



International Peace Support Training Centre
Nairobi, Kenya

ISSUE BRIEFS

ISSUE N°.2



Enhancing Capacity for Regional Peace and Security through Peace Operations Training

ISSUE BRIEFS

ISSUE N°.2

IPSTC Issue Briefs Series
October 2010

Compiled by
The IPSTC's Peace and Security Research Department

©2010 by **International Peace Support Training Centre (IPSTC)**,
Nairobi Kenya

All Rights Reserved

No part of this publication may be produced, stored in a retrieval system, or transmitted in any form, by any means – mechanical, via photocopying, recording or otherwise – without prior permission of the International Peace Support Training Centre. Statements and views expressed herein are those of the authors and are not necessarily those of IPSTC, Nairobi, Kenya.

Published by
International Peace Support Training Centre (IPSTC),
P.O. Box 24232 - 00505, Karen Kenya
Tel: 00254 (0) 20 883164/58
Fax: 00254 (0)83159
Email: info@ipstc.org
www.ipstc.org

Design, Layout & Printing by
Noel Creative Media Limited

Cover Photos: **IPSTC**

Contents

	Foreword.....	iv
<i>Section I:</i>	Introduction to the Issue Briefs	1
<i>Section II</i>	Issue Briefs	4
	Sudan's 2011 Referendum: What Does the Future Hold?.....	4
	Is Kenya Strategically Positioned to Take a Lead in Stabilizing The Horn of Africa Region?.....	14
	Regional Security verses the Common Market: Thinking Beyond Economic Value of the Border-less East African Community.....	24
	The Need for Preventive Diplomacy in the Eastern African Region.....	34
<i>Section III</i>	Conclusion	43

Foreword

The Mission of International Peace Support Training Centre (IPSTC) is to “Enhance capacity through training, education and research to military, police and civilian personnel in all aspects of peace operations in order to improve on the effectiveness of international response to complex emergencies.” This collection of the current Issue Briefs, are a contribution of IPSTC towards achieving this mission.

The Issue Briefs provide a fora where researchers and analysts can critically analyze issues on peace and security in the region as they emerge.

This issue has four briefs. The first brief on Sudan’s 2010 referendum critically looks at the challenges and prospects that face the nascent state and the regional implications for the birth of a new state.

The question whether Kenya is strategically positioned to take lead in stabilizing the Horn of Africa region is scrutinized in the second brief. The paper explores opportunities available to Kenya as it seeks to influence regional conflict resolution initiatives and posit that Kenya has the capacity, political clout, influence, and good will to succeed in this effort.

The third brief examines the issue of regional security versus Common Market in EAC. The author’s discussion revolves around regional integration process using notions such as pyramidal dimensions of sustainable development.

The fourth and final brief examines the Need for Preventive Diplomacy as an alternative for conflict prevention in the Eastern African Region. It also illustrates through examples successes of application of preventive diplomacy in conflict prevention.

The research and publication of this Issue Brief has been made possible by the generous support from the Government of Japan through UNDP. I take this opportunity to register our appreciation.



Brig Robert K Kibochi
Director, IPSTC

Introduction to the Issue Briefs

Sudan's 2011 Referendum: What Does the Future Hold?

The January 2011 referendum in Southern Sudan will mark a turning point for the region and could see the formation of Africa's newest state. It is expected that the Southerners will vote overwhelmingly for cessation. As the days progress, more so, after the April elections, it is widely expected that the referendum will indeed take place, contrary to earlier fears. However, the referendum will only be the beginning of a long journey for the South. Within this context, this paper looks at the challenges and prospects that face the imminent nascent state and the regional implications for the birth of the new state should the Southerners vote in the affirmative.

Is Kenya Strategically Positioned to Take a Lead in Stabilizing the Horn of Africa Region?

This paper attempts to explore the possibilities available to Kenya as it seek to influence regional conflict resolution initiatives and questions whether Kenya has the capacity, capability political clout, influence and goodwill to succeed in these efforts. By pushing the Somalia Question higher up in the international agenda, there are signs that Kenya is ready to take a lead role in a new initiative aimed at resolving the Somalia crisis. Kenya has also been engaging Sudan with the aim of ensuring that the coming referendum will not lead into a resumption of hostilities between the North and South. The idea of Kenya assuming the role of peacemaker, aimed at promoting its perceived regional influence and sustain its relative international prominence is becoming more and more relevant, particularly bearing in mind its close proximity to a hostile and unstable neighbour like Somalia. Kenya can be considered as an important player as far as peacemaking is concerned, a fact which can be traced to its numerous engagements in peace initiatives in the region. Present conditions in Somalia and Sudan would be ideal in projecting Kenya in such a role, since as an important State in the region, it

possesses the necessary ‘soft’ power, leverage, and potentially ‘hard power’ needed to stabilize the region

Regional Security versus the Common Market: Thinking Beyond Economic Value of the Border-less East African Community

The purpose of this background paper is; i) to synthesize the discussion regarding the operationalization of the East African Community Common Market Protocol (EACOMP) in July 2010, and ii) drawing on the extensive policy and academic literatures, to propose relationships between and the relevance of common market and how it is linked to; regional peace and security mechanisms.

The concept of sustainable development (SD) as used in UNDP’s human development discourses also forms basis for the linkages. The paper also aims at pointing out areas that are likely to impact on the regional security and stability by going beyond the face value of common market and using relevant theoretical models to determine the cause-effect relationship between human behavior, patterns of resource exploitation as well as psychological misconceptions. In this context, the paper also makes projections on how certain human behavior patterns could lead to tensions or even conflict among socio-economically interdependent societies. Discussions in the paper revolve around regional integration process using the case of EAC. By employing the pyramidal dimensions of sustainable development, the author recommends consideration of prevention of impacts and emphasis of safe minimum standards beyond simplistic mitigation remedies oftenly employed by bureaucrats within the structures of regional integration.

The Need for Preventive Diplomacy in Preventing Conflict in the Eastern African Region

During the cold War, it was evident that the Organization of African Unity (OAU), which was founded to provide the African people with a better life, did not achieve this objective. However, the end of the Cold War brought about a rudimentary shift in the structure of the international system. This gave rise to pressures and opportunities for a fundamental and unconstrained re-assessment of the root causes of war, conflict and human suffering, as well as appropriate response mechanisms (Koops, 2007).

With the end of the Cold War, conditions changed. This forced the OAU to reconsider its own role with regard to peace and security issues. This jump-started a process that in July 2002 led to the replacement of the OAU with the structurally more promising African Union (AU).

Even with the establishment of AU, promoting peace and security in Africa remains one of the most pressing challenges. This is due to the fact that the mechanisms

employed have often proved unable to reconcile the multifaceted dimensions of peace and security.

The aim of the paper therefore, is threefold: 1) To examine the need of preventive diplomacy as an alternative tool of conflict prevention in the Eastern African Region, 2) To give an overview and examine the nature of conflicts in the region, and 3) To show cases of successful application of Preventive diplomacy as a tool of conflict prevention in the region.

Issue Briefs

Sudan's 2011 Referendum: What Does The Future Hold?

Leah Kimathi – Post Conflict Recovery Analyst

Democracy has come to be regarded as a fundamental prerequisite for development and stability in the world. While there is as yet no agreed consensus over what democracy precisely is, there are universal characteristics identified with the notion including popular participation, rule of law, transparency and accountability, responsiveness, consensus orientation, equity and inclusiveness, effectiveness and efficiency in governance. The lack of a consensus on its definition is born out of regional particularities and specificities arising from differences in history, culture and religion among other factors. These differences also give rise to different modes of exercise of the same. Universally, the common practices of democratic exercise have been two; direct and indirect democracy. Indirect democracy, also called representative democracy has been the usual tradition of democratic exercise especially at the level of formal governance where it would be practically impossible to accommodate the views of all the governed directly on every issue that pertains to government and governance. In this context, the people through universal suffrage choose their representatives whom it is assumed will speak and make decisions on behalf of and in the best interests of the citizens whom they represent.

