

**KENYA'S ROLE IN REGIONAL PEACE AND STABILITY:
CASE STUDY OF SUDAN "**

By

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DECLARATION

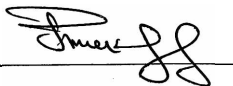
This is my original work and has never been submitted for the award of a degree in any other university.



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Date: 24/11/2015

Submitted for examination with my approval as University Supervisor



20/11/2015

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Date:

DEDICATION

To my special friend and wife Annjoy Kaburi, and my Son Arsene Mutwiri Mwenda, you're the greatest joy that keeps me going.

My Mom Jennifer Ciamiti and Dad Julius Mwenda, my Father In-law Joseph Mwiranga, Mother In-law Mary Gatanka Mwiranga (Late) and Angeline Ndangi Mwiranga, you're my pillars to this far.

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ACCRONYMS

AFDP- Africa Development Bank

BBC- British Broadcasting Corporation

CET- Common External Tariff

CPA- Comprehensive Peace Agreement

DRC- Democratic Republic of Congo

EAC- East African Community

ECA- United Nations Economic Commission for Africa

ECOMOG- Economic Community of Monitoring Group

ECOWAS- Economic Community of West African States

EU- European Union

GDP- Gross Domestic Product

GOS- Government of Sudan

ICGLR- International Conference on Great Lakes Region

ICT- Information and Communication Technology

IGAD- Inter Governmental Authority on Development

KANU- Kenya African National Union

KNEC- Kenya National Examinations Council

LPA- Lagos Plan of Action

LRA- Lord's Resistance Army

NCP- National Congress Party

NDA- National Democratic Alliance

NFD- Northern Frontier District

NRDO- Nuba Relief, Rehabilitation and Development Organization

SPLM/A- Sudan People Liberation Movement/Army

SPLM-U- Sudan People's Liberation Movement United

SSDF- South Sudan Defence Force

SSIM- South Sudan Independent Movement

USA- United States of America

UNDPO- United Nations Department of Peacekeeping Operations

UNMIS- United Nations Mission in the Sudan

WUP- Western Upper Nile

ABSTRACT

Kenya has frequently participated in conflict resolution in Eastern Africa. The peace process ended after the signing of Comprehensive Peace Agreement (CPA) that proposed a two-state solution through which the Republic of Sudan was divided into the Republic of Sudan, covering the northern parts of the formerly unified state of Sudan, while the southern part formed the Republic of South Sudan. The Sudan peace process is part of recent regionalization of domestic conflicts in Africa. The main problem in this project was to undertake a critical review of the role that Kenya played in regional diplomacy during the deliberations and negotiations that led to the signing of the CPA in Sudan and how that has defined Kenya as the East Africa's regional hegemon. The main objectives of this study were to: assess the role played by Kenya in regional peace and stability. Specific objectives of this study were: to critically assess Kenya's motivation in contributing to regional security; examine the strategies that Kenya deploys in regional security and peace building with a case study of the Sudan conflict and to find out the challenges Kenya faced in her mission to achieving peace in Sudan. This study has both policy and academic relevance. At the policy front the redirection of the policy agenda in the region serves to facilitate and improve its trade and economic benefits as well as redefine its international, but more importantly region status. Policy makers and scholars alike will therefore be provided with a new view of Kenya in the region. The research used a qualitative method, where observation, description, interpretation and analysis of how people experience, act on, or think about themselves and the world around them. It was found out that Kenya's participation in regional peace efforts was motivated by the following: Insecurity and Economic interests; direct economic benefits of a peaceful neighbour; hegemonic pursuit and geo-strategic as factors in comprehensive peace process; Kenya's self-perception and regional-perception; hegemonic projection of preferences and values. To achieve this, Kenya used preventive diplomacy as a tool by sending political missions as preventive diplomacy strategy. In addition, Kenya used preventive military deployment. In the peace process, it's found out that Kenya faced the following challenges: Ensuring inclusivity of all key stakeholders in the peace process; lack of mutual trust between participants in the peace process; a weak mediation process; dealing with fragmentation of Southern Liberation Movements. It was concluded that participation by Kenya in Sudan conflict was influenced by hegemonic and geopolitical reasons not just humanitarian factors.

CHAPTER ONE

1.0 Background to the Study

Kenya has played a significant role in conflict resolution and transformation in the East Africa region for some years now. Relative to other countries in the region, Kenya has experienced relative peace, political stability and economic progress. Of interest, the country has actively applied itself in an effort to seek peace and stability in the neighbouring countries that have been faced by conflicts of various forms and magnitudes over time. It is thus important to interrogate Kenya's role in diplomacy, peace and political stability as well as the efficacy of the strategies that the country has deployed in this regard in the Eastern Africa and the Horn of Africa regions in an effort to address conflicts and their management.

Fundamentally, Kenya has over the years been perceived as a regional hegemon – at least in the economic aspects. The political and economic advantage that Kenya enjoys dates back to colonial period, and has been further perpetuated and enhanced by its relative stability. During the cold war, Kenya aligned herself with the West, and that impacted the regional geopolitics significantly. This aspect arguably gives Kenya the 'muscle' to actively engage in both regional and possibly global issues the way it does, having significant influence in the Eastern Africa and Horn of Africa regions. For example, the influences that Kenya has had in Somali and Sudan..

Kenya's capital city Nairobi is a regional hub derisively referred to by some neighbors as the London of East Africa. In addition, Kenya is strategically located within the East African Community (EAC) and with its perceived relative stability, relatively better infrastructure – the country undoubtedly is influential in the region.

Instructively, before the collapse of the EAC in 1977, Kenya had the lion's share of infrastructure and economic investments. Coupled with a deliberate colonial policy, this made Kenya the industrial and economic power house in the Eastern Africa region. Illustratively, by 1950, of the 474 companies registered in East Africa, only seventy (70) operated in both Tanzania and Uganda, the remaining four hundred and four (404) were in Kenya. It is instructive that Tanzania under Julius Nyerere aligned itself with the East during the cold war, practicing the policy of African Socialism – *Ujamaa*. The *Ujamaa* policy arguably impacted negatively on the country's economic trajectory due to its failures. The same replicates itself in the service sector, and the asymmetry in development continued in the independence period.¹ This lop-sidedness led to what Bela Belassa called “backwash effects” with the reference to the East African Community, where gains from cooperation are concentrated in one member state instead of “spread effects”.²

The Horn of Africa and Great Lakes region has been faced with a lot of challenges ranging from conflict, security and peace. Kenya has been a main actor to the extent of using its own resources to variedly intervene with the aim to end the crises. For instance, Kenya's involvement in Somalia was seen as war on terror, but this was after the Kenya had in the past trained Somali troops for deployment near the border to create buffer zone in an effort to keep *Al-Shabaab* militants away and also to bring a stable Somalia.

Kenya also played a greater role in the Sudan's signing of Comprehensive Peace Agreement (CPA) that later saw the birth of the Republic of South Sudan. According to Mwangiri

¹ Korwa, A., Mutahi N. “Politics of integration in East Africa Since Independence” in Walter Oyugi (ed), *Politics and administration in East Africa E.A.E.P.*, Nairobi, (1994). P. 412

² Bela, Belassa, *The Theory of Economic Integration*, George Allan and Orion, (London, 1961). P. 47

diplomacy of conflict management is more of form than substance. That is, the approach taken to resolve and transform a conflict meaningfully. Mwagiru contends that, Kenya's policy of conflict management was born in the 1980s and it flourished for sometime then went to slumber³. Kenya's 2nd president Daniel Moi's involvement in conflict as exemplified in the Tito Okello-Museveni conflict mediation in 1985, Kenya's mediation efforts in Sudan conflict within the framework of Inter-Governmental Authority on Development (IGAD), its involvement in Somalia, and its offer to mediate in DRC Zaire conflict between Mobutu and Kabila can be put within the context of the need to play the part of regional diplomacy, peace and security. This study will therefore seek to interrogate Kenya's role in the promotion of peace and security in the Sudan and the way it has done it and the extent to which this role has been played, and the impact that has had in Kenya's foreign policy and diplomacy. For example, Kenya's motive for its engagement in the conflict resolution and transformation exercises needs interrogation. Additionally, this study will investigate how diplomacy strategies used in this context played off in the search for peace and security in the Sudan.

Overall, Kenya has been more involved in peacekeeping and enforcement in countries that have been ravaged by wars. Somalia, for instance, with a population of approximately 10 million, the relatively small country has faced numerous conflicts in the last few decades. Many people who hear of the country automatically think of the atrocities that have been publicized in the media.

³ Mwagiru, M. "Foreign Policy and the Diplomacy of Conflict Management in Kenya: A Review Assessment," *African Review of Foreign Policy*, Vol.1, No 1. (March 1999). P. 67-78

1.1 Statement of the Research Problem

The regionalization of domestic conflicts that has come to characterize Africa in the past decade has affected Kenya as well. Armed conflict in neighboring countries has destabilized Kenya through cross-border incursions and trade in small arms, often related to kinship ties that traverse international frontiers. Militias from Somalia, for instance, have entered Kenya, attacking Somali refugees and Kenyan ethnic Somalis, including other Kenyans, effectively rendering the border area unsafe. Kenya being an affected member due to the conflict in the region the government and the citizens included knows the peace in the region is peace for Kenya.

On the Sudan conflict, a conflict that has been billed has the longest armed conflict in Africa, has impacted not only the people of Sudan and those of Eastern African region but also pricked the conscious of the global community. Kenya, under president Moi, played a critical role in the transformation and to some degree, resolution of the Sudan conflict. Under his appointed special envoy, Moi remained actively engaged in the conflict situation, bringing on board multiple stakeholders in an effort to address the problem for the benefit of the people of Sudan, regional peace and preservation of human dignity as arguably stabilising the Horn of Africa region. In the peace process, there were a series of diplomatic engagements where Kenya was a key player, leading to a number of outcomes, among these the CPA that initiated a series of activities that culminated in the national referendum that created the Republic of South Sudan.

Thus there needs to be a critical academic inquiry into the role that Kenya played in the regional diplomacy during the deliberations and negotiations that led to the CPA in Sudan and how that has defined Kenya as a regional actor in regional diplomacy with regard to conflict

transformation and possibly resolution. It is equally important to review and interrogate the strategies that Kenya used and how effective they were and the way the bottlenecks were overcome to ensure effective management of the Sudan conflict situation. As such this study will contribute to available literature on the role of Kenya in regional diplomacy and its role in regional conflicts through diplomatic engagements and the effectiveness of the diplomatic and conflict management strategies.

Accordingly thus the literature that will be generated from this study will make meaningful contribution to the world of academia and scholarship, particularly the role of diplomacy in conflict transformation and resolution in the context of the Eastern Africa region. The study will spur academic debates and renew interest of scholars and students of international relations, diplomacy and conflict management, to interrogate more the role that Kenya plays or has potential to play not only at the regional but also global conflict situations or contexts. Additionally, the findings of this study will be of value to Kenya's regional diplomacy and intervention policy formulators at different levels as the study will enrich and potentially help reshaped and redefine the way the country engages with its neighbours, who are often engulfed in conflicts in one way or another so as to have beneficially meaningful outcomes. Broadly, the study will help refine Kenya's diplomatic approaches, more specifically in the areas of conflict, peace and security in the Eastern Africa and the Horn of Africa regions.

1.2 Objectives

The main objective of this study is to assess the role of Kenya in regional peace and stability with the Sudan conflict as a case study. The specific objectives are:

1. To critically assess/analyse Kenya's motivation in contributing to regional security and peace/resolve Sudan Conflict
2. To examine the strategies that Kenya deploys in regional security and peace building with a case study of the Sudan conflict
3. To find out the challenges Kenya faced in her mission to achieving peace in Sudan.

1.3 Justification of the Research Problem

This study focuses on the issue of Kenya's role in regional peace with key focus of Sudan. It tries to understand and examine the security and political situation in that war-torn nation with a focus on Kenya roles in Sudan peace. Sudan is an interesting case to be studied because as a country it has special links with Kenya premised on many factors ranging from cultural factors to social, political and economic among other strategic factors.

Culturally a significant proportion of the Sudanese population has linkages to several other Kenyan communities. They share languages, culture and have a long historical linkage. This was further enhanced by the support the South Sudan refugees received during their refugee stay in Kenya. This has made it easy for the two countries to establish other relationships both at individual and country levels. Indeed following independence of South Sudan there have been several initiatives aimed at strengthening and formalizing relations between the two countries. A significant role played by Kenya was to support the country in establishing a new government system in South Sudan. Kenya effort in South Sudan peace is continuous with the government involved in the recent reconciliation between the rebels and the government of South Sudan. It is therefore of interest to take a case study of South Sudan to see how Kenya intervention has led to peace and stability in South Sudan and also the challenges it faces in doing the same.

This study has both policy and academic relevance. At the policy front the redirection of the policy agenda in the region serves to facilitate and improve its trade and economic benefits as well as redefine its international, but more importantly region status. Policy makers and scholars alike will therefore be provided with a new view of Kenya in the region. The positions states occupy in the international power distribution scale both by status and economic capability determines how much clout they command in the game of 'who gets what, when and how' as it is the definition of politics and more so in the international politics. Peace and stability therefore guarantees Kenya this noble opportunity to stand out as a big brother in the region.

At the academic level, the research has to a large extent filled the gap of knowledge that the available literature has intentionally or otherwise left out. By seeking to find out the role of Kenya in regional peace, the students of international politics will be enabled to more importantly understand the logic of economic and political superiority and how it plays out in commanding respect and honor among the nations of the world in an international system. It will also add to the existing literature from a view of that would guide further academic pursuit in the field of diplomacy and foreign policy. Scholars and Students of international relations alike will also develop more insights in the area arising from issues for further research.

1.4 Literature Review

1.4.0 Introduction

This chapter reviews literature on diplomacy, conflict management in conflict situations, more particularly violent conflicts. The chapter looks at conflict in Africa, focusing on Eastern Africa and the role that Kenya has played in regional conflict and the intervention strategies employed. There will be a critical review of the literature with a focus on the role that diplomacy

plays in conflict management, peace and security. This will be done in the context of the way in which these conflicts manifests themselves specifically in the East African and the Horn of African regions. Thereafter, the literature will delve into the strategies that have been applied in the management of violent conflicts and their efficacy in diverse contexts.

Different scholars have argued differently in relation to regional conflict and different actors in search for peace in the horn of Africa. Arop, Kuol Nyok in his paper challenges of implementing peace agreements in Africa: A case study of Sudan comprehensive peace agreement looks at the challenges facing Sudan even after the achievements of signing Comprehensive Peace Agreement CPA. The three obstacles facing implementation are; the lack of will within the NCP to implement the agreement, the SPLM's lack of capacity to implement CPA and the widespread problems on the ground. To him the neighboring countries are the main determinants of realization of comprehensive peace in Sudan since they are the ones who have suffered the most by the burden of refugees in their countries. Among the states in the region he argues Uganda should take the lead since they are the neighboring country that has suffered most from the war in southern Sudan. A return to war would have a devastating effects on Uganda, not least because it would duplicate the problems that they face in the negotiations LRA. However, the other neighboring countries should also put a lot of effort into a successful implementation of the CPA, both for humanitarian reasons and pure self-interest. The humanitarian reasons are above all that the people of southern Sudan already have suffered too much, and the self-interest

lies primarily in that return to war in Southern Sudan will destabilize the region and create new large-scale refugee-flows.⁴

Gathecha, A. M, in his part looks at IGAD as the main contributor to the success of the achievements of signing of the Comprehensive Peace Agreement. In particular GOS support for the LRA had fostered a humanitarian disaster in Northern Uganda that regularly split over into equatorial, and the settlement of that dispute cannot be resolved independently of improving the relations between Khartoum and Kampala. A parallel situation exists in the east where Eritrea and the GOS support armed dissidents and the resolution of their grievances cannot be successful without improved relations between Khartoum and Asmara. And in both of these cases national governments should have stepped towards achieving internal and regional stability. Thus IGAD should have continued to give sustained attention on moving the process toward the holding of a successful referendum. The fear was always, however that American interests in Sudan and commitment to the peace process could prove transitory, and this would have very negative implications for the future security of the country and the stability of the region. IGAD continued to strengthen its political and organizational capacity for peace building, but given its many weaknesses, it needed the sustained support of the US and its allies throughout the transitional period.⁵

⁴ Arop, K. N. Challenges of Implementing Peace Agreements in Africa: A Case study of the Sudan Comprehensive Peace Agreement/ Kuol Nyok Kuol Arop.- s.l.: s.n., 106l. M.A Thesis IDIS University of Nairobi, (2010). P. 97

⁵ Gathecha, A.M. A Critical Analysis of the role of IGAD in mediation: A Case study of the Sudan Peace Process. MA Thesis IDIS, University of Nairobi, (2010) P. 90-91

1.4.1 Contemporary Conflict Management and Peace Efforts in Africa

Conflict is characterized as a problem of political disorder and *status quo*, where violent conflict is seen as a result of incoherent interests mostly based on territory.⁶ In this situation, there is need to have a progressive and constructive handling of divergence in such a manner that practical concerns are addressed to engender a constructive and co-operative engagement that brings the differing sides together⁷. Babbitt & Hampson (2011) posit that at the global stage, after World War II, international negotiation and diplomacy often has been applied as an avenue to settle disputes. Thus there have been efforts to interrogate and understand how negotiation plays a role in conflict situations, using negotiation approaches to address even protracted conflicts.⁸

In Africa, conflict management has been a major subject since the cold war period. For example, conflicts from Rwanda to Somalia, Guinea Bissau to Nigeria, and Sudan to Uganda. As such the conscience of the world has been tested severally, at times leading to controversial humanitarian peace efforts and interventions that poked the ability of the global community to solve the African conflicts.

