KENYA'S MEDIATION IN THE SUDAN PEACE PROCESS

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DECLARATION

I Wakhungu Juma Patrick hereby declare that this project is my original work and has not been presented for a degree in any other university.

Signed……………………………………..   Date………………………..

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This project has been submitted for examination with my approval as a University Supervisor

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DEDICATION

My late father Joseph Wakhungu Mafubo and my late mother Fridah Nasimiyu Wakhungu, your love endures. You truly live in me; rest in perfect peace.

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ABSTRACT

This study is designed to assess Kenya's mediation role in the Sudan peace process. The broad objective of the study is to assess the role that Kenya played in this process with a view to drawing useful lessons. The study adopts a theoretical framework based on the theory of mediation of Adam Curle. The data that forms the core of this study is drawn from both primary and secondary sources.

It is established that the success of the mediation process in Sudan was largely due to the support that Kenya received from the international community particularly the United States of America. The study explores strategies, issues at stake and the challenges that were to be surmounted in order to reach a peace deal. The study establishes that although the mediation process was under the auspices of IGAD, Kenya took a leading role because by that time she was the chair of IGAD and was willing to offer herself to mediate an end to the protracted conflict in the Sudan. It is further established that the parties to the conflict accepted Kenya's leadership role because of her international stature as a neutral and sober state compared to her neighbours some of whom had openly taken sides in the conflict.

This study has shown that mediators should be people who have the expertise and the experience necessary to navigate such fragile processes to achieve desired results.

The study concludes that President Moi played an important role in bringing to the negotiation table warring parties and that without his political acumen; the process would not have succeeded. The study also affirms that the study objectives were achieved and that Kenya's continued engagement in Sudan has been largely in South Sudan with. This has gradually eroded Kenya's influence in that process thus paving the way for Thabo Mbeki to become a lead mediator commissioned by the African Union.

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ACRONYMS AND ABBREVIATIONS

CPA - Comprehensive Peace Agreement

DRC - Democratic Republic of Congo

ECOMOG - Economic Community Monitoring Group

ECOWAS - Economic Community of West African States

EPLF - Eritrean People's Liberation Front

EPRDF - Ethiopian People's Revolutionary Front

DoPs - Declaration of Principles

FLEC - Front for the Liberation of the Enclave of Cabinda

Frelimo - Mozambique Liberation Front

IGAD - Intergovernmental Authority on Development

GoSS - Government of South Sudan

KESSULO - Kenya South Sudan Liaison Office

OLS - Operation lifeline Sudan

Renamo - Mozambican National Resistance

SPLM/A - Sudanese Peoples Liberation Front/ Army

TPLF - Tigrey People's Liberation Front

UNICEF	-	United Nations Children's Fund
USA	-	United States of America
WCC	-	World Council of Churches

CHAPTER ONE

1.0   Introduction

This chapter covers various aspects of the study. It sets the tone of the study by exploring the background to the study area. The statement of the research problem, study objectives, hypotheses, literature review and theoretical framework are adequately covered in this chapter. The chapter also discusses the methodology used to collect and analyze data and concludes by giving chapter outline. This chapter is important in contextualizing the study within the subject area and in demarcating the scope that should be covered.

1.1   Background

Sudan has been at war since the attainment of its independence from the colonial administration in 1956. The transition leading to political independence was acrimonious and was marked by tension and open hostilities between the Northern and the Southern Sudan. The perception by South Sudanese was that there was a deliberate policy by the colonial government and northern politicians to exclude them from participating in the preparations for independence. Idris notes that during transition to political independence, southern Sudan nationalists argued that the unity with the north could be accepted on the ground that the system would be federal and based on the premise of "an Afro-Arab state with distinct personalities, cultures and temperaments, Negroid and Arab". Despite southern Sudan efforts demanding federalism to prevent northern occupation, the government decided to sent its troops to the south in August 1955…The revolt of 1955 marked the first phase of the Sudan's civil war[1]. As argued by Idris, this incident marked

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[1] Idrsis, A, *Conflict and Politics of Identity in Sudan,* (Palgrave Macmillan), VA, USA, 2005, P. 50.

the first phase of open armed resistance by southern Sudanese against northern domination[2].

The policies of the succeeding governments that took power in Sudan after independence focused on perpetuating Arab domination. For example, the military government which took power in 1958 embarked on a deliberate policy of marginalizing south Sudanese. Using Islam as a tool of subjugation of the minorities, the government fomented hatred of the northern Sudanese in the psych of the southerners. As a result of pursuing policies that are based on Arab domination, the first Sudanese civil war broke out in 1962. This incident marked the first civil war by Southerners against the Arab government.

The first Sudan civil war ended in the 1972 with the signing of the Addis Ababa Agreement which among other issues recognized the grievances of the southerners by granting them some autonomy. Idris submits that the Addis Ababa Agreement of March 27, 1972, which temporarily stopped the civil war was based on the concept of regionalism of the 1950s, recognizing the South as a distinct cultural and historical identity[3] However the government of Sudan under Jaafar Nimeiri reneged on the spirit of the Addis Ababa Agreement by systematically and gradually reneging on the terms of the treaty. For example in 1983, he imposed Muslim shari'a law in the whole of the country. This was a significant violation of the spirit of the Addis Ababa Agreement. Lesch submits that in 1983, Numairi unilaterally abrogated the accord when he redivided the south into three regions and instituted Islamic law[4]. In response, the Sudanese People's

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[2] Ali, A.G, et al, The Sudan's Civil War: Why Has it Prevailed for Long? In Collier, P and Sambanis, N (eds), 2005. Understanding Civil War: Evidence & Analysis, Volume I: Africa, Washington DC: World Bank, P.3.

[3] Idris, Ibid, P. 52.

[4] Lesch, A. M, *The Sudan, Contested National Identities*, (Bloomington, Indiana: Indiana University Press, 1998), P. 47.

Liberation Movement (SPLM) which was formed that year launched another civil war. This marked the second phase of the Sudan conflict. The war which started in the South, assumed a regional dimension due to its spillover effects to the neighbouring countries. The issue of the influx of Sudanese refugees to neighbouring countries like Ethiopia, Kenya, Uganda and the Democratic Republic of Congo and the fact that some countries such as Egypt, Ethiopia and Uganda tacitly took sides by supporting their preferred sides, alarmed the international community. Additionally the atrocities committed on the battlefield and the loss of lives and human suffering and the collateral damage witnessed in the South was indeed appalling. It is in this regard that different parties intervened to try and end the war.

The second phase of the Sudan peace process began in late eighties when different parties offered to mediate in order to bring to a peaceful end the civil war that had caused a lot of suffering to the people in South Sudan. Some of the parties that expressed their willingness to join the process at different times are the United States, France, Nigeria, the Organization of African Unity (OAU) and the Inter-governmental Agency on Development (IGAD) countries comprising of neighbouring countries of Ethiopia, Uganda, Djibouti and Kenya. This is how Kenya got involved and helped to spearhead the process that ended with the signing of the Comprehensive Peace Agreement (CPA) in Nairobi in 2005.

1.2 Statement of the Research Problem

Sudan has been at war since its independence in 1956. The Sudan war is an embodiment of the long struggle of southern Sudanese against what they perceive as politics of exclusion based on race and religion. The impact of the war was detrimental to the

coexistence of the peoples of northern and southern Sudan as it sowed seeds of discord, bitterness and resentment. The ensuing collateral damage in terms of human lives, infrastructure and displacement was severe to the extent that the international community through various actors sought to intervene to bring an end to the seemingly war of attrition.

The spiral effects of the war were felt in neighbouring states through massive movement of population and influx of refugees. Additionally, some states who felt that their interests were at stake intervened militarily by siding with one party over the other. Consequently this war became more of a regional war than an internal conflict with far reaching ramifications on the stability of the region. When the warring parties finally signed a peace agreement in Nairobi in 2005 marking the successful mediation process, Africa celebrated because its longest armed conflict had been brought to an end. This landmark achievement was spearheaded by Kenya under the auspices of IGAD.

The questions that we need to ask ourselves is how come that a state the size of Kenya with limited material resources and political and economic influence could manage to guide a fragile peace process to a successful conclusion? How did Kenya navigate the peace process to succeed against pessimistic expectations? What are the underlying factors that influenced the direction of this process? What strategies did Kenya and her IGAD partners adopt to sustain the peace process that eventually culminated in a peace treaty? We are aware that mediation in the Sudan peace process was attempted by other actors some more powerful and influential with abundant material and political resources than Kenya and her IGAD partners but they did not succeed.

It is against this background that the study will examine the Sudan peace process to decipher strategies that were used, challenges encountered and other pertinent issues that enabled Kenya to navigate through a rough terrain and deliver an agreement that ushered in a roadmap for peace in the Sudan.

The study will examine the strategies that the peace process adopted with a view to determine whether such strategies were largely responsible for the success of the process. The purpose of this study is to put into proper perspective Kenya's mediation role in the Sudan peace process. Given the significance of this process to the diplomacy of conflict management, it is important that a postmortem should be carried out on Kenya's mediation role with a view to inform future efforts aimed at managing conflicts through politically negotiated solutions.

1.3   Objectives of the Study

The main objective of the study will be to examine the role of Kenya in the Sudan Peace Process with a view to drawing useful lessons from its successful mediation of the process.

Specific Objectives are to:

i. Determine the reasons behind Kenya's decision to enter the Sudan Peace Process;

ii. Establish factors that led Kenya to successfully spearhead the Sudan Peace Process;

iii. Examine challenges that Kenya encountered during the negotiations; and

iv. Examine the role that Kenya has continued to play after the signing of the CPA.

1.4   Literature Review

Conflict management as a discipline has a wide range of literature some of which is relevant and can add value and inform this study. The literatures that are relevant to this study and ought to be reviewed include conflict in society, mediation, peace processes and the Sudan peace process. These literatures are essential in contextualizing this study in order to discover emerging gaps.

1.4.1 Conflict

Conflicts are part of human life and will always occur as long as human beings coexist and live in units such as family, state and region. It is in this context that Deutsch views conflict as a pervasive aspect of existence[5]. Burton takes the same cue by offering an interesting justification of the existence of conflicts in human society. He asserts that conflict, like sex, is an essential creative element in human relationships. It is the means to change, the means by which our social values of welfare, security, justice, and opportunities for personal development can be achieved[6]. This study agrees with submissions made by Burton and Deutsch, nevertheless in the contemporary world where conflicts have assumed dangerous proportions with the possibility of parties resorting to unconventional means to liquidate their enemies, their assertions cannot endure in such scenarios.

Bercovitch agrees with Deutsch's assertion by observing that conflicts have been part of our lives for as long as human beings have gathered together to pursue goals and

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[5] Deutsch, M, "Subjective Features of Conflict Resolution: Psychological. Social and Cultural Influences"; in New *Directions in Conflict Theory*: Conflict Resolution and Transformation ed., Vayrynen, (Sage Publications), London, 1991, P. 26.

[6] Burton, J, Paradigm, Theories, and Metaphors in Conflict and Conflict Resolution: Coherence or Confusion, in *Conflict Resolution Theory and Practice, Integration and Application, Sandole, J.D and Van der Merwe, H (eds),* (Manchester University Press), 1996, P.6.

resources they could not gain by themselves[7]. Bercovitch's submission shows that conflicts are inevitable in human society that is why conflict resolution approaches should be devised to address them as and when they arise. He views conflict as one of those social processes that evoke different meanings. He notes that in the contemporary world the term implies a situation in which two or more parties have incompatible interests and behave accordingly[8].

The issue at hand here is the incompatibility of goals that trigger conflicts among different parties. Bercovitch's definition captures the general understanding of what conflicts are and what causes them. However he should have gone ahead to categorize various types of conflicts particularly the internal violent conflicts which continue to pose a serious threat to international peace and security. It would have been appreciated if Bercovitch narrowed his study to the nature of violent conflicts taking place in Africa. Violent conflicts in Africa have multiplied in the recent past and if they are not addressed are, they likely to have a negative impact on international peace and security. The violent conflicts taking place in Somalia and Mali have assumed a dangerous proportion that threatens international security. The nexus between internal violent conflicts and international terrorism has been variously reported in these two cases.

Arising from above discussions, there seems to be a general agreement that conflicts forms part of human life. There is a symbiotic relationship between human behaviour and conflict. This implies that conflict exist at all levels of human organization. It would seem conflicts are a manifestation of dissatisfaction, therefore are useful in helping to shape society to address shortcomings that may arise.

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[7] Stares, P, *Diasporas in Conflict: Peace-Makers or Peace-Wreckers*, (eds), (United Nations University Press), Tokyo, 2007, P. 17.
[8] Stares, P Op cit, P. 22.

Similarly, Bercovitch defines conflict resolution as a range of formal or informal activities undertaken by parties to a conflict or outsiders, designed to limit and reduce the level of violence in conflict, and to achieve some understanding on the key issues in a conflict[9]. Bercovitch's definition captures the spirit behind conflict resolution. Conflict resolution is seeking long-lasting peace that combatants can live with. It is about meeting each other halfway. It is not conflict settlement which leaves the room for the conflict to recur again.

1.4.2 Mediation

Various scholars have examined mediation from different perspectives. Sara roots for mediation as the most appropriate means of resolving conflicts. She observes that mediation is based on the intervention of a third neutral party who can help those in the conflict discuss their problem without removing responsibility for solution from the individuals concerned. She goes on to assert that the very structure of mediation ensures that the resolution of the conflict must emerge from the reasonable discussion of the disputants themselves rather than from a solution imposed by some external authority[10]. By defining mediation as the process involving intervention of a neutral third party, Sara's position goes against the opinion held by other scholars for example Mwagiru who insist that the neutrality of a third party is not important and that all third parties have interests which they bring to the conflict. That is why they offer themselves to be part of the process. Mwagiru submits that on the level of actors, international management of conflict encompasses the introduction of exogenous managers into the conflict. On the

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[9] Bercovitch, J and Richard, J, *Conflict Resolution in the Twenty-First Century*: Principles, Methods and Approaches, (University of Michigan Press), USA, 2009 P. 5.

[10] Sara, G.M, *Argumentation In Dispute Mediation*: A Reasonable Way to handle Conflict, , (John Benjamins Publishing Company), Amsterdam, 2011

level of issues, it entails bringing into play external factors, since the exogenous manager brings with him concerns which being peculiar to him, are external to the original conflict[11] . Sara traces the origin of mediation and argues that it has become an important vehicle in conflict resolution. Arguing from argumentation point of view, she notes that the argumentative nature of mediation is critical in rallying disputants and changing their attitudes.

While this study agrees that Sara's assertion has enriched the debate on this subject however she has not addressed mediation process in detail particularly on the issue of acceptance of the mediator and the challenges that the mediator is likely to encounter as he facilitates dialogue between the disputants. Additionally, the issue of neutrality is not critical in moving forward the mediation process since majority of third parties have interests and values which they seek to protect in such conflicts as argued by Mwagiru.

Bercovitch and Orella, refer to mediation as an approach to conflict management in which a third party, which is not a direct party to the dispute, helps disputants through their negotiations and does so in a non-binding fashion. They content that the overall aim of mediation is to stop violence and establish peaceful relations between conflicting parties[12]. However they concur that there is no consensus on the definition of mediation, as mediation and mediator roles are understood differently by various scholars.

Maundi and Zartman look at mediation as an art and emphasizes that the personal skills of the mediator are just as important as the routine matters of process and usually the

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[11] Mwagiru, M, *The International Management of Internal Conflict in Africa*: The Uganda Mediation 1985, Rutherford College, University of Kent at Canterbury, A Dissertation Submitted in Fulfillment of the Degree of Ph.D in International Conflict Analysis, October 1994, P. 33.

[12] Bercovitch, J and Orella, K.A, Religion and Mediation: The Role of Faith-Based Actors in International Conflict Resolution, (Martinus Najihoff Publishers), International Negotiation 14 (2009), 175-204, P. 178.

choices of a mediator tells us more about the warring parties than it does about the nature of the conflict. The objective of mediation is to create a conducive environment in which conflicting parties can be brought to the negotiating table[13]. Maundi and Zartman's statement is in line with those of other scholars. However in their work which focuses on conflicts in Africa they have not addressed in detail the unique challenges that face mediators in Africa which could be the reason as to why successful mediation of African conflicts has not been easy. Bercovitch and Houston in Gerner and Schrodt thinking is in line with Maundi and Zartman but they observe that though mediation is the most common often but not always a successful form of conflict management[14].

On third party mediation, Beardsley argues that the frequent adoption of mediation in international conflict is presumably predicated on the notion that mediation tends to improve the prospects for peace. He observes that the task of third parties peacemakers is twofold. First, the third parties must help the belligerents abandon the status quo of armed hostilities. Second, they must foster a new relationship between the combatants that precludes the return to violence[15]. Whereas Beardsley has vividly described the role of mediation in conflict resolution, however he has not proposed strategies that a mediator may use to help parties establish new relationships that can create conducive atmosphere for amicable resolution of conflicts.

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[13] Maundi O, Zartman I.W et al, *Getting In*: Mediator's Entry Into the Settlement of African Conflicts, US Institute of Peace, Washington, 2006, P. 1.

