Makinda, 'From Quiet Diplomacy to Cold War Politics', op cit, pp.306-309
[12] Ibid, p.314
[13] Ibid, pp.300-1

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clear identification with the USA made Kenya a key strategic partner of the western bloc in the region, with increased regional roles.

The role of OAU chairmanship had fundamental consequences on Kenya's foreign policy of conflict management. It brought president Moi to international limelight and exposed him to the prestige which came with such limelight. Additionally he was involved in mediating conflicts especially in Chad. This gave him a taste in conflict management and shaped his desire to establish a personal legacy as a peacemaker and create a *pax Nairobiana* in which Kenya would be the venue and driver of mediating conflicts in the region.[14]

This exposure and desire to carve a *niche* as a peacemaker on the part of President Moi was central to the emergence of Kenya's diplomacy of conflict management. It is during this period that the diplomacy of conflict management was articulated and implemented. Indeed Mwagiru has characterised the period as the 'golden age' of Kenya's foreign policy and diplomacy because, for the first time, strategic foreign policy couched in the diplomacy of conflict management was articulated.[15]

The Pre-envoy Diplomacy of Conflict Management

The period beginning in 1980 marked a shift of Kenya's diplomacy and there were increased activities in the areas of conflict management. The then President Moi, motivated by a quest for being viewed as a peacemaker and Kenya's desired to protect its economic interests engaged in full mediation of the Ugandan conflict, between Tito Okello's UNLA and Museveni's National Resistance movement in 1985.

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[14] M. Mwagiru, 'Foreign Policy and the Diplomacy of Conflict Management in Kenya: A Review and Assessment', *African Review of Foreign Policy* 1 (1), March 1999, p.51. Also M. Mwagiru, 'Kenya's Diplomacy of Conflict Management and Conflict Resolution in Africa', *South African Yearbook of International Affairs*, 2006, p.3
[15] M. Mwagiru, "Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management' A Mimeo Presented at Institute of Diplomacy and International Studies, p.2

The mediation effort has however not successful. This is because it involved only the main Uganda parties to the conflict, and did not involve any of the other actors within the system, except peripherally Tanzania.[16] Further, President Moi did not take cognizance of the fact that, when the mediation was taking place, the conflict was in transition, and its new contours were just beginning to be defined. As a result, the mediation addressed issues that belonged to the earlier conflict.[17] Additionally being a heterogeneous mediator, President Moi laboured under the tendons of self-interest against the more systemic requirements of the system, and was unable to address the psychological dimensions of the conflict.[18]

The outcome was a peace agreement that nobody else would buy and parties to the conflict were faced with re-entry problems.[19] The problem of re-entry into the conflict environment arises because parties to the conflicts have allies and constituents.[20] Failure to take into account the expectations of these groups leads to an agreement which is unacceptable and hence unsustainable.

Despite the setbacks, Kenya persisted in pursuing the diplomacy of conflict management. It was involved in facilitation and pre-mediation phases of the Mozambican peace process. Though facilitation is similar to mediation, it differs on the mode of entry. Whereas mediator enters into conflict on the invitation of the parties to the conflict, a facilitator offers to facilitate

[16] See M. Mwagiru, *The Greater Horn of Africa Conflict System: Conflict Patterns, Strategies and Management Practices.* Paper prepared for the USAID project on Conflict and Conflict Management in the Greater Horn of Africa, Revised, September 1997.Accessed http://payson.tulane.edu/conflict/Cs%20St/MWANGIRU2.html
[17] M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management.* Nairobi: CCR, 2006, p.118.
[18] M. Mwagiru, *The Greater Horn of Africa Conflict System: Conflict Patterns, Strategies and Management Practices,* Op cit
[19] M. Mwagiru, *Conflict in Africa,* op cit, p.50.
[20] Ibid, p.125

the management because he has interests in the conflict and its outcome and he prefers to be more proactive.[21]

In the case of Mozambique conflict, Kenya had in various periods hosted RENAMO, which was a key party to the conflict and an ally of the capitalist bloc attempt to thwart communist experiments in Mozambique.[22] Hence, Kenya as trying to support RENAMO secures a settlement. Also, it was undertaking its sub-imperial role on behalf of the capitalist bloc.

In this role, Kenya facilitated meetings between RENAMO leadership and All African Conference of Churches (AACC) and World Council of Churches (WCC), in December 1987. Further, the then Kenyan Permanent Secretary in the Ministry of Foreign Affairs, Bethwel Kiplagat, acted as an intermediary between the church and RENAMO, and its opponent FRELIMO.[23] This facilitation role led to the pre-negotiation phase of the conflict.

In the pre-negotiation phase, Kenya used its influence in RENAMO, to persuade its leader Dhlakama to accept a negotiated outcome. It also hosted the meeting between RENAMO leadership and the church, from 8th to 14th, August 1989, which led to the Nairobi declaration which paved way for direct talks. The declaration was followed by a second round of talks chaired by President Moi, from 29th to 1st September, 1989. The talks stalled and the process was eventually taken over by the Catholic community of *Saint'Egidio*, which had long interactions with the parties. In the subsequent Rome negotiations, Kenya was tasked with keeping RENAMO focussed on the process.[24]

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[21] M. Mwagiru, *The Water's Edge: Mediation of Violent Electoral Conflict in Kenya.* Nairobi: Institute of Diplomacy and International Studies, 2008,p.18

[22] See, C. Cramer, 'War and Peace in Angola and Mozambique', *Journal of Southern African Studies*, Vol 22, No.3, 1996, pp.481-490; Also P. Faucet, 'Roots of Counter Revolution: The Mozambique National Resistance', *Review of the African Political Economy*, No.29, 1984, pp.108 – 121. C. Hume, *Ending Mozambique's wars: The Role of Mediation and Good Offices.* Washington. USIP, 1994, p.22

[23] See Accord accessed at http://www.c-r.org/ourwork/accord/mozambique/calling-for-peace.php.

[24] See Ibid

In the early 1990s, even as the Mozambique peace process was in progress, Kiplagat was dismissed as the permanent secretary. This marked the end of the golden age of Kenya's diplomacy of conflict management.[25] Nevertheless, Kenya continued with conflict management activities. A key change in the period was increased multilateralism in the diplomacy of conflict management. Kenya started pursuing its efforts either as a chair of frontline states or through regional organizations.[26] Under this new role, Kenya under the auspices of the Intergovernmental Authority on Drought and Development (IGADD) which transformed into Intergovernmental Authority on Development. (IGADD) in 1996, became active in the management of Sudan and Somalia conflict. It is during the management of these conflicts that the Institution of special envoys was established.

The Era of Special Envoys in Kenya's Foreign Policy and Diplomacy of Conflict Management

The era of special envoys in Kenya's diplomacy of conflict management began with the appointment of Ambassador Daniel Mboya as the special envoy to the Sudan conflict in 1998. The Sudan conflict had become protracted and was posing multiple threats to Kenya's interest. It had led to proliferation of small and light weapons making cattle rustling more deadly, thousands of southern Sudanese refugees had fled to Kenya and were straining government's capacity to deal with refugees and related problems. Also the war had denied Kenya massive economic opportunities, which Kenya hoped to exploit in the resource rich South Sudan. More so,

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[25] M. Mwagiru, 'Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management', op cit, p.2

[26] M. Mwagiru, 'Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management', Ibid, p.3

President Moi had an almost evangelical commitment to realize peace in Sudan and this had remained elusive.[27]

A Summary of Sudan Conflict

Sudan had been at war with itself since the day it emerged from the colonial rule. Fighting had broken out before the formal transfer of power from London to Khartoum in 1956. Indeed, the state had violence built into its structures owing to its multi-religious and multi-ethnic character and governments (colonial and post-colonial) unwillingness to accommodate diversity. The departing British colonialist had bequeathed the political power and control of the country extensive natural resources, education policy, language and cultural identity to the Northerners who were Arabs and Muslims.[28]

The northerners attempt to impose an Islamic and Arab identity over non-Muslim and non-Arab population of Sudan led to serious revolts. By 1963, an organized guerrilla movement called 'Anya Nya' resistance in the south emerged. The rebellion persisted until when the WCC and its African alliance AACC managed to convince the party to engage in negotiations. The negotiations which represented the first serious effort by tract two actors to negotiate peace in the Horn of Africa region, led to Addis Ababa agreement in 1972.[29]

Though a remarkable achievement, the peace agreement began to unravel. The systemic dimensions of the conflict had not been taken care of. Also the then president of Sudan, Numeiry had faced severe domestic resistance from conservative sections of the Northern elite. In the face of losing power and a series of attempted coups in 1975 and 1976, Numeiry incorporated

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[27] W. Waihenya, *The Mediator: Gen Lazaro Sumbeiywo and the Southern Sudan Peace Process*. Nairobi: Kenway Publications, 2006, p.79

[28] See, D. Connel, *Peace in Sudan: Prospect or Pipe Dream?*. Middle East Report, No.228, pp.2-7. Also, W. Waihenya, *The Mediator*, Ibid, pp.56; F. K. Mulu, *The Role of Regional Organizations in Conflict Management: IGAD and the Sudanese Civil War*. Nairobi: Catholic University of Eastern Africa, 2008, pp.34-35.

[29] C. R. Mitchell, *Conflict Resolution and Civil Wars: Reflections on the Sudanese Settlement of 1972*. George Mason University: Centre for Conflict Analysis and Resolution, 1989, Working Paper No.3, pp.4-31.

conservatives in the government and became increasingly authoritarian and receptive to Islamisation schemes. Matters became complicated when oil was discovered in the south in 1978 and the northerners attempted to change the boundaries so as to put the region of Bentiu where oil was discovered into the northern control.[30]

This led to increased restiveness in the South. Despite the restiveness, Numeiry continued to sabotage the architecture of peace and the spirit of 1972 agreement. On 5th June, 1983, he issued 'Republican Order Number One' which ended the South autonomy granted by the 1972 peace agreements. In September the same year, Numeiry caved in to the demands of the conservative Islamists in his government and issued a decree that Sharia law shall be the sole guiding force behind the law of the Sudan.[31] In response, rebellion broke out in the South led by the Southern army which mutinied. It eventually transformed into Sudan's People Liberation Movement (SPLM) led by Col Dr. John Garang.

Despite change of regimes in Sudan and numerous attempts at managing the conflict, by individuals such as the then business magnate 'Tiny' Rowland of Lonrho group, former US President Jim Carter, states especially Ethiopia, Kenya and Nigeria, the violent conflict became increasingly protracted. In early 1990s, the sub-regional organisation IGADD started peace initiatives.

The IGAD Sudan Peace Process

During September 1993, IGADD summit, the Sudan President requested his neighbours to assist in the quest for peace in Sudan. In response, IGADD established a standing committee on peace chaired by President Moi. The Committee initiated proximity talks between Government of Sudan (GoS) and SPLA representatives. After three rounds of talks, IGADD

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[30] W. Waihenya, *The Mediator*, op cit, pp.63 -65.
[31] Ibid, p.65

negotiators drew up a Declaration of Principles (DoP), calling for a secular Sudan and it that was not possible, the South could exercise their right for self determination through a referendum.[32] The SPLA signed the agreement, but the Government of Sudan rejected it and the contest was shifted to the battle field.