Kenya has a significant and a universally recognized position in violent conflict contexts where she has maintained modesty and favoring peace, sovereignty and good neighborliness as

⁶ Reimann, C. Assessing the State-of-the-Art in Conflict Transformation, Berghof Research Centre for Constructive Conflict Management, 2004.

⁷ Bloomfield, D., & Reilly, B. 'The Changing Nature of Conflict and Conflict Management' in Harris, P & Reilly, B (eds), *Democracy and Deep Rooted Conflict*, Stockholm: International IDEA, (1998).

⁸ Babbitt, E. & Hampson, O. Conflict Resolution as a Field of Inquiry: Practice Informing Theory. *International Studies Review*, (2011) P. 13

well as peaceful settlement of disputes⁹. Post-cold war period, according to Deng & Cartman, the UN was keen on peace initiatives including Africa. In this context, Deng and Cartman argues, there was hope, but still there has been cognizance of the bad experiences that the UN had in 1960-64 operation in Congo, 1983 breakdown of Sudan peace accord, and the situation in Uganda after the ouster of Idi Amin.¹⁰ Deng and Lyons, argue that these conflicts, largely after independence of Africa states in the 1960s, African states emphasized sovereignty through OAU regardless of how the countries were governed. This situation was complicated by poor economic performance of many African countries that led to structural adjustment programmes, giving muscle to opposition and activist groups within states leading to a creation of internal pressures and tensions, mostly leading to violent outcomes.¹¹

Failure by a government to galvanize a nation's diversity and having each of the groups represented in the governance of the affairs of the nation, leads to oppression, lack of political participation, human rights violations thus making the citizens lack the power to hold their governments accountable. Thus the international community becomes the protector of international standards regarding human rights in those contexts, providing victims of injustice with protection and assistance.¹²

⁹ Evoy. Shifting priorities: Kenya's changing approach to peace building and peacemaking. Norwegian Peacebuilding Centre, 2013. [Available at <http://reliefweb.int/sites/reliefweb.int/files/resources/bca199817c66f0d0f91212128181c024.pdf> accessed on September 19 2014]

¹⁰ Deng & Cartman. Conflict Resolution in Africa. Washington, Brookings Institution, 1991.

¹¹ Dang, M. & Lyons, T. African Reckoning: A Quest for Good Governance. Washington, Brookings Institution, 1998.

¹² Ibid.

For example, interventions by the international community including the United States of America (USA) and France have entailed training African armies and giving them logistical support to combat violence with nation-states. Other efforts have come from the United Nations Department of Peacekeeping Operations (UNDP), where armies have been sent to African countries to help with keeping peace, e.g. France intervened in Mali to combat the conflict that split the country into two. Despite such efforts, neither the world nor Africa has yet discovered a satisfactory solution to the issue of civil wars and extreme violence in some parts of Africa.

Mary Anderson and Marshall Wallace contribute to this debate by offering a wave of novel ideas that come out of what they term as non-war communities.¹³ Their way of looking at conflict has given a fresh idea to the way that violent conflict is understood. The local communities that the authors look at vary across the globe from the Tuzla in Bosnia to Hazara of Afghanistan, Colombia to Mozambique.¹⁴

Thus this calls to new approaches to conflict resolution. Ramsbotham, Miall, Woodhouse articulate the concept of third party intervention. There has to be an intervention by third party states that will lead to a transformation of relationships between the warring parties, to create a framework in which the previously marginalized groups are able to express their interests and challenge the existing power norms or structure.¹⁵

1.4.2 Role of Kenya in Regional Diplomacy and Conflict Interventions

Kenya “for a long time was considered to be the preeminent actor in the diplomacy” in the East Africa and the Horn of Africa regions. This is a perception that has been deliberately

¹³ Anderson, M. & Wallace, M. *Opting out of War: Strategies to Prevent Violent Conflict*, (2012).

¹⁴ Ibid

¹⁵ Ramsbotham, O., Miall, H. & Woodhouse, T. *Contemporary Conflict Resolution*. (Cambridge, Polity. 2011).

shaped by Kenya's diplomacy in the context of her relative stability in the region.¹⁶ Illustratively, because of largely chaotic states at the Eastern Africa and the Horn of Africa regions, there have been concerted efforts to diplomatically advance mediation processes to address the conflicts.¹⁷

Accordingly, Kenya has been central to the diplomatic efforts through interventions in the conflicts occurring throughout the East Africa region. For example, hosting peace talks in the Somalia situation, initiation of Sudan's SPLM in Machako's, and the Ethiopia and Djibouti border conflict.¹⁸

Different scholars have looked at Sudan conflict and the signing of Comprehensive Peace Agreement differently and in different perspectives. Arop, Kuol Nyok and Gathecha, A.M for instance look at the achievements of the signing of CPA and attainment of peace and stability in the eyes of role of IGAD and that of neighboring countries such as Uganda if the challenges facing Sudan are to end. In detail however all these scholars haven't looked at the role that Kenya played independently as a country in the Sudan's peace process? The signing of CPA in Kenyan soil for instance was so important to both Kenya and other players in the region. Was Kenya doing this for altruistic reasons or for self-interests? This leaves a gap for knowledge to be pursued and it's the reason this topic looks interesting for research.

¹⁶ Mwagiru, M. Issues, Problems, and Prospects in Managing the Diplomatic Services in Small States. *The Fletcher Forum of World Affairs*. 30(1), 2006.

¹⁷ Terlinden & Debiel. Deceptive Hope for Peace? The Horn of Africa between Crisis Diplomacy and Obstacles to Development. *Peace, Conflict and Development*. (4), 2004.

¹⁸ Ibid.

1.5 Theoretical Framework

Concisely defined a theory is a logical deductive system consisting of interactive concepts from which testable propositions can be deductively derived.¹⁹ A theory denotes a set of systematically organized ideas that explain a given phenomenon. It is a tool employed in understanding phenomena. It contains the how's and why's of empirical phenomena. If theories are by any means useful as they undoubtedly are, then this rests in with their descriptive, explanatory and prediction attributes. These attributes make theoretical framework an indispensable part of research. A theory will delimit the extent of research and define a boundary in an attempt to provide a projection of the outcome of research. Without theory scientific research is unattainable. Theories also provide range of concepts that the researcher uses in the process of analytically describing and presenting his findings. In an attempt to put the study within a given range of concepts, the state will be central in understanding conflict management restoration of peace in the region. Power politics will therefore take center stage. The argument in power politics is that conflict management is greatly if not entirely facilitated by preponderance of power in favour of one of the parties to the conflict, this can include a third party which transforms a dyadic into a triadic relationship and it can alter the outcome of a resolution by the use of its power.²⁰ The ability of the third party extracting success in mediation is largely dependent on the amount of leverage it commands or has at its disposal. This for instance initially greatly affected the Sudan peace process due to the lack of a mediator with adequate leverage. From the early 1990s there was no significant progress made in the process until the

¹⁹ Nachmias, F. Chara, and Nachmias, D. *Research Methods in Social Science*. 9th Edition (London, 1996) P. 143

²⁰ See Bercovitch, J. (1989), and Mwangi, M. 1994

late 1990s when Kenya within the framework of IGAD, took up the negotiation process in earnest.

In this study **Realism** and **Neo-Liberalism** will be used as basis for our theoretical framework. Thucydides, Niccolo Machiavelli and Thomas Hobbes are the ancient theorists credited for this realism theory although many others have been used as proponents of the same. In realists view of the world, conflict is an integral part of the relationship in society and can only be tempered both by balance of power (or terror), where only the strong dominate. The realists perceived of balance of power as maintained by the manipulation of threats, which is the conflict component of realism.²¹ Given the anarchical nature of the international system, conflict can at best only be regulated temporarily through forced adjustments based on the current power status of the parties involved. Conflict is thus a zero sum game and in this perspective can only be settled on the basis of power and coercion.

Neo-liberalism institutionalism however assumes that states focus absolute gain, usually taken to mean that a state's utility is solely a function of its absolute gain²². In the "anarchy of International Politics," Kenneth Waltz points out, "relative gain is more important than absolute gain."²³ A state utility in structural realism is at least a function of some relative measures like power. These differences in assumptions about states preferences, leads to different expectations about the prospect of international conflicts and cooperation. Neo-Liberalism is built upon the assumption that states need to develop strategies and forums for cooperation over whole set of

²¹ See also Mwangi, 1994 Op Cit. P.36

²² Powell, Robert. "Absolute and Relative Gain In International Relations Theory" *In African Political Review* Vol. 85 No. 4, (1991) P.103

²³ Waltz, K. *Man the State and War*, (Columbia University Press, New York, 1959) P. 198

new issues and areas.²⁴ In our case, in seeking to understand the role of Kenya in regional peace we must look/take into consideration the motives that drive it as a function of either relative or absolute gain. The prospects of peace are obviously of benefit to Kenya. The nature and course the conflict takes determines the amount of gain accrued or the country seeks to attain. Classical realism as earlier pointed out presents a rather pessimistic view of human nature that describes politics as continuing struggle for power. Thomas Hobbes viewed man as driven by 'perpetual and restless desire for power, after power that ceases only in death'²⁵. Hans Morgenthau echoes these sentiments when he says that, "Man is born to seek power."²⁶ The nexus of political is the domination of one person by another. Politics is a struggle for power over men and whatever its ultimate aim may be, power is the immediate goal and mode of acquiring, and maintaining and demonstrating it determine the technique of political action.²⁷ What comes out by these arguments is that Kenya by involving itself to mediate in the Sudan conflict or in regional peace, there must be gains it foresees for it cannot do that for altruistic reasons. In the world where state power is a driving force in the international system, no state can forego the relative gains that come with the peace and Kenya isn't an omission either. Morgenthau postulates that, no nation will agree to concede political advantages to another nation without the expectation, which may or may not be well founded, of receiving proportionate advantages in return. The bargaining of

²⁴ Steans, J., Pettiford, L. & Deiz, T. Introduction to International Relations Perspectives and Themes, 2nd Edition. (Pearson Longman, 2005) P. 40.

²⁵ Hobbes, T., Op Cit., 1958, P.80

²⁶ Morgenthau, H. Politics Among Nations Struggle for Power and Peace, Kalyani, (New Delhi, 1991) P.168

²⁷ Morgenthau, H., 1991 Op Cit, P.195

diplomatic negotiations, issuing in political compromise, is but the principle of compensations in its most general form, and as such it is organically connected with the balance of power.²⁸

By virtue of state being the unit of analysis and the central role of power, national security and national interests in the research hypothesis **Realism and Neo-realism** will be used as the guiding theoretical framework. The state centric structure of regionalism makes these theories more relevant to the study. Kenya is for instance bound to protect its national interests in its regional pursuit of power in an environment of competition and need for security. However, the increasing complexity of interdependence and globalization cannot be ignored hence the relevance of structural realism/neo-realism. The increasing economic interdependence and globalization that have seriously challenged the state borders and individual sovereignty bring to the fore **Neo-liberalism** as an alternative theoretical framework especially with the reference to economic benefits as the motives for Kenya's involvement in regional peace. The study will use the Neo-liberalism as an alternative theoretical framework to provide a structure of explanation for facts that touch on matters of investments, economic expansion, globalization, free market economy, liberalization and the eclipsed state structure in the current international system. Many scholars are credited for having contributed in one way or another in

1.6 Research Hypotheses

To achieve its objectives the research will test the following hypothesis:

1. Kenya's Insecurity problem, Economic interests, Hegemonic pursuit and Geo-strategic factors conditioned Kenya to seek peace in Sudan

²⁸ Ibid P.200

2. The refugee burden from the neighboring states forced Kenya to search for peace in Sudan
3. Multi-Cultural and tribal linkages between Kenya and Sudan motivated Kenya to look for peace in Sudan

1.7 Methodology

1.7.0 Introduction

This chapter articulates the approach that will be employed to realize the objectives of this study. The research design, target population, sample and sample selection procedure are offered, as well as data collection methods. In this chapter, the research design is justified within the context of the research questions, explaining how the chosen research design will help achieve the objectives of the study.

1.7.1 Research Design

A study design gives a planned way of realizing the objectives of a study. Thus the design should be systematic and manageable, yet flexible.²⁹ The design should be in such a manner that it properly articulates the purpose of the study and how to practically realize it. Bazeley argues that the study objectives influence the design of a study as well taking into account other environmental influences, availability of resources and the setting. Thus a study design should offer a clear way of how the structure, approach, of conducting a study is going to help achieve its objectives.³⁰

²⁹ Bazeley, P. *Qualitative Data Analysis: Practical Strategies*, (London: Sage, 2013) P. 3-5

³⁰ Carriger, M. *What is Research Design? Research Design Version 1:2*. (2000) [Retrieved from <http://www.dogbert.mse.cs.cmu.edu/~resdes.pdf> on September 18 2014].

1.7.2 Study Approach

This study will use qualitative approach. According to Bazeley, qualitative study “focus on the qualities of things more than their quantity”, where observation, description, interpretation and analysis of how people “experience, act on, or think about themselves and the world around them”.³¹ This study seeks to examine Kenya’s purpose in the management of the Sudan’s conflict, assess the strategies that Kenya used in her search for peace in the conflict, and to find out the challenges that Kenya in her engagement that led to the signing of the CPA.

Accordingly, to realize these objectives, as already argued above, there has to be a flexible linkage of the objectives to the design employed. Qualitative approach thus fits well as it will offer the data collection and analysis procedure that will be in synch with the objectives of the study. The research will mainly be qualitative in approach due to the assumed value of context and setting and so as to allow for deep understanding of the participants’ lived experiences with regard to conflict in Sudan. Qualitative approach exploits the relationship between the research and the respondents. This method gives voices to those who are being studied as a way of empowering them.³²

1.7.3 Target Population

The research targets the Kenyan officials at the ministry of foreign affairs and foreign policy experts, thus the setting of the study will be Nairobi so as to easily access the people, the units of analysis. These will offer the factual and accurate policy positions, approaches, successes challenges as well as lessons learnt from Kenya’s engagement in the Sudan peace process towards the realization of CPA. There will be a deliberate effort to seek those people

³¹ Bazeley, P. *Qualitative Data Analysis: Practical Strategies*, (London: Sage. 2013) P. 3-5

³² Mugenda O, Mugenda A. *Research Methods Quantitative and Qualitative Approaches: Acts*, (1999) P. 201

who were involved directly or in some way in the crafting and implementation of Kenya's engagement in the Sudan peace process. Additionally, the study will target experts in the Horn of Africa region and commentators to give perspectives to the role that Kenya played regarding the conflict. The selection of these people will ensure that there is a representation in terms of opinions and perspectives regarding the objectives of the study so as to interrogate and be able to offer in-depth analysis and perspectives towards the realization of the study objectives.

The study will also get the perspectives and the opinions of the ordinary Kenyans and the South Sudan residents living in Nairobi on their opinions and critique of Kenya's engagement in the Sudan peace process.

1.7.4 Sampling Procedure

The sample for this study will be purposively sampled. The purposively selected samples allow for selection of cases with variation that allows for the realization of study objectives³³. A sample should enable a researcher to generalize the findings to the entire population.

A sample for this study will be purposively sampled for Key Informant Interviews from the regional experts both Kenyan's and Sudanese based in Nairobi Kenya.

Nairobi as the capital city of Kenya, with its cosmopolitan nature constitutes people who represent diversity in terms of demographic characteristics to offer different shades of opinion and perspectives regarding Kenya's engagement in the regional diplomacy and peace as security interventions.

³³ Bazeley, P. *Qualitative Data Analysis: Practical Strategies*, (London: Sage, 2013).

1.7.5 Data Collection Methods and Instruments

The validity of the instruments to be used within these methods will be duly ensured by pretesting and peer review.

Data will be collected by interviewing international and regional officials who have either been involved in the process or are conversant with the idea.

Secondary data on the subject will be drawn from books, journals, newspapers, Conference proceedings, Government/corporate reports, theses and dissertations, Internet and magazines.

1.7.6 Data Analysis

Bazeley points out the strategies of analysis are closely connected to the research questions. In this kind of study, according to Bazeley, literature and theory offers the focus, providing the point of reference for analysis, and the objectives gives the purpose of data and how it should be analyzed.³⁴

1.8 Chapter Outline

Chapter One: Introduction of Role of Kenya in Regional peace

This chapter will cover the introductory part, by setting the brief history and background of the research study. It will also offer the study objectives, literature review, justification, theoretical framework, hypotheses and the methodology to be used in the study.