[14] Gener, D.J and Schrodt, P.A, *Analyzing the Dynamics of International Process in the Middle East and the Former Yugoslavia,* paper presented at the Annual Meeting of the International Studies Association, Chicago 21-24th Feb, 2001, and University of Kansas, P. 1.

[15] Kyle, B, Cornell Studies in Security Affairs: *Mediation Dilemma*, (Cornell University Press), USA, 201, P. 3.

1.4.3 Peace Process

Commenting on the peace process, Darby traces its origin to the Westphalia Treaty. His focus is on peace processes that occurred in 1990's. He observes that peace processes are replacing peacekeeping efforts and predict that in future peace processes will be the norm in the international politics. He examines peace processes in Africa, Asia, Europe, South America and the Middle East. He outlines broad criteria of peace processes but fail to define the meaning of a peace process[16].

In another work concerning contemporary peacemaking, Darby investigates peace processes and outlines five components of peace processes, namely preparing for peace, negotiation, violence, peace accords and peace building. However he observes that each processes is unique and that certain components of peace process defy neat categorization or inclusion in particular phases of the process[17].

Darby's argument is valid in that each peace process has its own peculiarities and should be treated as such. A mediator who decides to enter into such peace process should be aware of the peculiarities that may obtain in each conflict in order to steer it to a successful resolution.

Newman and Oliver take a pessimistic view about peace processes by noting that many peace processes become interminably protracted, lengthy and circular negotiations in which concessions are rare and even if agreements are reached they stumble at the implementation phase[18]. The issue that ought to be learned from this submission is that a peace process is a fragile venture that requires meticulous leadership and patience. Sudan

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[16] Darby, J and MacGinty, R, (eds), Management *of Peace Processes,* (Palgrave Macmillan), NY, USA, 2000, P. 2.

[17] Darby, J and Macginty, R, 9 (eds), Contemporary Peace Making: *Conflict, Violence and Peace Process*es, Darby, (Palgrave Macmillan), Groundsville, USA, 2003, P. 1.

[18] Newman, E and Oliver, P, Challenges to Peace Building: *Managing Spoilers during Conflict Resolution,* (United Nations University Press), 2006, P.1.

peace process was equally fragile; however Kenya's mediation was equal to the task. This is what eventually enabled parties to painstakingly pull through and reached an agreement.

Commenting on Israeli-Palestinian conflict, Newman and Oliver observe that the 1993 Oslo peace process represented at the time, a major landmark in transforming once-implacable enemies into "partners of peace". To them this process was designed to be incremental confidence building measure[19]. This observation ties in well with the Sudan peace process where talks were staggered in phases to ensure that parties tackle one thematic area before proceeding to the next. However the problem with the Israeli-Palestinian process is that since 1993, there has never been a breakthrough making a mockery of all mediation efforts aimed at stabilizing the Middle East.

1.4.4 Sudan Peace Process

The Sudan peace process has attracted a number of scholars such as Lesch and Malok who have examined various aspects of the process depending on their areas of interest. Lesch, examines the peace process tracing it from the Addis Ababa Accord to the comprehensive peace agreement. However what stands out in her work is the fact that she has devoted most of her book on the root causes of the conflict in Sudan. She submits that the question of identity has been at the heart of this conflict. She contends that the civil war that raged throughout the Sudan was indicative of the fact that there was no consensus on the national identity. In other words, she attributes the civil war in Sudan to failure to resolve the issue of identity at independence. The stark contrast in the definition of identity question in the Sudan was evident in polarized views of the most northern

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[19] Newman, E and Oliver, P, Op cit, P. 242.

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political forces and the SPLM. The former (meaning the north) assumed that Sudanese identity was defined by a cohesive Arab-Islamic heritage, whereas the SPLM sought to transform the Sudan into a territorial nation-state in which all its diverse peoples would have a role and a way to express their particular identity[20] . On the ideology of SPLM, Lesch notes that John Garang had a vision for the whole of Sudan, not just the south.

Lesch's work covers the Sudan peace process up to 1996. She acknowledges the roles that were played by various actors in the mediation process; however the role that Kenya played is not covered in her work. She has not explained how Kenya fitted into the Sudan peace process. Therefore her work does not give a full picture of the Sudan peace process rather it only deals with the initial stages when various initiatives were proposed by various interested parties.

On the other hand Malok traces the Sudan's peace process from the Addis Ababa Peace Accord of 1972. The Accord ended the civil war which had been waged for 17 years. The Accord provided for a federal political arrangement between the North and the South. However Malok notes that granting of autonomy to the South was done against the wishes of the Northern political establishment[21].

However he is of the view that the Addis Ababa document had some serious flaws which later own came to haunt Sudan. In his work, Malok acknowledges the role of IGAD in facilitating the Sudan Peace Process and argues that it was instrumental in guiding the parties to the signing of the Comprehensive Peace Agreement (CPA) in 2005. Apart

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[20] Lesch, A. M, *The Sudan, Contested National Identities*, (Bloomington, Indiana: Indiana   University Press), 1998, P. 72.

[21] Malok, E, *The Southern Sudan, Struggle for Liberty,* (Nairobi: Kenways Publications, 2009), P. 83.

IGAD, Malok acknowledges other actors who in one way or another came to the rescue of southern Sudanese. These include the Americans, World Christian Church (WCC) and France.

While it is appreciated that Malok has described how the Sudan peace process was undertaken up to the signing of the Comprehensive Peace Agreement, however the central issue still remains. His work does not bring out the role that Kenya as one of the key actors played in that process. Apart from mentioning venues in Kenya such as Nairobi, Naivasha and Machakos where the negotiations took place, Malok's work has not treated Kenya as the lead facilitator in the process. All the credit of the success of the process is given to IGAD.

Oloo, asserts that Kenya's role in Sudan peace process centres on the quest to become a regional hegemony and to reassert its leadership. He argues, that given Nyerere's involvement in the Uganda conflict, by President Moi mediating in the Sudan conflict he was seen to reassert Kenya's role in the region, and also as a strategy to contain Nyerere's influence in the region[22]. Oloo's argument that Kenya's diplomacy of conflict management was hinged on Kenya's quest to become a regional hegemony may be true however Kenya had other reasons that motivated it to get involved in the Sudan peace process. Additionally, Kenya has always been a cautious actor on regional issues and she is not known to nurse the ambition of becoming a dominant regional power. For example in the East African Community, despite the fact that Kenya's economy is the largest; it not known when she used this preponderant position to coerce other Partner States to yield to her interests.

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[22] Oloo, O,M, *Core States in Regional Conflicts Resolution: A Critical Analysis of Kenya's Role in the Southern Sudan Peace, Political Science Thesis*, Master Thesis, University of Nairobi, 2006. P.2.

Gathecha examines the Sudan's the peace process including challenges and the role that each actor played in that process. His work does not give attention to the role that Kenya played in the Sudan as a lead peace facilitator[23]. Whereas Gathecha investigates the Sudan peace process from the point of view of various actors who were involved, however he has not treated Kenya as the most important actor that moved the peace process forward.

Mitei, looks at various actors in the peace process and the role that each played. Examining his work, one concludes that Mitei wanted to put on record all the actors that mediated in the Sudan conflict. However the critical role that Kenya played in the Sudan peace process has not been extensively covered in his work[24].

On the other hand Waihenya has focused on the role of Kenya's lead facilitator in this process; General Sumbeiywo who was the architect and the face of Kenya's mediation efforts in Sudan. Sumbeiywo was Kenya's mediator in the Sudan peace process. However, Waihenya's work sounds more like a tribute to Sumbeiywo. While it is appreciated that Waihenya has praised Sumbeiywo, his work does not look at critical issues that Kenya grappled with in mediating in the Sudan conflict. Therefore what is contained in his work is only part of the story[25]. A full account of Kenya's diplomatic success in the Sudan Peace Process needs to be told.

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[23] Gathecha, A, N, *A Critical Analysis of the Role of IGAD in Mediation: A Case Study of the Sudan Peace Process- 1994-2005*, Masters Dissertation, University of Nairobi, 2007.

[24] Mitei, K.R, *The Key Actors in the Sudan Peace Process-1994-2005,* Post-Graduate Project, University of Nairobi, 2005.

[25] Waihenya, W, *The Mediator: Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process*, Nairobi, (Kenways Publications), 2006.

Commenting on the Sudan peace process, Whitefield notes that the Sudan peace process had competing regional peace initiatives, one led by IGAD and the other a joint initiative by Egypt and Libya supporting the unity of Sudan[26]. Whereas she acknowledges the role of IGAD in the Sudan peace process, she does not in any way appreciate the leading role that Kenya played in that process.

An analysis of the literature in this area shows that although many scholars have written on the Sudan conflict and the Sudan peace process, there is generally lack of literature that categorically examines the role of Kenya in that process. None of the scholars has explained how Kenya was able to mediate successfully the end of one of the longest civil wars in the world. This study will therefore attempt to fill this gap by investigating and thereby constructing the role that Kenya played in navigating the Sudan peace process which eventually culminated in a peace agreement in 2005.

1.5   Justification

This study will seek to address the role that Kenya played in the Sudan peace process which has not been adequately covered as shown in the above literature review. The success of the Sudan peace process cannot be said to be complete without examining and acknowledging Kenya's contribution. This is what can be termed as the missing link when analyzing diplomacy of conflict management in Sudan.

It is important that an account of Kenya's involvement in the Sudan peace process is explained to serve as a point reference for practitioners and scholars of diplomacy of conflict management.   To this end, scholars and mediation practitioners ought to understand and appreciate factors that worked in Kenya's favour as a mediator in the

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[26] Whitefield, T, Mediation Practices Series, 2010: *External Actors in Mediation, Dilemmas and Options for Mediators,* Center for Humanitarian Dialogue, P. 13.

peace process in order to draw useful lessons. Similarly they ought to understand the strategies that were used by Kenya and her IGAD counterparts to navigate the delicate terrain of mediation in order to deliver peace. This is critical in that it will serve as a point of reference by third parties who will be interested intervening in other conflicts on the African continent.

It is important to note that the role that Kenya played in the Sudan Peace Process is one of the rare diplomatic achievements that Africa has recorded. It therefore follows that this should be properly recorded in the annals of history and lessons learned should be used to address intractable violent conflicts in Africa.

The outcome of this study will be useful to students of African diplomacy in understanding the uniqueness of peacemaking process in an African setting. It is for the stated reasons that this study will be undertaken and the report of the same will serve as a reference material for future scholars and mediation practitioners.

1.6   Theoretical Framework

This study will be guided by Adam Curle's theory and practice of mediation. This theory was founded by Curle. Although the theory is suitable to track II mediation however it is relevant to this study and will be applied to understand the Sudan peace process. The study will use this theory to evaluate the role of Kenya in the Sudan peace process and to show why Kenya succeeded in this process. The heart of this theory is in what Curle identifies as four elements to mediation; first the mediator acts to build, maintain and improve communications; second, to provide information to and between the conflict parties; third, to 'befriend' the conflict parties; and fourth, to encourage what he refers to as active mediation, that is to cultivate a willingness to engage in cooperative

negotiations. His philosophy of mediation is a blend of values drawn from his background and career. Curle's work is an illustration both of the applied nature of conflict resolution and its stress on the crucial link between academic theory and practice[27]. The thrust of Curle's theory is in the need for parties to collaborate and enhance communication in order to find a solution to their conflict.

This theory fits well with the approach that Kenya adopted in guiding the parties to the resolution of their conflict. This theory will help to show that Kenya did not seek to impose a settlement on the parties rather it merely provided a link between the parties for the warring parties to dialogue and explore ways to end their conflict. This theory will help to explain the success of Kenya's mediation attempt in the Sudan. It will help to show that Kenya persuaded the two parties to look at the bigger picture and not parochial and narrow self interests which had failed to end the war. By proving to be an honest mediator who respected the parties and their entrenched positions, Kenya and the IGAD secretariat was able to convince the parties to drop their hard-line stands and cede some grounds for the sake of peace.

The theory will help to demonstrate that by accepting to come together as warring parties and by appreciating the heavy human toll and suffering that the war had caused the people of Sudan, the disputants in the Sudan conflict decided to establish lines of communication to enhance the chances of a breakthrough. This is what eventually led to the peace agreement which ushered in the comprehensive peace agreement (CPA) with various protocols to guide in its implementation.

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[27] Ramsbotham, O and Miall, T, *Contemporary Conflict Resolution*, The Prevention, Management, and Transformation of Deadly Conflicts, (Polity Press), UK, 2007, P. 50.

Kenya as a mediator acted to build, maintain and improve communications and foster understanding on a wide range of issues. She developed good rapport with the parties who came to view her as an honest broker who refrained from imposing own solution and ideas; rather she facilitated the parties and guided them towards a just peace.

1.7   Hypotheses

The hypotheses that will guide this study will be as outlined below, that:-

i.   Kenya's mediation in the Sudan Peace Process was motivated by the personal prestige of President Moi; and

ii.   After the signing of the CPA, the government of Kenya did not continue to engage the parties to the agreement to fully implement it.

1.8   Methodology

This study will be organized in a systematic way in order to yield the desired results. Since this is an exploratory research, a suitable design will be formulated to this effect. The study will be carried out in Kenya and South Sudan and the data will be obtained from both primary and secondary sources. Primary data will be obtained through questionnaire and interviews while secondary data will be through documentary research. To obtain primary data the study will administer questionnaires and conduct interviews with respondents who were involved in the process from government departments such as Foreign Affairs. The information provided by these officers will be crucial in discovering why Kenya decided to enter the Sudan peace process, challenges faced and any other relevant information that would be obtained in the process.

The other target group will be Government of South Sudan (GoSS) senior officers. GoSS officials will be targeted because most of them are either former SPLA combatants or

participated in the peace talks. Similarly the same officers are involved in implementing the terms of the CPA.

It is expected that these officers will give a useful account of the Sudan mediation process, and also comment on Kenya's involvement before and after the signing of the CPA. On the other hand experts from Kenya working in South Sudan will provide information that will complement what their South Sudanese counterparts would have provided. In order to reach this target group, a questionnaire will be mailed to them and will be administered by a Kenyan expert.

The study will also cover respondents from the Kenya South Sudan Liaison Office (KESSULO). KESSULO has been operating in Sudan even before the signing of the CPA and continues to coordinate Kenya's engagement in South Sudan. The information obtained from KESSULO will be compared with that from GoSS respondents and will shade light on Kenya's involvement in Sudan after signing of CPA.

As earlier noted, two data collection instruments will be designed and used in the study. Questionnaire and interview guide will be developed, tested to obtain validity and reliability before they are used to collect data.

The data collected will be first sorted and categorized into thematic areas, tallied and processed. The study will authenticate data obtained by one method through cross-checking and triangulation against the other data collection instrument. The data will be analyzed and interpreted in accordance with the set objectives. This will form the basis for conclusions and recommendations.

1.9   Chapter Outline

This study has five chapters. Chapter one, covers introduction of the study, statement of the research problem, study objectives, literature review, theoretical framework and methodology. Chapter two investigates why states get involved in mediation of internal conflict in other states. The chapter gives a global overview regarding states' motivation in mediating in internal conflicts of other states. Chapter three narrows this investigation and focuses on Kenya by examining underlying reasons behind Kenya's entry into the Sudan Peace process. It presents various viewpoints regarding underlying factors that motivated Kenya to offer herself as a lead mediator in the Sudan peace process. Chapter four forms the backbone of this study by critically analyzing key scenarios that facilitated the success of Kenya's mediation. The examination starts with factors that motivated the Sudan government and SPLM/A to agree to seek for a negotiated political solution to their conflict. The examination goes through the parties' acceptance of Kenya as a peace a facilitator. It argues that the perception of Kenya as a neutral peace broker by the parties was instrumental in accepting it to lead the process. It further looks at the challenges and strategies that were adopted to guide the process. The chapter concludes by examining the role that Kenya continues to play in Sudan after the signing of the CPA. Finally chapter five deals with conclusions, recommendations and way forward.

CHAPTER 2

OFFICIAL CONFLICT MANAGEMENT

2.0   Introduction

This chapter investigates the underlying reasons that motivate states to engage in management of internal conflict in other states. Various factors that motivate states to engage in managing internal conflicts of other states have been have discussed. The critical issue that emerges from the arguments advanced in this chapter is that states get interested in managing internal conflicts in other states due to their strategic interests. The study establishes that every third party that enters into a conflict brings along its own interests which it seeks to protect in this regard. Among the factors that have been discussed include vested interests, spillover effects of the conflict, preservation of regional security, prestige, quest for hegemony and humanitarian reasons among others. These factors are generally generic hence they offer an explanation as to why states may choose to intervene in conflict situations as mediators. The aim of this chapter is to situate the study and to explore general factors that motivate states to mediate in internal conflicts of other states.

Every conflict is fraught with interests from parties who happen to have stakes in such conflicts. Suffice to note that conflicts are driven by parties pursuing their own interests. This therefore implies that conflicts are sustained by interests and as Mwagiru notes that conflicts differ according to the degree of complexity that is the number of parties, issues and interests involved[28]. This assertion can also be said to apply to conflict management.