In 1997, Moi, revived the mediation efforts and convinced Bashir to sign the DoP. The GoS signed the agreement in 1998. In a bid to restart the negotiations, the IGAD sub-ministerial committee established a secretariat for IGADD peace process based in Nairobi. The secretariat was to carry continuous and sustained mediation efforts with a view of arriving at a peaceful resolution of conflict.[33] The process was to be chaired by Kenya, assisted by envoys from other member states.

In response, Kenya appointed special envoy Ambassador Daniel Mboya to lead the process.[34] This marked the first generation of special envoys in Kenya's diplomacy of conflict management. However, Mboya was not successful with the negotiations moving at a glacial pace. In 2000, the negotiations had collapsed with no major agreement signed.

The failure of the first generation of special envoy is largely attributed to the fact that he lacked the trappings of proper envoy. Young notes that although President Moi appointed Mboya, he did not demonstrate much commitment to the Sudan peace process.[35] Mboya lacked the access to the President and operated within the Ministry of Foreign affairs bureaucracy. He was treated like an ambassador rather than the President's envoy. Yet, the success and

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[32] S. Healy, *Peacemaking in the Midst of War: An Assessment of IGAD Contribution to Regional Security*. London: Crisis State Research Centre, 2009, p.6.
[33] J. Young, *Sudan IGAD Peace Process: An Evaluation*, May, 2007, Accessed at www.sudantribune.com, pp.8-4.
[34] Ibid, p.4
[35] Ibid, p.11

effectiveness of a special envoy depends to a large extent on not only having direct access to the appointing authority, but being reputed by the parties in conflict to have such access.[36]

Additionally, he lacked the necessary resources to undertake his mandate. The Sudan secretariat was starved of funds and was in debt. Donors were unwilling to put in resources in a process they did not have faith in its ability to achieve its goal. Importantly, the lack of faith meant that powerful third parties who could have moved the process did not apply the necessary leverage on parties to move to an agreement.

Finally, the conflict was not ripe. The notion of conflict ripeness refers to a situation when parties engaged in conflict are in a mutually hurting stalemate, are faced with a catastrophe or are headed towards a precipice when things suddenly and predictably get worse.[37] In Sudan's case, both the GoS and SPLA were committed to a militarized solution.

The failure to reach a peace agreement led to a lull which ended when an extra-ordinary summit of the IGAD sub-committee on the Sudan convened in Nairobi on June 2001. The committee issued a communiqué on outstanding issues that constituted an obstacle to the negotiations and recommended serious dialogue between the parties.[38] The summit marked the beginning of the second generation of special envoys.

Second Generation of Special Envoys

The second generation of special envoys was represented by General Lazaro Sumbeiywo, who chaired the second phase of IGAD led Sudan process and Hon Elijah Mwangale who was mandated with chairing the contemporaneous Somalia peace process. The second generation

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[36] M. Mwagiru, 'Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management', op cit, p.3

[37] I. W. Zartman, 'The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments', *The Global Review of Ethnopolitics*, Vol 1, No 1, 2001, pp.8-18.

[38] F. K. Mulu, *The Role of Regional Organizations in Conflict Management*, op cit, p.49.

differed from the first on the basis that both appointees had a high status within the Moi establishment and enjoyed personal relations with the president. Gen. Sumbeiywo had more than a decade of personal relationship with Moi and was the Army Commander. Hon. Mwangale had been a member of parliament and a long serving minister in Moi's government.[39] As such he had a long established history of friendship with Moi. More so he had a background in foreign affairs having served as a minister for foreign affairs under Moi. Consequently, he not only understood Kenya's policy but also Moi's ambition to leave a legacy as a regional statesman through conflict management.[40]

Special Envoy General Sumbeiywo and Sudan Peace Process

General Sumbeiywo's first assignment as Kenya's special envoy to Sudan peace process was to attend the IGAD summit in Khartoum in January 2002. The summit issued a *communiqué* calling on the chair of IGAD (president Moi) to rejuvenate the Sudan peace process and invite other initiatives to coordinate the efforts.[41] The task was inevitably placed on Gen. Sumbeiywo.

The process began at Karen in May, 2002 where the Government of Sudan was represented by Idris Mohammed, a state minister in the Office of the President and the SPLM/A was represented by E. Malok, an uncle to SPLM leader Dr.John Garang. The meeting did not achieve much since the parties were so distrustful of each other such that whenever one party agreed on an issue, the other one opposed. In the meeting the Government of Sudan refused to

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[39] M. Mwagiru, 'Special Envoys in the Management of Internal Conflict: Lessons from Kenya's Diplomacy of Conflict Management', op cit, p.4
[40] O. Kamudhayi, 'Negotiations in Civil Wars: A Case Study of the Somalia Reconciliation Process, 2002-2005. A PhD Thesis (Unpublished), Institute of Diplomacy and International Studies, University of Nairobi, , 2010, p.107, 109
[41] W. Waihenya, *The Mediator*, op cit, p.79.

sign any agreement and threatened to walk out, accusing Gen. Sumbeiywo of issuing threats, warnings and accusations.[42]

After a series of communication between the envoy and Government of Sudan representatives, the next round of negotiations was agreed on, and commenced in Machakos on 17th June, 2002. In the mediation, the special envoy adopted a single negotiating text, which in contrast with the Declaration of Principles omitted the South's right to self-determination. This attracted serious protest from the South and United States envoy who walked out of the talks.[43]

To reverse this, the special envoy and his teams held a series of workshops and plenaries to allow parties to express their anger and openly debate issues such as African identity, slavery and self determination. The strategy is important for it allows the parties to be candid with each other and express their positions in an environment unshackled by bureaucratic etiquette and where one's position is not binding in any way.[44] Indeed after these meetings, subsequent negotiations led to the Machakos Protocol which among other things agreed on a separation of state and religion, right of the South to self determination, a bicameral legislature, with representatives of the lower house elected through a popular vote while those of the upper house shared equally between the north and south. Additionally, the agreement provided substantial devolution to the Southerners.[45]

The agreement led to protests from United States on the ground that it was not consulted. This reflected one of the many attempts by the United States to control the process and make the mediator consult Washington prior to making any decision. To assert his authority, the mediator

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[42] Ibid, p.82
[43] J. Young, *Sudan's Peace Process*, op cit, p.14
[44] See K. Herbert, 'Negotiation as Interactive Problem solving', *International Negotiations*, Vol 1, 1, pp.99-123: 102. Also D.V Chigas 'Unofficial Interventions with Official Actors: Parallel Negotiation Training in Violent Intrastate Conflicts', *International Negotiations*, 21, 1997, pp.409-436.
[45] Ibid, p.14

responded to an inquiring US observer that 'he was not answerable to Washington. In this and other occasions, he was capable of resisting attempts by third parties to micromanage the process to suit their interests.[46]

The second round of negotiations at Machakos started on August 2002. The first two weeks were dedicated to lectures and seminars followed by discussion among participants. The aim was to impart knowledge to the negotiators on the issues in the agenda regarding power sharing, control of Nuba Mountains, Funj and Abyei territories. The negotiation started with disagreements on the order of agenda. On one hand the GoS wanted to start with ceasefire arrangements in order to pave way for exploiting oil in the South and hopefully stall the negotiation process once ceasefire agreement was signed. On the other hand, the SPLA/M which relied on military engagement as a strategy of keeping the talks in progress refused demanding that the negotiations first deal with the above territories.[47]

The disagreements, coupled with military offensive by both parties led to stalling of the talks. When the SPLA overran the town of Torit, in the process killing a close friend of Bashir and senior Government of Sudan military officers, the talks collapsed. To revive the talks the special envoy employed the services of President Moi. The president in a meeting with Garang managed to pressure him to withdraw his forces from Torit and accept a ceasefire arrangement. At the same time, Gen. Sumbeiywo flew to Khartoum where he met Senior GoS officials and convinced them president to resume negotiations. [48] The intervention of the appointing authority in support of the special envoys was important in moving the process forward.

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[46] See, S. L. Kwaje, 'The Sudan Peace Process: From Machakos to Naivasha' in Mwagiru M. (ed), *African Regional Security in the Age of Globalization.* Nairobi: Heinrich Boll Stiftung, 2004, p.99.
[47] W. Waihenya, *The Mediator*, op cit, p.80.
[48] W. Waihenya, *The Mediator*, Ibid, pp.97-98.

The talks resumed on 14th October, 2002, and parties signed a Memorandum of Understanding on Cessation of Hostilities. The MOU was reinforced by an agreement on verification and monitoring team to police the ceasefire.[49] This came in the light of continued violations.

From Machakos the negotiations were moved to Nanyuki, Nakuru and later Naivasha on September 2003.[50] The Naivasha talks marked the final phase and were characterised by high level negotiations between the SPLM/A leader, Dr. Garang and the first vice President of Sudan Osman Taha who wielded much power in Khartoum. The strategy of bringing principals on board is a risky one since should they disagree negotiations collapse. On the other hand, they are in a position to make concessions which their subordinates cannot and as such move the process forward.

In Naivasha, the presence of principals signalled seriousness of which the parties viewed the negotiations. It also raised expectations and gave hope that the negotiations will be successful.[51] This came to pass when after series of negotiations, the Government of Sudan and Sudanese People Liberation Movement reached agreement on security arrangements, wealth sharing and political and administrative status of the Nuba Mountains, Funj region and Abyei. Consequently a comprehensive peace Agreement (CPA) was signed on 9th January, 2005, marking the most successful effort of Kenya's diplomacy of conflict management.

The Somalia Peace Process

Contemporaneous to the Sudan peace process was the IGAD's mediation in Somalia. The Republic of Somalia had experienced instability since 1961 when it became independent.

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[49] J. Young, *Sudan IGAD Peace Process*, op cit, p.18.
[50] F. K. Mulu, *The Role of Regional Organization in Conflict Management*, op cit, p.53.
[51] J. Young, *Sudan IGAD Peace Process*, op cit, p.18.

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Between 1961 and 1969, a small number of elites struggled to create a Somali state but was unable to control the contention and political chaos. Instead, they established patronage networks as a way of controlling potential opponents.[52] Consequently, the political system was drowned in the sea of corruption.

In 1969, Siad Barre led a successful military coup and instituted a dictatorial regime based on 'scientific socialism'. This firmly moved the regime into soviet led communist camp and exposed it to Cold War ideological competition, later shifting to the capitalist camp as it struggled against its historical enemy Ethiopia. Barre did not reform the system, and persisted with political patronage as a strategy grip on power, which benefitted his sub-clan, the Darod at the expense of other clans.[53]

In response to marginalization and exclusion, various clans started to militarily oppose the regime. In 1978, the Somali Salvation and Democratic Front (SSDF) launched guerrilla operations in Southern Somalia, supported by Ethiopia. In 1981, the Somalia National Movement (SNM) launched campaigns in the North. The SNM campaigns culminated to nominal independence of the Somaliland in 1991.[54] Instead of negotiating with these groups, the regime resorted to scorched earth policies, which led to increased violent opposition.