Chapter Two: Motivations for Kenya to seek peace in the Region.

³⁴ Bazeley, P. *Qualitative Data Analysis: Practical Strategies*, (London: Sage. 2013) P. 34-35

This chapter will provide the background of how Kenya has played part in the regional peace putting into account the situation in Sudan by looking at the this problem both globally and regionally so as to understand the Sudan conflict. We shall also look at the conflicts in the region and the history of Sudan conflict so as to understand the context at which Kenya found it mandatory to delve into the peace negotiations.

Chapter Three: Strategies that Kenya used to seek peace in Sudan

This chapter will address the dynamics and involvement of Kenya in the Sudan Peace Process. The apparatus that Kenya used during the time of negotiations and mediation will also be looked into.

Chapter Four: Challenges that Kenya faced in search for peace in Sudan

This chapter will critically analyze Kenya's involvement in the Sudan Peace Process Mediation, those involved, agreed principles, Kenya's interests the motives behind her involvement and the challenges faced.

Chapter Five: Summary, Conclusion and Recommendations.

This chapter will mainly cover the entire hypothesis basic to this study in as far as they are proved or disapproved. Thus the validity of the hypothesis proposed is tested in this chapter. The chapter also will offer general recommendations, policy recommendations and possibly offer suggestions for further research

CHAPTER TWO

Motivations for Kenya to seek peace in Sudan: How Insecurity, Economic interests, Hegemonic pursuit and Geo-strategic Positioning conditioned Kenya's Participation

2.0 Introduction

This chapter is a critical review of Kenya's role as a participant in regional peace. The account for Kenya's role in the Sudan peace negotiation process that ended with separation of the south from the north. The chapter will look at this problem from a regional perspective, a multipolar world view with regional hegemony. The chapter shall interpret the motivation by Kenya as a regional hegemon to participate in conflict resolution in Sudan. This chapter will show how motivation to spearhead regional peace can fall into the following three categories: economic interests, security stability and regional hegemony.

2.1.0 Insecurity and Economic interests: A Peaceful South Sudan can fulfil Africa Regionalism

The intertwined factors of security and economic interest's influenced Kenyan participation that led to the signing of the Comprehensive Peace Agreement (CPA) that later saw the birth of the Republic of South Sudan.

Political stability is the foundation of regionalism. As explained by Lee (2002:08) political instability has implications for both economic stability and the commitment that countries can make to the regional agenda.³⁵ The fact that Africa has been unstable for many years can be cited as one among other reasons that have hindered different types of regionalism.

³⁵ Lee, M. *Regionalism in Africa: A Part of Problem or a Part of Solution*. Polis/R.C.S.P./C.P.S.R. Vol. 9, Numéro Special, (2002).

Handley and Mills (1998:xi) bring out the importance of regional cooperation in conflict resolution suggesting that throughout the world regions that are economically integrated are least likely to be embroiled in disputes and conflict, noting that where there are areas of regional tension, little inter-state mercantile contact exists.³⁶ To this end regional structures can provide mutual reassurances as to the future behaviour, while from a security perspective, regional armed forces have a part to play in providing the general framework within which co-operation and development may take place. This demands co-operative security endeavours focused, for example, on enhancing and supporting democratic efforts through the promotion of appropriate roles for the armed forces and by providing security against common threats and vulnerabilities.

During the February 2000 COMESA economic conference held in Nairobi, President Daniel Arap Moi noted that, "The free movement of goods is impossible where nations are at war or where political conflicts and violence are found" (Lee, 2002:08). This fact was emphasized by President Frederick Chiluba of³⁷ Zambia who stated that "under conditions of war, insecurity and political despair a consistent development programme cannot be possible, not to mention full participation in economic integration... We have a duty to change the conditions we live in within our nations, and within Comesa and Africa as a whole. No one else will do it, no one will do it for us... we ourselves must do it."

The concept of regionalism encompasses efforts by a group of nations to enhance their economic, political, social, or cultural interaction through various forms, among them regional

³⁶Handley, A & Mills, G. *South Africa and Southern Africa Regional Integration and Emerging Markets*. The South African Institute of International Affairs, (1998).

³⁷ Ibid

cooperation, market integration, development integration, and regional integration (Lee, 2002:01).³⁸ From the initial years of independence African leaders have envisaged regionalism as a viable strategy to pursue with a view to uniting the continent both politically and economically. This can be illustrated in the multiple writings by Nyerere, Nkrumah, and Senghor among other pan Africanists.

To fulfil the ambitions to integrate Africa by its founding fathers, the Lagos Plan of Action (LPA), an initiative of the Organisation of African Unity (OAU), was adopted by Heads of State in April 1980, being supported by the United Nations Economic Commission for Africa (ECA). The second key initiative was the 1991 Abuja Treaty that provided strong support for the African integration agenda by emphasizing African solidarity, self-reliance and an endogenous development strategy, through industrialisation(Hartzenberg, T.2011)³⁹

Although regionalism can take different approaches, many countries and organisations advocating for regionalism in Africa have adopted market integration as a major component of their strategy, the main aim being to increase intra-regional trade. According to Lee (2002:2) market integration is the linear progression of degrees of integration beginning with a free trade area and ending with total economic integration, the ideal model of such integration is the European Union (EU).

Between free trade area and total economic integration sits other theories of regionalism; that is regional cooperation, market integration, development integration, and regional integration.

³⁸Lee, M. Regionalism in Africa: A Part of Problem or a Part of Solution. Polis / R.C.S.P. / C.P.S.R. Vol. 9, Numéro Special, (2002).

³⁹Hartzenberg, T. *Regional Integration in Africa Trade*.Staff Working Paper ERSD-2011-14.World Trade Organization Economic Research and Statistics Division, (2011).

Regional cooperation "is a collaborative venture between two or more partners, with common interests in a given issue."(Bourenanc, 1997:50-51). These type of integration can include acts like execution of joint projects, technical sector cooperation, common running of services and policy harmonization among others.

The second category, market integration consists of the linear progression of degrees of integration. They include a: free trade area where tariffs are removed among member states, but each country retains its own tariffs against non-members; customs union where the free trade area remains in place and member states impose a Common External Tariff (CET) against non-member states; common market where the customs union remains in place along with the free flow of the factors of production (capital and labour); economic union which consists of a common market along with the harmonization of monetary and fiscal policies; and total economic integration which consists of a common market along with the unification of monetary and fiscal policies (Balassa,1961:1). The potential gains from market integration include increased production arising from specialisation according to comparative advantage, increased output arising from the better exploitation of scale economies, improvements in the terms of trade of the group with the rest of the world, efficiency arising from increased competition within the group, integration-induced changes affecting the quantity or quality of factor inputs, such as increased capital inflows and changes in the rate of technological advance. (Robson, 1980: 3).

The third category of integration is development integration which was initially proposed in response to problems created by market integration. According to the theory, the objective of integration becomes economic and social development, and it is therefore linked with development theories. Development integration requires more state intervention than market

integration. States must first and foremost make a political commitment to integration, since such commitment is seen as laying the foundation for cooperation. It is anticipated that this will help member states work toward implementing policies that will help with problems created as a result of the unequal distribution of benefits, one of the major causes of the failure of market integration. With the view to providing a remedy for the unequal distribution of benefits, policies that are of a compensatory and corrective nature are to be implemented. Although designed to correct the problems of market integration, development integration has proven more difficult to implement than market integration.

The forth theory is regional Integration which is defined as “a process by which a group of nation states voluntarily and in various degrees” have access “to each other’s markets and establish mechanisms and techniques that minimize conflicts and maximize internal and external economic, political, social and cultural benefits of their interaction”(Haarlov, 1997: 15). Regional integration differs from market integration in that, “while formal institutions are necessary to oversee the linear progression of the various phases of integration, regional integration does not necessarily require formal institutional structures, nor is there necessarily a linear progression of integration (Lee, 2002:04).

However critics of African regional integration argue that instead of attempting to enhance intra-regional trade, African countries should be involved in attempting to integration their economies into the world economy. It is the latter process, they argue, that will facilitate the type of growth and development that is crucial to prevent Africa from being further marginalized within the world economy. For such critics, market integration is part of the problem, not part of the solution. They argue for, example that: (1) regionalism will not shield Africa from the global

economy and that “Africa will only begin to grow again if it opens itself to the financial and trade flows from the world economy;” 2 (2) instead of attempting to integrate their economies at the regional level, “Clearly it will be best for Sub-Saharan Africa to integrate with the EAC and reap all the possible benefits.(Herbst, 1998:33)”⁴⁰

In addition the “global economy militates against turning inward...”therefore foreign policy thus requires a coordinated grand design and not short-term reflex responses to domestic, continental and world-wide issues and problems. It is no longer appropriate to attempt to maintain a highly-compartmentalised approach which in practice appears to differentiate between aspects of policy (trade, political, military), government departments and business.

Lee (2002:05) argues that because of the failure of market integration in Africa, regional integration, coupled with regional cooperation, is perhaps a most viable strategy for Africans to pursue. This is what Kenya hopes to get from a peaceful South Sudan; therefore it can be argued that Kenya’s peace initiatives in South Sudan were egoistic.

The civil war in Sudan slowed the speed of East African Community integration. By participating in conflict resolution and transformation of Sudan, Kenya was hunting a likely member of EAC. Indeed immediately after attaining autonomy the Republic of South Sudan started joining regional bodies. The country has also applied for membership to the East African Community (EAC) and Kenya has stood out as one of the most ardent supporters of South Sudan’s quest to join the EAC. As South Sudan is a key market for Kenyan goods, her entry in EAC will mean fewer restrictions on the movement of goods and investment. In addition, the

⁴⁰Herbst, J. Developing Nations, Regional Integration and Globalism, in Handley and Mills, eds. *South Africa and Southern Africa Regional Integration and Emerging Markets*. The South African Institute of International Affairs, (1998).

entry of South Sudan into the EAC will not only deepen economic relations between the two countries, but will also consolidate cooperation on security issues. Sudan is already a member of IGAD, COMESA, the International Conference on the Great Lakes Region (ICGLR) and the African Union.

A major incentive of admitting South Sudan to EAC is the access to potentially cheaper South Sudanese oil. Even though the importance of cheap energy supplies is downplayed by the recent discovery of oil in Kenya, Tanzania and Uganda, which are likely to affect oil, supply dynamics in the region and even beyond (cf Sauvé, P. 2012:02⁴¹). Despite this recent discovery of fossil fuel, the Kenyan government has already started a major transport corridor as part of its development agenda, Vision 2030 whose main objective is to achieve middle income and industrialised economy by 2030. Through this initiative there are plans to construct a railway and an oil pipeline to link Juba to a Kenyan port in Lamu. As admitted by the Kenya's Office of the President⁴²:

Kenya is spearheading the development of Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor Project to strengthen her position as a gateway and a transport and logistics hub to the East African sub-region and the Great Lakes region to facilitate trade, promote regional economic integration and interconnectivity between African countries

To this concern the Government has already initiated the 32 berths port at Lamu's Manda Bay. Construction of the first three berths was officially launched in May 2015. According to the

⁴¹ Sauvé, P. South Sudan's EAC Accession: Framing the Issues. International Growth Centre South Sudan Policy Note Series – No. 5, (2012).

⁴² LAPSSET PROJECTS. <http://www.president.go.ke/projects/lapsset-projects/> downloaded on 1st August 2015.

Government so far construction activities for preliminary facilities at Lamu Port are ongoing with some nearing completion.⁴³

The Standard Gauge Railway Line from Lamu – Isiolo – South Sudan (Juba) – Ethiopia (Addis Ababa) is at initial stages and the Government of Kenya has secured funding from Africa Development Bank, AfDB to construct 673 Km, while the World Bank will fund construction of another 298kms. In addition the Government has also approached other development partners to fund the remaining section of the transport corridor.⁴⁴

The aim of this transport corridor is to ensure “seamless interconnectivity “...within counties throughout the country and linkages to neighbouring countries through the country’s roads, railway, ports and airports.” As emphasised by the Office of the President, these projects are expected to “strengthen Kenya’s regional Hub status in Eastern Africa as a result of the country being the originator of trans-boundary transport projects, special economic zones and Free Trade Areas.”

On regionalism, the government of Kenya compares itself to Asian regional hegemonies like China, India, Malaysia, Brazil, Iran and Singapore, countries that developed through creation of capacity in infrastructure industry, human, technological, financial resources and consumers⁴⁵.

Kenya is set to benefit from a wider EAC and South Sudan in particular, despite the fact that intra-EAC trade remains low comparing poorly with other regional trade arrangements such as the European Union and the North America Free Trade Agreement, which have high

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

intraregional trade accounts. Despite this fact, Kenya is set to benefit from EAC integration because her exports to the region are more diversified, like exports of chemicals, fuels and lubricants, machinery and transportation equipment (Muluvi, Kamau, Githuku, & Ikiara, 2012:20).⁴⁶ The importance of Kenya's neighbours to its economic development can be emphasised by the fact that EAC is destination for more than half of the Kenya's exports to the rest of Africa. Indeed Muluvi et al (2012) describes Uganda as Kenya's leading export destination, followed by Tanzania and Rwanda. This is addition to the fact that Kenya accounts for about 45 per cent of the total intra-EAC trade. The EAC's deepening and expansion has widened the scope of trade opportunities for Kenya's businesses during the last 10 years (Muluvi, et al).

Desire to protect Kenya's territorial integrity shaped Kenya's policy of living in harmony (good neighborliness) with all its neighbours. From the onset Kenya had the experience of threats both to its territorial integrity and security from the secessionists movements in the former Northern Frontier District (NFD). Somalia for instance cited historical, cultural and racial reasons in laying claim to parts of Kenyan territory in North Eastern Province. The fear was that the ineffective handling of the Somalia situation could have had dire consequences. Moderation would prevail over radicalism in guiding the new states foreign policy. These were both reflected in the KANU manifesto of 1961 and 1960 KANU constitution. By 1963 upholding of pre-independence status quo in East Africa had become a necessity.⁴⁷

⁴⁶Muluvi, A. Kamau, P. Githuku, S. & Ikiara, M. Kenya's Trade within the East African Community: Institutional and Regulatory Barriers. In Accelerating Growth Through Improved Intra-Africa Trade. Brookings Africa Growth Initiative, (2012). Available at http://www.brookings.edu/~media/research/files/reports/2012/11/intra%20african%20trade/01_intra_african_trade_full_report.pdf. Downloaded on August 1, 2015

⁴⁷Otieno M. "Core States in Regional Conflict Resolution: A critical analysis of Kenya's role in the Southern Sudan peace process." MA Thesis, Department Political Science University of Nairobi, (2006). P. 63-64

Cogent issue was that if Kenya gave an inch of its land, a domino effect could ensue from Uganda, Sudan and Tanzania: Uganda in the West of Rift valley, Tanzania over the Maasai in Kenya, and Sudan over the areas running north-wards from Lokichogio triangle.⁴⁸ In addition, as Odhiambo points out, Existence of nomadic peoples across Kenya's common border with Ethiopia also raised the issue of legitimate borders."⁴⁹ Indeed it was the same period that a dispute arose between Kenya and Sudan over Lokichogio triangle. The desire to protect the Kenya's territorial integrity largely shaped Kenya's policy of living in harmony with its neighbours. The argument as Orwa Katete puts it, is that, a national or domestic aspirations cannot be achieved in an environment of internal and regional insecurity.⁵⁰ Its important to note that over the years through present, insecurity in Kenya North Eastern, North Rift regions and the proliferation of fire arms has been blamed on the instability in the neighbouring states particularly Somalia and Sudan. Orwa argues that, "Kenyatta also sought to achieve the policy of regional harmony and status quo by military balance through the defense agreements with Britain and Ethiopia and by increasing national military capability and to achieve internal security and rapid economic development."⁵¹ The OAU appointment of Kenyatta as the chairman of the important ad hoc OAU Congo Commission to mediate on the crisis in Congo was further vindication of Kenya's regional policy of harmony and good neighbourliness. In other words, as a peace loving state it stood a greater chance of bringing peace elsewhere. The threat in 1965 by Johnson administration in the US to withdraw aid to Kenya as a result of its stance on the

⁴⁸ Ibid

⁴⁹ Odhiambo, N. "Summitry System as a Mechanism for Conflict Resolution in East Africa." MA Thesis, Department of Government, University of Nairobi, (1990).

⁵⁰ Orwa K, 1994 Op Cit., P. 306

⁵¹ Ibid, P. 305-306

Congo crisis and criticism of the U.S exemplifies the challenges that come with the opportunities within the context of Bruce Moon's "Foreign policy of dependent states."⁵²

Diplomacy of conflict management is not necessarily regional, hence can be from within or without.⁵³

2.1.2 Direct Economic Benefits of a Peaceful Neighbour: How War in Sudan Affected Kenya's Economy

Civil wars have a negative effect on the economies of neighbouring states. According to some estimates, if a country experiences a 5 year civil war, the country's neighbours will face a reduction in GDP of 0.89% annually over the same 5 year period.⁵⁴ The following have been identified as negative consequences of recent relapse of civil war in South Sudan on Kenya⁵⁵: reduced profits from Kenya's exports and the significant investments made by Kenyan enterprises in several services sectors, notably banking, communications and retail. This is in addition to influx of refugees -- estimated at around 44,000 by November 2014 -- with further inflows expected. The financial requirements of these refugees for 2015 have been estimated at a little over US\$ 93 million, even though this cost is likely to be subsidised by the international community. We project that under the medium and high conflict scenarios, Kenya would incur an extra US\$ 200 million in military expenditures if the current civil war continues.