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[28] Mwagiru, M, Conflict in Africa, *Theory, Processes and Institutions of Management*, Institute of Diplomacy and International Studies University of Nairobi and Centre for Conflict Research Nairobi, 2006, P. 49.

In other words states get entangled in conflict management due to an array of interests, values and issues at hand.

In the international politics, states being the main actors and legal personalities, they have solemn interests of ensuring their own survival. This is the centre-piece of realists who propound that in the international politics, states pursue their own interests to the exclusion of others. This is informed by the struggle for power to guarantee their survival. That is why Smith and Dunne submit that it is largely on the basis of how realists depict the international environment that they conclude that the first priority for state leaders is to ensure survival of their state[29] . Survival of the state means preservation of national interests in the international environment. Arising from the foregoing, it can be concluded that states interact in the international system purely on the basis on their national interests. These interests are core to their survival. Therefore self-interest is the ultimate driver of states' political behavior.

2.1   Economic Security Interests

One of the core interests that drive states to consider intervening in internal conflicts in other states either militarily or through mediation is security. Security interests or concerns are premised on the survival of a state. Barston argues that security interests of states and organizations are seldom static, except for a limited number of the core values[30] . Security interests are diverse ranging from economic security to military. The economic security interests are now assuming a prominent role in the international system given that states have to protect their strategic economic interests to ensure that their economic lifelines are not disrupted or interfered with. This explains why economic

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[29] Smith, S and Dunne, T et al, Foreign Policy: *Theories, Actors, Cases*, Second Edition, (Oxford University Press), United Kingdom, 2012, P. 87.
[30] Barston, R.P, *Modern Diplomacy*, (Pearson Education Limited, Third Edition), 2006, England, P. 207.

diplomacy has taken a centre stage in states intercourse. Barston cites some of the important security consideration as being continued access to overseas markets for key exports, the availability of raw materials and the protection of the overseas assets of its nationals.

States are always conscious of economic security interest and are likely to reposition their foreign policy to take into cognizance the implications of this category of security to its Grand National Strategy. Economic security is a critical factor in shaping and determining the choices that states make particularly when engaging in international politics. Realism as one of the fundamental schools of thought on international politics, argues that power-centrism defines states relations. States have insatiable appetite of accumulating and projecting power in the international system. This assertion has been reinforced by Smith et al who has clearly summarized the realist thinking on international politics by observing, this way of thinking about international relations leads immediately to an identifiably realist approach to foreign policy: an orientation towards the most powerful groups (i.e. the most resource rich and influential) at any given time (today this means major powers like the USA or China); a skepticism towards professed aims of foreign policy other than state interest; a tendency to question the ability of any state's foreign to transcend power politics, and a penchant for looking beyond rhetoric to the power realities that realists expect nearly always underline policy[31]. This argument connotes that states are preoccupied in the international system with the search for power or simply put power politics.

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[31] Smith, S and Dunne, T et al, Foreign Policy: *Theories, Actors, Cases*, Second Edition, (Oxford University Press), United Kingdom, 2012, P. 37.

In this regard, states have to bear in mind that power is dynamic and can shift within the international system. Therefore states have to ensure that they safeguard the pillars of power which essentially means economic security. Economic security encompasses access to markets, natural resources, raw materials, energy, technology and infrastructure, among others are secured to ensure steady supply in adequate quantities. This therefore implies that any threat which is likely to interfere with this lifeline is regarded as an existential threat which goes to the core of the grand strategy. States may choose to protect their national security by military means or diplomatic engagement. For example, the United States' military invasion of Iraq in 2003 clearly shows that America regarded Iraq as a threat to its national security and therefore, it chose military means as the most appropriate strategy of defending its core interests. That United States invaded Iraq due to economic security cannot be overemphasized. Indeed the justification that was advanced was a smokescreen to hide the truth behind its imperialistic tendencies. The argument that Saddam Hussein posed a threat to the United States and its allies due to his stockpiling of weapons of mass destruction was only but a cleverly crafted cover to win international support in occupying Iraq. Hinnebusch has advanced the strategic explanation that captures the imagination of academic thinkers he notes that controlling Iraq's oil reserves and excluding rivals in a tightening oil market was, many argue, a key driver of the war and behind this, America's twin addictions, that of its people to cheap gasoline and its corporations to billions of petrodollars[32].

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[32] Hinnebusch, R, Journal: *Critique: Critical Middle Eastern Studies* Vol. 16, No.3, 209-228, Fall, 2007, (Routledge, London), UK, P. 212.

2.2   National Security Interests

In some cases, the grand strategy may determine that the best approach to defending the external threat to economic security or national security in general of a state is through diplomatic means such as offering to mediate in an internal conflict of another state that has the potential to affect the state in question. It may be appreciated that civil wars as opposed to interstate wars continue to increase since the Second World War and are now the most critical threat not only to global peace and security, but to national security of states. For example the on-going civil war in Somalia poses a direct threat to the national security of Kenya, Ethiopia and other states in the region. Similarly the bitter civil war in Syria is a threat to regional security of the Middle East and is likely to draw in other states. The fact that civil wars have multiplier effects including disruption of regional economies and peace and security, they therefore become a security and existential threat to states with the risk of drawing in other states whose interests are at stake. In this regard, it suffices to claim that a state may find it is in its own national interest to mediate an internal conflict of another state to assist warring parties resolve their conflict peacefully. In conclusion, a state may be compelled to engage in conflict management due to national security interests. Maundi and Zartman summarizes this argument by asserting that a state may be motivated to initiate or accept an intermediary role in an internal conflict of another state if that conflict affects its national interests. The degree of a conflict's impact on a state's national interest is the function of the state's moral principles, its physical proximity to the conflict, and the closeness of its bilateral relations[33].

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[33] Maundi , O and Zartman, I.W, *Getting In Mediator's Entry Into the settlement of African Conflicts*, US Institute of Peace Washington, 2006, P. 16.

2.3   Spillover Benefits

As earlier observed, states have interests and these interests are diverse covering a wide range of areas. States are always out to ensure that their interests are safeguarded and that any perceived threat is neutralized before it affects those interests. It can be claimed that every action that a state may chose to take is always in line with its core interests. This also applies to conflict management. Apart from safeguarding its interest, the benefits accruing from mediation may be attractive enough for a state to endorse such a policy. A state therefore, may find it difficult to resist the temptation of acting as a mediator in an internal conflict of another state due to the interests and benefits at stake in such a conflict[34]. This assertion is reinforced by Beardsley who argues that a third party with interest in the outcome of a conflict may want to mediate hoping to have a variety of selective incentives for serving as mediators. In particular, some can benefit from attenuating the conflict spillover costs or shaping the outcome in their favour. For example America's offer to mediate in Honduras in 2009 coup was because the US had strong interests in the outcome related to both desire to strengthen democracy in Latin America pg. 51.

2.4   The Refugee Issue

Gomez and Christensen have highlighted the refugee issue and have argued that majority (75.19%) of the world's refugees are hosted in countries sharing land or maritime border with countries of origin[35] . This being the case, therefore the presence of a significant number of refugees in a state can pose a security risk to that state. As earlier noted

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[34] Kyle, B, Cornell Studies in Security Affairs: *Mediation Dilemmas*, (Publisher Cornell University Press), P. 252.

[35] Gomez, M and Christensen, A, Note World Development paper 2011, *Background note on the Impacts of Refugees on Neighbouring Countries*: A Development Challenge July, 2010, P. 3.

majority of refugees flee to neighbouring states and are normally hosted in camps close to the borders. In this regard the country of origin may regard the presence of these refugees on its borders as a security risk thus making refugees vulnerable to attacks. This is evident in the Democratic Republic of Congo where the Rwandese government continues to carry out cross border attacks on the Hutu refugees whom it accuses of having perpetrated the 1994 genocide. Similarly such episodes where refugees are attacked continue to be reported in Turkey where Syrian refugees are hosted.

The refugee issue is not only confined to security challenges. Gomez and Christensen submit that developing countries that host refugees for protracted period experience long-term economic, social, political and environmental impacts. They further note that protracted refugees influxes can have macro-economic impacts on the host country economy. Some of these impacts are associated with increased but uncompensated public expenditures related to maintenance of the refugee population. They cite the impact of refugees on the local economies like Rwandan refugees in Tanzania, Somali refugees in Kenya and Iraqi refugees in Jordan[36].

The refugee challenge is real and continues to be a source of friction in international politics. For example on African refugees seeking asylum in the state of Israel, Paz submits that once a critical threshold has been crossed, they are seen as a threat which can no longer be contained[37]. Similarly, the issue of Rwandese refugees in DR Congo continues to be an emotive issue that threatens peaceful coexistence of the two states, namely Rwanda and DR Congo. Adelman commenting on the Rwandese Hutu refugees

[36] Gomez, M and Christensen, A Op cit, 10.
[37] Paz, Y, New Issues in Refugee Research: *Ordered disorder: Asylum seekers in Israel and discursive challenges to an emerging refugee regime*, UNHCR, The UN Refugee Agency, Policy Development and Evaluation Service, Geneva, 2011, ISSN 1020-7473, P. 1.

who fled to DR Congo at the height of the genocide submits that the ex-FAR and their interahamwe minions took control of camps. Here they began to regroup and plan for the recapture of Rwanda and the completion of unfinished genocide of the Tutsi[38]. In this regard, a neighbouring state that is affected by refugees may be motivated to seek to enter into an internal conflict of another state as a mediator with the hope of helping warring parties establish linkages and work towards resolving their conflict through peaceful means in order to stem the influx of refugees across the border since they can be a security risk.

2.5   Prestige Enhancement

States may be interested in mediation due to the quest for personal prestige by ambitious leaders who would like to excel and stamp their authority on the international stage. An example of Qatari leaders stands out. Kamrava notes that Qatar has emerged as one of the world's most proactive mediator in recent years. Motivated by a combination of international prestige and survival strategies in a volatile region, Qatar has mediated in internal conflicts in Lebanon, Sudan and Yemen. Kamrava observes that Qatar's involvement in conflict management is motivated by a combination of small state's survival strategies and the desire for international prestige[39]. As demonstrated by Qatar, the quest for prestige is one of the motivating factors for states to engage in diplomacy of conflict management. In Qatar's case the desire by its leaders to acquire prestige is fuelled by abundance of petroleum and gas deposits. Consequently, Qatar can exercise leverage on conflict disputants. It can use its abundant material resources to goad the

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[38] Adelman, H, *The Use and Abuse of Refugee in Zaire in Refugee Manipulation*: War, Politics, and the Abuse of Human Suffering (Stedman, S and Fred, J, eds), (Brookings Institution Press), Washington DC, USA, 2003, P. 96.

[39] Kamrava, M, *Mediation and Qatari Foreign Policy*, Middle East Institute Journal, Autumn 2011, Vol. 65 No. 4 P.539

warring parties to a peaceful resolution of their conflicts. Its involvement in Lebanon, Yemen and Sudan is well documented, however recent actions by Qatari leadership regarding the Syrian conflicts, has dented its good image as an honest peace broker.

Similarly, the quest for prestige by leaders can be seen in the case of President Omar Bongo's mediation in the Cabinda conflict; involving the Angolan government and FLEC (*Frente de Libertação por Enclavo Cabinda* -Liberation Front for the Cabinda Enclave, Angola) rebels in the 1990s. President Bongo wanted to gain respect among his peers by being seen as a statesman who could be relied upon to deliver peace in Africa[40]. Another example of leaders who desire for credibility on the international stage is President Moi's intervention in the Ugandan conflict in 1985. Khadiagala argues that this move was driven by personal prestige on the part of Moi. He notes that the Kenyan media portrayed Moi's mediation effort in Uganda as an opportunity to demonstrate statesmanship and Pan Africanist ideals[41].

2.6 Public Opinion
Public opinion state can influence a state to be interested in meditating in an internal conflict of another state. As it may be noted, public opinion in democratic states normally plays an important role in shaping their domestic and foreign policies. In such states, popular public opinion or pressure has to be taken into consideration whenever a state is interacting in the international system. For example in the United States or in India,

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[40] Porto, J.G, Cabinda, *Notes on a Soon-to-be-Forgotten War*, Institute for Security Studies, ISS Paper 77, 2003, P. 9.

[41] Journal, Mediation Africa's Great lakes *www.hdcentre.org,* access date 26.6. 2013, time at 06.05pm, P. 48.

political parties and leaders normally draw their policies on public opinion.

That is why referenda or opinion polls are normally used to gauge public opinion. In this regard states may be motivated to mediate in conflicts taking place in other states due to popular public opinion. This argument explains the motivation behind the United States of America's intervention in the conflict involving Armenia and Azerbaijan over the breakaway region of Nagorno Karabakh in 1990's. Public pressure from its Armenian American population who were concerned over the fate of Armenia pushed the US towards mediating in that conflict[42]. Similarly, India's policy towards Sri Lankan conflict was shaped in part by interests of its Tamil Nadu's state population who sympathized with their kin Tamils who were fighting the government of Sri Lanka. Destradi notes that although India was ambivalent in its approach towards this war, its internal politics involving the people of Tamil Nadu compelled India to change tact as the situation demanded[43]. The foregoing examples demonstrate the power of public opinion in shaping a state's foreign policy. Some states find themselves taking up the role of mediator due to public opinion and interest in such conflict.

2.7   Humanitarian Interests

As it may be noted, violent interstate or intrastate conflicts are likely to lead to collateral damage in terms of lives and infrastructure. The cost associated with violent conflict can be felt by generations to come. The humanitarian crises that accompany every violent conflict are always a cause of concern to the international community. In other words the humanitarian impact of an internal conflict can quickly spillover the borders and end up

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[42] Nicol, J, Journal: *Congressional Research Service Armenia, Azerbaijan & Georgia: Political Developments & Implications for US Interests,* 2013, CRS Report for Congress, P. 3.
[43] Destradi, S, German Institute of Global and Area Studies (Gian) Working Papers-Giga Research Programme: *Violence and Security: India and the Civil war in Sri Lanka on the failures of Regional Conflict Management in South Asia*, 2010, No. 154, Germany, P. 9.

becoming an international crisis. The on-going Syrian crisis is a good example. What started as an internal agitation for democratic reforms in that country in 2011 was quickly militarized and has become an uprising against the dictatorial regime of Bashar Assad. Although the war is still going on, its consequences have become an international issue. Reagan and Ayardin observe that the consequences of civil wars are not constrained by the national frontiers in which they unfold. Thus, the containment of conflicts by effective policy is a crucial element in sustaining regional security and economic stability[44].

The consequences of war are far reaching and long lasting and they underscore the gravity of the matter at hand. The first consequence is that war leads to massive loss of life. The loss of life emanate from either direct deaths or indirect one such as those caused by diseases and starvation. Therefore armed conflict has devastating economic and political consequences which can be felt for a long time.

As mentioned, the health implications of war due to the emergence of diseases have multiplier effect to the economy of the affected communities or states. Hoeffler observes that wars affect people's lives long after the fighting has stopped. Wars do not only kill but they also cause disability due to injury or increased disease burden[45].

These consequences among others may motivate some states to seek to intervene in other states' conflicts to mediate a peaceful end of such conflicts in order to alleviate human suffering and stop spillover effect to neighbouring states. For example in 2001, the

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[44] *Diplomacy and Other Forms of Intervention in Civil wars*, Birmingham University, New York, Journal of Conflict Resolution Vol. 50.5, October, 2006, 736-756, Sage Publications 2006, P. 736.

[45] Hoeffler, A, Journal: *Dealing With the Consequences of Violent Conflict in Africa*, Background paper for the African Development Bank Report, 2008, Centre for the Study of African Economies, P. 12, UK.

United States mediated in the Philippines conflict because of USA's fear of the humanitarian dimension of that conflict[46]. In 1997 in Papua New Guinea conflict, New Zealand and Australia became active in facilitating an agreement for the same reason. Similarly the UN and Thailand have been mediating in Myanmar[47].

All these examples demonstrate the concern that states may have regarding the humanitarian consequences of conflicts. States therefore, may be motivated to engage in conflict management purely on the humanitarian grounds.

2.8 Quest for Hegemony

As it may be noted, international politics is characterized by states seeking to protect their interests. This is what defines states' behaviour within the international system. Protection of a state's interests is aimed at ensuring its survival in the international system. In this regard states are always in a constant struggle to amass capabilities to ensure that their survival is guaranteed. Some states with greater capabilities would tend to project those capabilities on the international stage.

States' struggle for power and leadership (hegemony) is the true manifestation of states' behavior in the international system. Hans Morgenthau and other realist icons of his persuasion have advanced the notion that states exist to accumulate power capabilities unto themselves and to use those capabilities to survive in the international system by protecting their vital interests.