When the United States started to withdraw its support in 1988, the regime became vulnerable to onslaught by rebels. Eventually the regime collapsed in 1991. Though successful in the battle field, the rebels could not agree on establishing a government. Consequently the

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[52] See, J. Young, *Sudan IGAD Peace Process*, op cit, p.21.
[53] See I C G, *Negotiating a Blue Print for Peace in Somalia*. Nairobi: I C G African Report No 59, March, 2003. Also, S. F. Burges, 'Stabilization, Peace Building and Sustainability in the Horn of Africa', *Strategic Studies Quarterly*, Spring 2009, pp.86 -87.
[54] S. F. Burges, Ibid, p.87.

country sank to anarchy and eventually became a failed state as warlords and clan militias battled each other for control.

Various efforts were instituted by the international community, starting with the disastrous United States led United Nations mission in 1993. All the efforts failed to deliver a workable peace agreement. The continued conflict placed a huge burden on Kenya which was hosting hundreds of thousands of refugees. Also, it had contributed to insecurity in the expansive northern Kenya and massive proliferation of small and light weapons. Further, the conflict had disabled economic relations between Kenya and Somalia, since there lacked a government in Somalia. This situation was made more complex by the fact that the successful August, 1998 terrorist bombing of US embassy in Kenya had a Somalia connection.[55] Hence continued anarchy threatened Kenya's national security. Also, Kenya has had interest in influencing the nature of potential Somalia government since Somalia regimes in the past have expressed irredentist ambitions targeting the Somalia inhabited parts of Kenya. Finally, Moi was keen to check the Ethiopia's growing influence in the Somalia as a way of safeguarding his legacy as a regional statesman.[56]

Motivated by these concerns, Kenya became engaged in Somalia peace process under the auspices of IGAD. As IGAD chair, it was mandated with leading the mediation process together with other frontline states – Djibouti and Ethiopia. The mediation was supposed to build on the Djibouti led Arta process and Ethiopia's Sodere peace process.

The Arta process was the eleventh peace conference on Somalia since 1991. It involved 5000 delegates representing different Somalia interests and was chaired by the Djibouti President

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[55] See D. L. West, *Combating Terrorism in the Horn of Africa and Yemen*. Cambridge MA: Belfer Centre for Science and International Affairs, 2005. Also Harmony Project, *Al Qaeda's (Mis) Adventures in the Horn of Africa*. West Point: US Military Academy, 2006, pp.79-80

[56] O. Kamudhayi, Negotiation in Civil Wars, op cit, P.108

Ishmail Omar Geeleh. The conference marked the serious effort of establishing a broad based and inclusive Transitional National Government (TNG). The parties agreed on a Transitional National Charter, establishing of a government and parliament, selecting of the president and the prime minister.[57]

However, six months after the Arta peace process, Ethiopia which felt excluded from the process started undermining the agreement. It argued that the process excluded warlords and allowed the Islamist group Al-itihad to dominate the interim government. In a meeting between the Ethiopian foreign Minister Seyoun Mesfin and his Somalia counterpart Yusuf Deeg, Ethiopia demanded the replacement of the then Somalia prime minister Hasssan Abshir, with its client Col. Abdullahi Yusuf.[58] The request was rejected.

In response, Ethiopia convened a meeting of warlords who established an umbrella organization for them, named Somali Reconciliation and Reconstruction Council (SRRC). Also, it intensified military support to this group and lobbied the AU and other international organizations to unseat the TNG. In the face of Ethiopia's effort and TNG's ineptude and greed, the Arta peace initiative failed.

At this juncture, Kenya's President Moi in December, 2001 made an attempt to broker a deal between SRRC and TNG at talks held in Nairobi. The attempt led to the thirteenth Somalia peace process when IGAD mandated Kenya to chair the Somalia peace process and mediate between Ethiopia and Djibouti different approaches over Somalia. The process was named Somali National Peace and Reconciliation and commenced on 15th October, 2002 in Eldoret.

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[57]P. Johnson, *The Search for Peace: A History of Mediation in Somalia Since 1988.* Stockholm: International Peacebuilding Alliance, 2008, p.51
[58] Ibid, pp.49-52

The conference had three main agendas as contained in the plan prepared by IGAD's technical committee and approved by the council of ministers on 6th September, 2002. These were: cessation of hostilities and agreement on the structure and desired outcomes of the process; forming of reconciliation committees to develop proposals to address core conflict issues and an agreement on a transitional charter and formation of a government to succeed TNG.[59]

The Phase One of the Eldoret Conference

The phase one of the process which was chaired by Kenya's special envoy Mwangale, moved quickly. Within two weeks, the parties had signed 'Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process'.[60] However, the ceasefire agreement lacked a monitoring and verification mechanism, and as such was dead on arrival since hostilities continued in Somalia.

Despite the speed, with which the agreement was arrived at, the conference was faced by conflict over representational issues. The SRRC supported by Ethiopian favoured factional based representation, whereas TNG supported by Djibouti preferred clan based representation. Rather than resolving this problem though developing a workable formula, the IGAD technical committee which was tasked with the negotiations succumbed to Ethiopia/SRRC demands. Consequently, the subsequent 'leaders committee' which was later converted to the *de facto* highest Somali – decision making body contrary to the agreed procedures, was dominated by SRRC at the expense of TNG, elders and civil society representatives.[61] Another problem arose due to the crowding. Whereas the conference had invited and budgeted for three hundred and fifty delegates, two weeks into the conference the numbers had swollen to over one thousand

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[59] See, Pat Johnson, *The Search for Peace: A History of Mediation in Somalia since 1988*, Ibid, pp.49-52.
[60] A.I. Samatar, 'The IGAD Somali Peace Process: Incubating Inept or Illegetimate Dispensation' in Svenson N. (ed), *Final Report: Conference on the Horn of Africa: No Development Without Peace*. Lund: May 2003, pp.51-52.
[61] P. Johnson, *The Search for Peace*, Op cit, p.53.

creating a lot of confusion. [62] How to reduce this number was difficult making the issue an intractable one.

As a result of the domination by the warlords, the conference paid lip service to issues of reconciliation and prioritised on power sharing. More so, it gave the pride of place to warlords, overestimating their power on the ground and informed by the assumption that since they are the one who wrecked Arta government, their inclusion will lead to sustainable agreement. [63]

Additionally, the special envoy and his team never gave enough attention to the list of participants. Yet in this process who participated and whether he drew his representation from a faction or clan affiliation was critical. To the contrary the faction leaders and civil society representatives at the talks were self-appointed and lacked real power on the ground due to the fast changing dynamics of Somalia conflict. Also, important actors such as businessmen and the emerging powerful religious groups were left out.

Phase II: Reconciliation Issues

The phase II started on 29th November, 2002. The agenda of this phase was addressing core reconciliation issues required to establish peace in Somalia. It involved setting up of six technical groups to deal with: The Constitution and the Federal System, Economic Recovery, Land and Property Disputes, Demobilization, Disarmament and Reintergration (DDR), Conflict Resolution, Regional and International Relations. [64]

Failure to resolve the problem of fair representation manifested itself in this phase. The selection process to the committee was marred by rival list drawn by 'leaders committee' driven more by factional and clan interests, rather than relevant competence. Also, allegations of

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[62] O. Kamudhayi, '*Negotiation in Civil Wars,* op cit, p.117
[63] S, Healy, *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel.* London: Chatham House, 2008, pp.27-28
[64] P. Johnson, *The Search for Peace,* op cit, p.54

mismanagement and corruption emerged. Additionally at this phase, the special envoy was operating under immense time pressure. The successful conclusion of the peace process would have been a crowning moment of President Moi's legacy as a peacemaker, for he was leaving office in the following two months. Consequently, the special envoy reduced the time period for committee work from the envisaged 6 – 9 months to three weeks. In the new schedule, it was expected that by the end of January, 2003 the committees will have finished their work, parliament formed and power sharing agreement put in place.[65] This was hardly helpful for the Somalia conflict had become protracted and parties needed more time to talk through their differences.

Though the special envoy managed to move the process forward, and enjoyed access and confidence of the president, he exhibited various weaknesses. First, he ignored key actors such as the business community and increasingly influential moderate Islamist groups such as *Ahlu Sunna Wal Jama*. Secondly, by allowing the dominance of the warlords in leadership committee, he limited the role of elders, yet elders wielded real authority in the clans' structure. The predominance of the warlords led to prioritisation of power sharing at the expense of reconciliation. Thirdly, there were accusations of corruption and mismanagement. Fourthly, Mwangale was unable to mediate between Ethiopia and Djibouti instead allowing Ethiopia to dominate the process. Finally, he was accused of being dictatorial and unwilling to listen to opposing views, yet the protracted nature of Somalia conflict demanded more listening and less talking.

The role of Mwangale as Kenya's special envoy to Somalia peace process ended when President Kibaki succeeded Moi after the 2002 general elections. He was replaced by

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[65] S. Healy, *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel.* London: Chatham House, 2008, pp.27-28.

Ambassador Bethwell Kiplagat who was appointed on 18th January, 2003 and later confirmed on 3rd February, 2003 at a meeting of foreign ministers of the frontline states (Djibouti, Ethiopia and Kenya) in Addis Ababa[66]. The appointment of Kiplagat ushered in the third generation of special envoys in Kenya's diplomacy of conflict management. Also it reflected a desire by the incoming regime to break ties with persons perceived to be closely associated with Moi.[67]

The Third Generation of Special Envoys in Kenya's Diplomacy of Conflict Management

When Kiplagat assumed the chair of the Somalia peace process, he was faced with three issues which he needed to resolve before proceeding to the remaining agenda of the conference. The issues were: list of participants, crisis of confidence in the peace process and the rivalry between Djibouti and Ethiopia.[68]

The first move by Kiplagat was to shift the venue from Eldoret to Mbagathi in Nairobi. The aim was to improve the management of access to the venue and curbing escalating costs of hosting the conference. This move proved unwise since it affected the continuity of the process and exposed the participants to serious pressures from the large diasporic Somali community in Nairobi who flocked the venue. The situation was complicated by change in some of the administrative personnel, and consultants. This meant that part of the memory of the process right from its pre-negotiation phase to Eldoret was lost. The change of special envoy, and location, resulted in the Somalia peace process virtually beginning afresh.[69] Also, there was confusion about the list of delegates, leading to calls for fresh registration. The subsequent registration omitted persons who had taken part in Eldoret negotiations.