⁵² Moon, B. "Foreign Policy of The Dependent States" In *International Studies Quarterly*, Vol. 27, (1983). P. 431

⁵³ Otieno M. "Core States in Regional Conflict Resolution: *A critical analysis of Kenya's role in the Southern Sudan Peace Process*." MA Thesis, Department Political Science University of Nairobi. (2006). P.65

⁵⁴ Collier, P. & Hoeffler, A. Aid, policy and growth in post-conflict societies. *European Economic Review*, Elsevier, vol. 48(5), (2004). P. 1125-1145.

⁵⁵ Frontier Economics. (n.d) *South Sudan: The Cost of War An estimation of the economic and financial costs of ongoing conflict*. Frontier Economics, Centre for Conflict Resolution (CECORE) & Centre for Peace and Development Studies (CPDS). Available at <http://www.frontier-economics.com/documents/2015/01/south-sudan-cost-war.pdf> Downloaded on 1st August 2015.

Kenya other category of negative consequences on Kenya's economy is the increased insurgency due to civil war in Sudan. Kenya fears the prospects of South Sudan becoming a failed state, especially in the light of the impact Kenya's eastern neighbours, the failed state failure in Somalia. A second failed state in the region is likely to increase the difficulty and costs Kenya faces in controlling insurgent activity (Frontier Economics: n.d: 17). The civil war in neighbouring states is a Key factor that has made Kenya to 'overspend on military. Indeed Kenya currently has one of the highest levels of military expenditures in Sub-Saharan Africa.⁵⁶ These above commercial and security interests are a key reason Kenya participated in conflict resolution and transformation of South Sudan.

Undeniably the benefits of a peaceful south Sudan came immediately the peace agreement was signed, giving opportunities for Kenyan investors. The current civil unrest is threatening major investments made by Kenyans after the peace deal was signed. It has been noted that:

...Kenyan nationals stand to lose their sunk costs on investments in South Sudan. Since the signing of comprehensive peace agreement (CPA) eight years ago, Kenyan investors have made significant inroads into South Sudan. Kenyans have invested in various sectors including banking, insurance, aviation, construction, hospitality, and information and communication technologies (ICT), transportation, and wholesale and retail trade. Today Kenya is one of the largest foreign investors in South Sudan. Since the escalation of the conflict, a number of Kenyan businesses, especially those outside Juba have remained closed or have scaled down operations, while others have been looted by the warring factions. In addition, a number of Kenyans working in the country have since been forced to return home with the huge loss in employment opportunities. Kenyan workers were providing substantial human resources to the country before the conflict started⁵⁷.

⁵⁶ Ibid

⁵⁷ Odhiambo, P. & Muluvi, A. Impact of Prolonged South Sudan Crisis on Kenya's Economic and Security Interests, (2014). Accessed on 1st August 2015. <http://www.brookings.edu/blogs/africa-in-focus/posts/2014/03/12-south-crisis-kenya-interests-odhiambo-muluvi>

These opportunities were the reasons Kenya dutifully participated in the Sudan peace initiative. Kenya struggled to secure peace in Sudan so that her people can do business.

For a long time now trade between Kenya and its neighbours have been in Kenya's favour anything that would be in demerit of Kenya to that effect would not be welcome. In reality's perspective, Kenya must prefer regimes and political climate where this position is not only perpetuated but also enhanced. This is for instance, the argument Mwagiru presents in his examination of Kenya's involvement in the Uganda conflict.⁵⁸ Because Kenya's economic and commercial activities are central to relations with other East African States and since this regional commerce is a major variable in Kenya's economic development.⁵⁹

2.2.0 Hegemonic Pursuit and Geo-strategic Factor in Comprehensive Peace Agreement

Scholars have argued that the end of the cold war was the end of the bipolar world and beginning of the 'nonpolar' world (see Dehéz, D. 2008⁶⁰Haass, 2008)⁶¹). However nonpolarity as argued by Haass (2008)⁶² should also be interpreted as the reincarnations of a multipolar world, with

⁵⁸ Mwagiru, M., 1994, Op Cit

⁵⁹ Orwa K. "Diplomacy and International Relations" in Ochieng, W R., ED *Themes in Kenya History*, (Nairobi Heinemann, 1990) P. 225

⁶⁰ Dchéz, D. *A Hegemon in the Horn of Africa Region?* BISA Annual Conference. Exeter, (2008)

⁶¹ Haass, R. The Age of Non-polarity. What Will Follow U.S. Dominance? In: *Foreign Affairs*, (2015). Available at: <http://www.foreignaffairs.org/20080501faessay87304/richard-n-haass/the-age-of-nonpolarity.html>. Accessed on 1st August 2015.

⁶² Haass, R., 2015. The Age of Non-polarity. What Will Follow U.S. Dominance? In: *Foreign Affairs*. Available at: <http://www.foreignaffairs.org/20080501faessay87304/richard-n-haass/the-age-of-nonpolarity.html>. Accessed on 1st August 2015.

regional powers in charge, just like it was at the beginning of the twentieth century. Polarisation on the global as well as on the regional level is carried by two characteristics (Dehéz, 2008:01):

First, states that polarise their region or the global order are usually stronger or more powerful than other states in their immediate neighbourhood, which is why their actions have a more profound impact on the course of an entire region than the actions of less powerful countries, at least as long as smaller or less powerful states do not resort to drastic or radical action. And second, states that have the ability to polarise try to achieve and/or preserve their position by counterbalancing potential rivals and perpetuating their dominance in their region. These states can therefore be categorised as regional or global hegemony, states that for better or worse dominate the globe.

It is not surprising therefore to interpret Kenya's participation in conflict resolution and transformation in the East Africa region as hegemonic polarisation, even though (Dehéz, 2008:01) claims that "conventional wisdom has it that there are only four countries in SubSahara Africa that potentially could act as regional hegemony: Nigeria, South Africa, Ethiopia and the Democratic Republic of the Congo" because of these countries large populations and command of the largest armies, with South Africa commanding the most effective armies on the continent[Sub-Saharan Africa]. Similarly Jeffrey Herbst (2000:314) classifies these African states as potential hegemony but refutes the fact that some African hegemony like Democratic Republic of Congo, DRC, can replicate hegemonic relations stating that the DRC "cannot project power over its own territory, much less into other countries, in a professional and unbiased manner" while Ethiopia's position is compromised by "poverty and ethnic divisions" affecting the country.⁶³

⁶³Herbst, J. Western and African Peacekeepers: Motives and Opportunities. In: John W. Harbeson and Donald Rothchild (Eds.): Africa in World Politics. The African State System in Flux. (Oxford, Westview, 2000) P. 308-328.

Despite the fact that Herbst (2000) characterises African hegemons based on the size of their armies, population, and having ability to project power beyond borders without biases, or in a disinterested manner, these characterisation of regional hegemon loses it's explanatory value. This is especially so considering that interventions by Western hegemons have not been unbiased or disinterested, at least from an Africanist perspective. Even the humanitarian interventions interpreted by Dehéz (2008:02⁶⁴) as not "without any accompanying interests, even if these interests were described cautiously as an interest in establishing regional stability, the prevalence of the state system inherited from the colonial past or putting an end to human suffering, as was the case in 1992 when the United States intervened in Somalia." Therefore it can be summarised that distinction between classic hegemons and African hegemons is the fact that African hegemons are rarely acted as benevolent ones, like the United States did in the past.⁶⁵

The major shortcoming of characterisation of African hegemons by Dehéz (2008:02⁶⁶) and Herbst (2000:314) is the fact that the authors emphasise the military might as the source of hegemonic power contrarily to neo-Grancian understanding of hegemony as "political order in which one way of thinking, the most powerful one, dominates and, thus, coercion is minimized" (Joseph, 2008:109)⁶⁷ In particular there are in Africa five modes of hegemony can be identified: military hegemony; ideological hegemony; soft hegemony, which relies on soft power such as labour due to the presence of China and other regional actors such as Israel, Turkey, and Iran;

⁶⁴Dehéz, D. *A Hegemon in the Horn of Africa Region?* BISA Annual Conference, Exeter, (2008)

⁶⁵ Ibid

⁶⁶Dehéz, D. *A Hegemon in the Horn of Africa Region?* BISA Annual Conference, Exeter 2008

⁶⁷Joseph, J. 'Hegemony and the Structure-Agency Problem in International Relations: A Scientific Realist Contribution', *Review of International Studies*, 34(1), (2008) P. 109–128

hegemony originating from control of water resources and the rise of new regional powers in the Nile basin region at the expense of Egypt and Sudan; and hegemonies relating to the roles that some rising actors assume in their regional contexts such as in the cases of Nigeria and South Africa.(Hassan, 2015:161)⁶⁸ Despite the fact that Kenya is not an all-round regional hegemony as characterised above by Dehéz (2008) and Herbst (2000), the country has some hegemonic characteristics described by Hassan (2015:161)⁶⁹

An alternative conception of regional hegemony was proposed by Prys (2009:197) as four dimensions of 'self-perception', 'regional acceptance', 'projection of preferences and values' and 'provision of (regional) public good'. These dimensions capture what 'makes' hegemony and can enable us to differentiate hegemony from other forms of hierarchical power relationships, such as domination or imperialism⁷⁰. These four dimensions proposed by Prys (2009:198) can be used to interpret hegemonic and geo-political pursuits by Kenya during the Sudan peace process.

2.2.1 Self-Perception

Self-perception is a cognitive dimension of hegemony (Prys, 2009:198). Therefore we will show how the preponderant state in this case Kenya, made deliberate decisions to act as a hegemon, like through specific 'national role concepts', commitments, rules and actions suitable to their state, and of the functions, if any, their state should perform in the international system or in

⁶⁸Hassan, H. Contending hegemony and the new security systems in Africa *African Journal of Political Science and International Relations*.Vol. 9(5), (2015) P. 159-169, May 2015

⁶⁹ Ibid

⁷⁰ Prys, M. Regional Hegemon or Regional Bystander: South Africa's Zimbabwe Policy 2000–2005, *Politikon: South African Journal of Political Studies*, 36:2, (2009). P. 193-218,

subordinate regional systems' (Holsti, 1987:12)⁷¹ In the new multipolar world without superpower rivalry creating a 'power vacuum' in many regions of the world (Myers, 1991:3)⁷² and regional powers are expected to grip their own back yards.

The list of indicators of states that have made a deliberate decision to act as a hegemon was suggested by Holsti (1970:261). Among these indicators are states or governments categorized as 'regional leaders' a term equivalent to regional hegemony, a situation of the regional powers awareness of their own outstanding position. This awareness can be found in 'discourses of difference' exposed in interviews and official statements as well as for clues about the kind regional roles the potential regional hegemon foresees for itself.

From this perspective of Kenya acted as a regional hegemon in the Sudan peace process. This can be illustrated by the fact that Kenya hosted the Government of the Sudan and the SPLM/A negotiating teams, becoming the defacto leader of negotiations. Additionally all the six agreements leading to the CPA were signed in Kenya—The Protocol of Machakos, signed in Machakos, Kenya, on 20 July 2002; The Protocol on security arrangements, signed in Naivasha, Kenya, on 25 September 2003; The Protocol on wealth-sharing, signed in Naivasha, Kenya, on 7 January 2004; The Protocol on Power-sharing: signed in Naivasha, Kenya, on 26 May 2004; The Protocol on the resolution of conflict in southern Kordofan/Nuba Mountains and the Blue Nile States, signed in Naivasha, Kenya, on 26 May 2004; and The Protocol on the resolution of conflict in Abyei, signed in Naivasha, Kenya, on 26 May 2004. Apart from that, the negotiation process was lead by a Kenyan, Lieutenant General Lazurus Sumbeiywo.

⁷¹ Holsti, K. 'National Role Conceptions in the Study of Foreign Policy', in: S. Walker (ed.), *Role Theory and Foreign Policy Analysis*. (Durham, NC: Duke University Press, 1987).

⁷² Myers, D.J. *Regional Hegemons: Threat Perception and Strategic Response*. Boulder, (CO: Westview, 1991).

2.2.2 Regional-Perception

The second of the four dimensions proposed by Prys (2009:198) is regional perceptions. This regional perception according to the author is assumed to be the second necessary condition for a state to become a hegemon. Conventional approaches generally presuppose that there is no hegemony without the 'followership' of others. According to Cooper, Higgott and Nossall (1991:397–398) followership is an 'intertwining of the followers' interests with those of a leader', which means that 'these followers are likely not simply to defer and acquiesce to the leader, but to willingly follow'⁷³. This close connection with the notion of legitimacy needs to be put into perspective. States in general are hesitant to 'joyfully embrace' the lead of others (Triepel, 1938:144–145)⁷⁴. Most of the time, the acceptance of a hegemon is rather founded on utility or necessity, but, above all, on the secondary states' realization of their own weaknesses. Consent is not required from every single unit in the system. Instead resistance to or fear and suspicion of the materially privileged state, which often are historically anchored, are features in many hierarchically ordered regions.

The fact that Dr Garang, the leader of SPLM/A thanked the government of Kenya in his speech during the signing ceremony of the Sudan Comprehensive Peace Agreement in Nairobi on January 9th 2005⁷⁵ proves that Sudan had accepted Kenya as a regional hegemon. This is in addition to the trust both the Government of Sudan and SPLM/SPLA had in the government of

⁷³ Cooper, A., Higgott, R., Nossall, K. 'Bound to Follow? Leadership and Followership in the Gulf Conflict', *Political Science Quarterly*, 106(3), (1991) P. 391–410.

⁷⁴ Triepel, H. *Die Hegemonie. Ein Buch von den Fu'hrenden Staaten*, (Stuttgart: Kohlhammer 1938).

⁷⁵ The SPLM chairman's address to signing ceremony of the Sudan Comprehensive Peace Agreement (Nairobi, Kenya: January 9th 2005. Downloaded on 2nd August 2015, from <http://www.splmtoday.com/docs/statements%20and%20speeches/2005%20Garang%20Speech%20CPA%20Signing%20Ceremony.pdf>

Kenya. Both parties trusted Kenya to host the talks as a neutral arbiter for many years. This neutrality is recognition enough to award Kenya regional hegemon status.

Such regional 'acceptance' of the hegemon's special role and the consequential demands on it to act in accordance with that role are more appropriate and empirically observable features of regional hegemony, particularly if we take into account that secondary states could also decide to 'balance' or contain the regional power with the help of outsiders. Additionally the indicator for level of acceptance is, for instance, the approval of help of the regional hegemon by the secondary state rather than looking to extra-regional actors; but also the demand on the regional power to take on more responsibility, particularly in financial and administrative issues Prys (2009:202).

On the societal level, regional hegemons often have an appeal in terms of the cultural products and educational institutions. This has happened with South Sudan pupils seating for Kenyan (KNEC) examinations since the year 2007 KNEC. Adoption of the Kenyan education system happened when following an agreement with the Nuba Relief, Rehabilitation and Development Organization (NRDO) due to desire by Southern Sudan where Nuba Region is located to delink itself from the North Sudan. The need to sit for KNEC exams was also driven by the act that some children in Southern Sudan had been learning following the Kenyan Curriculum using teachers from Kenya (Examinations offered by The Council⁷⁶). All this are indicators of acceptance of Kenya as a regional hegemon.

⁷⁶ Examinations Offered By the Council.

[Http://www.knec.ac.ke/main/index.php?option=com_content&task=view&id=17](http://www.knec.ac.ke/main/index.php?option=com_content&task=view&id=17)

2.2.3 Hegemonic Projection of Preferences and Values

The third of four dimensions proposed by Prys (2009:198) is projection of preferences and values. This dimension has to do with how the hegemon interacts with secondary states and exercises its power. Rather than working through imposition and force, a hegemon projects its preferences and values on its neighbour states, at times with the help of material incentives but also through more subtle means such as socialization, persuasion and what has been described as 'discursive hegemony' (Nabers, 2007, p. 17)⁷⁷ The projection of preferences and values by the regional hegemon is, however, obstructed by two factors. First, projection is, above all, a long-term process, but 'happens' over time, whether stimulated by an underlying strategy or via a series of unintended processes. Second, the mechanisms of projection are a very complex and little understood subject.

Kenya played a hegemonic role from a projection dimension by socializing South Sudan. According to Ikenberry and Kupchan (1990:294), the best and probably only way to go about 'measuring' hegemonic socialization is by a 'nuanced reading of history and efforts to infer beliefs from statements and behaviours'⁷⁸. These statements of socialization include government documents, laws and policy decisions. Prys (2009:204) proposed use of official government statements, such as White Papers, and looking also at the relevant secondary literature in as well as discerning whether and how specific attempts have been made by the regional power to project its aims and visions onto neighbouring states. Hegemonic projection needs to be assessed by focusing on specific activities of the hegemon that promote its own vision and values for the region, such as the establishment of institutions and agenda-setting within those institutions,

⁷⁷ Nabers, D. *Crises, Hegemony and Change in the International System: A Conceptual Framework*. Hamburg: GIGA German Institute for Global and Area Studies (2007).