Direct democracy on the other hand refers to situations where people's voices are directly heard rather than mediated through elected representatives in legislatures. Direct democracy allows citizens to participate individually in the policy making processes. This participation is largely through referendums. Referendums refer to nationwide votes on specific issues which are aimed at resolving particular political issues or stalemate (Kwadko & Kantanka, 2009). Also known as a plebiscite, it is a direct vote in which the electorate is asked to either accept or reject a particular proposal. In most countries, referendums are ad hoc arrangements designed to solve

specific problems at a specific time. Evidence of referendums playing a continuous political role is very minimal, rather, they have been crisis management instruments, invoked to solve a particular problem or to justify a particular decision or action.

The outcome of a referendum may be treated merely as a comprehensive opinion poll on a significant issue whose verdict may translate into law or policy. On the other hand, it may be part of a statutory process where a popular yes is required before a law or a constitutional change is put into effect (Buthens & Ranney, 1994). While referendums have been there throughout history, dating as far back as the Greco-Roman times, they have acquired a new impetus from the 1960s onwards.

The increasing popularity of referendums has been occasioned by a number of factors. Proponents of direct democracy have argued that there is no democracy greater than a government by the people. This is because referendums give people the ability to enact reforms that representatives might be reluctant to consider. Further, they not only produce public debates around issues that may be ignored but also promote government's responsiveness and accountability by forcing public officials to adhere to the voice of the people. By enabling greater popular control of the policy agenda and outputs, referendums have a strong normative appeal (Karp & Aimer, 2000). This direct engagement of the citizens gives individuals a greater sense of participation as well as reducing popular mistrust and feelings of alienation.

However, critics of direct democracy and the use of referendums argue that they allow voters, many of whom are ill informed to exercise many of the powers normally reserved for parliament. This school of thought argues for this exercise to be the domain of representatives who have the time and expertise to grapple with the usually complex, often uncertain and always contestable nature of public policy. These critics also contend that it has the potential to threaten legitimate minority interests, resulting in the dictatorship of the majority. Furthermore, referendums can be manipulated by elites using tactics such as timing and wording of the question submitted to a popular vote. Leaders can orchestrate referendum campaigns to their benefit while still claiming the popular legitimacy granted. This takes place in long-established democracies like France, authoritarian regimes like Pinochet's Chile, and new democracies like those among the Post-Soviet States where competition is raw, rules are new, and institutions weak. Because of their susceptibility to manipulation, referendums have been used by both reforming and conservative forces as well as leaders who wish to direct political outcome in the guise of democracy. Referendums have also been arenas of contestation where executives and legislatures have utilized them in a bid to outdo each other and secure political goals. Moreover, they have often been called at the impetus of elites. They have been particularly popular among authoritarian regimes.

In Africa, referendums became popular especially after the Second World War in the decolonization period. They were aimed at granting legitimacy to the emergent

post independent political arrangements. Since then, various countries have held referendums for various reasons. Most of the referendums in Africa have been held around constitutional issues. This is especially when new laws are being introduced to an existing constitution or there is a complete overhaul of the old constitution to be replaced with a new one. Such referendums have been held in Burundi (2005), Chad (2005), DRC (2005), Egypt (2007), Kenya (2005, 2010), and Madagascar (2007) among other countries.

Referendums have also been used to either constrict or widen the democratic space through the proscription or adoption of multiparty politics. In Uganda (2005), and Ghana (1992), they were used to reintroduce multi party politics while in several other countries, they have been utilized to abolish multi-partysm and (re)establish single party dictatorships. Closely tied to their role in expanding or otherwise of democratic space has been their use to legitimate the military take over after coups. The forthcoming referendum in Niger in October 2010 is being conducted after a coup that ousted President Tandja Mamadou. Parliamentary and presidential elections are then expected to follow.

Referendums have also been held over territorial issues. This happens when new states are being constituted or old one breaking down. The transfer of state power implicit in the creation of the European Union necessitated member countries to carry out referendums to decide whether or not they would join the union and thereby cede some power to the emergent supra-state authority in Brussels. Referendums were also held in the break down and reconstitution of new states in Eastern Europe and former Soviet Union. In Africa, independence referendums were held in South Africa (1960), Southern Rhodesia (1964), Comoros (1974), and Mayotte (2009), The forthcoming referendum to be held in Southern Sudan in January 2011 and which is supposed to make a decision on whether the South becomes independent or whether it continuous to be part of the greater Sudan falls under this category.

Context of the Referendum: the Sudanese Civil War

Sudan has been a battleground for two civil wars (1955-1972, 1982-2004) since its independence in 1956 and hence serves as the longest uninterrupted conflict in the world. The wars have been fought on multiple fronts not just between the well known North and South but also various other localized conflicts and endless series of internal disruptions both in the South and largely in the Western province of Darfur. While the causes of the war have been many, they have mostly however revolved around political marginalization and exclusion of the South by the Arabic government in Khartoum. Since independence, power has been concentrated in the hands of a small group of Arabic speakers. As a result, the major grievance over the years has been the South's marginalization and its desire for full representation. Although a peace agreement was signed between the Khartoum government and the Sudan People's Liberation Movement (SPLM) in January 2005, the Sudan scenario has been compounded by internal fighting in other areas of the country, most notably the Darfur conflict.

The state of the conflict in the South was exacerbated by lack of unity among the SPLM and government strategies of pitting different groups against each other, manipulating allegiances and enlisting proxies against the main rebel group. External influence was also a major factor in the conflict with interference from Ethiopia, Eritrea, Uganda, Egypt and Libya. During the Mengistu Regime in 1977-91, Ethiopia supported the SPLM to counter for the support that the Khartoum government accorded the Eritrean People's Liberation Front (EPLF) rebellion in Eritrea. Similarly, to counter Museveni's support for the SPLM, the Khartoum government had a hand in the rebellion of the Lord's Resistance Army (LRA) in Northern Uganda.

With the signing of the Comprehensive Peace Agreement (CPA) in 2005, Africa's longest war ended. The CPA made incremental provisions for the eventual attainment of peace and stability in Sudan. It established a seven year transition period, de-facto autonomy for Southern Sudan, a unity government in Khartoum, and incorporated agreements on security, boundaries, revenue sharing from Southern oil fields and the administration of three contested areas straddling North and South. Under a new constitution that emerged from the CPA, national elections were to be held in 2009, followed by a referendum on independence for the South in 2011 (Woodrow Wilson International Center for Scholars, 2008). The CPA, which was born in Kenya, was a product of diplomatic efforts led by the Intergovernmental Authority on Development (IGAD), and supported by various states and institutions of the international community.

The implementation of the CPA has not been without serious challenges. Seeking to resolve several decades of war and a much longer history of social and political divisions, the CPA is very ambitious in its scope. Its intent for radical changes in government including at the national level, the formation of a semi-autonomous government in the South and separate protocols governing the border areas of the Blue Nile State, Southern Kordofan and Abyei has also received various drawbacks especially from the Khartoum government which is set to lose out the most in the new arrangements. Other lingering challenges include the deep crises of identity where Sudan is seen as an Arab country and all others as minorities, the continued violence and insecurity in major parts of the country and the very slow pace of implementation of most provisions of the CPA.

In spite of these challenges, there have been notable successes towards its implementation. In the security sector, the formation of the mixed security institutions; the Joint Integrated Units and the Joint Defense Board, though not complying with the implementation timetables, have had notable successes. But perhaps the biggest success to date was the holding of the April 2010 elections.

The presidential and parliamentary elections were held to bring an end to the transitional period which began with the signing of the CPA in 2005. In the run up to the elections, the main opposition parties including the SPLM and Umma Party,

withdrew their candidates and boycotted the polls at varying levels in the North, amidst claims of widespread irregularities and fraud by the ruling National Congress Party (NCP). Reacting to the boycotts, President Omar al-Bashir threatened to cancel the 2011 referendum. Even if he did not make good his threat and has since repeatedly emphasized his willingness to respect the outcome of the referendum, the threat vividly established the connection between the polls and the referendum not only in terms of the context of the CPA but also in the outcomes of the former on the latter (Institute for Security Studies, 2010).