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[66] P. Johnson, *The Search for Peace*, op cit, p.52.
[67] O. Kamudhayi, *Negotating Civil Wars*, op cit, p.159
[68] ICG, *Negotiating a Blue Print for Peace in Somalia*, op cit, p.1
[69] M. Mwagiru, Special Envoys in the Management of Internal Conflicts, op cit, p.5

This was followed by an attempt to correct the representation issues by introducing a list of traditional leaders. The attempt was defeated by Somali Reconciliation and Reconstruction (SRRC) and Kiplagat acquiesced. According to Samatar the failure reflected Kiplagat's lack of knowledge about Somali culture, where elders are not subject to anyone in the communal affairs, let alone warlords; inability to take cognizance of the degree of power which the warlords had expropriated since the beginning of the conference; failure to realize the dominant role Ethiopia was playing at the conference and unwillingness to confront it.[70]

Indeed the last issue was Kiplagat's hubris throughout the conference. He failed to achieve consensus between various third parties particularly Ethiopia and Djibouti. These states had taken opposing views on almost every issue. Instead the envoy acquiesced to Ethiopia's manipulation of the process. In various fora, he was quoted stating that, 'he did not want to fight the Ethiopians' and instead 'Somalis will learn how to manage Ethiopia'. His attitude, it was argued was because he wanted to mend fences with Ethiopia, owing to his role in aiding Siad Barre escape in 1991 and his position the Oromo Liberation Front when he was a permanent secretary in the Ministry of Foreign Affairs.[71]

On the second task of restoring confidence in the peace process, the special envoy fared worse. He failed to correct the perception and reality of Ethiopia and SRRC dominance. Consequently, he was increasingly viewed as biased towards Ethiopia and was dismissive of positions taken by other parties. For instance, during the phase II of the talk, there existed contentions over issue of 'federalism' as contained in the draft charter with Transitional National Government (TNG) and international observers calling for dialogue. He dismissed them arguing

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[70] A. I. Samatar, 'The IGAD Somali Peace Process: Incubating Inept or Illegitimate Dispensation' in Svenson N (ed), *Final Report*, Op cit, P.58

[71] A. I. Samatar, 'The IGAD Somali Peace Process: Incubating Inept or Illegitimate Dispensation', Ibid, p.58

that, 'the difference over federalism was a matter of syntax not substance. Yet, at this juncture, some actors uncomfortable with Ethiopian dominance and Kiplagat's 'one man show' had left the talks.[72] Key among them was the TNG president Abdiqassim and Djibouti. Both had insisted on a centralised system.

A similar problem was witnessed on 5th July, 2003, when Kiplagat rushed to call a plenary session to adopt an agreement on four troubling issues on the size of parliament, structure of government, the transitional period and the process of selecting members of parliament. His rationale was that, the Transitional National Government prime minister and the speaker had altered their position and supported the SRRC positions. This position ignored the reality that the changes reflected on-going power struggles between the TNG president and his premier and speaker. He overlooked the official TNG position (written and on file) on this issues and the fact that the premier was required to consult the decision making committee before taking positions.[73]

Despite protestations by groups non-aligned to Ethiopia, and which due to unfair representation were in the minority, Kiplagat proceeded to the plenary where the agreement was adopted. Once it was adopted, he ignored the complaints. He responded that the decision was final and immediately adjourned the meeting.

Due to the special envoys style of leadership, his inability to check the Ethiopia – SRRC dominance, and his lone ranger tactics the conference became increasingly one-sided. It deviated from its original mandate of reconciliation and was reduced to competition for power. By the time the talks were coming to close on August, 2004 when the parliament was chosen, various actors had left the talks, others had serious doubts on the whole process, and the special envoy

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[72] P. Johnson, *Search for Peace*, op cit, pp.56-58
[73] Ibid, p.61

had failed to address the inter-mediator rivalries which had and remains the key obstacle to Somalia peace.

As a result, the peace process led to unacceptable agreement and posed serious problems of re-entry into the conflict environment. Worse, it led to formation of one sided government backed by Ethiopia. This exclusion partly contributed to the jihadist revival in Somalia as radical Islamist group took advantage of the transitional federal government (TFG) inertia and quickly filled the void.

Consequently, despite the sustained attempt to mediate the conflict, Kenya ended up facing a more serious threat than before. The third generation special envoys marked a reversal. Rather than pursuing Kenya's interest in the process, Kiplagat acquiesced to Ethiopia's demands. Also, he lacked knowledge of the process and thought he could rely on common sense to resolve it. Further, unlike the second generation, he lacked access to the appointing authority and importantly, the appointing authority lacked the commitment to conflict management exhibited by his predecessor.

Chapter Four

Special Envoy in Kenya's Diplomacy of Conflict Management: A Critical Analysis

Introduction

Chapter three has provided an analysis of Sudan and Somalia conflict, their causes and the role of Kenya's special envoys in mediation of these conflicts.[1] The chapter showed that Kenya's special envoys had mixed outcomes in the mediation of these conflicts. In Sudan, the mediation process led to a peace agreement which to a large extent has endured, albeit faced with issues which have threatened to derail the process.[2] In Somalia, the mediation process led to an outcome which faltered immediately. The consequent Transitional Federal Government was faced with re-entry problem and ever since has been battling for its survival propped up by the African Union peace keeping force.

This chapter provides a critical analysis of the key issues that have emerged from the study by trying to answer the following questions: how the institution of the special envoy managed to secure Kenya's interests, the challenges the institution has faced and possible remedies. Additionally, from the analysis, the chapter will appraise whether the objectives of the study have been met, and test the hypotheses. It is divided into three sections. Section one focuses on Kenya's interests in the mediation process and whether they have been secured. The second section examines the challenges the institution of special envoys has faced and provides possible remedies to these challenges. The fourth section, appraises whether the objectives of the study have been met and tests the hypotheses.

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[1] See chapter Three
[2] An example is the invasion of the disputed resource rich Abyei by the Northern troops in violation of the Comprehensive Peace Agreement.

Kenya's Interests in the Sudan and Somalia Conflict Mediation Process

Scholarship on mediation has shown that third parties do not intervene in conflicts for purely altruistic motives. Rather they are motivated by a need to secure certain interests which are threatened by continued conflict. Lynn notes that third parties involved in mediation of conflicts are motivated by a strong feeling that their involvement will help to diffuse the tension between the conflictants. Additionally, they do so in order to derive benefits for their constituents and allies.[3] Bercovitch and Allison have characterised the interests as either defensive, expansionist or mixed. Expansionist motives include desire to extend or increase resources, influence and power. Defensive motives concerns with the need to secure interests which are threatened by the continue conflict whereas mixed interests refers to both defensive and expansionist interests.[4] These benefits constitute the interests motivating intervention.

The very notion of interest driven third party intervention means that whatever activities that third parties engage in, they should be viewed through this prism. This is more so, when it comes to states since the logic of state action is always underpinned by the pursuit of interests and states engaged in mediation are always pursuing broadly conceived foreign policy goals. From this perspective, states' involvement in mediation should be viewed as deriving from domestic needs, foreign policy objective and strategies.[5]

Regarding Kenya, its involvement in Sudan and Somalia conflict mediation process was driven by various interests ranging from personal, political, economic and security ones. The personal interests were more pronounced during Moi's presidency. President Moi had carved

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[3] J. A. Wall and A. Lynn, 'Mediation: A Current Review', *Journal of Conflict Resolution*, vol 37, No1, March 1993, pp.160 -194
[4] J. Bercovitch, 'The Structure and Diversity of Mediation in International Relations', in Bercovitch j and Rubin J (eds), *Multiple Approaches to Conflict Management*. New York: Saint Martin Press, 1992
[5] S. Touval, 'Mediation and Foreign Policy', *International Studies Review*, Vol 5, No 4, 2003, pp.91-95.

himself a *niche* as a peacemaker in the region. Thus, the successful mediation of these conflicts represented a crowning moment for his legacy as a peacemaker as he neared retirement.[6]

Politically, Kenya has always viewed itself as a regional political heavyweight. Among its various instruments for maintaining this status, has been the diplomacy of conflict management. Over the years Kenya has actively mediated conflicts in the region. Such active involvement means that the conflictants would be indebted to Kenya's efforts in managing the conflict they are engaged in. The indebtedness delivers various rewards such as assured cordial and friendly post-conflict relationship, support in other activities in the international arena and favourable post-conflict inter-state relations.

Economically, these conflicts have disrupted regional economic activities and as such represent loss of economic opportunities.[7] Kenya being the largest economy in the region has always made concerted efforts to secure regional markets as a key strategy of realizing its development objectives.[8] The Sudan and Somalia conflicts presented threats to Kenya's economic objectives, through loss of market, illicit regional economic activities such as smuggling of goods, money laundering and importantly denial of a chance to exploit the resources present in Sudan and Somalia and the potentially huge market for Kenyan goods.[9]

Regarding security, Kenya is a member of the Horn of Africa security complex. In a security complex, states are contiguous, have interlinked security concerns and none can guarantee its own security without cooperating with its neighbours.[10] Nowhere is this more

[6] M. Mwagiru, *Diplomacy, Documents, Methods and Practice*. Nairobi: Institute of Diplomacy and International Studies, 2004, p.119.
[7] See, D. J. Francis, 'Linking Peace, Security and Developmental Regionalism: Regional Economic and Security Integration in Africa', *Journal of Peace Building and Development*, Vol 2, No 3, 2006, pp.7-20.
[8] P. G. Okoth, 'Foreign Polkicy', in Kamenju J and Okoth P (eds), *Power Play and Policy in Kenya: An Interdisciplinary Discourse*. Nairobi: Oakland Books, 2006, pp.335.
[9] An interview with Ambassador Kiplagat conducted on 25th April, 2011
[10] B. Buzan and o. Waever, *Regions and Powers: The Structure of International Security*. Cambridge: Cambridge University Press, 2003, p.229.

pronounced than in situations of violent conflicts within a given region. This is because such conflicts tend to become internationalized, exerting security threats to neighbouring states which have to bear the cost of the conflict.[11]

The Somalia and Sudan conflicts constituted serious security threats to Kenya. The conflicts created a favourable environment for exploiting Kenya's porous borders by various non-state actors especially small and light weapons traffickers, smugglers and terrorists.[12] Indeed, one of the most enduring impacts of these conflicts has been the proliferation of small and light weapons in the region. At the height of the Sudan civil war, Kenya's communities living in the border regions were literally besieged by heavily armed communities from Sudan especially the Toposa. Additionally, the civil way presented a thriving market for SALWs as borderlands communities sought to plug the security deficit occasioned by absence of state's security and presence of hostile neighbours. Murray and McEnroy have observed that between 1989 and 2003, the SPLA and the Turkana community had established an open air firearms market in Lodiping, Northern Kenya, where the Sudanese sold firearms to Turkana in exchange for both cattle and cash.[13]

These arms led to intensification and commercialization of cattle rustling in the region. Additionally, through intricate smuggling networks, the SALWs found their way to urban areas, where they have contributed to rise in urban crimes such as carjacking, assassinations and violent

[11] M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*. Nairobi: CCR, 2000, pp.61-68.

[12] An interview with General Sumbeiywo conducted on 27th April 2011.

[13] C. McEnroy and R. Murray, *Gauging fear and Insecurity. Perspectives on Armed Violence in Eastern Equatorial and Turkana North*. Geneva: SMRL, 2008, pp.21-31. Also See T. Weiss, *Guns in the Borderlands: Reducing the Demand for Small Arms. Pretoria*. Institute of Security Studies, monograph, No 95, 2004, p.12

robberies.[14] The threats spawned by SALWs proliferation, meant that it was in Kenya's interest to intervene in Somalia and Sudan conflict which undermined its security.