⁷⁸ Ikenberry, G., Kupchan, C. 'Socialization and Hegemonic Power', *International Organization*, 44(3), (1990). P. 283-315.

mediation of conflicts, financial assistance and, if relevant, the conditions attached to it (Ougaard, 1988:121)⁷⁹.

The projection dimensions of Kenya's hegemonic role over South Sudan can be illustrated by the LAPSET Project and Vision 2030 policy framework that view South Sudan and Ethiopia as major partners that can enable Kenya to achieve middle income and industrialised economy status by 2030. This policy framework matches the hegemonic projection needs described by (Ougaard, 1988:121).

2.2.4 Hegemonic Provision of Public Goods

The Fourth dimension of regional hegemony is provision of regional public goods. According to Prys (2009:207) hegemony, whether regional or global, is differentiated from other forms of hierarchical power relations by a unilateral provision of public goods. Conventional theories of hegemony associate very specific goods with a hegemonic order, such as an open trading system and the maintenance of a structure of exchange rates, and expect the hegemon to serve as a 'lender of last resort' (Kindleberger, 1986, p. 841)⁸⁰. Nevertheless it should be noted that this regional public goods dimension of hegemony was developed based on the features of a hegemonic USA after the World War II, therefore the public goods offered by today's regional hegemony might not be similar to the ones the American government offered. As an alternative the hegemonic provision can be established as long as the respective goods fulfill criteria of non-exclusiveness and non-rivalry (the defining features of a public good), and as long as the regional power bears a disproportional share of the costs for the provision (Prys 2009:207). The author suggested provision of a regional identity, a hub for identification and solidarity, the facilitation

⁷⁹ Ougaard, M. Dimensions of Hegemony. *Cooperation and Conflict*, 23(2), (1988). P. 197-214.

⁸⁰ Kindleberger, C. International Public Goods without International Government. *American Economic Review*, 76(1), (1986). P. 1-13.

of regional and domestic stability and economic progress or, more concretely, the creation of consensus over a course of action, the provision of transport and infrastructure, or regional security through enhanced military capacity as regional public goods that hegemons can offer.

In the case of Sudan, we again can indeed identify several public goods that can be perceived as hegemonic public good. The key public goods is regional security especially contribution of peacekeepers by Kenya. Prys (2009; 207) argues for a new understanding of hegemonic public goods provided by South Africa as inclusive of “solidarity against the West and domestic opponents; the prevention of political fallout in the Southern African region; and SADC unity.” Similar hegemonic public goods were provided by Kenya to Sudan— Kenya just like the South Africa fronted regional unity and security that helped prevent negative political fallout between the Northerners and Southerners of the formerly unified republic of Sudan.

2.3.0 Conclusion

Kenya's activities of during the Sudan peace process were motivated by economic interests, security interests, and regional hegemonic ambitions. It has been shown that the intertwined factors of security and economic interest's influenced Kenyan participation that lead to the signing of the Comprehensive Peace Agreement (CPA) that later saw the birth of the Republic of South Sudan. Additionally Kenya's participation can be viewed as regional hegemony. The position of regional hegemons are due to the end of the cold war that lead to collapse of the bipolar world and beginning of the 'nonpolar' world. We expect Kenya to continue guiding the young nation of South Sudan and at the same time maintain a cordial relationship with the Republic of Sudan. Such behaviour is expected from Kenya as the country continues expanding hegemonically and growing its business interests with neighbouring states in Eastern Africa.

CHAPTER THREE

Strategies Deployed By Kenya in Regional Security and Peace Building: A Case Study of the Sudan Conflict.

3.0 Introduction

The decision of one country to engage in efforts to create regional security and peace in another country has been identified by the United Nations as a viable peacebuilding strategy. For this reason the 2005 report of the Secretary-General, *in larger freedom: towards development, security and human rights for all*, identified lacked sufficient international accompaniment and coherent support and resources for peacebuilding, in addition to national strategies, as key reasons for relapse into conflict.

The concept of 'peacebuilding' was introduced in 1992 by the UN Secretary-General Boutros Boutros-Ghali, who defined peace building as "action to identify and support structures, which will tend to strengthen and solidify peace in order to avoid a relapse into conflict."⁸¹ These definition has been elaborated over the years, for example the Brahimi Report from 2000 defined peacebuilding as "activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war."⁸² According to the Secretary-General's Policy Committee, peacebuilding is described as⁸³:

"A range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management,

⁸¹ A/47/277 – S/24111, para. 21.

⁸² A/55/305–S/2000/809, para. 13.

⁸³ United Nations. *Gathering a body of global agreements Decision of the Secretary-General*, (May 2007).

and to lay the foundation for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and relatively narrow set of activities aimed at achieving the above objectives.

Kenya engaged in peace building during the Sudan conflict. These peacebuilding strategies are advocated for by the United Nations. As a result of the need for international accompaniment for conflict resolution, the United Nations proposed preventive diplomacy, peacemaking and peace-keeping. These interrelated terms defined as follows⁸⁴:

Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.

Peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.

Peace-keeping is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.

The emergency of peacebuilding and related concepts in the 1990s was facilitated by end of "ideological barrier that for decades gave rise to distrust and hostility."⁸⁵ This end of ideological

⁸⁴ United Nations an Agenda for Peace: *Preventive diplomacy, peacemaking and peace-keeping*. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council of 31 January 1992. A/25/277

⁸⁵ United Nations an Agenda for Peace: *Preventive diplomacy, peacemaking and peace-keeping*. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council of 31 January 1992. A/25/277

war was a result of disintegration of the USSR. This provided an opportunity to improve relations between States and to meet common security concerns among neighboring states.

The above strategies of preventive diplomacy, peacemaking and peacekeeping were deployed by Kenya during the Sudan conflict. The following section will give a detailed description of how Kenya used the three strategies.

3.1.0 Use of Preventive Diplomacy by Kenya

Kenya engaged in preventive diplomacy during the Sudan conflict that was settled by partition of Sudan into two states; the Republic of Sudan and the Republic of South Sudan. According to the United Nations Department of political affairs, “preventive diplomacy refers to diplomatic action taken to prevent disputes from escalating into conflicts and to limit the spread of conflicts when they occur.” There are many strategies of preventive diplomacy but the “most common expression of preventive diplomacy is found in the work of diplomatic envoys dispatched to crisis areas to encourage dialogue, compromise and the peaceful resolution of tensions.”⁸⁶ This is what Kenya did, especially during the last years of the Sudan conflict.

As described by the United Nations, preventive diplomacy may be performed by regional organizations in cooperation with the United Nations. Over the years, there were many attempts by neighboring States, concerned donors, other States and the parties themselves to bring peace, the latest having started in 1993, as a regional peace initiative under the auspices of the Inter-

⁸⁶Diplomacy and Mediation. <http://www.un.org/indpa/Diplomacy%20and%20Mediation>. Downloaded on 14th August 2015.

Governmental Authority on Development (IGAD) and closely followed and supported the United Nations.⁸⁷ Indeed Kenya is an active member of IGAD.

Preventive diplomacy requires measures to create confidence; it needs early warning based on information gathering and informal or formal fact-finding; it may also involve preventive deployment and, in some situations, demilitarized zones.

In particular Kenya engaged in mediation with the warring parties during the Sudan conflict. Through this approach Kenya helped mediate the conflict after the outbreak of violence and during implementation of peace agreements. The mediation was mainly about issues including power-sharing, natural resources, constitution-making, cease-fires and other security arrangements.

3.1.1 Kenya's Political Missions as Preventive Diplomacy Strategy

Political missions have certain shared characteristics identified by Gowan (2011) as largely or solely civilian missions, bringing together international officials and experts with a mandate from an international organization.⁸⁸ Although they may be involved in humanitarian or development issues, their primary purpose is “fostering sustainable political settlements” between or (much more frequently) within states. The author differentiates political missions from peacekeeping missions, stating that while peacekeeping missions rely on troops and police, political missions tend to rely on mediation, good offices, persuasion, and expertise in issues such as constitution making.

⁸⁷ UNIMIS Background. <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

⁸⁸ Gowan, R. *Review of Political Missions*. New York: Center on International Cooperation, (2011).

However political missions can include military personnel, even though such personnel do not play active military role unlike uniformed military observers in peace operations—they typically wear civilian dress and do not carry arms, emphasizing that they are under civilian authority (Gowan, 2011:03). Such military personnel do not represent the interests of any one external power, and thus can provide impartial advice on a sensitive security topic to warring parties. International officials deployed in political missions—whether with the United Nations or another organization—also often bring extensive experience of mediation or providing technical assistance in other fragile states, a degree of specialism that relatively few diplomats share.

Political missions have been used worldwide to address persistent social, ethnic, and political tensions, mediate political agreement and supporting its implementation. According to Gowan (2011:02) missions of this type have engaged in preventive diplomacy from the Baltics to West Africa, but their important role is often overlooked.

Political missions have several advantages. Among them is expertise who can offer governments assistance in avoiding potential or looming conflicts by providing advice on constitutional and legal issues, or by advising on drivers of conflict such as the governance of scarce resources. The second advantage is the immediately available and sustainable mediation, where conflicts are escalating, the head of a political mission and his or her advisers are able to offer mediation services immediately due to their proximity and political connections. They can also continue to mediate in drawn-out political processes as they evolve. The third advantage is coordination. Although political missions often require the support of other diplomatic actors to make preventive diplomacy work, they can also play a related coordinating role. In cases where governments and organizations might otherwise send multiple envoys to address a crisis, a

political mission can potentially act as gatekeeper, although this is only possible if a sufficient number of the international and domestic actors involved are prepared to accept a consolidated political process.⁸⁹

The use of good offices, special envoys, and mediators are common in Africa. Examples of successful engagement of good offices are recent effective preventive diplomacy in Africa involving Panel of Eminent African Personalities like Kofi Annan in Kenya, Haile Menkerios in Zimbabwe and Sudan, Said Djinnit in Guinea, Thabo Mbeki in Sudan, Blaise Compaore in Cote d'Ivoire and Guinea, Olusegun Obasanjo in the Rwanda/DRC conflict, Augustine Mahiga and Jerry Rawlings in Somalia, and Joachim Chissano on the LRA-affected areas are all good examples.

However, President Obasanjo was quick to recognize the limitations of this type of diplomacy, when the key international actors, in this case Western governments such as the US, France, and the UK, and regional powers such as South Africa, were unwilling to support a comprehensive diplomatic process to resolve the underlying causes of the conflicts in Eastern DRC. Without this support, the violence in Eastern Congo continues to fester at an unacceptable level, and no single third party accepts any real responsibility to facilitate a lasting solution to the myriad land, justice, citizenship, intercommunity coexistence, wealth-sharing, and other economic issues in the Kivus.⁹⁰

⁸⁹ Gowan, R. *Review of Political Missions*. New York: Center on International Cooperation, (2010).

⁹⁰ <http://www.crisisgroup.org/en/regions/africa/op-eds/2012/hara-preventive-diplomacy-in-africa.aspx>

Kenya's political mission to Sudan was led by Gen. Lazaro Sumbeiywo, a former Army chief who was initially appointed a Special Envoy to Sudan and later the chief negotiator at the Naivasha Talks that ended Sudan's Second Civil War. In 2002 Lt. Gen. Sumbeiywo was appointed as Kenya's Special Envoy to the Inter-Governmental Authority on Development (IGAD), a regional organization for the Horn of Africa. In this position, Gen. Sumbeiywo was the lead mediator in the Sudanese North-South peace process.

It has been acknowledged that General Sumbeiywo has perhaps more experience than anyone in forging peace in the Sudan's. Sumbeiywo led four years of peace talks under IGAD between the Khartoum government of President Omar al-Bashir and the SPLM/A of John Garang de Mabior, resulting in the 2005 Comprehensive Peace Agreement that paved the way for the creation of South Sudan. Furthermore the BBC World Service admits that Gen Sumbeiywo is the "man behind Sudan's peace deal", the man who brought an end to Africa's longest-running civil wars.

To emphasize the seriousness of Kenya's political mission to Sudan, President Mwai Kibaki appointed his predecessor, Daniel Arap Moi as a special peace envoy to Sudan in 2007. The appointment of Moi was after consultation with Sudanese President Omar Hassan al-Bashir.

However, as noted by Whitfield (2010:25)⁹¹ quantifying the impact of the mediation and good offices undertaken by political missions is difficult. This is both because of their great diversity and – in contrast to some high profile mediations – because much of their political work is necessarily discreet, in support of decisions and steps that must be taken by parties to a conflict

⁹¹ Whitfield, T. Political Missions, Mediation and Good Offices. *Review of Political Missions 2010* (2010) P. 27-33. http://cic.nyu.edu/sites/default/files/political_missions_2010_whitfield_politicalmissions2.pdf. Downloaded on 12th August 2015.

or national actors, and over-determined by a multitude of other factors. The work of a political mission fielded by a multilateral organization is also intricately connected to the degree of support provided from the organization's member states. Rather than the results reflecting this norm, the Kenyan special envoy to Sudan can be credited with achieving peace— even if temporarily—after the partition Sudan into two autonomous states.

In addition it has been emphasized that such political missions achieve more in comparison to other peace building efforts. According to Whitfield (2010:27) the small size and low price tag of most political missions as compared to peacekeeping operations – as well as the less-than-headline-grabbing nature of many of their achievements – contributes to the relative obscurity of their efforts. This description can apply to the Kenyan special envoy to Sudan: it made contributions quite distinct from those that might be offered by a more high profile and itinerant envoy, even though these contributions were not headline-grabbing.

Whitfield (2010:28) adds on that “Good offices” are long established but poorly defined as a flexible tool for international diplomacy and action. This is because these “Good offices” are not mentioned in the UN Charter, apart from article 33 (1) which lists “other peaceful means of their own choice” as part of measures available to states to achieve the peaceful settlement of disputes. This is despite the fact that the United Nations, and in some other organizations such as AU, IGAD, and EAC, the term “good offices” has evolved very helpfully to mean almost anything – from a well-timed telephone call by the Secretary-General, to exploratory conversations, or a full-fledged mediation effort conducted in his or her name

3.1.2 Peacemaking: Preventive Military Deployment by Kenya

As explained earlier, Peace-keeping is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.

Dichl (1993: 4) defines peacekeeping as 'any international effort involving an operational component to promote the termination of armed conflict or the resolution of longstanding disputes'. During peacekeeping unlike military intervention, the peacekeepers usually arrive in a country only after a ceasefire has been agreed between the warring parties, and by the nature of their role, peacekeepers rarely bring armaments beyond personal rifles and transportation vehicles to the site of deployment (Victor. 2010:219). Traditionally, the roles of peacekeepers are to search for violations of ceasefire agreements, mediate conflicts, and serve as a buffer between warring parties.⁹²

However peacekeeping can sometimes have a component of peacemaking, like in the 1990s active forms of peacemaking through enforcement troops that engaged insurgent forces. The best example was the ill-fated 1993 'Blackhawk Down' incident, when US special forces attempted to capture Somali war-lord Mohammed Farah Aidid as part of the a United Nations (UN) peacekeeping mission. Another example was peace enforcement by the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG) missions into Liberia and Sierra Leone, where troops directly fought rebel forces (see Victor, 2010:219). As Bures (2007) highlights, the variety of peacekeeping mission types and force capabilities has increased over

⁹² Ibid, 219

time.⁹³ While the techniques of peacekeeping may differ across missions, the goals remain fairly consistent.

Victor (2010:217) notes that many Western governments have come to depend on African peacekeepers to manage and resolve conflicts in the region⁹⁴. The author particularly appreciates the efforts the African Union (AU) Mission in the Sudan, deployed to slow conflict in Darfur, and the AU force deployed to Somalia in 2007, following the collapse of the Union of Islamic Courts regime, stand out as instances where African states were more willing and ready to deploy troops to trouble-spots than major powers.

The willingness of Kenya to contribute troops to Sudan was particularly critical, as the Sudanese government initially refused entry to Western peacekeepers. Interestingly, African peacekeepers less often come from the most developed states such as South Africa, however Kenya stand out as among African countries that are willing to deploy forces often despite that fact that the country is not a regional hegemon. Indeed Victor (2010:218) is shocked that even with high level of poverty, "it seems surprising prima facie that African states contribute as much to regional peacekeeping as they do." After all, Khanna, Sandler & Shimizu (1998)⁹⁵ and Shimizu &

⁹³ Bures, O. Wanted: A mid-range theory of international peacekeeping, *International Studies Review* 9(3): (2007) P. 407-43

⁹⁴ Victor, J. African peacekeeping in Africa: Warlord politics, defense economics, and state legitimacy. *Journal of Peace Research*, 47(2) (2010) P. 217-229.