Those states that seek to project their power beyond their borders and seek regional or global leadership and influence can be referred to as hegemons. Kakeu and Gaudet define the word "hegemon" by tracing its origin from the Greek word 'hegemonia, which they

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[46] Frida, M and Bercovitch, J, Research Reports: *The Limits of Peace: Third Parties in Civil Wars in South East* Asia 1993-2004, Negotiation Journal, October, 2007, 373-391, P. 382.
[47] Frida, M and Bercovitch, J, Op cit, P. 383.

define as "leadership", hegemony can be seen as an institutionalized practice of special rights and responsibilities conferred on a state with the resources to lead the international system. They further observe that the quest for hegemony can be viewed as a status-seeking game among countries which aspire to the hegemonic status and the important benefits that come with it[48] . Great powers and super powers have continued to gain the status as hegemonic power either regionally or internationally. For example it can be argued that Nigeria is the undisputed hegemon in West Africa with preponderant military and economic power capabilities. Nigeria dominates the Economic Community of West African States (ECOWAS) and ECOWAS looks to Nigeria to provide leadership on all important issues. Black observes that powerful states such as China, India and Russia, expect to dominate their neighbours and do not appreciate opposition to this aspirations as Russia has demonstrated in the Caucasus in the 1990's and 2000's, for example its aggressive policy towards Georgia[49]. Russia considers the Caucasus as its sphere of dominance and does not expect a challenge from any state within this region.

Conflict management continues to be an interesting area for students of international relations. States that accept to become involved in a conflict as mediators are always at risk of exposing themselves to the negative repercussions that may arise from such conflicts. While it is generally appreciated that no state would choose to enter into a conflict without carrying out cost-benefit analysis, however the overriding national interests may drive such states into this role even if the risks may seem to outweigh direct material benefits.

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[48] Kakeu, J and Gaudet, G, *The Quest for Hegemony among Countries and Global Pollution*, (University of Montreal, 2010), P. 1.

[49] Black, J, *Great Powers and the Quest for Hegemony, The World Order Since 1500*, Routledge, Taylor and Francis Group, 2008, USA, P. 195.

However in some incidences states may decide to enter into a conflict as mediators only to beat a hasty retreat after realizing that the combatants are not willing to accept them and are not in a position to implement the terms of such mediation efforts. A good example of such states is Kenya. Kenya offered to mediate in the Uganda conflict after the overthrow of President Obote in 1985. The military government which had seized power that year realized that the threat posed by the National Resistance rebels of Yoweri Museveni could not easily be contained hence the military regime was willing to negotiate an end to this conflict. Having realized that the situation in Uganda did not improve even after the overthrow of Obote, President Moi offered to mediate. Whereas the Ugandan government was willing to abide by the terms of the agreement, Yoweri Museverni's movement felt that it was in a strong position, hence was not willing to go by the peace settlement terms. After the signing of the agreement, the parties to that agreement disowned the Nairobi accord and resumed hostilities[50]. President Moi after realizing the intransigence of the parties to the conflict, he bit a hasty retreat and the peace process collapsed. The Ugandan experience taught observers of conflict management a lesson.

The Ugandan experience therefore demonstrates that a third party seeking to mediate in a conflict should first calculate the risks, costs and benefits involved, before making up its mind. In the Kenyan case, there was no weighing of options regarding mediation in Uganda. It seems President Moi jumped onto the opportunity when it presented itself thus making a mockery of the whole process and denting his own image.

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[50] Mwagiru, M, *Conflict In Africa*: Theory, Processes and Institutions of Management, Centre for Conflict Research, Nairobi, 2006, P. 46.

The other important consideration in conflict management is the acceptance of the mediator by the warring parties. A mediator who enters a conflict without first winning the confidence of the warring parties risks failure. A mediator who comes to the scene may be biased in terms safeguarding his own interest but must demonstrate sufficient acceptance by the warring parties in order to successfully lead the process. Maundi and Zartman observes that a potential mediator will not gain access to a conflict without the consent of the parties, nor will invited intermediaries be automatically involved in mediation without their prior consent to play such a role. Therefore, consent is the backbone of entry to mediation[51]. This observation reinforces the notion that parties to the conflict must accept a mediator to enable that mediator steer the process to a logical conclusion. Any intrusion of a third party to conflict management without seeking full authority of the direct parties to the conflict is likely to be an exercise in futility. Moi's mediation in the Ugandan conflict could be seen from this perspective. Museveni's National Resistance movement was a reluctant partner in the mediation and possibly because it never trusted Moi as an honest mediator.

2.9 Historical and Cultural Ties

Apart from the factors discussed above that may motivate a state to consider mediating in an internal conflict of another state, there are other factors that could influence states to undertake diplomacy of conflict management. Historical and cultural ties among states could be one of the factors that may induce a state to get involved in an internal conflict of another state. States that have common bonds in terms of ethnic composition; political ideologies and cultural resemblance are likely to intervene in each other's internal

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[51] Maundi , O and Zartman, I.W, *Getting In Mediator's Entry Into the settlement of African Conflicts*, US Institute of Peace Washington, 2006, P. 6.

conflicts for this reason. For example India's mediation in Nepal's conflict in 2005' which resulted in a 12 point agreement by the Seven-Party Alliance and the United Communist Party of Nepal-Maoist in 2005 was due to the cultural and ethnic ties between the two states[52].

2.10 Geopolitics

On the other hand diplomacy of conflict management is also influenced by geopolitics. This explains why the United States continues to mediate in the Arab-Israeli conflict. For example in 1979, the United States was able to mediate a peace agreement between Egypt and Israel[53]. The United States is interested in the Middle East because of its strategic location. The Middle East is the most significant source of world energy. Additionally, Egypt's strategic location and its control of the Suez Canal which is one of the most important sea route places it in a unique position. It is in this regard that any instability in Egypt affects international trade. Therefore any internal or external conflict affecting that strategic country attracts international attention and may automatically motivate a number of states to offer their services as mediators.

These among others are the motivating factors that compel states to offer their services in mediating in conflicts across the world. It may be understood that the art and the process of mediating in a conflict is a long and torturous one hence requires patience and tolerance. Mediating states should build capacity and the requisite technical skills in diplomacy to move this agenda forward.

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[52] Bhatta, C, Reflection on Nepal's Peace Process, International Policy Analysis, (Friedrich Ebert Stiftung Publication), 2012, Germany, P. 2.
[53] Stein, K et al, Making Peace Among Arabs and Israelis, Lessons from Fifty Years on Negotiating Experience, United States Institute of Peace, Washington DC, P. 1.

The history of conflict management by states is a long one with its roots being traced to the Westphalia treaty in which states developed the art of resolving their conflicts through political solutions. In this regard mediation being one of the methods of peaceful pacification of conflicts it implies that parties should be flexible to meet each other half way. It means ceding certain grounds while expecting the other party to reciprocate in equal measure. This the whole mark of Adam Curle's theory of mediation which emphasizes on the need for parties to establish linkages and lines of communication to enhance chances of reaching a peace deal through the services of a mediator. Thus the work of a mediator is to facilitate the talks and to offer a range of suggestions and alternatives aimed at breaking the deadlock.

In conclusion, states are motivated to engage in conflict management because of varied reasons. Generally states are motivated to involve themselves in conflict management purely on the basis of safeguarding their strategic national interests. This is an overriding reason. It is also worth noting that internal conflicts have the tendency of transcending national frontiers. They have the penchant of creating conflict systems that can destabilize a whole region. This is symptomatic of the DR Congo conflict which has always caused instability in the Great Lakes region. Therefore it is in the interest of neighbouring states to engage in conflict management in other states if such conflicts have the potential of assuming a regional dimension.

CHAPTER 3

THE SUDAN PEACE PROCESS

3.0 Introduction

This chapter examines the underlying reasons behind Kenya's entry into the Sudan Peace process. It presents various viewpoints regarding underlying factors that motivated Kenya to offer herself as a lead mediator in the Sudan peace process. It begins from an argument that third parties who enter a conflict bring with them issues, interests and values and that their entry changes the structure of the conflict. It proceeds by focusing on the factors that persuaded Kenya to be part of the Sudan peace process. It concludes by arguing that the reasons that persuaded Kenya to join the peace process can also apply to other states whose interests are at stake.

Mediation in conflict particularly protracted armed conflict is a risky and expensive affair. Therefore parties willing to intervene have to assess their chances of success in addition to the costs involved. Mwagiru notes that a complex conflict is one in which there are more than two parties in the conflict and hence a multiplicity of interests and values[54]. It therefore follows that a third party to the conflict must assess and understand values and interests underlying such conflict in order to successfully mediate their peaceful end. Regarding third parties who try to manage the conflict, Mwagiru observes that such parties also have their own interests which they bring to the conflict[55]. Mwagiru's observation is a clear testimony that third parties have their interests and values which they bring to the conflict and that by mediating in such conflicts third

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[54] Mwagiru, M, Conflict in Africa, *Theory, Processes and Institutions of Management*, Institute of Diplomacy and International Studies University of Nairobi and Centre for Conflict Research, Nairobi, 2006, P. 49.
[55] Mwagiru, M, Op cit. P. 51.

parties expect to protect their own interests and values. This notion applies to Kenya and other IGAD member states in their involvement in the Sudan peace process. Kenya's entry into the Sudan peace process was motivated by her own interests and values. Indeed Kenya deployed resources during the Sudan peace process in terms of venues and lead facilitator to guide the peace process.

3.1   The Refugee Issue

Kenya's entry into the Sudan peace process was partly motivated by humanitarian considerations. The centre-piece of this concern was the plight of refugees. The refugee problem has been at the heart of this conflict. Many Sudanese lost their lives as casualties of starvation which was caused by the civil war. Idris observes that the postcolonial state in the Sudan has endured periods of violent conflicts, which have resulted in great human suffering and the largest number of refugees and displaced peoples in Africa[56]. Idri's observation is a clear demonstration of the severity of the Sudan conflict as far as the refugee issue is concerned.

It may be of interest to define who a refugee is. Zolberg and Astride observe that a refugee status is a privilege or entitlement, giving those who qualify access to certain scarce resources or services outside their own country. They quote Jacques Vernant who observes that though the term 'refugee' has attracted confusion due to varied meaning when applied legally and administratively. More generally, the emphasis has been on victimization by events for which at least as an individual, he cannot be held responsible[57].

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[56] Idris, A, Conflict and Politics of Identity in Sudan, (Palgrave Macmillan), VA, USA, 2005, P. 1.
[57] Zolberg et al, *Escape from Violence*: Conflict and the Refugee Crisis in the Developing World, (Oxford University Press), 1989, USA, P. 3.

This is in line with the definition agreed upon in the protocol relating to the status of refugees which was signed in 1967 which defines " a refugee as a person who is outside his country of nationality, because he has or had well founded fear for persecution by reason of his race, religion, nationality, membership of a particular sect, group or political opinion and is unable because of such fear, is unwilling to offer himself of the protection of the government of the country of his nationality.

As noted, refugees are victims of persecution due to their status, religion, membership of a particular political persuasion among other causes. Zolberg et al submits that Africa continues to be the continent that is burdened by the problem of refugees and that by 1987 they estimate that there were over three million recognized refugees in Africa[58].

Due to unprecedented number of conflicts, Africa continues to be a source of refugees. Majority of refugees are produced by states such as Ethiopia, Chad, Angola, Liberia, Mozambique, Rwanda, Somalia, Sudan and Eritrea among others. The refugee situation in Ethiopia is compounded by periodic outbreaks of famine which continue to act as a trigger for refugees.

The contribution that civil wars make to the refugee problem especially in Africa is disheartening. Adan has depicted how the civil war in Somalia has adversely affected the civilian population. He notes that as of June 1995, the UN estimated that some 4-5 million people (in a country of about 8-10 million) were in urgent need of food. By 1992, it was believed that about 400,000 people had died of famine or disease or had been killed in the war[59]. These appalling conditions brought about by wars have contributed

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[58] Zolberg et al, *Escape from Violence*: Conflict and the Refugee Crisis in the Developing World, (Oxford University Press), 1989, USA, P. 37.

[59] Adan, H, in *Civil Wars in Africa,* in Taiser, M and Roberto*, M (eds),* Roots and Resolution, (McGill-Queen's University Press), 1999, Montreal, Canada, P. 181.

massively to the refugee problem. The influx of refugees particularly to neighbouring countries is a consequence of such inhuman and inhospitable conditions. This explains why Syrian refugees are in Turkey, Jordan and Saudi Arabia. The same applies to Iraqi refugees not to mention those fleeing the cycle of violence in Africa.

Ali and Mathews commenting on the impact of the civil war in Sudan argue that this civil war, and the related famines and diseases have consumed about a million lives, displaced several million more and disposed the war zone of health, educational, and other social services. Sudan has mastered its own self-destruction[60]. This assertion fits in well with the account given by Zolberg. Zolberg gives a vivid account of the ferocity of the civil war in Sudan. Explaining the tactics that the combatants used in an all out war, he states that the war expanded with both sides resorting to a scorched earth policy and using food as a weapon. Traditional ethnic tensions escalated into bloody wars as government resumed the practice by Nimeiri during the first civil wars of equipping Maralheen raiders …who rode into villages on camels,… armed with rifles, submachine guns and mortars…flaring up into bloody clashes that engulfed camps as well. Half of the population of the eastern part of Bahr-el-Ghazal, more than 60,000 refugees, was uprooted by fighting, their cattle decimated and their granaries banned to the ground[61].

Such was the impact of the Sudan civil war to the civilian population which eventually contributed to huge population movements in the Horn of Africa and beyond. Bariagaber notes that population migration is one of the most serious threat to peace, security and the sovereignty of nations in post-cold war era. He submits that a particularly volatile form

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[60] Adan, H, Civil War and Failed Peace Efforts in Sudan, in Civil Wars in Africa, Roots and Resolutions (Ali, T and Mathews, R, eds) ,(McGill-Queen's University Press), Montreal, 1999, P. 195.

[61] Zolberg et al, *Escape from Violence*: Conflict and the Refugee Crisis in the Developing, (World, Oxford University Press), 1989, USA, P. 55.

of this threat is the global refugee crisis and that nowhere has the problem been more severe and persistent than in the Horn of Africa. He notes that huge numbers of people have suffered dislocation. Some have been internally displaced and others have crossed international borders to seek asylum in neighbouring countries[62].

It can also be argued that apart from civil wars, the refugee issue has been exacerbated by bad leadership and manipulation by states. It is a fact that civil wars in Africa have contributed significantly to massive movement of refugees however some African leaders have taken advantage of this sorry situation to manipulate refugees for their own political survival. Bariagaber laments the manipulations that African leaders use on refugees. Whereas refugees are regarded as a security threat by the developed world, other countries especially those in the South, adopt ambivalent and often opportunistic refugee policies. Some leaders in order to advance their own national security interests, and gain added leverage in their dealings with neighbouring countries, they arm refugees and help fuel political instability in the home countries. A good example is Charles Taylor's activities in Sierra Leone in 1990's[63].

Kenya's relative stability in the region has opened it up to a torrent of refugees escaping from conflicts and instability in their countries of origin. Kenya has played and continues to host refugees from neighbouring states including Somalia, Ethiopia, Sudan Uganda and Democratic Republic of Congo.

The entry of Kenya in the Sudan peace process was partially influenced by the refugee problem. Majority of Sudanese refugees were hosted in Kakuma camp which is located in

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[62] Bariagaber, A, *Conflict and the Refugee Experience*: Flight Exile and Repatriation in the Horn of Africa, (Ashagate Publishing Group), GBR, 2006, P. 3.

[63] Orogun, P, *Plunder, Predation and Profiteering the Political Economy of Armed Conflicts and Economic Violence in Modern Africa;* Perspective on Global Development and Technology, Vol.2, Issue 2, 2003, Leiden.

north western Kenya close to South Sudan. Additionally, Kenya adopted a policy of allowing some refugees from South Sudan to live in urban areas and to fend for themselves. Despite this gesture, the southern Sudanese refugees who were internally displaced within Sudan and those who fled to states such as Ethiopia and Chad underwent inhuman treatment at the hands of their hosts. Apart from dying as a result of the war, majority of the refugees succumbed to famine and diseases. They lived in squalid conditions and their rights were violated by marauding groups particularly state sponsored armed groups.

It is worth noting that Kenya has always provided support to the displaced people in southern Sudan. Hancock observes that on humanitarian consideration, Kenya played a leading role in the late 1980's and 1990's when the Operation Lifeline Sudan (OLS), a UN Programme launched to feed the people who were facing starvation in the war zone. This was aimed to save life and to avoid a catastrophy. Rigalo and Morrison submit that OLS southern sector operated programmes and aid initiatives in the rebel-held south of Sudan with its operational headquarters in Nairobi and Lokichoggio, Kenya[64] .

The impact of the Sudan civil war was devastating and too costly in terms of human life. For example, Rigalo and Morrison observe that in 1988, a war-induced famine progressed with tragic implications. During that year alone, some 250,000 Sudanese died of war and famine[65].