This demand was made more urgent after Kenya became a victim of terrorist attack in August 1998. It was not lost to policy makers and investigators that these terrorist attacks had been partly made possible by the continued lawlessness in these countries. The planning of the attacks had commenced in 1994 when Al Qaeda was headquartered in Khartoum and supported by the Islamist Sudanese regime.[15] Further, the financing, training of would be attackers and sourcing of materiel for attack had been done in Somalia.[16] These realities highlighted the continued security threat posed by transnational terrorist groups. To counter them, there was a need to address these conflicts since terrorism thrives in environment characterised by lawlessness, failed and failing states.[17]

Further, the conflicts led to massive influx of refugees to Kenya. Though the majority of refugees were genuine, in their ranks were refugees involved in arms, human and drug trafficking while others had terrorist connections. Additionally, the presence of refugees in camps and major urban areas had negative consequences such as increased environmental degradation especially in ecologically fragile regions of Kakuma and Daadab which at some point had an estimated 800,000 refugees. Also the refugee camps provided a fertile ground for

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[14] See, G. Murunga, 'Conflict in Somalia and Crime in Kenya: Understanding the Trans-Territoriality of Crime', *African and Asian Studies*, Vol 4, No.142, 2005.
[15] D. H. Shin, *Al Qaeda in East and the Horn*, accessed at www.cfc.org.
[16] M. A. Levitt, 'The Political Economy of Middle Eastern Terrorism', *Middle East Review of International Affairs*, Vol 6, No 4, 2002, pp.55-56
[17] D. L. West, *Combating Terrorism in the Horn of African and Yemen*. Harvard: Belfer Center for Science and International Affairs, 2005, pp.1-13

recruitment of militias, propagation of radical ideologies and served as rear bases for militias operating in Sudan and Somalia.[18]

The overview indicates that Kenya had critical interests which it sought to secure through mediation of these conflicts. The extent which these interests have been secured has been determined by the degree which the peace agreement have endured and implemented. In Sudan, where the comprehensive peace agreement has to a large extent been implemented, Kenya has reaped a basket of benefits.

Politically, Kenya has cemented its influence in the region for it achieved what seemed as elusive, through assisting the parties to settle their decades of violent conflicts. This has made it a preferred mediator in a region characterised by age long enmity and rivalries. Also, due to this assistance, Kenya has secured a first among equal status in its relations with Southern Sudan. This was expressed by the South Sudan president Salva Kiir, when he received the Kenya's delegate led by the vice president Kalonzo Musyoka, which had gone to congratulate him for the successful referendum held on January, 2011. He stated, 'you know this process began in Kenya in 1992 culminating in the signing of the Comprehensive Peace Agreement in Nairobi in 2005. Essentially, this is your baby and we shall always be grateful for the role you played to see that we succeed. [19] Apart from this privileged position, Kenya's role in assisting South Sudan to establish government infrastructure through training, institutional capacity building and setting up of processes has led to setting up of personal and institutional ties.[20] These ties will continue to generate political benefits for years to come.

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[18] On such impacts see, A. Martin, 'Environmental Conflict Between Refugees and Host Community', *Journal of Peace Research*, Vol 42, No 3, 2005, pp.332-333, Also, M. Kaliwanya, *Urban Refugees in Nairobi*. Nairobi: Center for Refugee Studies, IFRA Publication, March -April, 1998.
[19] 'Relations between South Sudan and Kenya Vital – kiir', *Sudan Tribune*, available at www.sudantribune.com
[20] An interview with General Sumbeiywo conducted on 27th April 2011.

Economically, Kenya has enjoyed exponential growth of economic benefits. Since the signing of the CPA, Kenyan businesses have set up shop in South Sudan. Kenya airlines, such as Kenya Airways, Jetlink Express, Delta Connections and Artal Aviation have dominated the Nairobi – Juba route.[21] Various banks such as Kenya Commercial Bank and Equity Bank have established branches in Juba. Further though the education, Science and Technology agreement signed in 2006 between the Governments of Kenya and South Sudan, Kenya has exported thousands of teachers and experts in education sector to South Sudan. Also, local institutions of higher learning are in the process of setting up satellite branches in Sudan.[22] This coupled with the high numbers of Kenyans engaged in formal and informal economic activities in South Sudan translates to billions of Kenya shillings.

Further, due to the huge economic potential that southern Sudan provides, there have been increased economic activities in Kenya by governments and businesses from other countries notably China and Japan. In a bid to better position themselves in the scramble for South Sudanese resources, governments of China and Japan have invested heavily in Kenya's infrastructure. From 2006 to 2010, these two nations have invested an estimated five billion dollars in Kenya's economy. They have also pledged to finance one of the most ambitious infrastructure projects in the region. The complex project include construction of an oil refinery and sea port in Lamu, a 1400 kilometre pipe line, a road and rail network connecting Lamu and Juba. The project is estimated to cost three trillion Kenya shillings. This project once implemented represent the single largest investment in Kenya's economy.[23] Its long term economic impacts in terms of enhancing trade, job creation and attracting foreign direct investments will run into billions of dollars.

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[21] 'Kenya Airlines Realize Benefits in South Sudan', *Business Daily*, (Nairobi) 28th, August 2007.
[22] 'South Sudan Pledges Security for Kenyan Teachers', *Sudan Tribune*, 10th, August 2006
[23] M. Omondi, 'Kenya Tapping Billions of Shillings', *Business Daily* (Nairobi), 1st, June 2010.

More so, peace in South-Sudan has provided Kenya with a huge export market. The total earnings from Kenya exports to Sudan have grown from less than four billion to 16 billion Kenya shillings. This is expected to triple once the South Sudan becomes an independent state and embark on comprehensive reconstruction. Finally, the oil from South Sudan will provide Kenya with a cheaper alternative source. This is critical for oil imports accounts for a huge percentage of Kenya's import bill. Further it will insure Kenya against the disrupting volatility in Middle East region where it currently imports its oil from.[24] Owing to the centrality of oil in Kenya's economy, a stable, cheaper source will have a multiplier effect throughout the economy.

In the security field, there has been increased security along Kenya-Southern Sudan border. That there is a government in South Sudan, has led to increased bilateral security cooperation aimed at addressing SALWs proliferation, cattle rustling and other forms of militarised security threats generated by militias operating from Southern Sudan. Additionally Kenya has played a central role in the transformation of the SPLA from a rebel force into a professional military. This means that, the SPLA is pretty much modelled along Kenya military, and this gives Kenya a psychological and strategic influence on Southern Sudan military. Further, the military to military assistance has generated ties especially at officers' level making it easier for future cooperation in various security operations.[25] Lastly, peace in the South has led to increased number of refugees returning to their country. Though there and no figures provided by the refugee agencies, the number of returnees runs into tens of thousands.[26] This has eased the burden imposed on Kenya by the presence of refugees from South Sudan. It is anticipated that in the next one or two years, all refugees would have returned.

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[24] Ibid.
[25] An interview with General Sumbeiywo conducted on 27th, April, 2011.
[26] UNHCR, *South Sudan Refugees Returns Home*, unhcr.org

Unlike Sudan, Kenya's engagement in Somalia peace process has not accrued the expected benefits. Instead due to the fast changing dynamics of Somalia conflict and its increasing complexity, Kenya's interests are more threatened than before. Indeed Somalia currently represents the major source of external threats to Kenya.

In terms of political interests, Kenya backed the wrong horse. Though Kenya injected a lot of resources in ensuring that there was a peace agreement in Somalia, the dynamics of Somalia conflict meant that, by the time the agreement was being signed, more powerful actors, who were not involved in the peace process had emerged.[27] As such the TFG faced sustained challenge in its effort to re-enter the conflict environment. Currently it is fighting for survival in the face of sustained challenge by Armed Opposition Groups (AOGs). As a result, Kenya lacks a political influence on the ground, a situation which has been exacerbated by uncritical involvement of Kenya in the pursuit of United States policy in Somalia.[28] This has made it impossible to negotiate with the powerful Islamist groups in Somalia, who remains critical in any stabilization effort. Increasingly these groups are lumping Kenya together with other enemies such as US and Ethiopia. Yet as a respondent observed in pursuit of national interest, prudence demands that you should negotiate even with the devil, and you should never pursue others national interests at the expense of yours.[29]

Economically, the Somalia Conflict has spawned other dynamics which are exerting direct economic costs on Kenya. At the top of the list is maritime piracy which has thrived in absence of a government in Somalia capable of establishing law and order. From 2008 to the

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[27] An interview with Hussein Osman, a delegate to the Somalia Peace Process Conducted on 29th April, 2011
[28] Ibid
[29] An interview with an expert on the Horn of Africa region conducted on 4th, May, 2011.

present, more than 500 cases of pirates attack on ships in the Gulf of Aden have been reported.[30] The attacks have led to increased freight and insurance charges on goods shipped through Somalia waters.[31] These costs are transferred to the end users of the imports. For an economy which is highly dependent on imports, the increased costs have enormous effect such as reduced competitiveness and rise in cost of living. Importantly, hijacking of a ship transporting strategic goods especially oil would lead to a massive destabilization of the already high costs and this can lead to social economic and political instabilities.

Further, piracy has led to distortion of critical social and economic indicators since much of the ransom paid to pirates is being invested in Kenya. Early this year, the Central Bank of Kenya reported that there was an unexplained huge injection of cash into the Kenya economy estimated at 164 billion shillings.[32] This has led to inflationary pressures and the market distortion especially in the housing and commercial sectors since the money has been spent liberally, pushing up the prices. Consequently in previously low cost urban areas, the prices of real estate and rents have shot up making it impossible for Kenyans to afford decent housing.

Additionally, the lawlessness in Somalia has led to complex smuggling networks, where goods are imported through Somalia and Smuggled into Kenya's market. It is estimated that much of the goods sold in the regions bordering Somalia are smuggled from Somalia and have become an important source of finance to militias operating in Somalia. Also, due to corruption in various government agencies in Kenya, the goods are finding their way to major urban areas

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[30] See, P. Lennox, Contemporary Piracy of the Horn of Africa. Canadian Defence and Foreign Affairs Institute, accessed at www.cdfai.org , Also, M. Nakamura, *Piracy in the Horn of Africa: What is the Most Effective Method of Repression.* Carlisle PA: Naval War College, 2009.
[31] Daily Nation, 26th May, 2011.
[32] 'Economic Effect of Piracy on Kenya', available at straightchronicle.com

such as Nairobi.[33] This has led to loss of revenue due to tax evasion and created disadvantages to traders engaged in legitimate businesses selling same products.

Concerning security interests, the situation in Somalia has become more complex since the signing of the peace agreement. The major sources of threats are terrorism, SALWs proliferation and influx of refugees. On terrorism, Somalia has increasingly becoming a terrorist haven as the local militant Islamist groups such as Harakat Al-Shabaab in collaboration with international terrorist networks such as Al Qaeda, increase their regional capacity to launch terrorist attacks.[34] Gartteinstein has noted that Al-Shabaab poses serious threat considering that they have the infrastructure to recruit, indoctrinate, train insurgents and acquire weapons.[35] This capacity has been felt in Kenya, where the Al-Shabab through an elaborate radicalizing, financing and recruitment network has lured some Kenyan Muslim youths into joining their ranks.[36] These recruits pose a long term security threat to Kenya upon their return since they are equipped with terror tactics and radical militant Islamist ideology.