⁹⁵ Khanna, J., Todd S. & Hirofumi S. Sharing the financial burden for UN and NATO peacekeeping, 1976-1996. *Journal of Conflict Resolution*. 42 (2): (1998) P. 176-195.

Sandler (2002, 2003)⁹⁶ describe peacekeeping as a largely public good where large rich states contribute disproportionately to peace-keeping and smaller poorer states – which characterizes most African states – free-ride while enjoying public benefits from peacekeeping operations in their neighborhood.

In addition Neack's (1995) presentation of the logic of peacekeeping participation seems to predict even less African participation, as she argues that states benefiting the most from the status quo of the international system and their position in the international hierarchy should be most willing to participate in peacekeeping.⁹⁷ Clearly, Kenya does not rank high up the ladder in global hierarchy, from Neack's (1995) perspective; it is major powers from Europe and North America that should wield the greatest influence in Africa. This is because these Western powers have the military might necessary to control conflict.

Besides African peacekeeping in Africa is better explained by Bobrow & Boyer's (1997) presentation of peacekeeping as a 'club good', where significant private benefits accrue to states close to the peacekeeping operation and major powers whose economic activities abroad benefit from global stability.⁹⁸ This can explain reasons for Kenya sending peacekeepers to Sudan.

⁹⁶ Shimizu, H., & Todd S. Peacekeeping and burden-sharing, 1994–2000. *Journal of Peace Research*. 39 (6): 651–668. Shimizu, Hirofumi & Todd Sandler, 2003. NATO peacekeeping and burden-sharing, 1994–2000. *Public Finance Review*. 31 (2): (2002) P. 123–143

⁹⁷ Neack, L., UN peace-keeping: In the interest of community or self? *Journal of Peace Research*. 32 (2): (1995) P. 181–196.

⁹⁸ Bobrow, D., & Mark A. Maintaining system stability: Contributions to peacekeeping operations. *Journal of Conflict Resolution*. 41(6): (1997) P. 723–748

Participation in peacekeeping by Kenya was aimed at “building state legitimacy and maintaining the integrity of national borders and populations.” Kenya used the peacekeeping strategy during the Sudan conflict due to the proximity of Sudan to Kenya. As stated by Victor (2010:222) most borders in Africa were drawn between states in a way that best suited colonial powers’ exploitation of the continent, without much regard for pre-colonial nations or concentrations of different ethnic groups. This has made Kenya sensitive to conflict in neighboring countries because such conflict affects Kenyan ethnic groups that populate the neighboring states. Conflict in Sudan led to a refugee problem and conflict in northern parts of Kenya.

Additionally Mazrui & Ostergard (2002: 19)⁹⁹ contend that not only have borders in Africa rarely been a source of interstate conflict, but at the time of independence African leaders ‘embraced’ the colonial borders, drawn by European powers: “Since then, African leaders have defended the question of borders and territorial integrity and discouraged challenges to them.” Herbst (2000: 25)¹⁰⁰ believes the borders in Africa are a “...critical foundation upon which leaders have built their states.” Due to this acceptance of colonial borders, there is the crisis of “horizontal legitimacy” (Englebert, 2000)¹⁰¹

Englebert, Tarango & Carter (2002)¹⁰² distinguish illegitimate state borders between those that ‘dismember’ and those that ‘suffocate’ the nation-state. Dismemberment refers to splitting up

⁹⁹ Mazrui, A., & Ostergard, R. From Pax Europa to Pax Africana. In: Ricardo Laremont (ed.) Causes of War and Consequences of Peacekeeping in Africa. Portsmouth, (NH: Heinemann, 2002) P. 19–36.

¹⁰⁰ Herbst, J., *States and Power in Africa*. Princeton, (NJ: Princeton University Press, 2000)

¹⁰¹ Englebert, P. *State Legitimacy and Development in Africa*. Boulder, (CO: Lynne Rienner, 2000).

¹⁰² Englebert, P; Stacey T., & Matthew C. Dismemberment and suffocation. *Comparative Political Studies*. 35(10): (2002) P. 1093–1118

single ethnic groups into multiple states, while suffocation refers to grouping distinct ethnic groups into a single state. Englebert, Tarango & Carter find that African states with greater degrees of both dismemberment and suffocation have experienced the rise of more secessionist movements attempting to dissolve the state. In a study of economic development and governance in Africa, Englebert (2000) finds evidence that horizontal legitimacy alone has more power to explain the quality of domestic policymaking than social heterogeneity, political culture, or colonial background. Horizontal legitimacy might also explain foreign policymaking as well. Englebert, Tarango & Carter, for instance, find that states with low legitimacy are more likely to enter international disputes when their borders dismember ethnic groups across different states. It seems reasonable that decisions on peacekeeping might also be influenced by concerns over horizontal legitimacy.

Deployment of Kenyan peacekeepers to Sudan could also have been done for the purpose of what Victor (2010:218) terms “promoting state legitimacy” and maintaining the integrity of Kenya and its borders. According to Khanna, Sandler & Shimizu (1998) and Shimizu & Sandler (2002, 2003) promoting state legitimacy is Africa-specific ways through which peacekeeping can yield ‘joint. That is, ways in which peacekeeping operations can not only yield benefits publicly enjoyed by the global community, but can simultaneously yield additional benefits that are either impurely public to some states or privately enjoyed by particular states (Shimizu & Sandler, 2003: 129). Deployment of Kenyan peacekeepers was because of this country-specific.

Because Kenya stated engaging in preventive diplomacy long after the crisis in Sudan began, this circumstance forced Kenya to also engage in preventive deployment.¹⁰³ To this end Kenya provided troops for peacekeeping in Sudan. According to the United Nations such preventive deployment could take place when two countries feel that a United Nations presence on both sides of their border can discourage hostilities; furthermore, preventive deployment could take place when a country feels threatened and requests the deployment of an appropriate United Nations presence along its side of the border alone.”

The United Nations adds on that¹⁰⁴:

In conditions of crisis within a country, when the Government requests or all parties consent, preventive deployment could help in a number of ways to alleviate suffering and to limit or control violence. Humanitarian assistance, impartially provided, could be of critical importance; assistance in maintaining security, whether through military, police or civilian personnel, could save lives and develop conditions of safety in which negotiations can be held; the United Nations could also help in conciliation efforts if this should be the wish of the parties. In certain circumstances, the United Nations may well need to draw upon the specialized skills and resources of various parts of the United Nations system; such operations may also on occasion require the participation of non-governmental organizations.

Provision of Peacekeeper by Kenya followed the passing of Resolution 1590(2005) by the Security Council of on 24 March 2005, establishing the United Nations Mission in the Sudan (UNMIS)¹⁰⁵. The Council decided that the tasks of UNMIS, among others, would be: to support

¹⁰³ The North-South civil war has a long history but the latest conflict that ended with participation of Sudan began in 1983; following the breakdown of the 1972 Addis Ababa agreement.

¹⁰⁴ UNMIS Background. <http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml>

¹⁰⁵ United Nations Security Council. *Resolution 1590. 2005. RES/1590. 2005*

implementation of the CPA; to facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons and humanitarian assistance; to assist the parties in the mine action sector; to contribute towards international efforts to protect and promote human rights in the Sudan. The Security Council decided that UNMIS would consist of up to 10,000 military personnel and an appropriate civilian component, including up to 715 civilian police personnel, a preventive deployment initiative that assisted in implementing the CPA and resolving ongoing conflicts.

CHAPTER FOUR

Challenges that Kenya faced in search for peace in Sudan

4.0 Introduction

This chapter will critically analyze challenges that Kenya faced during the Sudan Peace Mediation Process. In particular this chapter will review the culmination of more than a decade of mediation leading to the signing of the Comprehensive Peace Agreement on 9 January 2005 in Nairobi.

It has been proposed by Darby and MacGinty (2003; 02) that a successful peace process requires five essential criteria; a willingness of the warring parties to negotiate in good faith; inclusiveness of the process; addressing root causes of the conflict; commitment of negotiators to a sustained process; and the avoidance of the use of force by the protagonists to achieve their ends¹⁰⁶. These proposed challenges, it can be contended, are similar to those faced by Kenya during the Sudan peace process. As noted by Darby and MacGinty (2003) a successful peace process generally contains these principles because failure to consider these principles might jeopardize prospects of a successful peace process.

Peter Wallenstein (2002:133) identifies two key factors that should be considered to ensure durable peace settlement.¹⁰⁷ The first is addressing power distribution in a society to necessitate the participation of all stakeholders in the peace process in order to ensure their representation in any established government and to receive a fair share of resources. While the second concerns

¹⁰⁶John D., Roger M. "Introduction: What Peace? What Process?" In *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger MacGinty, (New York: Palgrave Macmillan, 2003).

¹⁰⁷ Wallenstein, P. *Understanding Conflict Resolution: War, Peace and the Global System*. London: (SAGE Publications, Ltd, 2002).

the security of actors, removal of security dilemma of actors. After the completion of a peace agreement, actors should feel secure. Failure to address issues of power-sharing and a continued security dilemma in a peace process might lead to the breakdown of the peace settlement.

Furthermore Stephen Stedman (1997) in *Spoiler Problems in Peace Processes*, argues that the greatest challenge to a peace process comes from spoilers-armed and unarmed groups or parties who believe that the outcome of the negotiations would not serve their interests¹⁰⁸. These spoilers are people, organizations and even states left out of a peace process and subsequent peace settlement. Stedman further articulates that those outside of the settlement would pose a major threat to the prospects for durable peace as they believe their interests are not represented in the settlement. Spoilers use violence to undermine the peace process and to achieve their ends, which proves to be catastrophic for prospects of a durable peace.¹⁰⁹ Ethiopia and Kenya have a long history of support for the SPLM/A, the former especially militarily, the latter diplomatically (Kenya played a pivotal role in the CPA negotiations)¹¹⁰. Following years of bearing the burden of tens of thousands of refugees and related instability, independence brought a chapter of peaceful and economically beneficial relations.¹¹¹

¹⁰⁸ Stedman, S. "Spoiler Problems in Peace Processes," *International Security*, Vol. 22, No. 2: 5-53. (1997)

¹⁰⁹ Ibid

¹¹⁰ Douglas H., *The Root Causes of Sudan's Civil Wars*, op. cit.; Crisis Group Africa Report N°39, *God, Oil and Country: Changing the Logic of War in Sudan*, 28 January (2002) P. 56-61.

¹¹¹ Ibid

4.1 The challenges of inclusivity

Inclusion of all parties, armed and unarmed is the foundation for sustainable peace agreements. According to Nilsson (2006:109) inclusion or exclusion from a peace process of unarmed parties who have not been directly involved in the violence may determine whether or not a durable peace will prevail.¹¹² The author asserts that Nilsson argues that the inclusion of these non-warring parties would increase the prospects for a durable peace by ensuring local ownership of the process and enhancing the legitimacy of the outcome of the process.¹¹³ A process that does not bear in mind the interests and needs of all stakeholders should be seen as addressing only the symptoms of the problem. This implies that without all parties, even if a peace agreement is reached, it may not live long.

Since its inception in the early 1990s the Sudan Peace Initiative was focused on the SPLM/A, and the Government of South Sudan (GoS), neglecting contributions from other key stakeholders. For example the National Democratic Alliance and other political groups both in the north and south of the country and civil society organizations repeatedly requested formal or observer status in the negotiations but they were rejected (see Young, 2007).¹¹⁴ According to Young (2007:23) General Sumbeiywo was opposed to inclusion of the civil society, defending the peace process against widespread allegations that it was not inclusive. General Sumbeiywo is in fact

¹¹² Nilsson, D. In the Shadow of Settlement: Multiple Rebel Groups and Precarious Peace. *Department of Peace and Conflict Research*, Report No. 73. Uppsala: Uppsala University, (2006).

¹¹³ Ibid 110

¹¹⁴ Young, J. Sudan IGAD peace process: an evaluation. *Sudan Tribune* 30 (2007).

quoted to have said “In this negotiation there is inclusivity. We have attempted to include other people in the south and the north so it is not a monopoly of the SPLM/A, and the government”.

The GoS opposed inclusion of NDA, a northern opposition party, into the negotiating team, while the SPLM/A in turn feared that members of the NDA might make common cause with their northern brothers and their participation would detract from the north-south focus of the negotiations. An excluded party was the South Sudan Defence Force (SSDF), a splinter group of SPLA rebels who were allies of the GoS, after they formally joined the government following the signing of the Khartoum Peace Agreement in 1997. According to Young (2007) the GoS was in a dilemma because it feared that SSDF engagement in the negotiations would be opposed by the SPLM/A, but if accepted the SSDF might make common cause with their southern brothers.

All political parties, other than the National Congress Party (NCP) and SPLM, were denied participation in the Sudan IGAD peace process. The argument by the GoS was that the political parties were not ready for inclusion, even though the lack of readiness was due to years of government repression, after all GoS was a military government with limited democratic space. Apart from NDA the other parties excluded were Umma Party and DUP.

The civil society was another stakeholder denied participation in the negotiations process. This was despite the fact that much of the civil society in the south was a creation of the international community and was externally driven humanitarian organisations (Young, 2002).¹¹⁵ Inclusion of

¹¹⁵ Young, J. ‘SPLA and Governance.’ *Politique Africain*. Paris. December (2002).

civil society organisations would have help in legitimating the peace settlement among the the Sudanese public.

Summarising the role of civil society in the peace process, Hassan Abdel pointedly said,

Civil society influence on the Naivasha process that led to the CPA was ultimately very limited. Like the northern opposition political parties, civil society was marginalized, perceived by the government as backing SPLM/A positions on the main stumbling blocks in the negotiations: religion and the state, wealth redistribution, democratic transformation and accountability. Moreover, the other IGAD countries shared similar views to Sudan on the roles and rights of civil society, whose engagement in briefings and informal sessions was only made possible after the wider international community became involved. Various civil society meetings and fora created for civil society actors, such as the series of meetings convened by Justice Africa in Kampala from 1999, were to a significant extent a response to the exclusion of civil society groups from the peace talks' (Young, 2002).

However it should be noted that both SPLM/A and GoS were inconsistent in their rejection of the civil society. This is because SPLM/A and GoS viewed civil society in their strongholds as an enemy and that of their opponents as potentially an ally (Young, 2007). For example the SPLM welcomed elements in the north which called for secularism, while the NCP encouraged southern civil society which challenged Garang's claim of hegemony. While the mediators feared that the presence of civil society groups would serve to harden the positions of the parties.¹¹⁶

Lack of inclusivity has been identified as a post-CPA challenge that is threatening peace in South Sudan. According to Young (2007) a great number of political factions and tribal and regional based organisations have taken form, but virtually none of them could be considered genuine political parties. In conditions of war and extreme under-development power has grown out of the barrel of a gun and the focus of the struggle has been as much about achieving a hegemonic

¹¹⁶ Ibid

position in the south as in challenging northern governments and the inequitable distribution of power and wealth. As a result, there have always been two wars under way in the south: south-south and north-south, although it was sometimes hard to distinguish them in practice.

This means the CPA solved the second war, completely ignored the first war, even though it was the first war that probably caused the most suffering to the people of southern Sudan. Anyone in the south in the wake of the 1991 split in the SPLM/A would have heard southerners complain bitterly of the 'war of the doctors', by which they meant Drs. John Garang, Riek Macher, and Lam Akol (Young, 2007).

Due to the exclusivity of the Sudan mediation process, it can be argued that Kenya worked with discredited southern and northern elites, who had the military muscle but lacked the hegemony needed to bring together a fragile region like Sudan. Just as participation in international bodies and organisations have given states in the developing world a measure of legitimacy despite their fragility, mediations such as that of IGAD have served to raise declining elites and cast them into the esteemed roles of peace makers and statesmen (Young, 2007).

4.2 Lack of mutual trust

Netabay (2009) emphasizes the fact that in the context of civil war or intrastate conflict, mutual trust is a crucial factor for serious negotiations toward a sustainable peace agreement.¹¹⁷ This is because mutual trust ensures confidence between the actors, increases their willingness to negotiate and compromise, avoids the 'security dilemma', and helps them feel secure with the

¹¹⁷ Netabay, N. 'The Darfur Peace Process: Understanding the Obstacles to Success. *Beyond Intractability*, (2009). Downloaded on 15th August 2015 <http://www.beyondintractability.org/print/737>

outcome of the negotiations.¹¹⁸ According to Darby and MacGinty (2003:02), a successful peace process requires "that the protagonists are willing to negotiate in good faith," and "that the negotiators are committed to a sustained process." Furthermore Roy Licklider asserts that a workable settlement requires compromise and flexibility, which in turn requires mutual trust.¹¹⁹ This is because parties who lack mutual trust seldom reach a workable peace agreement. Discussing factors that undermine peace negotiations, Adrian Guelke (2003:53) identifies "the pursuit of irreconcilable aims by major antagonists" as among the major obstacles for a negotiated settlement.¹²⁰

Among the major factors that might have created mistrust between the GoS and SPLM/A, are the appalling scale of the violence and atrocities had perhaps incited hatred and broken relationships between northerners and southerners and hatred among various tribes in south. In describing conflicts and civil wars Wallenstein (2001:133) contends that such conflicts result in the "breaking up of existing social relationships" creating a hostile environment where "Families may be divided, friendships are destroyed, and local communities are shattered."¹²¹ This social breakup creates psychological wounds in Sudan, therefore Kenya's first challenges was to ensure trust among communities that ultimately incite hatred and mutual distrust.