Many of the doomsday prophecies that had however been made regarding the possible outbreak of widespread violence and unabated rigging did not come to pass. Granted, the National Elections Commission (NEC) was not able to satisfy by international standards the full rights of both candidates and voters to enjoy equal opportunities and access in the elections. It none the less did its best to ensure possible voting for all the eligible citizens throughout the electoral process. Most critics and observers of the elections agree that the shortcomings experienced had more to do with the NCP's abuse of government machinery and resources rather than the inability of the NEC (El-Tigani, 2010).

Further, given the history and the difficult circumstances under which the elections were taking place, it was practically impossible to run them without some forms of challenges being reported. The IGAD election observer mission which had been deployed in 13 locations throughout Sudan in its report of the conduct of elections concluded that given that this was the first time Sudan was undertaking such a massive exercise in 24 years, the vastness of the country and the challenges of the infrastructure, the elections were generally credible (IGAD 2010). This verdict from IGAD, the regional body that has generally been monitoring the implementation of the CPA was important because it lends legitimacy to processes that are laid out in the CPA and which eventually will culminate in the January 2011 referendum, the highlight of the normalization of Sudan, as envisaged in the document.

With the completion of the elections, the next major milestone is the referendum, to take place in January 2011. For now, the work of all those forces that supported the holding of the elections and generally, the implementation of the CPA seem to be clearly cut; IGAD and the regional states led by Kenya must support Sudan to remain on track towards the referendum. In the past, IGAD has proven to be a useful diplomatic channel especially for the regional states when requisite pressure has to be applied on Khartoum to honor the provisions of the CPA. Now more than ever, IGAD will provide that platform as there seems to be faltering commitment from Khartoum on the referendum (Siebert, 2010). Further, all the stakeholders both within and outside Sudan will in the few coming months be learning from the lessons presented by the elections especially to do with the technical challenges so that where possible, those shortcomings are anticipated and addressed ahead of January 2011.

The 2011 Referendum: Prospects and Challenges

The January 2011 Referendum, will mark a turning point for Sudan and indeed for the Eastern African region and could witness the birth of the newest African state. Historically, Southern Sudan sought federal autonomy within one state, not separation. However, their ultimate decision on whether to vote for the dissolution of the current Sudan will be guided by a long list of factors, not least the entrenched marginalization and political exclusion the South has had to bear under the exclusivist Khartoum government. Given this scenario, it is almost certain that Southern Sudanese will go for full secession, thereby establishing a new state. This decision will have serious consequences not just for the Southerners but also for the Northerners and the region at large.

The past five years have seen tremendous progress in Southern Sudan as peace has largely held between the North and South, in spite of the tensions from time to time over various issues and the delay in honoring the timelines of the CPA. Building a government with the accompanying machinery from scratch after a legacy of civil war is not a mean achievement. Yet several challenges remain which will have serious implications for the post referendum Sudan. The new government structures have not permeated the whole of the South, leaving large sections conventionally ungoverned. As a result, accountable government structures, reliable service delivery, civic education and coordination among development agencies still remain elusive (Pact Sudan, 2010). Violence and other vices occasioned by insecurity are an everyday reality in the lives of most Southerners.

The nascent nature of the state structures in the South, with a “YES” vote is likely to complicate the fragile socio-economic and political systems further, at least in the short run. Politically, there is a lot of localized violence and conflicts going on in the South. These are attributed to many causes including interference of the Khartoum government, war over resources especially among the pastoralists, boundary tensions and issues linked to land demarcation. Southern Sudan in principle aspires to create decentralized state structures, not least because of the large size of the territory (64,000 Square km), the emergent state is currently highly centralized, which stands in contradiction with the need to control localized violence. Just like after the signing of the CPA, an overwhelming yes vote will come with a lot of optimism which will be technically impossible to fulfill, given the nature of the current state structures. This may lead to disillusionment and further violence.

Economically, the picture is also gloomy in the short run. While partly this has to do with the grossly underdeveloped economic systems in the South, the fact that Southern Sudan is also landlocked poses major challenges in trade, and specifically the attendant costs of transporting its energy products under such conditions. Moreover, it will also

have a hard time in the immediate aftermath of the vote to effectively manage the oil sector as a new nation state with nascent institutions and capacities. Other issues around debt and assets sharing will also pose a serious challenge (Maduot, 2010).

Given the current scenario, the United States Institute for Peace (USIP 2010) identifies six factors that could trigger large scale political violence in the South:

- Failure to distribute food, water and power and build basic infrastructure, especially as the peace dividend to date has been very little;
- Intertribal conflicts which seem to have gone up in the recent past;
- Violence in Southern Kordofan and Blue Nile states, though diminishing in the last one year;
- The government of Southern Sudan's inability to disarm militias and the attendant tensions exacerbated by disarmament efforts;
- Lack of decentralization of power;
- The North's failure to lend assistance to avoid violence in the South.

Consequences for the North while less serious are also far reaching. The North faces a lack of revenue, even if a post-referendum oil deal is struck. It is also especially burdened by a balance sheet excessively allocating significant sums to the military-security sector, and adjusting that allocation to adapt to the new fiscal realities will present its own set of tough political troubles (Maduot, 2010).

With the unprecedented nature of the current state of affairs between the North and the South in reference to their history and the upcoming referendum, there is a lot of speculation around what will happen in the period prior to and after the referendum in the South, North and also for the relations between the two. The imagined scenarios range from doomsday speculations of large scale civil war in the South immediately after the referendum, war between the North and the South just prior to, which inevitably postpones or cancels all together the referendum and the rejection of a "YES" vote by the North which plunges Sudan into a renewed civil war. While these are in the extremes, most analysts going by the elections and other processes concur that what will most likely happen is that with concerted effort, robust international engagement and the good will from some of the progress made on key issues, the parties will avoid large scale violence but the future of Sudan is unlikely to be free of violence and conflict and therefore the need for continued engagement and negotiation, especially over the current sticky points including oil revenue sharing, border demarcation and citizenship, otherwise, these could be flashpoints for future conflicts (USIP, 2010).

Way Forward and Recommendations

As the referendum day approaches, tensions both across North and South heighten. Now, more than ever, constructive dialogue between the two critical players and supported by the neighboring states, regional organizations including IGAD and by the international community is key to keeping the parties on track and managing the pre and post referendum arrangements.

Sudan's two main political parties and signatories to the CPA, the NCP and SPLM have agreed in the legislation governing the referendum that there are at least nine post referendum issues that need to be sorted through. These include citizenship; currency; public services; status of the Joint Integrated Units; agreements and international covenants; debts and assets; oil concessions and production; transportation and exporting; water and ownership (USIP 2010). Negotiations on these issues could result in an amendment of the CPA or an entirely new agreement. Because these issues are at the heart of the conflict, negotiation over them could make the difference between a peaceful separation and a return to war. Therefore, critical support by the international community and a trustworthy mediator(s), respected by both sides is paramount to push the CPA agenda forward.

Both the North and the South have elements who are spoilers to the peace process and the CPA. While some may be in principle opposed to the terms and processes of the same, others are gangs and groups that are taking advantage of the uncertain environment created by the CPA processes to profiteer. Either way, there is need for the authorities to deal with these elements; otherwise, the resultant destabilization may negatively impact the already fragile peace. As part of this, both the North and the South will have to develop strategies to productively engage the opposition, both armed and unarmed and incorporate marginalized ethnic groups into power structures while decentralizing authority and more equitably sharing the resources. Closely related to this, both sides have traditionally supported opposition elements against each other through proxy wars. This tact of divide and rule in a fragile environment could backfire and throw the whole region back into conflict.

The Eastern African region is also a major stakeholder with regards to the implementation of the CPA and specifically to the referendum. A "YES" or "NO" vote will have direct implications on the region. Should South Sudan, a landlocked country choose to secede, then it will rely on its neighbors especially Kenya to access the port and transport its oil products. Kenya and the other Eastern African countries also expect a dividend by way of cheaper oil from the South and expanded business opportunities. While this is good news, renewed conflict in Sudan, whether in the South or across the North South divide

could equally have serious challenges for the region. Because of the porous international boundaries, organic communities across these borders, militias, ungoverned border areas and refugees, conflict spillover effects could be felt especially in the neighboring countries of Kenya, Ethiopia and Uganda. The situation is made more precarious by the current proliferation of small arms and light weapons from historic civil wars, the Horn of Africa conflict system, and militarization of cattle rustling and inter-communal sale of arms (ISS, 2010).