It is as a result of such appalling conditions that the Kenyan government was sympathetic to the plight of Sudanese refugees and felt the need for these refugees to be repatriated back home in a safe and secure environment. Therefore when Kenya expressed its

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[64] Rigalo, K. and Morrison, N (Hancock, L.M ed), *Zones of Peace*, (Kumarian Press), 2007, Sterling VA, USA, P. 176.
[65] Rigalo, K and Morrison, N, Op cit, P. 172.

readiness to lead the mediation efforts in Sudan; it was partially influenced by the plight of refugees who had suffered for over a half century. By offering to join the Sudan peace process, Kenya hoped to use that opportunity to convince the warring parties to explore the possibilities of negotiating an end to their conflict so as to enable refugees settle back in Sudan in a secure and peaceful environment.

3.2   National Security Interests

As mentioned in chapter two, states are always fearful of their existence hence they have to adopt defensive policies to secure themselves in the international system against external threats such as transnational terror networks and internal threats which include subversion and uprising among others. National security therefore is an important component of grand strategy which guarantees a state of its survival in an anarchical world. Baldwin quotes Wolfers who characterizes security as 'the absence of threats to acquired values[66] . However he reformulates this as 'a low probability of damage to acquired values'. He argues this reformulation allows for inclusion of events such as earthquakes, which should be considered threats to security and notes that states and individuals have many values such as physical safety, economic welfare, autonomy and so on and that the concept "national security" has traditionally included political independence and territorial integrity as values to be protected.

As argued by Wolfers and Baldwin, national security has to do with protection of what is considered to be important national values and interests. These values are core to the very existence of the state and therefore a state will do all within its powers to ensure that such

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[66] Baldwin, D, Review of International Studies, British International Studies Association Essay 1997, *The Concept of Security*, 23, 5-26, P. 13.

values are protected and defended for its own survival. The approach that both Wolfers and Baldwin have offered goes to the heart of the existence of a state.

On the definition of national security, Smith and Amelia et al concurs with Wolfers by arguing that national security means different things to different people, and there is no universally agreed understanding of what the term signifies. They go on to argue that although the traditional meaning of national security is most often associated with the notion of protecting, and ultimately securing, the physical survival of the nation-state from external threats in form of a military attack, this certainly does not exhaust all the possible meanings[67]. State security or national security defines what a state stands for and what it considers to be the foundation of its existence. This argument is in line with liberalist thinking that states are always in constant fear of their survival in the international system and every state will do all it can to guarantee its survival in the unpredictable and anarchical international system. This is why states normally formulate and adopt a grand strategy. The grand strategy revolve around the need to develop strategies that takes into consideration economic, military and foreign policy needs of a state. These strategies are premised on the defense of a state to ensure its survival. Grand strategy therefore focuses on military strength to deter foreign threats and aggression. This combined with diplomacy, soft power, economic and technological capabilities is what constitutes national interests.

One of the sources of national security threats facing Kenya has always been the refugee problem. The influx of refugees in Kenya as a result of instability in neighbouring states

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[67] Smith, S and Amelia, H et al (eds) *Foreign Policy, Theories, Actors, Cases*, (Oxford University Press), 2012, United Kingdom, P. 188.

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has placed on Kenya a big security challenge. This observation is supported by Kirui and Mwaruvie who opine that the presence of refugees in many third world host states is further compounded by armed groups of exiles actively engaged in warfare with political objectives. Refugees' warriors invite military retaliation, complicate relations with other states and threaten the host states and the security of their citizens[68]. Kenya hosts refugees from states such as Somalia, South Sudan, Uganda, Rwanda and the Democratic Republic of Congo among others. The problem of refugees in Kenya continues to be a source of concern given that Kenya neighbours the Horn of Africa, a region that is synonymous with instability, insecurity and act as a nexus of international terrorism. It is in this light that Kenya has come to view refugees as a national security threat. The issue of proliferation of small arms and light weapons into the country and the incessant conflict between the refugees and host communities around major camps like Dadaab and Ifo over resources has compounded the security situation in the country. It can therefore be concluded that refugees are a source of insecurity in Kenya.

The economic impact of hosting refugees in Kenya is a well known fact. As it may be appreciated, Kenya is a developing state that is not well endowed with resources. Therefore the economic burden of hosting refugees continues to drain the country's economy. This reality has placed Kenya in a dilemma; whereas it is committed to respecting international instruments that guarantee the protection and humane treatment of refugees, it is not able to continue offering sanctuary to refugees due to the economic burden. It is for this reason that Kenya continues to call for repatriation of Somali refugees back to their country of origin. It is hoped that by facilitating the return of

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[68] Kirui, P & Mwaruvie, J, Dilemma of Hosting Refugees: *A Focus on the Insecurity in North Eastern Kenya,* International Journal of Business and Social Science, Vol.3 No.8. 2012: P. 162.

Somali refugees back to their country, Kenya would partially have resolved the issue of insecurity in the northern part of the country and also lessened the economic burden.

As earlier mentioned, Kakuma camp which was home to South Sudanese refugees is located in north western part of Kenya. This remote area is prone to insecurity particularly cross border raids, banditry and cattle rustling activities. Additionally, the area is located is semi-arid and prone to periodic famine and lawlessness.

It can therefore be argued that by engaging in the mediation of the Sudan conflict Sudan, Kenya sought to end the conflict so that refugees may be persuaded to go back to their country and by so doing, enable the government address insecurity and the associated economic burden.

3.3   Regional Stability

The instability in Somalia, Ethiopia and Sudan caused by internal wars and civil unrest had an impact on the stability of Kenya. For example the Somalia crisis that emanated from the ouster of Siad Barre's regime spelled doom for Somalia and ushered in an era of lawlessness and ethnic and religious based civil war. This deplorable situation became a haven for international terrorism thus posing direct security threat to Kenya. On the other hand, the protracted civil wars in Ethiopia and Sudan made Kenya to feel insecure in her own backyard. It can therefore be argued that Kenya's mediation in the Sudan peace process was part of her strategy of seeking to contain or eliminate external security threats caused by instability in the region[69].

Sudan had been at war for a half a century. During that long period, the Sudan civil war threatened the security of neighbouring states. Woodward has demonstrated how the

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[69]   Gilkes, P and Plaut, M, The War Between Ethiopia and Eritrea, In Foreign Policy Focus, Vol 5, No. 25, 2000, USA.

Sudan Civil war caused tension between Ethiopia and Sudan and strained the relationship between the two states to the extent that they became arch enemies who were determined to sponsor each other's rebels. On this account Woodward states…meanwhile Ethiopia had seized her opportunity with the emergence of SPLA in 1983. Having identified the SPLA's leader, assistance was then given with arms of Soviet origin, as well as with finance and logistics; some of the training was provided by Cuba including flying SPLA soldiers to Cuba itself for courses. A radio station was supplied that became essential listening right across Sudan while the Ethiopian army was closely involved in the bases in Western Ethiopia from which the SPLA launched its successful campaign[70]. Woodward's submission shows how a civil war in a neighbouring state can affect other states by making it almost inevitable for neighbouring states to get involved or to take sides. Woodward's submission is indicative of the effect of a civil war on regional security. Ethiopia's declaration of support to the SPLA through supply of arms, ammunitions and military personnel shows how the civil war in Sudan assumed a regional dimension thus threatening regional security and stability. The lesson drawn from the Sudan civil war is that a civil war in a neighbouring state should be treated as a regional security threat that must be addressed in this context. Woodward's further submission that Sudan reacted to Ethiopia's support of the SPLA by sponsoring the Ethiopia's Peoples Liberation Front (EPLF) and the EPRDF[71] , further cements the argument that a civil war in a neighbouring state should be treated a regional security threat.

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[70] Woodward, P, Horn of Africa: *Politics and International Relations*, (I.B Tauris Publisher, London), 1996, P. 123.

[71] Woodward, P, Ibid123.

Woodward further links the bombing of US embassies in Kenya and Tanzania to the volatile politics in Sudan. He claims that Al-Turabi who is an Islamist guardian facilitated Osama Bin Laden to get sanctuary in Sudan and that it is Bin Laden who backed the Islamists for operations on US embassies in Kenya and Tanzania[72] . This argument shows how instability or a crisis in one state can have an impact on other neighbouring states. Therefore a conflict in one state should be treated as an existential security threat to all states in a region. According to Woodward's argument, the chaotic situation in the Sudan provided Bin Laden an international fugitive with an opportunity to settle in Sudan and plan his terrorist activities from a safe haven. Therefore the consequence of his presence in Sudan was the bombing of Nairobi and Dar es Salaam in 1998.

On the other hand, the civil war in Sudan, also affected the national security of Uganda. The emergence of the rebel leader, Joseph Kony and his connection with the Khartoum government soured the relationship between the two neighbourig states. Uganda accused Sudan of sponsoring Konyi who as it may be remembered continues to cause mayhem in northern Uganda. Similarly, Sudan accused Uganda's government of providing logistical and material support to the SPLA. The accusations and counteraccusations by the two states nearly led to war in 1990's.

The foregoing examples shows how instability in one state can become a source of national security threats to neighbouring states if not addressed in good time. It therefore follows that Kenya's entry into the Sudan peace process was partly influenced by the need to bring to an end a civil war that had protracted for decades and was threatening regional peace and security. The effects of the war to Kenya were less severe compared to Ethiopia and Uganda; however the war created a situation of lawlessness in Southern

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[72] Woodward, P, Ibid 125.

Sudan that facilitated flow of small arms and ammunition into Kenya thus heightening insecurity, banditry and cattle rustling in northwestern Kenya.

3.4   Regional Hegemon

It has also been argued that Kenya's participation in the Sudan peace process was motivated by its desire to be regarded as a regional hegemon. Agnew, defines hegemony as the enrolment of others in the exercise of your power by convincing, cajoling and coercing them that they should want what you want. He argues against viewing hegemony as simply the exercise of raw military, economic and political power by the latest in a long line of "hegemons" as if the exercise of power had remained unchanged through the centuries[73] . Mowle on the other hand traces the origin of the term hegemony to the Greek term 'hegemonia', meaning leadership and notes that hegemony immediately had a more coercive undertone to it. He submits that hegemony signifies a rare national role and a type of international system. It is the sum total effect of a special state, the most powerful state on the international system which promotes some type of stability[74]. Agnew in another book, argues that though the international system vouches for normative equality and sovereign states, however competition among them has led to status allocation which implies primacy of higher-order states as great powers[75]. Regarding regional powers or states that seek leadership or dominance in a given region, Flames defines a regional power as that state actor whose power is, to a high degree, based on leadership in their world area and that the quest for regional powers does not constitute a sufficient condition for their emergence. He observes that a regional power

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[73] Agnew, J, Hegemony: *The New Shape of Global Power*, (Temple University Press), Philadelphia, USA, 2004, P. 2.

[74] Mowle, T, *Unipolar World*, (Palgrave Macmillan), Gordonville, VA, USA, 2007, P. 7.

[75] Agnew, J, *Geopolitics*: *Revisioning World Politics,* (Routledge), London, 1998, P.68.

must have its power capabilities far outweigh those of other states in the region[76]. What can be observed from the foregoing discussions by the above scholars is that the concept "hegemon" centres on power politics. It is about the centrality of leadership of a state in a global or regional arena. Preponderant states that have the attributes of a dominant state that control the levers of military, political and economic power capabilities can exert themselves in the international system and normally such powers project their capabilities within and beyond a given region. The United states is such a power that project its power capabilities globally and other state look to the US to offer leadership on a wide range of issues that have global implications. For example, the Syrian crisis continues to linger on for a long time with its heavy toll on lives because the US is reluctant to intervene to end the civil war. Therefore in the unipolar world where the US is the only undisputed power, it is regarded as a hegemon. The height of American power play was during George Bush Junior's administration when the US displayed sheer arrogance and lack of respect of international institutions. America invaded Iraq, deposed its leader and occupied the country against the will of the international community and without seeking authorization from the United Nations. It flagrantly violated international norms with impunity. The US therefore is the unchallenged hyper power on earth and its influence is felt across the globe. The American leadership in cutting-edge technologies and military power is unrivalled by any other power.

As earlier noted, there are both global and regional hegemons in the international system. States such as China and India are regarded as regional hegemons. They offer leadership and are dominant powers in their backyard. States such as Russia, Brazil and to some

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[76] Flames, D, *Regional Leadership in the Global System:* Ideas, Interests and Strategies of Regional Powers, (Ashgate Publishing Group), 2010, P. 128.

extent South Africa and Nigeria can be regarded as regional hegemons, because of their economic and military capabilities and the influence they wield in their respective regions.

There has been debate regarding hegemonies in Africa. Whereas it is undisputed fact that Nigeria is a regional hegemon in West Africa where it dominates Economic Community of West African States (ECOWAS), the same can be said of South Africa in southern Africa, however the same argument may not be advanced in Kenya's case in East Africa. Wanyama observes that Kenya has contributed significantly to regional diplomatic initiatives and provided leadership in solving regional conflicts such as those in South Sudan and Somalia. He also notes that the country has high diplomatic standing arising from its hosting some of the largest missions and international agencies in sub-Saharan Africa while maintaining moderate profile in international politics by adopting a posture of 'silent diplomacy'[77] . Wanyama seems to rule out Kenya's desire to assume regional hegemonic status and attributes this to media speculation. He strongly vouches for Kenya's regional economic interests centering on trade and investment.

It is true that Kenya's economy is relatively advanced. It has a large industrial base, well-educated workforce and good infrastructure. It has styled itself as a regional economic and communication hub. Its constitution is liberal with a predictable foreign policy. As Wanyama argues, Kenya has been a reluctant hegemon. It has offered leadership in a number of regional issues particularly in regional conflict management. Kenya has participated in peace keeping missions in Zimbabwe, Namibia and Sierra Leon among others. Such undertakings have served to enhance its profile internationally with some

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[77] Wanyama, L, *The Economic Diplomacy of Kenya's Regional Interests, South African Institute of International Affairs African Perspectives*, Global Insights, South African Foreign policy and African Drivers Programme-Occasional Paper No. 137, P. 6.

scholars terming it a regional hegemon. However as alluded to earlier, Kenya's policy of non-interference in internal affairs of other states being the centre-piece of its foreign policy; does not augur well with a state that aspires to be a regional hegemon. The policy of avoiding to adopt positions on issues it considers controversial was witnessed during the interstate war between Tanzania and Uganda in late 1970's. During this war, Kenya neither condemned Uganda's aggression against Tanzania nor did it seek to resolve the conflict pitting its closest neighbours. This posture goes against the tenets of a hegemonic power. Perhaps the argument that there is no dominant power in the Horn of Africa is well captured by Dehez, who posits that none of the member states in the Horn of Africa (IGAD) is rich enough to provide support in the sense that Nigeria supported ECOMOG operations in both Nigeria and Sierra Leon[78].

The above argument notwithstanding, Kenya's entry into the Sudan peace process was to some extent motivated by the quest for regional leadership. Whereas this argument may not have watertight evidence, however according to realist thinking, every state in the international system seeks to accumulate and project power and to use that power to dominate other states. Given that this is the universal behavior of states in the international system, then it can be argued that Kenya's involvement in the Sudan peace process was to some extent influenced by her desire to become a regional hegemon.

It is a known fact that there has been a quiet struggle for regional leadership between Tanzania and Kenya. Tanzania has always been suspicious of Kenya's intentions in the region. The collapse of the defunct East African Community in 1977 was partly blamed

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[78]Dehez,D, Ethiopia *A Hegemon in the Horn of Africa Region*, (Berlin University), 2008, www.open.ac.uk/socialsciences, access time, 19.25 hours, 31st July, 2013.

on the rivalry between the two states. In this struggle, Kenya has never displayed desire for raw power, instead it has continued to use to a greater degree soft power to push its interests in the region. Therefore, Kenya's strategic decision of engaging in conflict management can be regarded as a shrewd strategy of deploying soft power to protect and safeguard its vital national interests.

3.5   Personal Prestige

It can also be argued that Kenya's mediation in the Sudan peace process was partly motivated by its leadership's desire to be regarded as peace brokers. In the Kenya's context, the issue of conflict management has always been driven by its leadership's desire for personal credibility.   Wanyama observes that Kenya's presidents have cultivated personal relationships with individual African leaders that have helped advance the nation's interests by enhancing Kenya's prestige while achieving legitimacy for its actions[79] . On the other hand, Obegi and Nyamboga note that since gaining her independence in 1963, Kenya has been consistent in efforts to find negotiated solutions to conflicts on the continent and especially in her neighbourhood. In 1963, the late Kenyatta, was appointed chairman of African Union Conciliation Commission on civil war in Congo. In 1980's the second president of Kenya, Moi took part in resolving political conflict in Mozambique[80]. President Moi desire for personal prestige through conflict management was evident in the Uganda case in 1985. Khadiagala, contends that Moi's intervention in Uganda's conflict as a mediator changed the rules of non-

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[79] Wanyama, L, The Economic Diplomacy of Kenya's Regional Interests, South African Institute of International Affairs African Perspectives, Global Insights, South African Foreign policy and African Drivers Programme-Occasional Paper No. 137, P. 10

[80] Obegi, F, and Nyamboga, C, Use of Information and Knowledge Management in Conflict Resolution Paper, www.goethe.de/ins/ke/nai/pro/conflictresolution, access time 07.43 hours on 2nd August, 2013, P. 9.

intervention that had guided the approach of the Organization of the African Unity (OAU) in domestic conflict of states. He notes that although Kenya's Ministry of Foreign Affairs organized some of the sessions, the Nairobi talks largely bore Moi's presidential imprint. The Kenyan media portrayed Moi's mediation in Uganda as an opportunity to demonstrate statesmanship, Pan-Africanism[81].