¹¹⁸ Ibid

¹¹⁹ Roy L. Obstacles to Peace Settlements, in *Turbulent Peace: The Challenge of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela All. Washington, D.C: (United States Institute of Peace Press. 2001).

¹²⁰ Adrian G. Negotiations and Peace Processes, in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger MacGinty. (New York: Palgrave Macmillan, 2003).

¹²¹ Wallenstein, P. *Understanding Conflict Resolution: War, Peace and the Global System* London: (SAGE Publications, Ltd 2002).

Contrary to traditional African approaches to resolving conflicts which emphasize trust building, the Sudan peace process made no explicit attempt to build trust between the parties to the conflict, either during the formal negotiations, or in the post-CPA period (Young, 2007). The result of lack of trust has been outbreak of violence following the 'attempted coup' in the South and the unsettled Abyei issue in addition to the now permanent suspicion between the Dinka and Nuer tribes. A recent study of conflict management and resolution in the Horn found indigenous modes of conflict resolution and their emphasis on reconciliation frequently highly effective (Cliffe and White, 2002).¹²² But Kenya did not use this indigenous peace building asset during the Sudan peace process.

However, neither the SPLM nor the GoS wanted civil society and the traditional authorities, who would have highlighted the issues of trust and reconciliation, to have a role in the peace process and the mediators and the US led quartet appeared to share these sentiments. A Truth and Reconciliation Commission along the lines of that in South Africa was widely supported by civil society, but in the end it was written off by Garang and Ali Osman who held that it would undermine the peace process and clearly did not think they had to play the role of democratic politicians and sell the agreement to their constituents (Young, 2007). Therefore it can be argued that no constructive efforts were made during the course of the peace process or since the signing of the CPA to seriously confront the pain, trauma, bitterness, and distrust that the war inflicted

¹²² Cliffe, L., White, P. 'Regional Dimensions of conflict in the Horn of Africa.' *Third World Quarterly*. Vol. 20. No. 1. (1999).

on the population. And this failure constitutes one of the biggest threats to the sustainability of the peace process.

There was distrust even within the southerners, where Dr. John Garang maintained a strong hold over his colleagues during the course of the negotiations but failed to gain trust of some elements of civil society and other southern parties largely which can explain the SPLM/A's opposition to their participation in the peace process.

While key elements of the power-sharing and wealth-sharing protocols, together with the commitment to conduct a referendum on self-determination, did address major concerns of people in the south and hence provided a basis for ownership, the peace process did nothing to build trust between southerners and northerners. People in the north had trouble identifying with the peace process and the CPA because they saw few benefits in it accruing to them. Expressing these sentiments, one northern Sudanese said, 'the agreement was between big men and the *khwadjaat* who isolated the Sudanese'. The peace process did not produce trust between the negotiating parties, and they in turn gave trust a low priority and rejected measures which would have engaged the broader population in a collective healing exercise and encouraged trust. The dangers of this omission were made patently clear when in the wake of Dr. John Garang's death on 30 July 2005 Africans in Khartoum rioted while the Arab population of the city cowered in their houses, only later to join the state security apparatus in revenge attacks on the Africans. Not for many years had the divide between Africans and Arabs in Sudan seemed so wide and this occurred only six months after the signing of the CPA, an agreement designed to build a new basis of unity and mutual trust in the country.

4.3. Weak mediation process

The strength of mediation processes influence the success or failure of peace processes. Therefore mediation process can be the key reason for success or failure of a peace process, "there are times when they have helped to induce failure."¹²³ According to Licklider, mediators "seem increasingly to be oriented toward bringing about peace, which in practice means some sort of negotiated settlement, even if some sort of players want the settlement skewed in favor of one side." Licklider further adds, "external pressure does not always promote peace, of course. Ostensibly, internal violence is often promoted or made possible by outside assistance of various sorts." Therefore, mediators and external actors may complicate the outcome of a peace process by focusing on a quick outcome rather than a long-term solution-oriented process of mediation or by skewing the outcome to one side.

Indeed the mediators in the Sudan peace process failed to settle key issues like legitimization of SPLM/A in the republic of South Sudan. This has turned out to be the major weakness of the 2005 CPA. Even though the north is no longer an enemy to southerners, the civil war continues albeit within the south and in Darfur. Negotiators should have thought wide to develop a more inclusive CPA that would ensure peace not only between the north and south but also within the south and in Darfur. According to Ledcrach (1995:22) in mediation, clarity and the adequacy of the framework of the process determines the outcome and the bottom line of this argument is that a hasty and quick-fix-oriented process does not result in a sustainable solution acceptable to

¹²³ Netabay, N. The Darfur Peace Process: Understanding the Obstacles to Success. *Beyond Intractability*, (2009). Downloaded on 15th August 2015 <http://www.beyondintractability.org/print/737>

all.¹²⁴ Even after attainment South Sudan independence Kenya still has strong interests in the country whereby President Kenyatta has taken a lead role in ensuring peaceful region. Earlier, Kenyatta had backed discreet mediation initiatives that emphasized avoiding criminal accountability. This complicated matters in relation to the IGAD talks where the parties had already agreed to a hybrid tribunal. These efforts, probably unintentionally, also undermined the Kenyan special envoy, General Sumbeiywo, because parties believed they could go directly to Kenyatta rather than compromise at the mediation level.¹²⁵ Kenya's activities on its border with South Sudan in remote Nadapal, near the contested Ilemi Triangle, created further bilateral tension. It remains to be seen if Nairobi will take advantage of the present situation to press its claims. Its overriding focus on security issues at home and in Somalia and its complex interests in South Sudan mean it is likely to continue seeking middle-ground and a solution that secures its economic interests and limits calls for criminal accountability.¹²⁶

4.4 Fragmentation of Southern Liberation Movements

Nilsson (2006:110) argues multiplication of rebel groups jeopardizes the hope for durable peace. This is because fragmentation of rebels' movements increases the number of actors increasing

¹²⁴ Lederach, J. *Preparing for Peace: Conflict Transformation across Cultures*. (New York: Syracuse University Press, 1995).

¹²⁵ International/Crisis Group Working to prevent Conflict worldwide. South Sudan: Keeping faith with IGAD peace process. Africa Report N 228. 27TH July 2015. <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/south%20sudan/228-south-sudan-keeping-faith-with-the-igad-peace-process.pdf>. Viewed on 8th September 2015

¹²⁶ Ibid

complexity of the process as different parties come to the table with different views and irreconcilable strategic problems.¹²⁷

Kenya had a challenge dealing with a fragmented SPLM/A and GoS fragmented between National Congress Party (NCP) and the opposition National Democratic Alliance (NDA) in addition to pro-government militias like *Murahaheen*. When the peace negotiation process was started in 1994, the major parties involved were SPLM/A and GoS. But later SPLM/A fragmented with a splinter groups led by Lan Akol and Riek Machar, especially soldiered from Nuer and Shilluk tribes.

The challenge of fragmentation is brought thorough description by The Institute of Security Studies (2004:02)¹²⁸ of how Akobo in eastern Upper Nile was captured by SPLM/A in October 2002 from the control of two allies of the GoS – the South Sudan Defence Force (SSDF) and the South Sudan Liberation Movement (SSLM). Interestingly this war front engagement were during the peace process. However this fragmentation is complicated by the fact that these forces are not permanent allies of GoS because shifting alliances are common.

According to The Institute of Security Studies (2004:03) the example of Akobo also raises the problem of fragmentation:

What happens when armed forces or civilians, or some combination of both, operating within an area change their affiliation? This would appear to be the case when Akobo passed from SSLM control to SPLM/A control in late 2003. A strict reading of the Cessation of Hostilities Agreement could be interpreted to mean that the regime in place on 17 October 2002 cannot be changed, that the area in question must remain under the authority of either the GoS or SPLM/A,

¹²⁷ Ibid

¹²⁸ Institute of Security Studies, *Situation report*. African Security Analysis Programme, (2004).

irrespective of the shifting loyalties of individuals or groups within the GoS or SPLM/A. But natural justice would seem to grant people the right to be ruled by leaders of their choice and not be forced to accept an imposed group, even if it was in control of the area on some arbitrary date... Akobo proved to be the tip of the iceberg in a southern Sudan where political attachments – and security conditions – can change rapidly. In late 2003 and early 2004 a number of leaders of GoS allies in Western Upper Nile (WUN) and the Shilluk Kingdom of central Upper Nile defected to the SPLM/A. The issue was raised – though not answered – as to whether the territory occupied by their forces would automatically pass to the SPLM/A. The SPLM/A clearly felt that a change of political affiliation and loyalty of military forces necessarily meant that the status of the territory would also change. Again the GoS took the view that since its allies (the South Sudan Independence Movement or SSIM in WUN and the Sudan People's Liberation Movement-United or SPLM-United in the Shilluk Kingdom), controlled the areas in dispute on 17 October 2002, that these territories belonged under its control, irrespective of any changing loyalties.... in WUN Tito Bihl and James Leah, two senior commanders of the SSIM, a component of the SSDF, defected to the SPLM/A in early 2004, flew to Naivasha where they met John Garang, and were apparently instructed to return to the field and bring over their remaining forces and to gain control of the territory they originally occupied. What followed was fighting within SSIM as most fighters opted to follow their leaders into the SPLM/A....[this] ...produced further rounds of fighting between the former SSIM followers and the rump left under the command of Peter Dor who received strong backing from the national army.

The problem of fragmentation is being experienced in Darfur, just like it happened in South Sudan. Indeed disagreements over political agendas for negotiations, power struggles among commanders, and ethnic affiliation have contributed to the fragmentation of rebels (Daly, 2007: 298).¹²⁹ Seeking to undermine rebel unity, the government of Sudan also has incited rebel divisions by infiltrating the rank and file of the rebel groups. In fact according to International Crisis Group (2005:03), the GoS is using the same strategies in Darfur—buy-out tactics through separate deals with some factions.¹³⁰ These worsens the problem of fragmentation and makes it

¹²⁹ Daly, M. *Darfur's Sorrow: A History of Destruction and Genocide*. (New York: Cambridge University Press, 2007).

¹³⁰ International Crisis Group. Unifying Darfur's Rebels: A Prerequisite for Peace. *Africa Briefing* No. 32, 6 (October 2005). P.1-5.

extremely difficult for the peace process to have a single team that can come up with peace agreements within a limited time.

Consequently Kenya found it difficult to choose parties to negotiate with. Even though the defacto leader of southerners was Dr. Garang of SPLM/A, there was need to include other tribal leaders not in SPLM/A. This was not easy because of the frequently fragile unity in SPLM/A and shifting alliances between southerner tribal leaders and GoS.

The 2005 peace agreement was intended to fundamentally reverse these dynamics of violence and exclusion and offer all Sudanese a place in a united, democratic and federal Sudan, with an Islamist government in the North of the country and secularism in the South. It was an internationally brokered package deal with many drawbacks, but it did offer numerous options for a genuine transformation of the state, including wealth sharing, power sharing and democratic elections. The hope generated by the CPA was symbolized by the return of SPLM/A-leader Dr John Garang de Mabior to Khartoum after 22 years in the bush, where he was greeted by an ecstatic crowds of millions of ordinary people in July 2005. Garang, though a Southerner, was not a secessionist, but a passionate believer in a New Sudan, a home for all its citizens, regardless of their ethnicity, gender or socio-economic background. He argued that the problems faced by the South were fundamentally no different than the sufferings of people across the country at the hands of the Khartoum elite. However, one week after his triumphant visit to Khartoum, the SPLM/A chairman died in a mysterious helicopter crash, leaving his former bush

commanders in charge of an autonomous Southern Sudan.¹³¹ Civilian destruction in the oil regions should also be especially closely monitored: is the regime continuing its campaign of scorched-earth warfare and civilian clearances? Will helicopter gunships continue their deadly assaults on villages, fleeing civilians, refugee camps, and humanitarian relief? If so, this will also be a sign of longer-term military ambitions incompatible with a determination to reach a just peace at the August resumption of the Machakos attacks.¹³² It must also be said that any assessment of the chances for peace will have to take full account of Khartoum's record of shameless prevarication and continual renegeing. The regime has constantly been caught out in lies, whether about military developments, civilian attacks, humanitarian access issues—and previous peace “agreements.” Leaving aside a previous Khartoum regime's violation of the 1972 Addis Ababa accord that was the catalyst for renewed fighting in 1983, the National Islamic Front regime has also distinguished itself by renegeing, for example, on the “Khartoum Peace Agreement” of 1997 that drew southern leader Riek Machar into the government. To be sure, this was never a meaningful peace agreement in the first place, but the contemptuous abrogation of its “terms” is an appropriate measure of the regime as a negotiating partner.¹³³ In his speech during the signing of Comprehensive Peace Agreement Garang noted “The solution to the fundamental problem of Sudan is to evolve an “all-inclusive Sudanese state” which we have called the New Sudan, a “new Sudanese political dispensation” in which all Sudanese are equal

¹³¹ Alasdair M. Year One of a Nation: South Sudan's Independence, a Compendium of Pieces from e-International Relations. E-Relations. December 2012.

¹³² Reeves E. Sudan Research Analysis and advocacy. The Machakos Protocol: Peace for Sudan? A clash of hope and history (July 22 2002). <http://sudanreeves.org/2004/12/24/the-machakos-protocol-peace-for-sudan-a-clash-of-hope-and-history-july-22-2002>. Downloaded on 8th September 2015.

¹³³ Ibid

stakeholders irrespective of their religion, race, tribe or gender, and if this does not work, then look for other solutions, such as splitting the country. But we believe that a New Sudan is possible, for there are many in Northern Sudan who share with us in the SPLM/A, and believe as we do in the universal ideals of humanity – the ideals of liberty, freedom, justice and equality of opportunity for all Sudanese citizens. As is the case in the South, the events in Darfur, Eastern Sudan and elsewhere have made it clear that we must have an “all-inclusive Sudanese state” at the national level and full devolution of power to the various regions of the Sudan, for otherwise it is unlikely that the country would stand any chance of remaining united. But this “all-inclusive Sudanese State” which we have called the New Sudan must have some basis, for example, in history that makes us into one country or nation. The question is whether there is a basis for the New Sudan? My answer is yes there is, and it is this answer in the affirmative that has guided and sustained the vision of the SPLM for the last 21 years and enabled us to reach this CPA.”¹³⁴

4.5 Conclusion

Kenya faced several challenges during the Sudan peace process. These challenges are generic because they have been faced by other countries engaged in preventive diplomacy. Indeed these challenges are similar to those being faced by negotiators involved in the current mediation to end civil war in South Sudan and the war in Darfur.

The generic challenges as explained earlier are; a willingness of the warring parties to negotiate in good faith; inclusiveness of the process; addressing root causes of the conflict; commitment of negotiators to a sustained process; and the avoidance of the use of force by the protagonists to

¹³⁴ SPLM/A Chairman's address to signing ceremony of the Comprehensive Peace Agreement Nairobi Kenya, (January, 9th, 2005). P.5-6.

<http://www.splmtoday.com/docs/statements%20and%20speeches/2005%20Garang%20Speech%20CPA%20Signing%20Ceremony.pdf>. Viewed on 10th September 2015.

achieve their ends¹³⁵. In addition it is important to consider power distribution in a society and concerns about security of actors in the peace process, manage spoilers- either armed or unarmed groups or parties who believe that the outcome of the negotiations would not serve their interests. Successful peace process must find strategies to contain these challenges, failure to which the peace process might be jeopardized.

¹³⁵John D., Roger M. "Introduction: What Peace? What Process?" in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger MacGinty. (New York: Palgrave Macmillan, 2003).

CHAPTER FIVE:

Summary, Conclusion and Recommendations.

5.0 Summary of major findings

This chapter will summarize the critical review done to fulfil the overall objective of this study and give recommendations. The main objective of this study was to assess the role of Kenya in regional peace and stability with the Sudan conflict in particular. The specific objectives were to: critically analyze Kenya's motivation to contributing to resolution of the Sudan conflict; examine the strategies that Kenya deployed this regional security and peace building; and find out the challenges Kenya faced in her mission to achieving peace in Sudan. This chapter also will offer general and policy recommendations and offer suggestions for further research

This study found out that Kenya played a significant role in resolution of conflict in Sudan that led to a two-state solution — partition the Republic of Sudan to form the Republic of Sudan and the Republic of Southern Sudan. The participation of Kenya in this process was influenced by the fact that Kenya has experienced relative peace, political stability and economic progress since independence. These have enabled Kenya to rise to the status of a regional hegemony. To this concern, the following is a summary of key findings of this study.