In the final analysis, it is incumbent upon the Southern leadership to develop strategies and policies that will unite the people of Southern Sudan and create a sense of nationalism out of the many ethnicities and identities. Currently, the identity of Southern Sudan largely exists in opposition to the North and the Arabic Khartoum government as well as the promises of the CPA. Whether the January vote will be for the creation of the 54th African state or for the continuation of the CPA-style of governance, featuring a semi-autonomous South, the government of South Sudan must initiate a national dialogue to create a new national identity away from the unity created by a perceived common enemy; the North.

References

- Buthens, D. and Ranney, A. (1994) *Referendums Around the World: The Growing Use of Direct Democracy*. Washington DC: American Enterprise Institute
- El-Tigani, M. (2010) 'The Non- Protections Usurping Sudan National Elections.' *Sudan Tribune*, 17 May
- Institute for Security Studies (2010) Implications of the Aprils Polls in Sudan for the 2011 Referendum. Nairobi.
- Kwadwo, N. and Kantanka, S. (2009) 'The Role of Referendum: A case of Ghana.' *African Journal of History and Culture*, 1 (1) pp 001-005
- Madout, P. (2010) Southern Sudan Referendum; Preparing for the Day.' *The New Sudan Vision*, June 12
- Pact Sudan (2010) *Southern Sudan at Odds with Itself: Dynamics of Conflict and Predicaments of Peace*. London: London School of Economics
- Siebert, J. (2010) 'Diplomatic uses for IGAD in Sudan's Referendum.' *The Ploughshares Monitor*, 31 (2)
- United States Institute of Peace (2010) 'Negotiating Sudan's Post Referendum Arrangements.' *Peace Brief*, Washington DC.
- United States Institute of Peace (2010) Scenarios for Sudan's Future Revisited.' *Peace Brief*, Washington DC.
- Woodrow Wilson, International Center for Scholars (2008) *Implementing Sudan's Comprehensive Peace Agreement: Challenges and Prospects*. Washington DC.

Is Kenya Strategically Positioned to Take a Lead in Stabilizing The Horn of Africa Region?

Julius Kiprono –Conflict Prevention Researcher

Introduction

For the past few months, Kenya has been pursuing a diplomatic charm offensive aimed at highlighting the conflict in Somalia and to ensure that the forthcoming referendum about the unity of the Sudan will not result in a resumption of hostilities between the north and south.¹ The 2005 Comprehensive Peace Agreement (CPA) ended the North-South civil war, and was meant to develop democratic governance countrywide and help Northern and Southern Sudan to share oil revenues. It also set a timetable for when Southern Sudan could vote on its status, thereby preventing the possibility of postponing the referendum. However, Sudan is a state of tensions thanks to unresolved issues as envisaged in the Comprehensive Peace Agreement which was signed in Kenya. On Somalia the country is under siege from various armed opposition groups and the larger part of South-Central Somalia is under Al Shabaab group. The country has been in a state of conflict and lawlessness since the fall of Siad Barre.

This paper attempts to explore the possibilities available to Kenya as it sought to influence regional conflict resolution initiatives and ask a question as to whether Kenya as the capacity, political clout, influence and goodwill to succeed in these effort. By calling on the Somalia question to be pushed higher up in the international agenda, there are signs that Kenya is ready to take a lead role in an initiative aimed at resolving the Somalia crisis. Kenya has also been engaging Sudan with the aim of ensuring that the coming referendum will not lead into a resumption of hostilities between the North and South. The idea of Kenya assuming the role of peacemaker aimed at promoting its perceived regional influence and sustain its relative international prominence is becoming more and more relevant particularly bearing in mind its close proximity to a hostile and unstable neighbour like Somalia. Kenya can be considered as an important player as far as peacemaking is concern, a fact which can be traced to its long decade engagement with peacemaking initiatives in the region. Present conditions in Somalia and Sudan would be ideal in projecting in such a role, since as ‘anchor state’; it possesses the necessary ‘soft’ power, leverage, and potentially ‘hard power’ needed to stabilize the region.

¹ In January 2011, a referendum vote will determine whether Northern and Southern Sudan will remain united. On the same day, citizens of the Abyei region will vote whether to retain their special status in Northern Sudan or become part of Bahr el Ghazal State in Southern Sudan.

In support of this argument, the article explores a variety of interventions Kenya could apply as it pursues various options with due regard to the need to anchor its 'soft' and possibly 'hard' power options within a regional mechanism like Eastern Africa Standby Force where necessary.

This paper has been informed by three factors which have mutually converged to present Kenya with the 'ripe moment' to engage with Somalia and Sudan as well as an opportunity to display its regional importance; first, Kenya's long standing role as a leader in regional peace initiative; secondly, the Somali conflict which is almost spiraling out of control and thirdly, Kenya's current concern about the insecurity in Somali which continues to affect in a major way its own security. For the Sudan case, the country could position itself to reap from the 'peace dividends' arising from stable and peaceful post-referendum Sudan. All these factors have predisposed Kenya to take a proactive role in regional peace and security challenges.

A New Kenya Policy?

Kenya's latest efforts appear to be shaping up into what appears to be a new Kenya Somali strategy or policy. Already, there are indications that there is a shift towards a new thinking on the Somali question. In the month of June 2010, in a bold strategic response to the escalating security, Kenya's President Kibaki announced what is likely to become a diplomatic initiative that could reshape the conflict in Somalia.² This policy involves calling on the Security Council to upgrade the African Union peacekeeping mission in Somalia to an active and fully funded UN-led mission. This new mission, which will be expanded from the current 5000 plus troops to a force of 20,000 will not just keep the peace, but also have an expanded mandate of actively seeking to enforce a ceasefire. This is already envisaged in the UN Resolution 1863 of 2009, and it is a position that Uganda's, which is leading the peacekeeping mission in Somalia has now called for. Kenya also wants this mission to particularly restore peace in the southern part of Somalia and strengthened the Transitional Federal Government, whose mandate is expiring July 2011. During the US Vice Presidents visit in June 2010, Kenya seized the opportunity to shape the dialogue around the visit on the question of Somalia asking America to take diplomatic leadership to convince the five permanent members of the UN Security Council who are US, Russia, China, France and Britain to give teeth to Resolution 1863. By doing this, Kenya, with its "Look East" policy that engages China, Japan and India in economic diplomacy may have been sending a message that the Somali conflict is of primary concern to the country and will now become one of the defining issues in its engagement with Washington.

The continued instability in Somalia and the growing threat posed by Al Shabaab is increasingly presenting a major challenge to regional peace and security. This year alone, the fighters of the Somali Armed Opposition Group, the Al Shabaab, have made

² President Kibaki raise the idea of upgrading AMISOM into a UN-led mission during his meeting with the visiting US Vice President, Joe Biden, in June 2010

six incursions across the Kenyan border into Liboi, a hamlet located 150 kilometres east of Garissa, a major town in North Eastern Province (Reuters, 18 August 2010). Kenya is increasingly coming under pressure to police the 900-kilometre border it shares with Somalia as well as the burden of shouldering the prosecution of the Somali pirates. It also plays host to a large population of refugees. The heightened security measures in Kenya have been informed by the recent Kampala bombing which has been attributed to Al Shabaab. Though the AU has already acted by sanctioning a proposal for an additional 2000 troops to bolster the existing AMISOM force, there is need for continued and sustained efforts to resolve the Somali conflict in the long run.

Over the long run, with Kenya planning \$15 billion project to open up Southern Sudan and Ethiopia links to Lamu, and the increasing exploration activity in the northern part of the country that has raised the prospects of gas discovery, the profile of the Al Qaeda linked threat becomes more pronounced, given its stated territorial ambitions and frequent pronouncements by Al Shabaab to wage jihad against Kenya, Uganda and Burundi.