Apart from terrorism, the proliferation of SALWs has not abated. It is estimated that at least 5,000 SALWs are smuggled into Kenya from Somalia every month.[37] These SALWs have contributed to the increased widespread insecurity in the North Eastern regions and rise in armed crime in major urban areas. Significantly, they provide an easy source of arms to any political group determined to cause instability in Kenya. For instance, during the 2007-08 Post-Electoral violent conflict in Kenya, it was reported that a container of firearms was smuggled from

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[33] *Daily Nation* (Nairobi), 29th May, 2010.
[34] See, A. Atarodi, *Yemen in Crisis-Consequences for the Horn of Africa*. Stockholm: Sweden Defence Research Agency, March 2010, pp.17-25.
[35] P. Gartenstein-Ross, 'The Strategic Challenge of Somalia's Al – Shaabab: Dimensions of Jihad', *Middle East Quarterly*, Fall, 2009, pp.25-36.
[36] See a documentary aired on NTV (Nairobi) on 1st and 2nd of June, 2011, titled 'The Enemy Within'.
[37] G. Murunga, op cit.

Somalia by some political operatives. Though the arms were never used, their whereabouts remains unknown and this indicates the risk posed by easy availability of arms from Somalia.

Finally, the influx of refugees from Somalia has increased as Somalia citizens flee the anarchy. Conservative estimates put the number of refugees crossing into Kenya at 300-400 daily. The increased influx has made the Daadab camp the largest refugee complex in the world. Currently, the number stands at 346,605 refugees.[38] Though the refugees do not necessarily pose security threats, intelligence agencies have revealed that refugee camps have become important sources of recruiting militias to fight for various armed opposition groups in Somalia. Further, they have become sites of radicalization, as clerics connected to militant Islamist groups take advantage of the destitute and frustrated youths in the camp, to recruit them into groups such as Al-shabaab. Finally, Daadab refugee camp has become a critical rear base for militias in Somalia.[39]

Drawing from the analysis of the Kenya's interests in the region and the extent they have been achieved, it is observable that the foreign policy and diplomacy of conflict management, through the use of special envoys has had mixed outcomes. In explaining these outcomes, the role of Kenya's special envoys who chaired the mediation processes is important. This is because the special envoys primary duty is to secure national interests. The following section identifies the factors which has influenced the performance of the institution of special envoy in mediation of the conflicts.

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[38] UNHCR, Kenyan-Somalia: Endless Stream of Refugees, unhcr.org.
[39] An interview with a senior officer, National Security Intelligence Services, conducted on 14th May, 2011.

Access to the appointing Authority

Special envoys carry the presidents mandate and their ability to deliver on the tasks is influenced by the extent they are granted access to this authority.[40] A guaranteed access endows the special envoy with powers to negotiate and make decisions with confidence that the decision is not going to be overruled. Additionally, it provides the envoy with prestige and leverage since the negotiating parties are aware that the envoy is able to deliver what he promises. Further, the envoy is in a position to summon higher authorities to assist in moving the process forward and also overcome the bureaucratic constraints in the foreign affairs departments especially in situations where the minister/secretary of foreign affairs and other senior bureaucrats feels overshadowed by the envoy.[41]

In Kenya, the first generation of special envoys lacked access to the appointing authority. Young has observed that although president Moi appointed Mboya, he did not support him. He frequently refused to even see him and demonstrate much commitment of the peace process.[42] This situation changed during the second generation of special envoys represented by General Sumbeiywo and Honourable Mwangale, who were mediating Sudan and Somalia peace respectively.

In an interview with General Sumbeiywo, he observed that access to the appointing authority was the greatest asset a mediator has. He attributed his success to the fact that he had the trust and confidence of President Moi and on the side assured support by the Minister for Foreign Affairs, Kalonzo Musyoka.[43] This view is well captured by Waihenya when he states that, 'the advantage he (Sumbeiywo) had as a mediator was that he had full access to the

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[40] An interview with Ambassador Kiplagat conducted on 25th April, 2011.
[41] Ibid.
[42] J. Young, 'Sudan IGAD peace process: An Evaluation', 30th May, 2007, www.sudantribune.com
[43] An interview with Sumbeiywo conducted on 27th April, 2011

president. He could walk into statehouse as many times as was necessary. He could lift a phone and get the president on the line and he enjoyed the privilege of having known Moi very well and having worked with him in good and bad times.[44]

The benefit of access during the second generation of special envoys was lacking in the third generation represented by Ambassador Kiplagat. In an interview, Kiplagat observed that the rationale behind having special envoys as mediators is because it provides flexibility (decisions are made quickly), commands political and technical support from other government agencies, shields the process from the usual bureaucratic rivalries and interests and ensures availability of necessary resources since the success of the special envoys enhances the president's prestige.[45] For these benefits to be realised there must be commitment and proactive involvement of the president.

This commitment and productive involvement was lacking during the Somalia peace process. Kiplagat noted that, it became almost impossible to meet the president, even when his input was needed. This was attributable to the fact that the president had hands off management style, lacked the proactive commitment to peace making which Moi had and his lieutenant shielded him, referring all the issues to ministry of Foreign Affairs. This made the special envoy appear powerless and loose prestige in the eyes of negotiators.[46] Also, Kiplagat lacked the personal relationship with the president relative to the one he had with President Moi. The situation was made worse by the fact that other envoys from Ethiopia and Djibouti had access to their respective presidents. As such, despite Kiplagat being the chair, he enjoyed less influence, paving the way for the manipulation of the peace process by the other envoys.

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[44] W. Waihenya, *The Mediator: General Lazaro Sumbeiywo and Southern Sudan Peace Process*. Nairobi: Kenway publications, 2006, p 12.
[45] An interview with Ambassador Kiplagat conducted on 25th April, 2011.
[46] Ibid.

The experiences of the three generations of the special envoy evidence the importance of having access to and confidence of the appointing authority. The success of the second generation is to a large extent attributable to the fact that, this generation represented special envoy proper. They were not only presidential appointees by name but they represented the president and carried his mandate.

Leadership

Leadership is important in the management of foreign policy. Mwagiru has argued that the proper management of the foreign policy and diplomatic services are central to the success or failure of the implementation of foreign policy.[47] The need for proper management is more critical especially at the top of the foreign policy management leadership, particularly the presidency. As chapter three has shown Kenya's foreign policy and diplomacy of conflict management is associated with Moi's presidency. This is because Moi consistently showed leadership and commitment to peacemaking, compared to presidents Kenyatta and Kibaki.

During the Sudan and Somalia mediation process, there was marked discontinuity of leadership and this led to confusion and lack of coordination. A good example concerns General Sumbeiywo, who under Moi enjoyed the benefits of a leadership committed to the peacemaking. This changed when Kibaki succeeded Moi. The special envoy lacked access to the president and was referred to the Ministry of Foreign Affairs. Additionally, despite the huge success that the peace process had gained, and the fact that the special envoy had gained acceptance by negotiators and other third parties, there was hostility towards Sumbeiywo. President Kibaki inner circle, who were in the dark about the peace process, viewed him as too close Moi and wanted him relieved of his duties. Such a move would have scuttled the peace process. The

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[47] M. Mwagiru, 'The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy', *Journal of Language, Technology and Entrepreneurship in Africa*, Vol 2, No 1, 2010, p.231.

situation was saved by intervention by Kalonzo, who had been retained as the Minister for Foreign Affairs and was well informed on the peace process.[48]

Further, the absence of leadership meant that the special envoys lacked a clear reporting mechanism and could no longer summon the leverage of the appointing authority and were left exposed to the bureaucratic rivalries. There was a tug of war between the Ministry of Foreign Affairs and the Ministry for East Africa and Regional Affairs, each fighting to own the peace process.[49] Also in the Ministry of Foreign Affairs Kalonzo was replaced by Chirau Makwere, a person who had no working relationship with Sumbeiywo and was unaware of the progress made in the Sudan process. Drawing from these experiences, Sumbeiywo observed that since strategic national interests are bigger than individuals, you should never undermine a successful special envoy even if you succeed the appointing authority.[50]

The situation was more complex during the Somalia peace process, where Kibaki replaced Mwangale with Kiplagat. The transition from Mwangale to Kiplagat was critical and demanded active involvement of the president. This was lacking and led to serious coordination issues since in absence of centralized structure, different government agencies such as National Security Intelligence Services, Head of Public Service, and Ministry of Foreign Affairs were pursuing multiple interests in uncoordinated manner.[51] These agencies wanted the special envoy to pursue their bureaucratic interests and in absence of leadership at the top, Kiplagat was left in a dilemma: on one hand, the lack of support meant that he was rendered powerless. On the other hand all these agencies wanted him to pursue their interests, yet they were not availing resources to do so, and lacked a strategic understanding of the complexity of Somalia conflict. Drawing

[48] W. Waihenya, *The Mediator*, op cit, pp.108-109.

[49] Ibid, p.109

[50] An interview with General Sumbeiywo conducted on 27th April, 2011.

[51] My own experiences as Kenya's Ambassador to the Somalia Peace Process.

from his experience, Kiplagat strongly observed that the structure of the special envoy should never be complicated. He should report directly to the appointing authority and should never be subjected to normal government bureaucracy.[52]

Good Organisational and Strategic Management

The quality of the management of the mediation process is important, for it determines the integrity of the process and the capability to achieve the strategic objectives envisaged by a given third party. The issue of management can be approached at two broad levels. On one level, it is about linking resources and means to the desired objectives. On the other level, it concerns with the ability to shape the players, organs and the environment in a way that serves strategic objectives.[53]

A review of the Sudan and Somalia peace processes evidence the importance of linking resources and means to the desired objectives. Regarding the Sudan peace process, General Sumbeiywo was characterised as an excellent manager owing to the way he managed the mediation secretariat. Young has observed that, many of the negotiators and even among the observers, analysts and donors appreciated the orderly way which the negotiations were conducted and they attributed this to the leadership of special envoy Sumbeiywo. Indeed not only did order contribute to the objectives of the mediation, but the timely production of agreement generated confidence.[54]

In contrast, the Somalia peace process was characterised by mismanagement. In both the Eldoret and Mbagathi phases, the process was disorderly. There were no clear list of delegates, allegations of corruption were widespread and the special envoys failed to impose order and control of the process. The lack of good management of the mediation process, led to faulty

[52] An interview with Ambassador Kiplagat conducted on 25th April 2011.
[53] M. Mwagiru, 'The Missing Link in the Study of Diplomacy', op cit, p.236.
[54] J. Young, Sudan IGAD Peace Process, op cit, p.22

decisions such as shifting of venue from Eldoret to Nairobi, lack of commitment of the main objective of the process which was reconciliation, as parties resorted to raw pursuit of power, exclusion of important Somalia actors and inability to prevent the disrupting influence of other interested third parties such as Ethiopia. Lastly, it led to lack of adequate financial resources, since potential donors were not willing to contribute money to a process which had been characterised by mismanagement. [55]

At the level of the management as shaping players, organs and the environment, there is need to have a clear strategy of dealing with mediation process. This can be approached from two perspectives: One, there must be a well articulated foreign policy of conflict management and strategies for its implementation. Two, the mediator must manage the players and interests during the mediation process.