As earlier mentioned, Kenya's foreign policy has always been premised on non-interference in internal affairs of other states. In this regard the main thrust of Kenya's foreign policy focuses on maintenance of peace and stability in Africa and particularly in the region. Kenya's diplomacy of conflict management was to a large extent promoted by President Moi who believed in Pan-Africanism and was scornful of the West's intentions and designs in Africa. After securing his leadership in Kenya, Moi sought to project himself as an Africa statesman. As Khadiagala puts it, the media in Kenya never missed an opportunity to portray Moi in this light. Moi, therefore saw an opportunity to enhance his prestige through management of conflict in Africa. In Mozambique he persuaded Renamo to enter into talks with Frelimo. Lundin, commenting on Mozambique peace process acknowledges Kenya's role[82].

President Moi's stature was instrumental in facilitating the Sudan peace process. Whereas there are other factors that contributed significantly to Kenya's mediation in this process, however it is not lost on observers and scholars including Khadiagala, that President Moi's stature and his desire to promote personal prestige was central in moving forward

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[81]Khadiagala, G.M, *Mediation Efforts in Africa's Great Lakes Region*, Africa's Mediators' Retreat, www.hdcentre.org/uploads/tx, access time 06.49 hours, 2nd August, 2013, P. 48.

[82] Lundin, I.B, *The Peace Process and the Construction of Reconciliation Post-Conflic*t- The Experience of Mozambique, Presented in Barcelona under the International Seminar "Experience of Penal Alternatives in Peace Processes", Barcelona, 27-28th February, 2004, Higher Institute of International Relations, 2004, Maputo, P. 8.

the peace process. Moi wanted to use this opportunity to project himself as a peace broker. Convinced by his philosophy of peace, love and unity, Moi sought to engrain himself in the annals of history and build a long lasting legacy for himself. Suffice to note that President Moi's desire to enhance his personal prestige could not come at any better moment than when he was the chair of IGAD.

3.6   Economic Interests

It may be recalled that every mediator in a conflict comes along with interests and values. This argument is advanced by Mwagiru. According to him, there is no mediator who does not have specific interests that he seeks to protect in a given conflict. Among other issues, Kenya's mediation in the Sudan peace process was motivated by economic interests. It is worth noting that South Sudan is endowed with vast oil deposits and other natural resources that are yet to be exploited. Similarly, South Sudan economy is in infant stage hence the opportunities presented by such prospects were immense. By facilitating the mediation process in the Sudan peace process, Kenya expected to reap the benefits that were to come with the restoration of peace and stability. Peace in South Sudan meant creation of a big market for Kenya's industrial products and unemployed skilled labour force. It also meant that South Sudan being landlocked would have to use Kenya's ports to access the sea.

In conclusion, Kenya's mediation in the Sudan peace process was influenced by a multiplicity of factors. However the most critical interest was the restoration of peace and stability in the region. The stability of Sudan was in Kenya's interest. The war in Somalia coupled with terrorist activities in that failed state required a common regional approach. The end of the Sudan conflict provided the region with an opportunity to fully focus on

the Somali crisis. It also enabled Kenya to focus its attention on its eastern border. This is

what can be termed as the immediate dividends of stability in Sudan.

CHAPTER 4

AN ANALYSIS OF KENYA'S MEDIATION IN THE SUDAN CONFLICT

4.0   Introduction

This forms the backbone of this study. It analyzes key scenarios that facilitated the success of Kenya's mediation in the Sudan peace process. The analysis starts with factors that motivated the Sudan government and SPLM/A to agree to seek for a politically negotiated solution to their conflict. The examination goes through the parties' acceptance of Kenya as a peace a facilitator. It argues that the perception of Kenya as a neutral peace broker by the parties was instrumental in accepting it to lead the process. The chapter provides a practical analysis of the mediation process in Sudan and sheds light on critical issues that enabled the process to succeed. It further outlines the challenges encountered and the strategies that were adopted to guide the process. The chapter concludes by examining the role that Kenya continues to play in Sudan after the signing of the CPA.

As earlier noted, the Sudan conflict claimed millions of lives and displaced many more. The conflict lasted for a half a century and it is in this regard that it was dubbed Africa's longest civil war in the postcolonial era[83]. At the heart of this conflict there were interests and values that the warring parties sought to protect even at the altar of heavy loss of lives and massive destruction of property and infrastructure. To claim that the war destabilized the Sudanese economy is in itself an understatement. The war was costly,

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[83] Seri-Hersch, I, From One Sudan to Two Sudans: Dynamics of Partition and Unification in Historical Perspective, Tel Aviv Notes by the Moshe Dayan Centre, an Update on Middle Eastern Developments, Vol.7, No. 13, 2013, P. 1.

painful and destructive. It even assumed a regional dimension when some neighbouring states covertly and overtly supported one side against another.

On one hand, the government of Sudan fought to maintain the unity of its territory as one indivisible state with absolute authority exercised by Khartoum and laced with Islamic shariah law that grants political power to Arabs, the dominant ethnic group in that polity. On the other hand were the people of southern Sudan who sought recognition and equality in the new Sudan that is devoid of discrimination based on religion or race[84]. The SPLM represented the interests and the aspirations of Southern Sudanese. Therefore the war was fought along these interests and values. It is in this regard that it protracted for a long time because the parties were determined to achieve their goals through a military solution.

However as the war dragged on with severe consequences, it became apparent that a solution must be found. The question that should be addressed in this case is what factors compelled the warring parties to agree to explore a political solution to their conflict? According to the respondents covered in this research, the disputants reluctantly embraced dialogue as an alternative to military solution due to the prevailing circumstances which made it almost impossible to continue prosecuting the war.

4.1 Factors that Motivated Parties to Negotiate

Heavy loss of life as a result of killings and starvation related deaths were too much to bear. The humanitarian crisis created by the conflict was massive and disheartening. It is estimated according to the respondents that over 5 million people lost their lives in Sudan, while a similar number of people were displaced from their homes. This crisis

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[84] Aleksi, Y, "Greivances and Roots of Insurgencies: Southern Sudan and Darfur", Peace, Conflict and Development: An Interdisciplinary Journal, Vol. 7, July, 2005, P.P 99-134, P. 101.

rallied the international community particularly human rights organizations such as Amnesty International and faith-based organization to agitate for a political solution to the Sudan civil war. The unrelenting agitation by international human rights organizations convinced the warring parties to consider other alternatives to achieve their aims other than through the military solution. This is vividly captured in the CPA's preamble, where parties acknowledge that the conflict in the Sudan is the longest running conflict in Africa; that it has caused tragic loss of life, destroyed the infrastructure of the country, eroded its economic resources and caused suffering to the people of the Sudan[85]. Similarly, the images of Sudanese refugees dying in camps as a result of starvation and diseases captured the sympathy of the international community and thus made the humanitarian organizations to increase pressure on the parties to end the war. In addition to the pressure from the international community, pressure from within South Sudan and the South Sudanese in the Diaspora was critical in convincing the disputants to talk peace.

The international pressure on the government of Sudan to end the war was overwhelming. This coupled with the economic sanctions that were imposed on Sudan convinced it to consider a political solution to the conflict[86]. On the other hand there was a religious dimension to the international pressure that was exerted on Sudan to end the war. Christians in the USA put pressure on Sudan to end the war because Muslims had marginalized the Christian and animist south. Similarly some respondents acknowledged

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[85] The Comprehensive Peace Agreement Between the Government of the Republic of Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, P. xi.

[86] Blanchard, L, Sudan and South Sudan: Current Issues for Congress and US Policy, Congressional Research Services, 2012,P. 4

the unrelenting US Congress pressure which was instrumental in cajoling the Sudan government towards peace negotiations.

However the extent to which the international pressure worked compared to domestic pressure could not be ascertained from the interviews and questionnaire analysis. One important point to consider as one analyzes the Sudan peace process is that the parties were willing to engage each other in the war. Each party believed in a military solution as a panacea to their vested interests and values which were at the core of the conflict. The fact that the same parties later own were willing to talk to each other can only be explained by looking at the issues discussed in this section. In the same vein it can be argued that the SPLM/A's realization that its vision of New Sudan could not be achieved through continuation of the war helped in bringing the warring parties to the negotiation table.

It may be noted that the Sudan civil war was fought for five decades. The war was costly in terms of loss of lives and resources. Following this, the Sudanese economy was adversely affected as investors withdrew and the Bretton Wood institutions namely, the International Monetary Fund and World Bank blacklisted Sudan from borrowing. This development coupled with runaway inflation drained the Sudanese economy.

The ripe moments for conflicts to be mediated arrive when the parties have exhausted themselves and can no longer achieve decisive victory on the battle front. This notion is propounded by scholars such as Zartman, and Burton who believe that the ripe moment for parties to seek a negotiated solution arrive when they are no longer able to dictate the course of the conflict because of having run out the steam to continue prosecuting the

war[87]. This notion was evident in the Sudan conflict. Majority of the respondents in South Sudan submitted that SPLM and the Sudan government agreed to negotiate for a political solution when it became apparent that they could not dictate the pace of the conflict. The parties came to a conclusion that neither side could win the war militarily. This assertion was supported sixty five percent of the respondents who indicated that the two sides were initially unwilling to talk peace but when they realized that they could no longer claim outright victory militarily, they were compelled to look for alternative options. This is what is referred to as a hurting stalemate and the right moment for mediation of violent conflicts is achieved when parties are tired of fighting.

The submission made by the respondents especially those in South Sudan is interesting given that the war was fought for a long time starting on the eve of independence in 1955. Whereas the Sudan government was seen to have an upper hand in the conflict however it was not able to defeat the SPLA which operated across South Sudan at will. In some cases SPLA was able to capture territory in other parts of the Sudan and continued to harass the Sudanese military. After failing to dislodge the SPLA from its Southern strong hold, the Sudan government concluded that it was not possible to defeat and liquidate SPLA completely hence it reluctantly agreed to engage SPLA in the peace talks.

4.2   Acceptance of Kenya as Mediator

The Sudan peace process began in 1972 when the Addis Ababa Peace Agreement was signed between the Sudan government and the Southern Sudan Liberation Movement (SSLM)[88]. This agreement was facilitated by Ethiopia. Since then various actors have shown interest in mediating the Sudan conflict. As it may be noted for a mediator to enter

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[87] Zartman, I, The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments; the Global Review of Ethnopolitics Vol.1, No. 1, September, 2001, 8-18, P. 1.
[88] Malok, E, The Southern Sudan, Struggle for Liberty, (Kenway Publications), 2009, Nairobi, P. 87.

into a peace process he should win the confidence of the parties. In other words a mediator has to be accepted by the two parties in order to be effective in guiding the parties towards a peaceful resolution of their conflict. This explains why during the post election violence in Kenya in 2008, the choice of Cyril Ramaphosa of South Africa as a mediator in Kenya's post election conflict was opposed by the PNU party claiming that Ramaphosa was not neutral and honest. This prompted Ramaphosa to withdraw from the peace talks.

Kenya was the lead mediator in the Sudan peace process within the framework of IGAD which eventually led to the signing of the Comprehensive Peace Agreement in 2005. The parties to the conflict agreed to have Kenya as the lead mediator because of various reasons. Kenya was endorsed by the parties because it had accumulated vast experience in managing conflicts at regional and continental level[89]. It is important to note that Kenya has always supported peace keeping missions in Africa and beyond whenever she is called upon by the UN. Given the experience that Kenya had accumulated in the field of conflict management, it is apparent that she had developed expertise in this area and therefore it is in this regard that her mediation was accepted by the two parties. However it is important to also note that the government of Sudan was reluctant to accept Kenya as a lead facilitator. In fact Sudan preferred countries like South Africa to take the lead instead of Kenya because of the negative perception it had developed against Kenya. Khartoum felt that Kenya was not an honest mediator because she hosted SPLM leadership in Nairobi. This negative perception notwithstanding, Sudan acquiesced to Kenya's leadership because compared to other states in the region; Kenya was regarded

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[89] Carey, T, United States Institute of Peace, Special Report: The Negotiation of Sudan's Comprehensive Peace Agreement (CPA) and its Implementation from 2002-2005, P. 4.

as a better alternative given that other neighbouring states such as Uganda were perceived to be more hostile to the government of Sudan.

The acceptance of Kenya by the parties coupled with the support she received from IGAD member states was instrumental in moving the peace process forward. Given that the parties developed confidence in Kenya's leadership because of her accumulated experience in mediating armed conflicts in various parts of the African continent, this helped in delivering a peace deal. The findings of this study point to the fact that this is what worked for Kenya. During President Moi's tenure of office, he promoted and perfected the art of diplomacy of conflict management in the region. Therefore when the parties to the Sudan civil war saw the need to seek a political solution to their conflict they accepted facilitation by Kenya due to the foregoing reason. Similarly, Kenya's policy of non-interference in internal affairs of other states endeared it to the parties and as such it enjoyed cordial working relationships with both sides to the Sudan conflict because it was regarded as being objective hence it could be trusted with the mediation role. However the finding added another angle to this argument. It seems as if the parties had full confidence in Kenya's leadership and hoped she would support their own interests and thus enabling each of them to walk away with a better deal.

Acceptance of Kenya to act as the lead mediator was to some degree influenced by the political stability she has cultivated since her independence. This served as a motivation to the warring parties. Kenya having enjoyed a peaceful political environment since independence that translated into economic growth, must have convinced the combatants to consider exploring peaceful means of ending the conflict.

Kenya's strategic location linking East Africa to the Horn Africa was critical in accepting her as a lead mediator. Compared to other interested regional actors such as Egypt, South Africa, Libya and Nigeria; Kenya had a strategic advantage. The proximity of Kenya as a neighbouring state to Sudan to some extent influenced the decision of the parties to accept the lead role that Kenya was assigned to by IGAD. This proximity can also be seen in terms of cultural and historical linkages particularly with the people of South Sudan. Indeed Kenya's close proximity to Sudan made it easy for her to coordinate and mobilize resources required to facilitate the peace process[90].

President Moi's special relationship with SPLM and the government of Sudan leadership was instrumental in cajoling the parties to accept Kenya as an honest peace mediator. As history has it, President Moi had good working relationship with the SPLM leader Dr. John Garang. Similarly he developed such working relations with President Bashir which later own influenced the cause of events that culminated in the launch of IGAD led peace process. This is captured in Garang's speech when he acknowledges that President Moi made personal commitment and contribution to the Sudan peace process[91]. Moi used the unique position he was in to urge the two parties to consider talking peace.

The neutrality that Kenya demonstrated in handling regional issues based on its policy of non-interference in internal affairs of other states was critical in rating it above other states. It may be recalled that none of the two parties in the Sudan civil war regarded Kenya as a hostile entity because she did not directly support either party as opposed to other neighbouring states. For example Uganda was regarded by Sudan government as more partisan in that it had offered SPLA territory for launch of attacks and had openly

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[90] Ambassador Mativo, E Director, KESSULO.
[91] Garang, J, Address to the Sudan People's Liberation Movement/Army (SPLM/A) and Other Armed Groups (OAGs) Dialogue Conference, 28-30th June, 2005, Nairobi, P. 1.

taken sides in the war. On the other hand, the Marxist government of Ethiopia was hostile to the Sudan government. The SPLM leadership was for a long time based in Ethiopia. Additionally SPLA operated military camps on Ethiopia's soil and the government of Ethiopia was critical in supplying SPLA with arms and ammunitions. Similarly, Eritrean was regarded by Sudan as a hostile entity because Sudan opposition group, the National Democratic Alliance operated in Asmara. It is in this regard that Kenya was seen as a sober mediator. Whereas it is true that Kenya hosted SPLM leadership and offered territory from where to launch humanitarian operations in the Sudan and the port of Mombasa for that purpose, she was not in any way openly take sides in the conflict.

Kenya as IGAD chair at the time when the search for peace in Sudan gathered momentum in the late 1980's favoured her to take the lead role in that process. Given that the war had been fought for a long time and the international community was in favour of IGAD leading the process, it became apparent that Kenya was to play an important part in persuading the parties to consider dialogue as an alternative to the military solution.

As argued by Mwagiru, elsewhere in this study, mediation of conflicts is a risky and expensive affair hence parties interested in mediating in a given conflict must calculate the risks involved and the cost and determine whether it is worth trying. It is risky because a mediator's credibility can suffer if the mediation fails like Uganda's mediation in 1985 which was a disaster to Moi because the parties did not negotiate in good faith. On the other hand it is costly because some mediation processes can protract for a long time thus making them expensive in terms of resources and time.

4.3   Issues that Motivated Kenya to Mediate in the Sudan Conflict

The entry of Kenya as mediator into the Sudan conflict must have been motivated by certain factors. This is because every mediator has interests and values that he brings to the conflict. As Mwagiru submits, there are no actors who accept to mediate in conflicts without having to bring their own interests to the conflict[92]. This also applies to Kenya's mediation in the Sudan peace process.