5.1.0 Motivations for Kenya to seek peace in Sudan

The basis for Kenya's involvement in conflict resolution that ended with a two-state solution for the Sudan problem can be summarised as;

5.1.1 Insecurity and Economic interests

It was found out that egotistic factors of Kenya's security and economic interest's influenced Kenyan participation that led to the signing of the Comprehensive Peace Agreement (CPA). This is because political stability is the foundation of regionalism and by ensuring stability in Sudan,

Kenya knew it was going to benefit economically. Indeed regional cooperation has been used throughout the world regions as a guarantee for peaceful coexistence (see Handley et al 1998)¹³⁶. Furthermore the concept of regionalism encompasses efforts by a group of nations to enhance their economic, political, social, or cultural interaction through various forms, among them regional cooperation, market integration, development integration, and regional integration (Lee, 2002:01)¹³⁷.

It is true that one of the major economic benefits of a peaceful Republic of (Southern) Sudan is access to cheap oil. This is despite the fact that Kenya, Tanzania and Uganda recently discovered oil deposits, which are likely to affect oil, supply dynamics in the region and even beyond (cf Sauvé, P. 2012:02¹³⁸). The government of Kenya has already started a major transport corridor as part of cheap oil development agenda, encompassed in Vision 2030 whose main objective is to enable Kenya achieve middle income and industrialised economy by 2030. In fact construction of the first three berths of the Lamu port was officially launched in May 2015. According to the Government so far construction activities for preliminary facilities at Lamu Port are ongoing with some nearing completion.¹³⁹

¹³⁶Handley, A Mills, G. *South Africa and Southern Africa Regional Integration and Emerging Markets*. The South African Institute of International Affairs, (1998).

¹³⁷ Lee, M. Regionalism In Africa: A Part of Problem or a Part of Solution. Polis / R.C.S.P. / C.P.S.R. Vol. 9, (Numéro Spécial, 2002).

¹³⁸ Sauvé, P. South Sudan's EAC Accession: Framing the Issues. International Growth Centre South Sudan Policy Note Series – No. 5. (2012).

¹³⁹ Ibid

On regionalism, the government of Kenya compares itself to Asian regional hegemonies like China, India, Malaysia, Brazil, Iran and Singapore, countries that developed through creation of capacity in infrastructure industry, human, technological, financial resources and consumers.¹⁴⁰

5.1.2 Economic benefits of a peaceful neighbour

The second reason Kenya participated in conflict resolution in Sudan is the fact that civil wars have a negative effect on the economies of neighbouring states. It has been estimated that if a country experiences war her neighbours will face a reduction in GDP of 0.89% annually over the same period¹⁴¹. The following were some of the effects if war: reduced profits from Kenya's exports and the significant investments made by Kenyan enterprises in several services sectors, notably banking, communications and retail.¹⁴² This was worsened by influx of refugees and illegal migrants.

Kenya feared continued conflict in Sudan would lead to increased insurgency in Kenya due to spillover of the Sudanese civil war. Furthermore Kenya feared the prospects of South Sudan becoming a failed state, especially in the light of the impact Kenya's eastern neighbours, the failed state failure in Somalia. It was feared that another failed state in the region was likely to increase the difficulty and costs Kenya faces in controlling insurgent activity (Frontier Economics: n.d: 17).

¹⁴⁰ Ibid

¹⁴¹ Collier, P., Hoeffler, A. Aid, Policy and Growth in post-conflict societies. *European Economic Review*, Elsevier. Vol. 48(5). (2004) P. 1125-1145.

¹⁴² Frontier Economics. (n.d) *South Sudan: The Cost of War An estimation of the economic and financial costs of on-going conflict*. Frontier Economics, Centre for Conflict Resolution (CECORE) & Centre for Peace and Development Studies (CPDS). Available at <http://www.frontier-economics.com/documents/2015/01/south-sudan-cost-war.pdf> Downloaded on 1st August 2015.

5.1.3 Hegemonic pursuit by Kenya through the Sudan peace process.

Although scholars have argued that the end of the cold war was the end of the bipolar world and beginning of the 'nonpolar' world (see Dehéz, D. 2008¹⁴³Haass, 2008)¹⁴⁴), nonpolarity according to Haass (2008)¹⁴⁵ has led to reincarnations of a multipolar world, with regional powers in charge instead of the struggle between the West and East.

Therefore Kenya's participation in conflict resolution and transformation in the East Africa region as hegemonic polarisation, even though Dehéz (2008:01) claims that Kenya is not among regional hegemonies in Africa, preferring to label Nigeria, South Africa, Ethiopia and the Democratic Republic of the Congo as the current hegemonies.

Despite the above denial of Kenya's status as a regional hegemony, because of the country's small size, population, and inability to project power beyond borders without biases, or in a disinterested manner, this characterisation of regional hegemon loses its explanatory value. This is especially so considering that interventions by Western hegemonies have not been unbiased or disinterested, at least from an Africanist perspective. The major shortcoming of Dehéz (2008:02¹⁴⁶) and Herbst (2000:314) denial of Kenya as a hegemony is the fact that the authors emphasise the military might as the source of hegemonic power contrarily to neo-Grancian understanding of hegemony as "political order in which one way of thinking, the most powerful

¹⁴³Dehéz, D. *A Hegemon in the Horn of Africa Region?* BISA Annual Conference, (Exeter, 2008)

¹⁴⁴Haass, R. The Age of Non-polarity. What Will Follow U.S. Dominance? In: Foreign Affairs, (2015). Available at: <http://www.foreignaffairs.org/20080501faessay87304/richard-n-haass/the-age-of-nonpolarity.html>. Accessed on 1st August 2015.

¹⁴⁵Haass, R. The Age of Non-polarity. What Will Follow U.S. Dominance? In: Foreign Affairs, (2015). Available at: <http://www.foreignaffairs.org/20080501faessay87304/richard-n-haass/the-age-of-nonpolarity.html>. Accessed on 1st August 2015.

¹⁴⁶Dehéz, D. *A Hegemon in the Horn of Africa Region?* BISA Annual Conference, (Exeter, 2008)

one, dominates and, thus, coercion is minimized” (Joseph, 2008:109).¹⁴⁷ It is true that Kenya is a regional ideological hegemony using soft hegemony. Therefore Kenya is not an all-round regional hegemony as characterised above by Dehéz (2008) and Herbst (2000), but it has hegemonic characteristics described by Hassan (2015:161). Furthermore Kenya is a hegemony based on alternative conception proposed by Prys (2009:197)—‘self-perception’, ‘regional acceptance’, ‘projection of preferences and values’ and ‘provision of (regional) public good’.

From this perspective of Kenya acted as a regional hegemon in the Sudan peace process. This can be illustrated by the fact that Kenya hosted the Government of the Sudan and the SPLM/A negotiating teams, becoming the *de facto* leader of negotiations and overseeing all the six agreements leading to the CPA—The Protocol of Machakos, signed in Machakos, Kenya, on 20th July 2002; The Protocol on security arrangements, signed in Naivasha, Kenya, on 25th September 2003; The Protocol on wealth-sharing, signed in Naivasha, Kenya, on 7th January 2004; The Protocol on Power-sharing: signed in Naivasha, Kenya, on 26th May 2004; The Protocol on the resolution of conflict in southern Kordofan/Nuba Mountains and the Blue Nile States, signed in Naivasha, Kenya, on 26th May 2004; and The Protocol on the resolution of conflict in Abyie, signed in Naivasha, Kenya, on 26th May 2004. Apart from that, the negotiation process was led by a Kenyan, Lieutenant General Lazurus Sumbeiywo.

From a regional perception perspective, hegemony is due to ‘followership’ by others. This close connection with the notion of legitimacy needs to be put into perspective. Most of the time, the acceptance of a hegemon is rather founded on utility or necessity, but, above all, on the secondary states’ realization of their own weaknesses. Consent is not required from every single

¹⁴⁷Joseph, J. ‘Hegemony and the Structure-Agency Problem in International Relations: A Scientific Realist Contribution’, *Review of International Studies*, 34(1), (2008) P. 109–128

unit in the system. Instead resistance to or fear and suspicion of the materially privileged state, which often are historically anchored, are features in many hierarchically ordered regions.

At the societal level, regional hegemony often has an appeal in terms of the cultural products and educational institutions. Kenya is a regional hegemony from this perspective because South Sudan pupils have been sitting for Kenyan (KNEC) examinations since the year 2007. Adoption of the Kenyan education system happened following an agreement with the Nuba Relief, Rehabilitation and Development Organization (NRDO) due to desire by Southern Sudan where Nuba Region is located to delink itself from the North Sudan. This is an indicator of acceptance of Kenya as a regional hegemon.

The other dimension of Kenya as a regional hegemony is provision of regional public goods. Conventional theories of hegemony associate very specific goods with a hegemonic order, such as an open trading system and the maintenance of a structure of exchange rates, and expect the hegemon to serve as a 'lender of last resort' (Kindleberger, 1986, p. 841)¹⁴⁸. As an alternative the hegemonic provision can be established as long as the respective goods fulfil the criteria of non-exclusiveness and non-rivalry (the defining features of a public good), and as long as the regional power bears a disproportional share of the costs for the provision (Prys 2009:207). A key public good is regional security especially contribution of peacekeepers by Kenya.

5.2 Strategies deployed by Kenya in solving the Sudan conflict.

The study found out that Kenya used the following strategies to resolve the Sudan conflict: preventive diplomacy, peace-making and peacekeeping.

¹⁴⁸ Kindleberger, C. International Public Goods without International Government. *American Economic Review*, 76(1), (1986) P. 1-13.

Through preventive diplomacy, Kenya managed to push for partition of Sudan into two states; the Republic of Sudan and the Republic of South Sudan. Similar strategies are categorized by the United Nations Department of political affairs as diplomatic action taken to prevent disputes from escalating into conflicts and to limit the spread of conflicts when they occur. This strategies can be achieved through diplomatic envoys dispatched to crisis areas to encourage dialogue, compromise and the peaceful resolution of tensions.¹⁴⁹

Preventive diplomacy works well when there are measures that can create confidence among warring states. It may also require preventive deployment and, in some situations, demilitarized zones. Kenya participation was based on the confidence both the north and the south had.

Additionally Kenya used political mission's mainly civilian missions, bringing together international officials and experts with a mandate from an international organization. The country also had military missions in Sudan under the umbrella body of UNISOM. But these military missions did not engage in peace-creation, they mainly participated in peace keeping. The political mission was led by Gen. Lazaro Sumbeiywo, a former Army chief who was initially appointed a Special Envoy to Sudan and later the chief negotiator at the Naivasha Talks that ended Sudan's Second Civil War. In 2002 Lt. Gen. Sumbeiywo was appointed as Kenya's Special Envoy to the Inter-Governmental Authority on Development (IGAD), a regional organization for the Horn of Africa. In this position, Gen. Sumbeiywo was the lead mediator in the Sudanese North-South peace process.

¹⁴⁹Diplomacy and Mediation. <http://www.un.org/undpa/Diplomacy%20and%20Mediation>. Downloaded on 14th August 2015.

Kenya's military mission to Sudan was particularly critical, because the military mission played a major role after the Sudanese government initially refused entry to Western peacekeepers, leaving the fragile country in a precarious situation. This participation in peacekeeping by Kenya was aimed at "building state legitimacy and maintaining the integrity of national borders and populations." Kenya used the peacekeeping strategy during the Sudan conflict due to the proximity of Sudan to Kenya. According to Khanna, Sandler & Shimizu (1998) and Shimizu & Sandler (2002, 2003) promoting state legitimacy is Africa-specific ways through which peacekeeping can yield 'joint. That is, ways in which peacekeeping operations can not only yield benefits publicly enjoyed by the global community, but can simultaneously yield additional benefits that are either impurely public to some states or privately enjoyed by particular states (Shimizu & Sandler, 2003: 129). Deployment of Kenyan peacekeepers was because of this country-specific.

5.3 Challenges that Kenya faced in search for peace in Sudan

Kenya faced several challenges when participating in Sudan conflict resolution. Among this challenges were: lack of willingness of the warring parties to negotiate in good faith; lack of inclusiveness of the process; poor approach to addressing root causes of the conflict; absence of commitment of negotiators to a sustained process; and the avoidance of the use of force by the protagonists to achieve their ends. Furthermore the greatest challenge to a peace process came from spoilers, armed and unarmed groups or parties who believe that the outcome of the negotiations would not serve their interests.

Among the key stakeholder who raised concern about their exclusion were fragments of the SPLA/M and opposition groups in northern parts of Sudan like the NDA and civil society

organizations (see Young, 2007).¹⁵⁰ The other political parties excluded were Umma Party and DUP. The GoS opposed inclusion of NDA while the SPLM/A in turn feared that members of the NDA might make common cause with their northern brothers and their participation would detract from the north-south focus of the negotiations. One major stakeholder from south who raised this issue was the South Sudan Defence Force (SSDF), a splinter group of SPLA that were allies of the GoS. Lack of inclusivity has been identified as a post-CPA challenge that is threatening peace in South Sudan. According to Young (2007) a great number of political factions and tribal and regional based organizations have taken form, but virtually none of them could be considered genuine political parties.

The other key challenge faced by Kenya was lack of mutual trust. Mutual trust is a crucial factor for serious negotiations toward a sustainable peace agreement.¹⁵¹ This is because mutual trust ensures confidence between the actors, increases their willingness to negotiate and compromise, avoids the 'security dilemma', and helps them feel secure with the outcome of the negotiations.¹⁵² Among the major factors that might have created mistrust between the GoS and SPLM/A are, the appalling scale of the violence and atrocities had perhaps incited hatred and broken relationships between northerners and southerners and hatred among various tribes in south. The result of lack of trust has been outbreak of violence following the 'attempted coup' in the South and the

¹⁵⁰ Young, J. Sudan IGAD peace process: an evaluation. *Sudan Tribune* 30 (2007).

¹⁵¹ Netabay, N. The Darfur Peace Process: Understanding the Obstacles to Success. *Beyond Intractability*. (2009) Downloaded on 15th August 2015 <http://www.beyondintractability.org/print/737>

¹⁵² Ibid

unsettled Abyei issue in addition to the now permanent suspicion between the Dinka and Nuer tribes.

It was also found out that there was major mistrust within the southerners, where Dr. John Garang maintained a strong hold over his colleagues during the course of the negotiations but failed to gain trust of some elements of civil society and other southern parties largely which can explain the SPLA/IO refusal to participate in the peace process.

Nilsson (2006:110) argues multiplication of rebel groups jeopardizes the hope for durable peace. This is because fragmentation of rebels' movements increases the number of actors increasing complexity of the process as different parties come to the table with different views and irreconcilable strategic problems.¹⁵³

Kenya had a challenge dealing with a fragmented SPLM/A and a GoS fragmented between National Congress Party and the opposition National Democratic Alliance in addition to pro-government militias like *Murahleen*. When the peace negotiation process was started in 1994, the major parties involved were SPLM/A and GoS. But later SPLM/A fragmented with a splinter groups led by Lan Akol and Riek Machar, especially soldiered from Nuer and Shilluk tribes.

The other key challenge was fragmentation of the South when the Akobo in Eastern Upper Nile was captured by SPLM/A in October 2002 from the control of two allies of the GoS – the South Sudan Defence Force (SSDF) and the South Sudan Liberation Movement (SSLM). This action happened during the peace process, complicating the process of negotiation because these forces are not permanent allies of GoS, they regularly shifted alliances.

¹⁵³ Ibid

A similar problem of fragmentation is being experienced in Darfur. Indeed disagreements over political agendas for negotiations, power struggles among commanders, and ethnic affiliation have contributed to the fragmentation of rebels (Daly, 2007: 298). These fragmentations are sometimes worsened by the government ¹⁰ undermine rebel unity. In fact according to International Crisis Group (2005:03), the GoS is using the same strategies in Darfur—buy-out tactics through separate deals with some factions¹⁵⁴.— these worsens the problem of fragmentation and makes it extremely difficult for the peace process to have a single team that can come up with peace agreements within a limited time. This made it difficult for Kenya to choose parties to negotiate with, even though the *de facto* leader of southerners was Dr. John Garang of SPLM/A, the fragile unity in SPLM/A and shifting alliances between southerner tribal leaders and GoS was a major challenge.

5.4 Conclusion and Recommendations

Kenya had several motivations to engage in Sudan conflict resolution. But the country faced several challenges as it pursued its motivations for a peaceful Sudan. These challenges and the strategies used by Kenya to solve the challenges were generic because they have been faced by other countries engaged in preventive diplomacy and regional peacebuilding. Indeed these challenges are the similar to those being faced by negotiators involved in the current mediation to end civil war in South Sudan and Darfur.

¹⁵⁴International Crisis Group. Unifying Darfur's Rebels: A Prerequisite for Peace. *Africa Briefing* No. 32, 6 (October 2005), P. 1-5.

The success in resolving the Sudanese conflict is likely to motivate Kenya to engage in other peacebuilding activities to elevate its position as a regional hegemon. Indeed Kenya is actively participating in conflict resolution in Republic of Somalia and Central African Republic. Such activities are expected to be a key agenda in Kenya's preventive diplomacy and as a regional hegemon. There is need for further research about these new preventive diplomatic policy in Kenya because the country previously avoided interfering with its neighbor internal disputes.

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