Yager has captured the importance of a well articulated policy in the context of strategic decision making by noting that a strategist must know what is to be accomplished, that is, he must know the end state that he is trying to achieve. It is only by analysing and understanding the desired end state in the context of internal and external environment can the strategist develop appropriate objectives leading to the desired end state. [56]

Drawing from Yager's argument, we argue that the government does not have any business of appointing a special envoy, if he is not provided with a well articulated foreign policy of conflict management. This is because, though peace is the desired end, the question of what kind of peace and what benefits the state is going to derive are paramount. Otherwise, the government may spend a large amount of resources and fail to reap the benefits or end up pursuing interests of others. Interviews with Sumbeiywo and Kiplagat indicates that beyond the

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[55] My own experiences as Kenya's Ambassador to the Somalia Peace Process
[56] H. R. Yarger, *Toward a Theory of Strategy: Art Lykke and the US Army war College Strategy Model*. Carlisle PA: Institute of Strategic Studies, 2008, p.44.

normal foreign policy concern such as good neighbourliness, regional peace and president's Moi's desire to create a legacy of peace making, there was never a specific foreign policy towards the peace processes. They were only instructed to deliver peace. [57]

The absence of a well articulated foreign policy leads to major pitfalls especially when dealing with other third parties with clearly articulated foreign policies. This was the case during the Somalia peace process, where despite Kenya being the chair and host of the peace process, it tried to tread the path of an impartial mediator yet it had serious interests in the process. Kwaje has observed that, 'because Djibouti and Ethiopia had a clear vision, Kenya was forced to ally itself with either one of the two at one stage or the other because of the way they couched their interests in good propaganda.[58] Similar condition would have occurred during the Sudan Peace process but the situation was saved by the experience of Sumbeiywo who because of the various positions he had occupied in the military was well versed with Kenya's strategic interests in Sudan.

Beyond having a well articulated foreign policy, there is a need to make a policy on the implementation of the foreign policy.[59] Such a policy deals with the question of how to implement the foreign policy. A clearly developed policy allows for consistency and institutionalisation of the structures for implementation, accumulation of knowledge and expertise. In case of Kenya, there is no policy to guide the institution of special envoys, the appointment process, their relationship with the appointing authority and other government bureaucracies and provision of resources. As such, the performance of the institution is largely

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[57] Interview with Kiplagat and Sumbeiywo on 25th April 2011 and 27th April respectively
[58] O. Kamudhayi, 'The Somalia Peace Process', in Mwagiru M(ed), *Africa Regional Security in the Age of Globalization*. Nairobi: Heinrich Boll Stiffung, 2004, p.118.
[59] M. Mwagiru, 'The Missing Link in the Study of Diplomacy', op cit, p.237

dependent on the personality of the appointing authority and is highly vulnerable to domestic political environment.

Further, the absence of such a policy on the institution of special envoys has led to loss of critical knowledge. In a visit to the Ministry of Foreign Affairs library, there was no document detailing these peace processes, which can be used for training diplomats. No effort has been made to tap the expertise and knowledge of the special envoys and this means that if today a diplomat is tasked with Somalia peace process, rather than building on the efforts and experiences of the predecessors, he will start on a clean slate. Yet in managing protracted conflicts, a good understanding of their history and dynamics is critical.

The importance of such knowledge in diplomacy cannot be gainsaid. Kurbalija, a leading advocate for knowledge management in diplomacy argues that diplomats have to recognise data, information and knowledge as their primary resources. Often these are rhetorically acknowledged as a primary resource of diplomatic services but when it comes to day-to-day activities, this is not the case. This is a fundamental omission, since in diplomatic career there must be transfer of continually generated knowledge and experience.[60] Also, the knowledge and experiences should be integrated into the diplomatic processes.

The other perspective of management focuses on players, actors and organs during the mediation process. The mediation process is made up of multiple actors beyond the parties directly involved in conflict. There are allies, constituents and third party actors with interests in the process and its outcome.[61] The presence of multiple actors and interests requires the mediator to take all this into consideration, if the process and its outcome are to be sustainable. In doing

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[60] J. Kurbalija, 'Knowledge Management and Diplomacy' in Kurbalija J(ed), *Knowledge and Diplomacy*. Malta: University of Malta, 1999, pp.8-16
[61] See M. Mwagiru, *Conflict in Africa*, op cit, pp.96-103.

so, the mediator should not lose sight of the primary interests which he has been tasked with securing.

This calls for good management capacities of the mediator. In an interview with Sumbeiywo, he used the military concept of theatre management to capture the complexity of the task which the mediator is expected to undertake.[62] The complexity of the task calls for a management strategy characterised by anticipation, continuity, responsiveness, integration and improvisation.

In order to develop such a strategy, the special envoy must be clear on the objectives he wants to accomplish, identify a clear balance among objectives sought, have a clear policy undermining the strategy, consider comprehensively the whole range of environment he is operating in and have a thorough analysis and knowledge of the conflict he is mediating.[63] This will enable the special envoy to manage the environment, manipulate the parties, draw on different resources from allies and other third parties and regulate their involvement in a way which enables him envoy to realize the objectives.

The importance of managing the environment, organs and players is evident in the analysis of Sudan and Somalia peace processes. During the Sudan peace process, Sumbeiywo was well aware of the complexity of the environment he was operating in and this gave him strategic advantages. He was capable of regulating the participation of actors, drawing various resources from third parties such as the United State, the European Union and IGAD member states, manipulating both the Government of Sudan and the SPLA, and asserting Kenya's leadership in the process.

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[62] An interview with General Sumbeiywo conducted on 27th April, 2011.
[63] On making of a strategy, see D. Sablonsky, Why is Strategy Difficult. Carlisle PA: Strategic Studies Institute, Monograph, 1992.

These capacities were lacking during the Somalia peace process. In an interview with participants in the process, they were unanimous that the special envoys (Mwangale and Kiplagat) lacked enough understanding of the complexity of Somalia conflict (causes, dynamics interests, actors, constituents and allies).[64] Consequently by the time the peace agreement was signed, actors were faced with re-entry problem. Also new actors had emerged and powerful third parties refused to fully support the implementation process. This made the agreement dead on arrival.

Personality of the Special Envoy

The personality of special envoys as an issue in determining the success or failure of the mediation process cannot be overlooked. In the previous section, the chapter has bought out the importance of the personality of the appointing authority in determining the special envoy is going to achieve the objectives sought. As a rule a president who is proactive and committed to peace will perform better than one who lacks these qualities.

Equally, a special envoy needs to possess certain qualities in order to undertake a given assignment. In an interview with Kiplagat, he listed the following qualities as necessary: the special envoy must have innate deep commitment to peace. This will provide him with motivation that goes beyond the call of duty; possess general knowledge of the region and the world; have a good network of resource and experts that he can utilize in the process and must exhibit keenness to get information from all quarters. Further, the special envoy must be a team player and should have patience and staying power even in the face of obstacles.[65] General

[64] Interviews with delegates who participated in the process conducted on various dates.
[65] An interview with Ambassador Kiplagat conducted on 25th April 2011.

Sumbeiywo listed similar attributes, but he added the need to have a comprehensive knowledge of issues, actors and their allies, good intelligence sources and knowledge of your supporters.[66]

Beyond these qualities, there is a need to match the personality of the special envoys with the conflict he is expected to mediate in. Though a person may possess the above qualities, the culture of parties in conflict may hinder his capacities especially if he exhibits qualities which in that culture are interpreted as weakness. For instance, Kiplagat, who is an experienced diplomat, was not suitable for mediating Somalia conflict. This is because in Somalia culture authority is supposed to be forceful and imposing. Consequently, his soft and persuasive approach was interpreted by delegates as a sign of weakness and opened the process to domination and manipulation especially by the hardened warlords.[67]

Similarly, it can be argued that during the Sudanese peace process, the special envoy fitted the conflict parties' cultural definition of a leader. As a successful General, he was respected by both the SPLA leadership and also by president Bashir. These actors had military background and hence a shared understanding. Further, his strong personality and at times forceful approach was important in managing the actors and allies. He could withstand the pressure from actors and reject any moves which could derail the process.[68] In the absence of such a personality, the process would have been exposed to unnecessary meddling due to the strategic importance of Sudan.

On the basis of this analysis the major factors that determine the performance of the institution of special envoy has been identified. The factors are access to the appointing authority, leadership, good organisational and strategic management and the personality of special envoys. This factors need to be incorporated if the quest for diplomacy of conflict

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[66] An interview with General Sumbeiywo conducted on 25th April, 2011.
[67] My own experience as a Kenyan ambassador to Somalia Peace Process
[68] See W. Waihenya, *The Mediator*, op cit, pp.90, 99, 127.

management and its benefits are going to be achieved. Unfortunately, these insights have not been incorporated in the nascent fourth generation of special envoys represented by former president Moi and Kipruto Arap Kirwa representing the president in the implementation phase of Sudan and Somali peace process. The following section examines whether the study has met the objectives and test the hypotheses.

Study's Objectives and Hypotheses

The first objective of the study was to provide an overview of Kenya's foreign policy of conflict management. In the analysis provide in Chapter Three, the study has achieved this objective. It has traced the development of Kenya's foreign policy since independence and specifically the development and application of the foreign policy of conflict management beginning in 1980s.

The second objective of the study was to examine the role of the institution of special envoys in Kenya's diplomacy of conflict management. The objective has been addressed in Chapter Two which has provided a general level the rationale for the institution of special envoys, the requisites for its effective performance and its role. This has further been elaborated in Chapter Three, which has provided an analysis of Kenya's involvement in the mediation of Sudan and peace process. Additionally, the institution of special envoy has been given a more critical appraisal in Chapter Four, where the study has examined the extent which Kenya's diplomacy of conflict management through the use of special envoys has assisted in securing of interests in Sudan and Somalia.

The third objective of the study was to analyse the challenges the institution of special envoys has faced and provide possible solutions. Under four broad themes of access to the appointing authority, leadership, good organisational and strategic management, and personality

of special envoy chapter four has provided an in-depth analysis of factors that influence performance of the institution of special envoys, challenges faced and possible remedies. This way the objective has been addressed.

Drawing from the analysis and insights made under each objective this section tests the study's hypotheses. The first hypothesis that Kenya does not have a well articulated foreign policy of conflict management has yielded positive results. On the basis of findings in chapters Three and Four, the study concludes that Kenya does not have a well articulated foreign policy of conflict management. Its diplomacy of conflict management was driven by president Moi desire to create a personal legacy of a peacemaker and has been couched under general principles of international relations such as good neighbourliness and maintenance of international peace.

The second hypotheses that the institution of special envoy has played an effective role in Kenya's diplomacy of conflict management has been confirmed. From the analysis in chapters Three and Four, evidence shows that Kenya has successfully mediated Sudan's conflict through the use of special envoys and has led partial success in Somalia peace process.

The third hypothesis, that the lack of a well institutionalised structure of special envoys has hindered Kenya's foreign policy has also been confirmed. The analysis in Chapter Four shows that the lack of well institutionalised structure of special envoys has exposed special envoys to challenges such as lack of continuity, lack of access to appointing authority, bureaucratic rivalries and domestic politics. These challenges have hindered the performance of special envoys.