According to majority of the respondents, Kenya's motivation to mediate the Sudan peace process was to a large extent influenced by the suffering of southern Sudan refugees in camps. As mentioned earlier, the Sudan conflict was devastating to the population of southern Sudan as they were uprooted from their homes, property destroyed and terror unleashed on them by armed groups who savagely repressed, tortured and killed them. Additionally, they faced starvation and desolation in camps. The humanitarian crisis emanating from the civil war caught the attention of the international community thus necessitating the need to find a political solution to the conflict. Therefore Kenya became involved in the Sudan peace process to help end the conflict and by doing so avert the suffering and restore sanity and dignity of South Sudanese. Kenya hoped that by ending the war, refugees will be resettled back in South Sudan. This study can assert that Kenya's spirit of benevolence and concern for the welfare of the people of southern Sudan was demonstrated by her bold decision of offering herself as a facilitator in the Sudan peace process.

This assertion can also be looked at from another angle. Kenya had hosted a massive number of South Sudanese refugees in its camps at Kakuma and elsewhere. The refugee

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[92] Mwagiru, M, Conflict in Africa, Theory, Processes and Institutions of Management, Institute of Diplomacy and International Studies, University of Nairobi and Centre for Conflict Research, Nairobi, 2006, P. 51.

problem as discussed in this report is always emotive and sensitive to handle. While there is no fact to deny that South Sudanese refugees were treated well while in Kenya, however hosting of such big number of refugees was expensive hence a drain to the economy[93]. Therefore by facilitating the peace process in Sudan, Kenya hoped that the refugees will be repatriated and resettled back in Sudan and by doing so the refugee problem would have been solved.

In tandem with the foregoing argument, one would be tempted to suggest that Kenya's offer to lead peace mediation in Sudan was partly motivated by its own national security interests. As the war was waged in Sudan close to its border, Kenya was gripped with security fear that the war was likely to spill over into its territory and cause insecurity in parts of north Kenya. Of particular concern was the issue of proliferation of small arms and ammunition which would destabilize its volatile northern borders.

The fear that the Sudan civil war might create a conducive environment for international and transnational terrorists to operate and hence serve as a base from which to launch terrorist attacks against neighbouring states further motivated Kenya to get involved in the Sudan peace process. It is against this backdrop that Kenya had a strong interest in stabilizing Sudan in order to guarantee its own security and that of the region.

Further to this, it may be interesting to note that when Somalia became a failed state in 1991, Kenya was sandwiched between two states experiencing violent conflicts. Coupled with this situation, Ethiopia's government was toppled in 1991. It is this regard that Kenya feared that the instability in the region was likely to affect its own stability and scare away investors. Therefore by entering the Sudan peace process, Kenya was motivated by her own security considerations. The Sudan civil war though was fought in

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[93] Obala, L, South Sudan and Kenya: Relationships, Al Jazeera Centre for Studies Reports, 2012, P. 4.

Sudan itself however, it was threatening to become a regional conflict that was likely to draw in neighbouring states such as Uganda and Ethiopia. This is the scenario that Kenya feared might arise and further complicate her own security interests.

The role that President Moi played in the Sudan peace process cannot be overemphasized. It can be ascertained that Moi had personal interest in ending the Sudan conflict. Apart from carrying Kenya's interests to the conflict, Moi was partly motivated by personal considerations. It is common knowledge that Moi's community; the Kalenjins trace their origin to South Sudan. This assertion is supported by the fact that there are pockets of Kalenjin speaking communities still living in South Sudan[94]. Arising from the foregoing, Moi, felt that he had personal responsibility to end the Sudan civil war.

The findings also focus on Moi as a factor in the Sudan peace process. President Moi as a senior leader in the region wanted to use this process to boost his personal prestige. As a Pan-Africanist with firm roots in African ideals, Moi regarded conflict management as an avenue to entrench his prestige among peers in Africa. The circumstances prevailing at that time support this assertion. He re-oriented Kenya's foreign policy by making the diplomacy of conflict management as the centre-piece of his foreign relations. In addition, he established and empowered special envoys to undertake special assignments geared towards buttressing Kenya's image regionally and internationally. This was meant to serve his stated aim of enhancing his credibility within the region. To argue that President Moi was a key factor in Kenya's decision to lead the Sudan peace process is to speak the truth. Nielsen acknowledges Moi's role by stating that Moi who was the president of Kenya, took a lead role in negotiating between the North and the South, took

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[94] Ambassador Mativo, E, Director KESSULO.

the lead in bringing IGAD together to support this negotiated process and in hosting the

IGAD talks in Nairobi and outside Nairobi[95].

As like any other mediator in a conflict, Kenya was motivated to mediate in the Sudan

peace process because of strategic considerations. It was obvious from the beginning that

the underlying reason for southern Sudanese struggle against the Khartoum government

was to liberate themselves from the oppressive Arab regime which marginalized and

discriminated them on the basis of religion and race. Kenya therefore was aware that the

peace process was likely to lead to the creation of a new state in the south. Kenya

therefore, sought to mediate in the Sudan peace process in order to strategically lay the

ground for future cooperation with the new state that was emerge in the south of the

country. This assertion evidenced by the fact that since the signing of the CPA, Kenya

and South Sudan have established government-to-government political and economic ties

to promote trade and investments.

The issue of Kenya acting as a regional hegemon, is not supported by the study findings.

Kenya has never sought to dominate the region politically or to coerce regional states to

acquiesce to her political and economic designs. This study affirms the fact that has never

shown appetite of becoming assertive in pushing her agenda in the region. The notion

that by engaging in conflict management in Sudan and Somalia, Kenya was seeking to

dominate the region cannot be argued with certainty because the behavior and the

demeanor that Kenya has displayed over the years do not support this assertion. However

it can be argued that Kenya is a respected member of regional organizations such as East

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[95] Nielsen, B, United States Institute for Peace Association for Diplomatic Studies and Training Sudan
Experience Project, 2006, P. 4.

African Community and IGAD but she has never shown any interest in acting as a regional hegemon.

Further argument can be advanced regarding Kenya's motivation to mediate in the Sudan peace process. The fact that parties to the Sudan conflict were willing to dialogue to end the war could not come at the right time. The warring parties had come to realization that they could not win the war militarily and that the more they continued the fighting the more lives were lost[96]. Similarly, the international community was tired of the costly war that had consumed several generations of Sudanese. This is the moment that conflict resolution scholars refer to as "hurting stalemate" which is key to the parties' willingness to seek for as a peaceful resolution to the conflict. In Sudan's case this moment had arrived and Kenya and IGAD seized it.

The notion that Kenya was mediating the Sudan peace process with an eye on South Sudan natural resources including oil deposits is farfetched and lacking in evidence. Kenya's economic interest in South Sudan has always been trade and investments. In any case even after South Sudan having achieved its independence, it does not supply Kenya with cheap petroleum products. The fact that South Sudan is considering an alternative route to take its oil to the market, will not be a significant economic development since Kenya will only provide transit facilities for South Sudan oil products. Therefore the issue that underpins Kenya-South Sudan relations is trade and investment with South Sudan providing a ready market for Kenya's manufactured products.

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[96] Carey, T, United States Institute of Peace, Special Report: The Negotiation of Sudan's Comprehensive Peace Agreement (CPA) and its Implementation from 2002-2005, P.3.

4.4 Factors that Facilitated Mediation

The conflict in Sudan was along drawn out civil war lasting for over a century and causing collateral damage in terms of human lives, displacements and infrastructural destruction. Over the years several mediation attempts were made to end the war but they did not bear fruit. As the war progressed with devastating consequences, the international community continued to call for dialogue with a view to finding a negotiated political solution. With the international community having been unable to stop the Rwandan genocide and conflict management having been regionalized, the Organization of African Unity (now African Union) and IGAD advocated for a regional solution to the Sudan civil war.

It is in this regard that Kenya which by then was the chair of IGAD was chosen to lead the peace mediation in Sudan. The Kenya-led peace process in Sudan eventually culminated in the signing of the comprehensive peace agreement in 2005. The question that should be addressed in this chapter is what factors enabled Kenya to succeed in mediating a negotiated political solution to conflict. How come that the Kenya-led Sudan peace process succeeded where others failed?

Since the beginning of the Sudan conflict in 1956, several mediation attempts were made to bring the parties to the negotiating table. The Addis Ababa agreement signed in 1972 was part the efforts to seek for a negotiated political solution to the conflict pitting the government and the people of south Sudan who felt marginalized and excluded from leadership. The Nigerian, the joint Egypt-Libya and the Jimmy Carter initiatives are examples of some the attempts that were made. Despite their well intended purpose they all failed to unlock this crisis.

Kenya's mediation in the Sudan conflict was fully supported by the international community led by the United States of America, United Kingdom, Netherlands, Norway and Italy. The respondents submitted that these states that later own coalesced themselves into 'IGAD Partners Forum' (IPF), resolutely supported the Kenya-led IGAD peace initiative[97]. This support was crucial in strengthening Kenya's position and shaping the perception of the parties to the conflict. The international support was complemented by the economic sanctions imposed on Sudan for its belligerent behaviour and for being reluctant to embrace the need for peace. The economic sanctions prompted western firms to pull out of Sudan.

Further to this, the Kenya-led IGAD peace initiative received an overwhelming support from the AU. After the AU peace attempt at Abuja in Nigeria, the AU felt that the Sudan conflict would be better handled at a regional level preferably by IGAD[98]. This coupled with the American support, boosted the chances for a negotiated political solution. It is worth noting that Egypt and Libya had an interest in the Sudan conflict, therefore when the two states realized that Kenya with the support of IGAD had launched mediation process, they came up with their own initiative designed to rival the Kenya-led one. However, the USA dismissed the Egypt-Libya initiative and insisted that any mediation attempt in Sudan must be through Kenya. This position was supported by the United Nations Security Council. Therefore the international goodwill for Kenya to lead the mediation process in the Sudan conflict was overwhelming and contributed significantly to the success of the process.

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[97] Ambassador Mativo, E, Director KESSULO.
[98] Malok, E, The Southern Sudan: *Struggle for Liberty*, (Kenway Publications), Nairobi, P. 222.

The findings of this study indicated that Kenya's mediation in the Sudan peace process came at a time when the parties were willing to explore other alternatives to the military option. The warring parties in the Sudan conflict having been on the battle front for decades, realized that a decisive military victory was no longer possible hence opted to give dialogue a chance. This realization was critical in the success of the mediation process.

The approach that Kenya adopted in dealing with the warring parties was objective and non-partisan. The study established that that, Kenya was even handed and exercised extreme caution when steering the mediation process by not openly declaring her support for one party over the other. However, it is important to note that Kenya like any other mediator had her own interests which she sought to protect in the mediation process. Similarly, the SPLM leadership after having been thrown out of Ethiopia following the overthrow of Mengistu Haile Mariam, set up their headquarters in Kenya[99]. In such circumstances, Kenya's neutrality in the mediation of the Sudan peace process can be challenged.

The success of Kenya-led mediation in the Sudan peace process can be attributed to some extent to a pool of experienced mediators led by Lazarus Sumbeiywo and the IGAD Ministerial Sub-Committee. The study agrees with the argument that General Sumbeiywo and his IGAD Secretariat team were tactful and shrewd in facilitating the mediation process and therefore contributed to the success of the process. It can further be asserted that because Sumbeiywo and his team of experts were drawn from the region, they understood the dynamics of the conflict and knew what was at stake should the process fail to achieve its objectives.

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[99] Malok, M, Op cit, P.159.

The foregoing submission on the experience of the facilitators ties in well with the theory of mediation that guides this study. As earlier discussed, the centre-piece of the theory of mediation is that the mediator must establish genuine linkages and cooperation of the parties in a dispute in order to talk and resolve explore ways of ending their conflict. The most important issue regarding this theory is the experience or qualifications of facilitators. As argued by the respondents, the Kenya-led Sudan peace process succeeded to a greater degree because of the experience that the facilitators had. Arising from the foregoing discussion, it can be argued that mediation should be a collective responsibility led by a group of experienced persons who understand the dynamics of the conflict. Success depends on mediators being shrewd and skillful.

The fact that Kenya was committed to avail its resources for use in facilitating the Sudan process helped to create a conducive environment for the success of the process. The study established that Kenya provided financial and logistical support in addition to accommodation and venues. Similarly, the European Union supported the process by providing financial, material and political support.

Further to the foregoing submission, the study findings confirmed that Sumbeiywo and his team of IGAD experts created a conducive mediation environment that was structured based on the declaration of principles that guided the process. Yalon commenting on Sumbeiywo's leadership observes ...the Sudan mediation under Special Envoy Sumbeiywo was widely appreciated for its effective management of the process and financial accountability, particularly when measured against earlier weaknesses of the IGAD mediation. The mediation was also applauded for its impartiality, success in maintaining the integrity of the process, the generally positive role of the advisors,

resource people and ambassador envoys from the region, achieving good relations with the donors, and the steady production of protocols that culminated in the CPA, and these will be duly noted and commented on as lessons to be learned[100]. The declaration of principles laid the basis for seamless peace talks that based on mutual interest and understanding. This observation is in line with the tenets of the theory of mediation as propounded by Curle. According to mediation theory, the mediator has to use his influence and expertise to involve all the parties in dispute for the talks to succeed. By rallying the parties to mutually adopt the declaration of principles to guide the process, the facilitators in the Sudan peace process sought to involve the parties from the onset to own the process.

Another factor that helped Kenya to successfully steer the Sudan peace process was the reciprocal gesture by the parties to declare ceasefire as the talks got underway. This was regarded was a sign of pragmatism and commitment. The declaration of a ceasefire helped in building confidence between the parties and enabled them to explore the possibility of finding a common ground on issues that had pitted them for over five decades. However as the talks progressed, the study established that several ceasefire violations were reported. It seems whenever the talks would run into some difficulties, one side would resume the fighting to cause confusion and delay progress.

The non-governmental and faith-based organizations played an important role in advocating for peace in Sudan. The World Council of Churches was instrumental in lobbying the West to put pressure on the Sudan government to end the war by seeking a just and fair solution. Additionally, other organizations like UNICEF, Red Cross,

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[100] Young, J, *Sudan IGAD Peace Process*: An Evaluation, Institute of Governance Studies, Simon Fraser University, 2007, Vancouver, Canada, P.4.

Medicins sans Frontiers (MSF) and Operation Lifeline Sudan (OLS) operated in Sudan and their reports on the atrocities committed especially in South Sudan rallied the world opinion against Sudan government. Some of these organizations established their liaison offices in Kenya. The unique role that non-governmental and faith-based organizations played in acting as the mouthpiece for the victims of the Sudan war was instrumental shaping the world opinion against the war.

The study established that President Moi's diplomatic and leadership skills contributed to a greater extent in moving the Sudan peace process forward. Prior to his engagement in Sudan, Moi had been instrumental in persuading Renamo to consider negotiating with Frelimo for a political solution in the Mozambique conflict. Similarly, Moi from the onset was involved in the conflict management in Somalia and other parts of Africa. It is for this reason that the international community supported the Kenya-led Sudan peace process. The international community felt that Moi had accumulated diplomatic and leadership skills necessary to steer the Sudan peace process.

4.5   Challenges to the Sudan Peace Process

Kenya's mediation in the Sudan peace process was an arduous task because of the protracted nature of the conflict and the interests and values that were at stake for each of the two disputants. However it ought to be appreciated that every peace process is fragile and challenging because of the issues at hand. Curle argues that the mediator should afford parties in dispute confidence to engage in what he calls active mediation to explore possible solutions to end their conflict without compromising their basic principles. This is the genesis of the challenges associated with conflict management. Parties to the

conflict cannot compromise what they perceive to be their minimum irreducible interests and values.

One the challenges that faced Kenya's mediation of the Sudan peace process, was interference from other states that were interested in the mediation outcome and feared that the Kenya-led peace process might not adequately cater for their interests. To illustrate this argument one needs to look at the parallel peace initiative that Egypt and Libya launched to counter the Kenyan one. The two states had a stake in the Sudan peace process and because they felt excluded they decided to launch their own initiative.

The Sudan peace process had to endure frequent violation of the ceasefire by the parties to the conflict. As talks progressed, one side to the conflict would take a unilateral decision of launching attacks against another. The violations were motivated by the parties' desire to strengthen their positions on the negotiating table by changing the military balance on the battlefront. Such actions were frequently attributed to the government side.

Contentious issues that were at the heart of the conflict proved to be a stumbling block. The findings of the study revealed that the talks were frequently suspended because parties needed time to consult. The parties' intractable positions on the three contested areas of Abyei, Nuba Mountains and Blue Nile, tested Kenya's ability to steer the peace talks amid such entrenched positions. As Reuck and Burton submits, the basic interests and values in a conflict cannot be compromised[101]. As it were, the three contested areas were at the heart of the basic demands of the parties. The fact that parties took too long

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[101]   Burton, J and Dukes, F, Conflict: *Readings in Management and Resolution*, Centre for Conflict Analysis and Resolution, (Macmillan Press Limited), 1990, London, P. 183.

to strike a deal on each of these areas shows how difficult it was when contentious issues were on the agenda for discussion.