Is Kenya a Regional Hegemony or a Regional Anchor State?

Before we proceed, it is important to deal with the question of sub-regional hegemon and what it really constitutes. It relates to the image and perception of Kenya as one of the four anchor states in Africa; the others being Egypt, South Africa and Nigeria. Though in military terms, Kenya ranks slightly lower as compared to the other three but because of its geo-strategic importance and its long standing engagement with regional peacemaking initiatives, its relative importance cannot be overstated. Kenya is increasingly expected to play a regional leadership role, especially in the eastern Africa sub-region, and particularly in the area of peacekeeping or possible peace enforcement operations. However, in military understanding of hegemon, Kenya cannot be described as a 'regional hegemon', because whatever hegemonic status it may have does not pose any genuine threat to any sub-regional country.

As Kenya attempts to play this role, it is important to note that Peacekeeping and/or Peace Enforcement in civil war situations is not a light undertaking. This is because the circumstances that make such an action necessary by a third party tell of a very difficult situation in the country or region concerned. It means that one or more parties to the conflict are unwilling to make the necessary concessions for peace to reign. This also means that the rebellious group is determined to defend its rigid positions by force, if necessary, including against any peacemaker they perceive as being prepared to force them to change their position. This is arguably the situation in which the Cease-fire Monitoring Group (ECOMOG) of the Economic Community of West African States (ECOWAS) found itself in countries such as Liberia (1991 – 1996) and Sierra Leone (1991 – 2000). Faced with an unprecedented threat of this nature, ECOWAS member

states had to take the necessary measures to abort the incommensurable consequences that could be caused by these conflicts.³ This was despite the fact both countries were economically and politically weak. No individual country in the region could embark on a one-country adventure of peacekeeping, let alone peace enforcement, in any of these countries.

The only country in West Africa that could attempt such a bold and audacious move was undoubtedly Nigeria, but at untold risks and costs. ECOWAS did not have any solid legal or institutional provisions for it. This meant that there needed to be a “*mobiliser*” in the region who could urge others to appreciate the need for a collective initiative to end the suffering and halt further humanitarian crises not only these countries, but also in the entire region as a whole. Here, this *mobiliser* (a leading country) had to be sure that it could play a significant role in the proposed initiative. The *mobiliser* also had to convince itself that it had the financial means and military capability to do this. Nigeria was arguably the only country in the region that met almost all these criteria. It thus played this mobiliser’s role.

This leads as to the following questions; what makes a country a regional hegemon? Does Kenya possess the traits to lead a robust and sustained regional effort to address the questions of Sudan and Somalia? Can Kenya pursue a new regional policy without being seen as doing it for its own selfish, hegemonic and, possibly, colonial interests in the region rather than being motivated by a genuine concern for peace and stability in the affected countries? What will be its implications for the longer term stability of the region? To answer these questions, we will need to examine the characteristics that can make a country a “hegemon” to see if such can be applied to Kenya’s case in the sub-region. Finally, we will determine whether these actions, if any, pose a genuine threat to other states in Eastern Africa.

The Concept of Hegemony

The concept of hegemony is mostly associated with International Political Economy (IPE) and International Relations (IR) theorists such as Robert Keohane, Charles Kindleberger, Robert Cox and Robert Gilpin. The Italian Marxist political scientist Antonio Gramsci (1891 – 1937) is also another prominent name on the list of those who have dealt with this issue. In both fields (IPE and IR), the term ‘hegemony’ is often used to describe the dominant state in a particular region in terms of political and economic clout. In IPE, it is often found in what is known as the ‘theory of hegemonic stability’. According to Kindleberger and Keohane, an open and liberal world economy requires the existence of a hegemonic or dominant power because it is more conducive to the development of strong international regimes whose rules are relatively precise and well obeyed. In such a liberal and open world economy, the main role of this

³ For an in-depth analysis on this, see Francis, D.; Faal, M.; Kabia, J.; Ramsbotham, A. 2005 Dangers of Co-Deployment: UN co-operative peacekeeping in Africa UK: Ashgate

hegemonic state will be that of a *stabiliser*. Such a hegemonic power will undertake ‘to provide a market for distress goods, a steady, if not countercyclical flow of capital, and a discount mechanism for providing liquidity when the monetary system is frozen in panic’. The role of the United States in creating monetary regimes such as the Bretton Woods institutions and the General Agreement on Tariff and Trade (GATT), which has now become the World Trade Organisation (WTO) since 1994 are examples of this (Kindleberger: 1981; Keohane: 1980; Gilpin: 1987; and Hobden et al: 2001).

Graham Evans and Jeffery Newnham (1990), focusing on the political aspects of the term rather than its economic aspects, defined ‘hegemony’ as ‘primacy or leadership’. This leadership would, in an international system, “be exercised by a ‘hegemon’, a state possessing sufficient capability to fulfill this role’.

Hegemony or leadership is often based on a general belief in the hegemon’s capabilities in the eyes of the subordinate countries whose interests it needs to embody and defend. This requires a certain level of military capability and financial clout. It also needs the legitimacy of the dominant state in the eyes of its weaker allies. At the global stage, the emergence of the hegemonic status of the United States after the Second World War, which has arguably become almost unrivalled since the collapse of the Soviet bloc in the early 1990s is a prime example. Alongside global hegemons there are also regional hegemons. These are states which have the necessary military power and recognised financial clout which though may not make them powerful enough to compete on the global stage but are sufficient enough to make them dominant and influential in a given region (Myers, 1991: 5). Today’s India could be seen as an example of a regional hegemon in South Asia and South Africa in Southern Africa region. But can this be said of Kenya in the Eastern Africa?

Considering the aforementioned definitions of ‘hegemony’ or ‘hegemon’, and bearing in mind the aforementioned economic and military capabilities of Kenya, it would seem Kenya could partially qualify for the status of ‘regional hegemon’ in Eastern Africa. It could be argued that, the country is economically but not militarily powerful relative to other eastern Africa states. Thus Kenya is not a real ‘hegemon’ in the true sense of the word because it lacks the capability to act in an effective ‘manner’, in a manner befitting a regional hegemon. Its strength however is its perceived neutrality and being viewed as an honest broker by majority of states in the region. This could be explained by its long track record in conflict resolutions in the region. Example of this role includes the country playing a leading which led to the signing of Comprehensive Peace Agreement in Sudan. The other is facilitating the process that led to the formation of Transitional Federal Government in Somalia and the mediation of the Ugandan conflict in 1985. The country therefore is neither a regional hegemon not an aspiring one but what is clear is that it is a “pivotal” or “anchor” state in the sub-region. Kenya is thus a significant and an influential player in the region. The question as to whether its influential status in Eastern Africa poses a genuine threat, and should it be a source of justifiable fear among other eastern Africa states should not arise.

This engagement in regional peace initiatives has enabled Kenya to play a leadership role in the region. It has always respected its neighbours. Its foreign policy has been anchored under the banner of ‘Good Neighbourliness’. Kenya’s important and to some extent dominant economic status in the region has never pushed it to be expansionist. It has never even tried to blackmail or coerce weaker neighbours into accepting its views and policies on any matter.

Kenya latest Efforts to Raise Regional Conflicts Challenges Higher in the International Agenda

In Sudan, Many Northern-Southern issues have yet to be resolved which include several sticky issues which are pivotal to a peaceful and successful referendum. There are also some concerns about the slow preparations for important events leading to referendum. Oil in particular is a key contentious issue because most of Sudan’s oil production comes from Abyei and the south, but most of the revenue goes to the north, which controls the export channels. Although Northern and Southern Sudan currently share oil profits, there are concerns about transparency in the oil sector (Global Witness, 2010). Other issues include how to handle migration with respect to International Humanitarian Law. The other issue is, if Southern Sudan becomes a separate country following the referenda, will it have a new currency? Finally, there are the concerns about Northern-Southern citizenship, the presence of northern troops and militias in Southern Sudan, and the presence of southern troops in Northern Sudan.⁴

South Sudan leader Salva Kiir fears for an outbreak of ‘violence on a massive scale’ if there is any delay in the referendum pointing out that it is increasingly apparent that ‘unity is not an option, and that, at present, all indications are that the people of South Sudan will vote overwhelmingly for independence in the referendum (ibid.). According to Salva Kiir his government is working on final details on issues such as borders and citizenship in addition to finding a formula acceptable to both sides particularly on how to share oil revenues among the country’s North and South Sudan.