CHAPTER FIVE

Conclusions

The preceding chapters have analysed the institution of special envoy and its role in securing of national interests through the foreign policy and diplomacy of conflict management. The running theme throughout the study has been that states do not engage in the business of conflict management for purely altruistic reasons, rather they do so in order to secure important national interests which are threatened by continued conflict.[1] What this means is that though the end goal of conflict management is peace, states do not pursue any kind of peace. Indeed in some situations continued conflict may be beneficial relative to peace. For instance, it is strategically unwise for a third party to pursue a peace agreement, which brings on board actors who might be hostile to its national interests or provides the conflictants with an opportunity to build up their national power in a way that creates serious threats to the interests of the third party.

Drawing from this understanding this chapter makes various conclusions. The conclusions are prescriptive since the study had a policy goal of providing insights which can be used to enhance the capacity of the institution of special envoys as a key structure of realizing national interests.[2] They outline how Kenya's foreign policy and diplomacy of conflict management should be approached.

The reality that states have interests in mediating conflicts demands that though peace is a valuable goal in itself, the question of potential peace dividends is central to any conflict management efforts. As such, states as third parties should enter into management process very clear on what the objectives they intend to achieve. Otherwise they may end up expending much

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[1] Chapter Four, pp.63-64
[2] Chapter One, p.17

resource in a process which will not yield benefits to them, after the peace agreement has been signed.[3]

To avoid this pitfall states must be aware that besides their interests, they are operating in a multi-actor environment, with each actor competitively and selfishly pursuing their interests.[4] This awareness is critical for it determines the crafting of intervention framework derived from careful analysis of the conflict environment and cost – benefit analysis of intervention or non-intervention. This framework provides the foundation for articulating a foreign policy towards a given conflict. Further, it makes the pursuit of foreign policy objectives the central rationale for intervention.

The centrality of foreign policy objectives during intervention, whether political, economic, security, diplomatic, makes it imperative for states to have a clear comprehensive and well articulated foreign policy which must guide those who have been appointed to undertake the task of managing a given conflict. The policy must identify interests, strategies for securing these interests and resources need, strengths and weaknesses emanating from the environment and other players and opportunities which should be exploited. This activity must be scientifically done and once put in place it should be binding to internal players in various governmental agencies involved. In absence of such a binding policy, the intervention runs the risk of being uncoordinated and vulnerable to domestic political dynamics.[5]

Once a foreign policy has been articulated, the next important task is crafting a structure for its implementation. This is because foreign policy is not what is contained on paper but what actually gets implemented. Implementation success is dependent on the structures put in place.

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[3] M. Mwagiru, 'The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy', *Journal of Language, Technology and Entrepreneurship in Africa*, Vol 2, No 1, 2010, p.243
[4] See, M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*. Nairobi: CCR, 2000 pp.96-103
[5] Chapter Four, p.77

The state has to decide the best structure for implementation though an objective analysis of various structures, their strengths and weaknesses. The identified structure must be undergirded by a policy detailing its status, relationship with other government agencies and the infrastructure needed to make it operational.[6] Once a given structure has been identified, resources and support must be availed to ensure that it delivers on its mandate.

In Kenya, the twin tasks of articulating a foreign policy towards a given conflict and identifying of structures for implementation have not been given adequate attention. The study has shown that, despite Kenya's involvement in the management of regional conflict, the special envoys are only instructed to secure peace agreements. In the face of other astutely prepared third party players, Kenya ends up pursuing the foreign policy of others. This was the case in Somalia peace process, where Kenya was forced at different times to ally itself with either Djibouti or Ethiopia. Further, though Kenya has utilized the institution of special envoys, as the main structure for pursuing the diplomacy of conflict management, there is no policy on this institution and its fortune have risen and fallen depending on the appointing authority. This is hardly the best way of pursuing regional interests, for as Sumbeiywo noted, if a state has a weak military capacity. It must have powerful diplomatic machinery for it to be capable of projecting power internationally.[7]

After the foreign policy towards a given conflict has been put in place and the institution of special envoy entrenched, the appointment of the envoys need to be given adequate attention. This is because, though an individual may have the requisite qualities, he might be unsuited to manage a given conflict, due to mismatch between his personality and the culture of parties directly involved in conflict. This was the case with Kiplagat personality was mistaken for

[6] Mwagiru proposes a similar solution. See M. Mwagiru, 'The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy', op cit, p.237
[7] An interview with General Sumbeiywo conducted on 27/04/2011

weakness, during the Somalia peace process.[8] In addition, the appointing authority must choose a person who they have trust and confidence in to avoid situations whereby though the special envoy is speaking on behalf of the appointing authority, he is unable to draw on the support and resources of this authority.

The above requirements are in-house tasks which need to be put in place prior to initiating the mediation process. How meticulous the tasks are done have a bearing on the performance of the special envoy. They will determine his authority and prestige, capacity to mediate, the attention given to the securing of interests articulated in the foreign policy of conflict management and availability of resources.

When the mediation begins the special envoy must take cognizance of the complexity of the conflict he is mediating on. One of the most fundamental contributions to the understanding of the mediation process is the notion that, conflicts are complex phenomena, with multiple actors, allies, constituents and interests.[9] They are like a big jigsaw puzzle, and it is the task of the special envoy to fit the pieces of the puzzle. The task is best captured by the concept of theatre management. In the war theatre, the officer in charge is expected to prudentially employ the resources-human, technological and material. Additionally, he is required to learn the enemy, his strategic strengths and weaknesses, source of will power and exploit the knowledge to the advantage of his forces. Further, every battle must be well planned, surprises anticipated and contingency plans made. This is because victory in war is made up of victory in series of battles. Finally, the officer must always know that, wars essentially have political objectives, that is, they are not fought for honour and glory, but to protect or expand certain interests.

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[8] Chapter Four, pp.84-5
[9] M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management*, op cit, pp.96-103

Drawing from this analogy, the special envoy must plan for every phase of mediations, that is, the pre-mediation, mediation and post-mediation phases. This is because like in war, every phase is critical towards the success of the process. For instance, failure to comprehensively plan in pre-mediation phase will lead to wrong diagnosis of issues and identification of actors. The failure to correctly diagnose the conflict will lead to problems during the mediation phase such as negotiating on the wrong issues and exclusion of important actors and allies. These problems means that the agreement signed will not be sustainable due to problems of re-entry into the conflict environment. When undertaking all this activities, the special envoy should never lose sight of interests he has been mandated to secure during the process. Failure to do so means that the country will end up spending a lot of time and resources engaging in a process only for this process – and its benefits – to be reaped by someone else, who may not have sown it.[10]

Addressing of these issues will enhance the performance of the institution of special envoys in Kenya. Indeed, with good planning, Kenya's diplomacy of conflict management utilizing the institution of special envoys can be an important instrument for asserting its sub-regional hegemonic ambitions. Since Kenya lacks the capacity to exercise regional military preponderance, a well crafted and managed foreign policy of conflict management and institution of special envoy will make the quest for sub-regional hegemony no longer elusive.

However, the crafting of foreign policy and diplomatic strategies does not take place in a vacuum. Today, the fact that foreign policies have domestic sources is no longer debatable. As

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[10] M. Mwagiru, 'The Missing Link in the Study of Diplomacy: The Management of the Diplomatic Service and Foreign Policy', op cit, p.243

such, it is rather naive to think that foreign policy begins where the domestic policy ends.[11] That foreign policy has domestic sources means that the crafting and implementing of such policies is not immune to internal politics. Allison and Zelikow have comprehensively shown that foreign policy making is a site of intense political bargaining and what comes out is an aggregate of compromises reflecting the power status of competing bureaucracies.[12] This intense competition can have deleterious consequences particularly in absence of a consensus on what constitutes national interests and where political leaders are willing to compromise such interests in pursuit of narrow political goals. Hence there is a need to have generally agreed minimum on what constitutes national interests.

The risks of narrow political interests overriding the pursuit of national interests pose a particular problem to Kenya. This is because in Kenya's political arena anything goes as long as it delivers political benefits no matter how temporary or parochial such the benefits are. A politician will not hesitate to undermine diplomatic activities if such activities will translate to better political rating of his opponent.

The risk of internal politics derailing the pursuit of foreign interests is exemplified by the incoming Kibaki administration attempts to replace General Sumbeiywo as the mediator of the Sudan mediation process in 2003. These attempts were made when the process was at advanced stage and it would have negatively impacted on the peace process. The individuals behind the effort to replace Sumbeiywo were ignorant of the successes achieved and what was at stake.

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[11] See for instance J.S. Levy. Theories of interstate and intrastate war: A level of Analysis Approach', in C.A. Crocker et al (eds). *Turbulent peace: The Challenge of Managing International Conflict.* Washington: US Institute of Peace 2004
[12] See Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis.* Boston: Little, Brown, 1971, G. Allison and P. Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis (2nd ed).* New York: Addison Wesley, 1999, pp.272 – 273.

Instead their motivation was purely driven by hostility towards officials who were seen to be too close to the president Moi.[13]

Indeed reading the biography of General Sumbeiywo and drawing from the interviews, there is no doubt that he was committed to the peace process far beyond the normal calling of duty. Though a soldier trained to fight wars, he had an evangelical commitment to peaceful outcome of the Sudanese conflict. The commitment is what made him trudge along even when others were growing weary and pessimistic that the mediation will fail first like the previous efforts. Getting a replacement for Sumbeiywo would have been near impossible.

The prioritising of politics at the expense of Kenya's diplomatic influence and prestige as can lead to a decline of Kenya's foreign policy and diplomacy of conflict management. The situation can be further exarcerbated when the president is disinterested in regional conflict management. In Kenya, there is increased politicisation of diplomacy and the current president has not taken the lead role as a regional conflict manager' Instead Kenya is increasingly focusing on economic diplomacy.

This has led to the diminishing of Kenya's foreign policy and diplomacy of conflict management. The situation does not augur well with Kenya's regional interests. As the study has shown this kind of foreign and diplomacy policy has helped Kenya to secure interests in the region. The gains made will be eroded, and as Kenya's sphere of influence challenged by regional and extra-regional states. Further, as currently witnessed in Kenya's approach to Somalia conflict, military strategies will increasingly become dominant, yet unlike Ethiopia, Kenya lacks capacity to project its military power in the region and military strategies requires

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[13] See Chapter Four P.77

huge amount of resources.[14] This is not sustainable for country which is faced by other more pressing demands.

To reverse the trend, there is a need to reinvigorate Kenya's diplomacy of conflict management. Central to this re-invigoration is further institutionalization and strengthening of the institution of special envoys. This is because special envoys will provide the diplomatic focus and commitment needed to turn the tide. In absence of such a move the star of Kenya's foreign policy and diplomacy of conflict management will continue to dim. Ultimately, Kenya will end up playing in ordinary and dull diplomatic league.

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[14] A good example is the current Jubaland initiative where Kenya in collaboration with moderate Islamist group has been trying to set up a Somaliland like region in territories contiguous to its borders.

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