The issue of mistrust between the two sides featured prominently in the interviews. The history of the two sides of the Sudan conflict is full of betrayals, marginalization, discrimination and repression. Widespread mistrust affected the process as more often talks were suspended when parties failed to trust each other on issues that required consensus leading to delays in meeting set deadlines.

The study findings indicated that the most difficult part during the peace talks was agreeing on the security arrangements. The talks were further complicated by the reluctance of the government of Sudan to sign certain protocols that it considered to be sensitive. This included the Abyei protocol, popular consultation of the two regions of Nuba Mountains and Blue Nile. Kenya's mediators had to balance the delicate act to ensure that parties do not walk away from the talks. These protocols together with wealth and power sharing were also a big challenge to the mediators since the parties were not willing to compromise what they considered to be their basic interests.

The issue of disputes and the split of SPLM/A leadership into factions was another challenge that the mediators had to deal with. The split of SPLM into factions that ended up fighting each other affected how talks were conducted. At the time when talks got underway, SPLM/A had split into two factions, the SPLM Nassir led by Riek Machar and mainstream SPLM of John Garang. The two factions fought each other thus weakening their ability to confront the government both on the battle front and the negotiating table. Due to this situation, Kenya had to be cautious and careful in bringing together the two factions.

4.6   Mediation Strategies

Faced with the above challenges, Kenya had to come up with strategies to promote dialogue and negotiations within the framework of give and take. In order to structure the negotiations to focus on issues of substance, Kenya and the IGAD team drew up declaration of principles (DoPs). The DoPs laid a framework within which talks were to be conducted. This proved useful in focusing the talks on issues that required consensus. The DoPs set frameworks and procedures to be adopted when the talks starts. This approach enabled parties to structure the talks and engage in cooperative negotiation as opined by Curle in his theory of mediation.

The fact that Kenya and her IGAD team preferred direct talks, helped to speed up the process as opposed to proximity talks. Direct talks helped the parties to engage each other on issues that required consensus and understanding. This strategy was preferred by Moi. Direct talks preferred by the mediator were useful as it enabled parties to articulate their positions in the presence of their enemies. This strategy helped to break the barriers and inspired confidence among the delegates.

Staggering of talks in phases was regarded by the respondents as useful in that at every phase, the parties dealt with each thematic area, obtained consensus before moving to the next phase. To show that a consensus had been achieved the parties had to sign a protocol detailing the terms of the agreement for that particular area. This strategy was instrumental in building the momentum for negotiations.

As Curle's theory points out, that the mediator acts to build, maintain and improve communications, this was manifested in the talks. The mediator was helpful to the parties. He offered advice, information and support the parties required for their decision making process. In addition the availability of the mediator at all the time he was needed

helped to move the process forward. It may be noted that Sumbeiywo and his IGAD team were at the disposal of the parties for guidance, encourage and moral support. This is what made the difference. It coalesced the parties into partners for peace and increased the chances of striking a peace deal.

Like any other mediator who has leverage over the parties, Kenya applied indirect pressure to the parties on a wide range of issues whenever parties failed to agree. The indirect pressure with threats to quit worked to some extent because Kenya was not acting alone. As it may have been noted, the international community was supportive of Kenya's mediation effort. Therefore any threat issued by Kenya was regarded as threats coming from the international community. This coupled with pressure from the American government compelled parties to seek for compromise. The threats of sanctions and isolation by the international community helped in mollifying the parties to soften their position in the spirit of give and take.

Kenya-led mediation process culminated in the signing of the Comprehensive Peace Agreement (CPA) in 2005. In that agreement, parties committed themselves to implement its terms. On the other hand, USA, Kenya and other friendly states became guarantors of the agreement.

4.7   The Role of Kenya in Sudan after of the CPA

It is a fact that when a state or any other entity mediates in a conflict, it is the responsibility of that state to urge the parties to implement the agreed terms in order to avoid reneging on the same. Similarly, it is common wisdom that when a state successfully steers a mediation process, it must continue engaging with the parties and should help the parties in addressing the challenges and other issues that might arise.

Kenya has continued to be active on the in Sudan. Since the signing of the CPA, Kenya has continued to engage the two parties on a wide range of issues. Immediately after the signing of the CPA, at a donor conference, Kenya pledged $3.5 million for capacity building and technical assistance and by June, 2013, a total of $12 million had been disbursed. Most of these funds have been disbursed through Kenya-South Sudan Liaison Office (KESSULO). KESSULO is a government of Kenya agency tasked with the responsibility of coordinating Kenya's assistance to South Sudan. By June, 2013, the Capacity Building Programme had benefitted over 4000 South Sudan civil servants with senior officers at the level of ministers and permanent secretaries, attending various training programmes at Kenya School of Government. Additionally, Kenya has continued to deploy consultants in South Sudan to help ministries and departments set up structures for effective operations[102].

Whereas this gesture of supporting South Sudan is laudable however, it is not clear whether Kenya has carried out an evaluation to ascertain the efficacy of the programme and to determine how Kenyan tax payers will benefit from millions of dollars that have been disbursed to South Sudan. It is important that Kenya and South Sudan undertake an evaluation exercise to assess the impact and the outcome of the programme.

Kenya having played a leading role in mediating a politically negotiated solution to the Sudan conflict, she has continued to urge the two sides to implement the terms of the CPA in full in order to realize the full benefits of the agreement. The KESSULO confirmed this assertion and further submitted that Kenya has never stopped calling for peaceful coexistence of the two neighbouring states.

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[102] Ambassador Mativo, Director, KESSULO, Interview on 20th August, 2013.

Kenya's continued engagement in Sudan was evident during the run up to the independence referendum of 2011. She rallied the international community to ensure that the referendum succeeds and that the will of the people of South Sudan is respected[103]. This submission by Ndeng is indicative of Kenya's commitment to the full implementation of the terms of CPA.

It is in the national interest of Kenya to continue working with both sides to promote political and economic ties. This should be viewed in the context of the new foreign policy adopted by Kenya in which the underpinning interest in her relations with other states is trade and investments. To this end, Kenyan firms have invested heavily in South Sudan in hospitality, finance and insurance and building and construction sectors.

However, the foregoing discussions demonstrate lack of foresight on the part of Kenya to continue being relevant in the Sudan peace process. The fact that Kenya has been active in the south to the exclusion of the Republic of Sudan has cost her some political capital. In fact the mediation role has been taken over by South Africa and Ethiopia. An article by Amos, carried in the Daily Nation of 9th January, 2013, indicates that Thabo Mbeki of South Africa is the lead African Union mediator in the Sudan conflict. This article shows that indeed Kenya has lost out on South Africa[104]. Given the role that Kenya played in mediating the Sudan conflict, one would have expected that Kenya would be entrusted by the AU to continue engaging the two Sudans to implement the outstanding provisions of

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[103] Ndeng, Deputy Director, GoSS, Ministry of Water Resources.
[104] Amos, M, "South Sudan doubtful over talks", Daily Nation Newspaper, 9th January, 2013, Nation Media Group, Nairobi P. 22.

the peace deal such as the popular consultation to determine the fate of Abyei, Blue Nile and South Kordofan[105] and final border demarcation.

In conclusion, Kenya's engagement in South Sudan is for strategic reasons. A peaceful Sudan and South Sudan will create a huge market for Kenya's manufactured products. As it may be noted, South Sudan presents a big market for Kenya that extends further to the Central African Republic and northern Congo. This is estimated to be a market of 15 million people. In addition the huge infrastructural projects that are being undertaken are mostly done by Kenyan firms[106]. In this regard, Kenya has started reaping the dividends of its mediation role and there is need to strategically reposition herself so that South Sudan can be a dependable ally in economic and political arenas.

The approach that Kenya adopted to mediate in the Sudan conflict, reflect the tenets of the Curle's theory of mediation, which provides a theoretical framework for this study. In this approach Curle reminds us that a mediator should establish constructive links between parties to facilitate them to negotiate in search of a politically negotiated solution. This means parties must work together in the spirit of give and take to build bridges, look at the issues separating them and mutually seek a middle ground that would allow trade-offs without compromising their basic interests and values.

As expounded by Curle, Kenya sought to bring together the two parties in a non-partisan way to look at issues separating them in a give-and-take approach. This is what enabled the talks to progress. Similarly, the fact that the talks were conducted in phases by looking at one thematic area at a time fits in well with this theory.

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[105] Gluck, J, Why Sudan's Popular Consultation matters, United states Institute of Peace, Special Report, Washington DC, P. 2010.
[106] Ambassador Mativo, Director, KESSULO.

In submission, Curle proposes that a mediator must befriend parties, which means a mediator must establish good rapport with parties to gain confidence and creative a conducive atmosphere through which confidence can be built to enable parties trust each other. The Kenya-led mediation process was based on this approach. As we have seen, the talks were structured in phases where each phase focused on a given thematic area in which consensus was built before they proceeded to next phase.

Kenya-led mediation sought to achieve a peaceful resolution to the conflict and not a settlement. Kenya never sought to impose a settlement or to coerce parties into a given position; rather she merely provided an enabling environment for parties to look at their predicament and mutually search for a negotiated solution. Kenya's mediator and the IGAD team were able to built bridges between parties and cultivated willingness among the disputants to negotiate in good faith and amicably explore possibilities of reaching an agreement.

Suffice to say that the Kenya's mediation in the Sudan peace process was guided to a large extent by Curle's theory of mediation which prescribes elements that are crucial in guiding the mediation process. This approach empowers parties to negotiate and mutually arrive at a resolution which is long lasting and satisfying. Given that the process was all inclusive and Kenya conducted itself in a non-partisan manner, it is hoped that the CPA that was signed in 2005 will endure the current political tremors and sustain peace and stability in the two states that are the successors of the former Sudan Republic.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.0   Introduction and Observations

This study sought to examine the role that Kenya played in the Sudan peace process. The broad objective of the study was to examine the role of Kenya in the Sudan peace process with a view to drawing useful lessons. In order to guide the study further, specific objectives were developed including to determine the reasons behind Kenya's decision to enter the Sudan peace process; exploration of factors that led Kenya to successfully spearhead the peace process; investigation of the challenges that Kenya encountered during the negotiations and the role that Kenya has continued to play after the signing of the CPA.

Arising from arguments and discussions advanced in the previous chapter, the study concludes that the above objectives were met. The study has taken the view that Kenya steered the Sudan peace process to a successful conclusion when the CPA was signed in Nairobi in 2005 marking the end of a protracted war that killed millions of lives and property and led to displacement of people from their homes. The success that Kenya achieved was to a large extent dependent on the support that the international community particularly the USA gave which sustained the process and convinced the parties to seek for a negotiated political solution. Fearing threats of crippling sanctions from the American government, Sudan was compelled to come to the negotiating table to engage SPLM in finding a negotiated solution to their conflict.

The study has demonstrated that the entry of Kenya in the Sudan peace process was not motivated by hegemonic predisposition rather by genuine desire to end the war and

restore peace and stability. Kenya was concerned with the spillover effects of the war since neghbouring states had openly taken sides in the war thus risking the stability of the region. An argument in the similar direction has been advanced regarding Kenya's own security concerns in the north. Therefore by offering to mediate in that conflict, Kenya was genuinely addressing her own security interests.

The study has brought out challenges that mediators face when navigating through the process. The issue of mistrust and rigidity can derail the process if mediators do not have skills and the necessary acumen to steady the process. Similarly mediators cannot succeed in their mission if they do not understand the structure and the undercurrents of the process of the conflict. In the Sudan peace process, Kenya and her regional partners understood issues at stake and therefore guided the process from the point of advantage.

The study established that although the mediation process was under the auspices of IGAD, however Kenya took a lead because by that time she was the chair of IGAD and was willing to offer herself to mediate an end to the protracted conflict. It was further established that the parties to the conflict accepted Kenya's leadership role because of her international stature as a neutral state compared to her neigbours some of whom had openly taken sides in the conflict.

Kenya's neutrality stand was complemented by the approach she adopted in guiding the process. The study has established that Kenya was even handed in her approach her interests notwithstanding. Indeed Kenya was fair, meticulous and cautious in managing the process which to some greater degree was dependent on her leadership skills.

It was also noted that by assembling experienced mediators the caliber of general Sumbeiywo a military officer with accumulated experience in military and political

affairs, was instrumental in moving forward the mediation process. This is because majority of the members of both delegations had military background and were comfortable to be led by their fellow military officer. With General Sumbeiywo in the lead and the IGAD secretariat offering advice and support, the Sudan mediation process had facilitators who were experienced with diplomatic and military skills. This is an important lesson to be drawn from this process.

The study further established that Kenya's mediation in the Sudan peace process was not unanimously supported by all states in Africa particularly those who felt that their interests were at stake. The launch of a parallel initiative by Egypt and Libya to counter the Kenyan one was in bad faith and was meant to circumvent the talks that were already underway.

Issues raised in this study are critical in informing mediation practitioners and scholars and lessons drawn from this study should be subjected to further scrutiny with a view to establishing a clear line of thought on conflict management in Africa and other parts of the third world.

It was established that successful mediation in an internal conflict and indeed other conflict is partly influenced by willingness of the disputants to cede ground in negotiations without compromising their basic rights. The Sudan mediation was successful because the parties were willing to seek a middle ground in a give and take spirit.

Similarly, a successful mediation is achieved when parties are willing to recognize each other and their interests in the conflict. Sudan government and SPLM recognized each

other and this enabled parties to appreciate each others' interests and values. This facilitated the talks and enabled parties to strike a deal.

5.1   Conclusion

Arising from the foregoing discussions based on the findings and the theoretical framework, several conclusions can be drawn. Curle's theory of mediation which was chosen to guide the study was helpful in focusing the study on the core issues as outlined in the objectives. The theory was useful in evaluating Kenya's role in the Sudan peace process and accounted for the success that was achieved. It was noted that Kenya's mediation approach followed the key elements as expounded by Curle.

The step by step mediation approach which looked at each thematic area at a time was critical in building trust, confidence and allocated enough time in consensus building among the parties and structured the talks to have meaningful outcomes. This is what is proposed by Adam Curle theory of mediation.

This study sought to test two hypotheses to confirm whether the conclusions drawn prior to the study regarding Kenya's mediation role in the Sudan peace process were true.

The assumption that Kenya's mediation in the Sudan Peace Process was motivated by the personal prestige of President Moi was found to be true to some extent. As it was earlier noted, Moi was an ambitious leader who sought through the diplomacy of conflict management to stamp his moral authority on the African continent. Khadiagala has pointed out elsewhere in this report that during the Uganda mediation, the Kenyan media hyped Moi's role in those talks by describing him as a statesman of Africa. Therefore, to claim that Moi sought personal popularity by being enthusiastic about the Sudan peace process cannot be overemphasized.

This assumption is only true to some extent because Moi, had very genuine reasons to lead the search for peace and stability in Sudan. The Sudan conflict had displaced millions of refugees who fled to neighbouring states like Kenya. By seeking to end the Sudan conflict, Moi was touched by the suffering of Sudanese refugees who had been displaced from their homes and millions of them were dying of starvation and diseases.

The statement criticizing Kenya for abandoning its role in Sudan immediately after the signing of the CPA was found to be partially true. The study established with certainty that Kenya has continued to deal with the parties to the agreement. The submission made by the Director of KESSULO shed light on the important role that Kenya plays especially in South Sudan. Arising from that interview, it was established that Kenya has invested a lot in the Sudan peace process through technical and financial support particularly to South Sudan. Kenya has spent a total of $12 million in South Sudan to help build institutions and set up governance structures. However the only issue to be addressed in this case is the need to carry out cost benefit analysis to determine the value for money and whether a Kenyan tax payer has benefitted from such benevolent activities.

The study also established that South Africa has now taken over the mediation role through its former president Thabo Mbeki. Mbeki is the African Union lead mediator in the Sudan and he has been helping parties to implement the outstanding issues of the peace deal. This means Kenya has lost to South Africa.

In general, as earlier mentioned the objectives of this study were met and the information obtained especially from primary sources were useful in drawing conclusions and ascertaining certain facts which were not clear at the onset of the study. The approach

that Kenya adopted in guiding the parties to negotiate ought to be adopted by conflict management practitioners and students.

The study revealed important information regarding the role of the international community in conflict management. A process that does not receive support from big powers cannot succeed. In the Sudan's case, the support given to the process by the American government including the economic sanctions imposed on the Sudan government helped to persuade the parties to take the talks seriously.

5.2   Areas for Further Study

The study sought to investigate the role that Kenya played in the Sudan peace with a view to draw useful lessons that could be used to mediate in other similar conflicts. Whereas the objectives of the study were met however in the opinion of this study; further research on comparative analysis of Kenya's role in Somalia, Mozambique and Sudan peace processes should be undertaken to comprehensively understand the place of Kenya in conflict management in Africa. The result of such study will bring out a comprehensive role that Kenya continues to play in managing conflicts in Africa.

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