‘We need to create a sustainable relationship with the North for the long term, it’s in the interest of countries to work together’, he said adding that the referenda to move forward will make things easier for both the Northern and Southern regions adding that although it is unlikely the Northern and Southern Sudan will agree on many things, the south is committed to working with the North to resolve key issues’. Kiir also commented on the decision by the Sudanese government in August this year, to change the way unrest in Darfur is handled.⁵

4 These issues and concerns were raised by South Sudan President, Salva Kiir, at the United States Institute of Peace on September 20, 2010 prior to attending the UN General Assembly meeting

5 President al-Bashir officially endorsed the new strategy on September 17. The new Darfur strategy focuses on involving local groups, establishing security and returning civilians to their villages while also establishing development projects

Despite some tough stance being adopted by many Southern officials concerning the referendum, the posture by Salva Kiir portrays a leader willing to work contentious and Kenya should continue to adopt a robust engagement with Sudan to ensure that the reconciliatory tone from both Salva Kiir and President Al Bashir is maintained as the referendum date draws closer.⁶

What Kenya needs to focus now is on efforts aimed at resolving key sticky and outstanding issues as envisioned in the CPA and to continue keeping pushing the Sudan and Somalia conflict at the international agenda.

Kenya's new diplomatic efforts have been hailed by the UN secretary general when he held discussions with President Mwai Kibaki at the sidelines of the UN General Assembly at the UN headquarters in New York in September. He noted that the UN understands and acknowledges Kenya's role in the Sudan and Somalia peace process saying that the world body was keen on peace and security issues in Africa and especially in the horn of Africa. The secretary general pledged to continue to support Kenya in its lead role of brokering peace in the region especially in Sudan and Somalia. Because of Kenya's diplomatic push, U.N. Secretary-General Ban Ki-moon also urged U.N. member states 'to provide urgent military and financial support and other resources' to the Somali government and organized a high-level meeting on Somalia 23 September 2010 at the sidelines of the U.N. General Assembly's annual gathering of world leaders. During the meeting President Kibaki also underlined the need for world leaders to engage leadership of both parties in the (Reuters, 17 September 2010).

Kenya's Sudan strategy is informed by the realisation that continued engagement with the leadership of both the National Congress Party and the Sudan People's Liberation Movement (SPLM) was the surest way towards peaceful resolution of the Sudanese conflict, and that together with the efforts by the neighbours of Sudan and the African Union, a momentum has been created which is critical to the full implementation of the CPA (President Kibaki Speech to UN General Assembly, September 2010).

On the Somali conflict, Kenya's view is that the world is neglecting Somalia security threat (Reuters, 17 September 2010).⁷ According to Wetangula, the festering Somali conflict is failing to get global attention, losing out to Sudan, the war in Afghanistan, Middle East peace efforts and the fight against drugs in Mexico. 'We know how much the United States is pumping into Afghanistan, we're told a couple of billion dollars daily. The East African region is asking for \$500 million, not daily, not monthly, not yearly, one-off' to stabilize Somalia, he said. When asked why he believed Somalia was being ignored, he said: "Your guess is as good as mine. For the United States,

⁶ Kenya has been actively engaging President Al Bashir and Southern officials and even invited him during the Promulgation of the new constitution. During the visit, the Kenyan government issued a statement to the effect that President Kibaki and Al Bashir held a meeting where the Sudanese President issued an assurance and guaranteed that he will oversee a peaceful referendum

⁷ The allegations were made at the sidelines of UN General Assembly Meeting by Kenya's Foreign Minister Moses Wetangula

maybe the embarrassment they suffered when they went there, I don't know." Maybe that's what is informing their policy.

According to Kenya, the security situation in Somalia continued to deteriorate and destabilized which threatens peace and stability across the entire region and beyond in his speech to the UN General Assembly, president Kibaki urged the international community not to 'overlook several existing opportunities to resolve the longstanding conflict in Somalia pointing out that in July 2010, a regional IGAD Summit identified 'critical elements of engagement' and took a number of decisions on the way forward, which were endorsed by the African Union Summit in Kampala. He lamented that the international support for this initiative is so far not forthcoming and urged for greater international support. Kenya's position is that the perceived reluctance by the United Nations Security Council to engage in Somalia has been lacking and is a matter of great concern for those who suffer the consequences of the conflict and that the Somalia conflict is an international crisis due to the nature of the crimes being committed.

At a glance Kenya's Somali new Somali strategy seems to revolve around the following areas;

- The need to upgrade AMISOM to a UN led mission; Kenya's initial proposal entailed the need to transform AMISOM into a 20,000 strong UN Hybrid mission
- Peace Enforcement: give mission commander mandate to fight Al Shabaab when need to, to enforce peace. However, the idea of fighting Al Shaabab militarily was not supported by the African Union during the summit in Uganda
- Transitional Federal Government: Support TFG to rule Somalia with sole power over use of force with its borders, particularly South –Central Somalia
- State Building; Somali needs a Civil Service, professional army and police, hospitals, school and a modern curriculum.

But the challenge is that Kenya cannot pursue a 'go it alone' policy without bringing onboard major international players particularly the United States because anything the US does has a bearing on the longer term viability of any Somali peace initiative . A robust engagement with America and also with the UN as well as regional players is what Kenya need to ensure that the Somali conflict is dealt with in a sustainable manner. This is due to the fact that US policy towards Somalia in one way or the other significantly impacts on regional peace initiatives. The US and the region have differed in matters of strategy on issues like arms embargo, security training and support for Somalia security forces and counter-terrorism efforts in the Horn region. An example of US policy towards Somalia, which is primarily military in nature include the strategy of arming TFG troops by US against a collective position adopted by the region on arms embargo on Somalia. The other examples include when the US decision to side with the coalition of warlords as opposed to the need to engage the Union of Islamic

Courts as well as the current counter-terrorism strategy which involves military strikes against suspected terrorist infrastructure or personalities in Somalia.

A change in US policy or a realignment of the Kenya-US policy towards Somalia is needed for any Somali strategy to succeed. Kenya needs to persuade America to calibrate its policy in a way that makes the prospect of unifying the Somalis realistic. The Somali crisis is a political problem, with Al Shabaab one of the key players. While Kenya cannot change America's policy or interests, no country is better placed than Kenya, which is most at most risk from the radicalisation of Somali youth, to persuade the US to find a solution that meets the legitimate aspirations of all Somalis. The continued reliance of the US military policy is not viable in the present circumstances and without a strategic understanding of the evolving crisis, the situation in Somalia will continue to deteriorate. America's national interest in Somalia would be better met by investing in a realistic roadmap for peace, something which Kenya should take a key role in formulating. What the international community needs is a Somalia policy that takes into account the internal dynamics in the Horn of Africa as a whole.

References

- Global Witness, UN summit on Sudan Must Kick-Start Oil Sharing Negotiations to Prevent Conflict, Press Release, London, September 2010
- Hosti, Ole R., Randolph M. Siverson, and Alexander L. George (eds.), *Change in the International System*, Boulder, Westview Press, 1991
- Kenya's Foreign Minister Hon. Moses Wetangula Moses Interview with Reuters, New York, 17 September 2010
- Kindleberger, Charles: "Dominance and Leadership in International Economy: Exploitation, Public Goods, and Free Rides", *International Studies Quarterly*, No. 25, 1981
- Myers, David, "Threat Perception and Strategic Response of Regional Hegemons: A Conceptual Overview", in David Myers (ed.), *Regional Hegemons: Threat, Perception, and Strategic Response* (Boulder and Oxford, Westview, 1991
- Robert Gilpin. *The Political Economy of International Relations*. Princeton: Princeton University Press, 1987
- Remarks by Kenya's President Mwai Kibaki's during the meeting with the UN Secretary General, Ban Ki Moon, in New York on the eve of the Annual UN General Assembly, 17 September 2010
- Strange, S. *States and Markets*. Pinter Publishers, London, 1988 p18
- Souare, Issaka K. *Civil Wars and Coups d'état in West Africa: An Attempt to Understand the Roots and Prescribe Possible Solutions*, Lanham, 2006
- Speech by Sudan's First Vice President on the forthcoming Referendum at the United States Institute of Peace, September 2010

Regional Security vs the Common Market: Thinking Beyond Economic Value of the Border-less East African Community

Francis O. Onditi – Post Conflict Reconstruction Researcher

What do we know about the EAC Common Market Protocol?

The 1st July 2010 was a landmark for EAC since its re-emergence in 1999. It is during the occasion of the Common Market launch that the achievement of the Community, in enhancing co-operation among the five Member states, was revealed. Speeches and pronouncements from both politicians and bureaucrats indicated that the progress was much higher than any other on the continent.¹ But then the statement also lays fears that 1st July could be the beginning of hassling within the region particularly, considering the fact that integration is a process webbed with complex demands, as well as socioeconomic costs. Realization of legal framework by the Community outlining what peace keepers call the Rules of Engagement (RoE) serves as a quick measure against increasing circumference of porosity within the EAC (EAC, 2009).

With the overall objective of widening and deepening co-operation² among Partner States (PS), the Common Market was established in pursuant of the Provisions of Articles 76 and 104 of the Treaty for the establishment of East African Community (EAC, 2010). It is therefore, guided by the fundamental and operational principles of the Community as enshrined in Articles 6 and 7 of the Treaty (EAC 2010). The rationale behind this epitome is to increase effectiveness and efficiency of the transport system, so as to develop more robust business destinations and transfers. If this is well utilized, then obviously there will be benefits such as reduced cost of transport whose current share on total production is highest in Africa as reported by economic development monitors (USAID/FEWSNET, 2010).

Responsibility upon the EAC stakeholders, to determine what region-based interventions can and should be undertaken is a yardstick towards maintenance of the regional economic momentum. Besides jubilations that were witnessed on 1st July, 2010, the Community has an obligation to take stock of the challenges that may arise as a result of freedom of cross-border movement. Regional security in all its forms is a pointer to this milestone. Indeed, the relationship between economic progress and security

¹ EAC communiqué, 1st July 2010

² Cooperation according to the 1999 EAC Treaty includes social and economic fields.

has been researched and documented by Security Studies scholars of the 21st century like Collins, 2007 and Akopari, 2009, who argue that securitization of development activities holds weight. This was evident mainly, after the end of Cold War, due to the role of resource-based conflict in aggravating both inter and intrastate conflicts (Poku & Nana, 2009). The unresolved question that comes with 1st July Jubilee is, “what implications shall the Common Market bear on regional border security?”

Integration Process: Averting or Accelerating Conflict?

Since 1999,³ the East African Community has maintained the momentum in developing mechanisms and instruments that are meant to ensure a secure and stable environment for the implementation of socioeconomic development pillars. The Community’s Deputy Secretary General, Beatrice Kiraso,⁴ argues that *‘in the wake of emerging challenges, the Community needs to rise beyond the trade and customs and get the support of security agencies’* (Jumuiya Newsletter, 2010). Citing the need for sensitization of immigration officials and the financial institutions as key to the incumbent reforms, the Deputy Secretary emphasized the need to enhance a Common Security Agenda within the EAC integration process. This implies that skewed implementation of the Common Market protocol may bear bitter security fruits. Though the Community has made several steps in developing necessary institutions for governance, poor co-ordination of these efforts may be a loophole for the Common Market and could breed conflict in the region. Occurrence of conflict can be ignited by many factors, but this causation can follow a generic set of premises as conceptualized by various scholars in the field of war:

- War and conflict is universally regarded as a human disaster (Gowans, 1993; Garmett, 2008)
- War and conflict of any magnitude can wipe development efforts
- War and conflict are caused by human behavior (Nelson and Olin, 1979)
- War and conflict are caused by social misconceptions (Neocosmos, 2006)
- Narrow nationalistic thinking verses regional or global thinking can lead to tensions between countries
- Differential industrial status among countries sharing social or geographical boundaries may be source of conflict among nations
- Open market verses competition among partner states (Akopari, 2009; Francis, 2007)
- Globalization verses homogeneity (Katumanga 2008; Nyamnjoh 2006; Mamdani, 1996, 2001)

3 This is the year when the EAC re-emerged after its collapse in 1977.

4 Beatrice Kiraso the EAC Deputy Secretary General in charge of Political Federation 2010.

Theories of War Revisited

Some of the most useful distinctions to be drawn between the various causes of war and conflict are: immediate proximal causes and the underlying fundamental causes (Carr, 1942). Immediate causes: the events that trigger wars may be trivial, even accidental. For example, the spark that ignited the First World War (WWI), was the assassination of the Austrian, Archduke Franz Ferdinand who was visiting Sarajevo and being driven in an open car (Freud, 1968). Emphasis on the underlying causes is a structural interpretation in the sense that it focuses on the importance of international circumstances, rather than deliberate state policies in causing wars (Butterfield, 1952; Suganami, 1996). The tenets of this theory suggest that statesmen are not always in control of events; they sometimes find themselves caught up in a process which despite, their best intentions, pushes them to conflict situations.

The working environment for EAC is saturated with numerous external conditions that require decision on whether to comply or not. For instance, the looming Economic Partnership Agreements⁵ originating from the West, is a hurdle for the community. Pessimistic debaters may want to know how this arrangement is likely to affect the cohesivity of the region considering the negative effects and costs of multiplicity of membership in other economic blocs. Political implication of such partnership may even have far reaching implications on regional Peace and Security landscape (the re-assertion of the West on African decision making platforms illicit varied viewpoints as whether they promote unity or disunity!).

Another useful distinction lies between efficient and permissive causes of war. Efficient causes of war are connected to particular circumstances surrounding individual conflict (Garnett, 2009). For instance, war may result because state A has something state B wants. In this situation, the efficient cause of conflict is the desire of state B. On the other hand, permissive causes of war are those features of the international system which, while not actively promoting war, nevertheless allows it to happen (Waltz, 1959 & Thompson, 1960). We are also in cognizance of the diversity nature of East Africa (e.g., her natural resource distribution is extensively varied along social and geographic indicators. Exploitation of these resources again requires skilled human resources, state of the art technology, and well structured economic planning. Availability of these co-operative resources also varies from state to state in the region.

The dilemma is how to strike a balance between what belongs to who and where? When population starts asking such questions, then Early Warning Systems as a preventive mechanism need to be jump-started so as to identify and isolate competing needs and interests. At this point, researchers and analysts need to perform the duty of developing mechanisms and appropriate strategies as barometers for conflict resolution, while the policy makers and practitioners should hastily mobilize stakeholders round the table to brainstorm available options and develop quick measures to counter the reaction.

⁵ From the outlook of things it is an economic arrangement being advanced by the European Union for the region.

Furthermore, various authors have found it useful to distinguish between necessary and sufficient causes of war (Olson, 1983; Cashman 1993; Suganami, 1996). A necessary condition for war or conflict is one that must be present if war is to occur. For instance, existence of armaments is a necessary condition of war because without them, no war can be fought. In many of countries in Africa where war and conflict have occurred, certain characteristic features; tribalism, ethnic groupings, nationalism, and factions are evident. Sufficient cause is a total departure from necessary cause of war. In this case, presence of sufficient factors triggers war to occur. For instance, A is sufficient cause of B. If two states hate each other so much that neither can tolerate the independent existence of the other, then that is a sufficient cause of war or conflict (Bon, 1897). Tension can occur in circumstances where one country employs heavy-handed tactics to bar the other from enjoying the rights over shared resources.

In 2007, Kenya and Uganda almost lost relation over the boundaries of the Triangle and Migingo Islands located in the shared Lake Victoria. This is despite the fact that, there exist institutional arrangements such as the 'Protocol for Sustainable Development of Lake Victoria Basin of 2004' among Kenya, Uganda and Tanzania, that addresses issues of equity in utilization of the water resources.

Classical researchers, on human nature, have observed that man has in him an active instinct for hatred and destruction that forms the basis for conflict (Freud, 1968). On the other hand, social psychologists, argue that war or conflict in man relies less on instinct and more on socially programmed human behavior (Neibuhr, 1932). Typically, the two scholars suggest that aggression is a result of frustration. Indeed it is ordinarily common to see livestock dealers in the local market disagreeing over price of a stock. If the disagreement is not checked immediately, then conflicts at times escalate into exchange of fists. Neibuhr observes that, when individuals find themselves thwarted in the achievement of their desires, goals and objectives, they experience frustrations, which in turn cause pent-up resentment that needs to find an outlet-and this frequently takes the form of aggressive behavior which in turn has a cathartic effect of releasing tension (1932).⁶ Sometimes individuals project their frustrated desires and ambitions on to the group or collective; be it tribe or state or region to which they belong (Wilson, 1978).

Further, understanding of causes of war and conflict is embedded in psychological theories of misconception. The contribution of Robert Jervis (1976) to this understanding of causes of war is enormous. Garnett (2008) while building on Robert Jervis' work, observes that decision to go to war is often the result of misconception, misunderstanding, miscalculations and errors of judgment. Essentially, those who think in Jervis' way regard war as mistakes, the tragic consequences of failing to appreciate things as they are. In this case, conflict is caused more by human frailty or fallibility than malice. If wars are caused by misleading and misunderstandings created by cognitive biases, then

⁶ This psychological process of transferring aggression to a secondary group is called displacement.

conditions of peace include more clear thinking, better communications between for instance cooperating countries as well as change of mind through classified education (UNESCO, 1998).

Principles of Sustainable Development Necessary for Integration Process

Sustainable Development (SD) is a concept commonly used in the field of applied development. The concept may be viewed as part of the modern trend of economics of development, which has been globalized-becoming more interwoven locally, regionally and globally into seamless networks of causes and effects (Rees, 1990). It is in this aegis of interrelationships that the 1987 Brundtland Commission⁷ required people in all countries and walks of life to work urgently towards restructured national and international policies and institutions that can be described as environmentally compliant. Indeed these policies and institutions support the argument for strategies that would allow the economic and social needs of the current generation to be met without compromising the welfare of the future generations (Rees, 1990). War and conflict can be both cause and outcome of disjointed socio-economic systems of a society.

The term sustainable development was further advanced during the 1972 Stockholm Conference in Sweden. With fears that pollution would become a bigger problem of the world, this conference was convened in Stockholm; basically to mobilize efforts against pollution menace. A decade after the Stockholm Conference, world leaders and scientists gathered in the city of Rio de Janeiro-Brazil,⁸ to discuss strategies for eradicating poverty and promoting environmental protection. The Agenda 21 of the Summit argued that people must live within the limitations of the planet and share resources equitably and use them sustainably (Elliot, 1994). These principles provide ideal guideline for any political arrangement whose aim is to promote regional development in a safe and secure environment.

In practice, sustainable development has been appraised and classified variously. For the purpose of this paper, four components can be discussed and linked to regional integration: environment, society, political and economy. The social sphere of sustainable development considers people as part of the biophysical world, who are capable of developing diverse interpretive meanings of their environment through interaction with each other and the environment (Di Chiro, 1987). Neglect of social issues lead to increased stress, leading to vices such as abandonment of children, divorce and degradation of social values (RU/SADC, 2000).

Socially, it is appreciable that after interacting with the environment, different societies have developed sophisticated life-coping strategies such as common language,

⁷ Commission on Environment and Development

⁸ The 1992 Rio Earth Summit took place in Brazil

education systems, legal systems, common markets, transport, telecommunication, computers and other forms of technology (Nadaruga & Kerich, 2007). However, in the context of political arrangements such as regional co-operation, it is notable that such achievements have been accompanied with increase in environmental insecurity, conflicts and violence. Lessons can be drawn from the current terrorist threats not only against the provinces of EA but globally. Research findings, at the end of Cold War, indicate that most countries' expenditure on military activities and surveillance runs to huge budgetary proportions (Ekins, 1993). This spending on armory, defense and surveillance usually substitute investment in socio-economic welfare. The origin and birth of the term vicious cycle of insecurity elaborates this scenario more clearly particularly in the Horn of Africa.

The political dimension on the other hand, is involved with the decision-making processes with regard to how resources are used, produced, organized, distributed and redistributed; by whom and with what consequences? (Leftwich, 1983). Whether regionally or globally, the process includes policies and decisions that govern peoples' interactions with each other. The rules and guidelines are developed by governments, traditional authorities and other powerful individuals or groups (Nadaruga & Kerich, 2007). As already mentioned in this paper, political problems are characterized by a crisis in democracy, power relations, denial of basic human needs, rights such as access, discrimination, repression, exploitation of people for economic gain, oppression and displacement of persons (RU/SADC, 2000). All these bear implications on peace and security, especially for a Community that is undergoing structural reforms such as EAC.

Political aspects related to the environment are evident in all countries of the world. For instance, in the Kenyan, in the Tana River Delta, people were displaced to create room for development of agricultural projects which had little relevance to the local pastoralists' communities (ROK1991). In Ruhija area of Kabaale District South-Western Uganda, forest dwellers were evacuated from the Mbwinda National Park Forest to pave way for the Gorrilla eco-tourism project only to realize that the same land was allocated to private developers for Motel establishments (Onditi & Kithiia, 2009). The former forest dwellers were left to survive and this has been source of conflict in the area that borders the extended Congo forest basin and bears the brand of environmental crimes.

While mainstreaming the sustainable development aspects described above, it is important to pay attention to Johan Hattinghs' model, which has been described as the one representing strong sustainability (UNEP, 2006). The model reveals that ecological, economic and socio-economic spheres reinforce each other in a sustainable fashion. Human activities,⁹ for instance have been identified as critical in sustenance of the three spheres. This model therefore, recommends that there is need to critically look beyond simplistic mitigation remedies in conflict situations and focus more on prevention of impacts, precaution and consideration of safe minimum standards.

⁹ Human activities can be categorized as social development which embodies economic, political, and technological aspects of the society.

Tackling insecurity in a holistic manner is like pelting two birds at the same time, but do we have any other options? Preventive Development therefore, becomes an appropriate tool in addressing such challenges in an integrated manner. This is due to the fact that Hattings' model asserts that the most important image of the three¹⁰ embedded spheres do not have their own logic and values separate from the other spheres but are rather intertwined from the outset. Thus, this model calls for fundamental rethinking of our regional development and security stabilization approaches.¹¹

Conclusion and Policy Recommendations

The relationship between security and development is articulated by the United Nations Development Framework (UNDF) through its four basic aims: peace and security; humanitarian assistance; development operations as well as economic and social affairs.¹² Similarly the UNDP's Programming Framework advances the philosophy of sustainable human development (SHD) employing both integrated and multidisciplinary approaches to development.¹³ In this endeavour, a case is established, that policy makers have moral obligations and duties to their subjects. Thus, part of the role of regional economic communities (RECs) is to articulate practices which recognize and promote principles of sustainable development. This kind of approach not only affirms the worth of economic development, but also sharpens our positive sensitivities towards peace and stability as a catalyst to human progress.

To achieve the right attitudes towards regional integration, peace ought to be the concern of all right thinking persons. Thus concerted efforts should be encouraged from all fronts including the media, military, civil society, educational institutions, and peace movements among others. For peace keeping practitioners, there is urgent need to mainstream principles of sustainable development in regional integration policies and strategies. This is because economic development practice raises fundamental value questions which only security and peace parlance is equipped to clarify and respond to.

Peacekeeping training institutions have an obligation to carefully consider the concept of sustainable development in informing the curriculum development process on its fundamentals. Incorporating the principles of sustainable development in peace support operation (PSO) has a purpose of creating thinking that is responsive to socio-economic, human and ecological concerns of not only peace missions but the entire society.

10 Three spheres refer to economic, ecologic and socio-political.

11 The four elements (Customs Union, Common Market, Monetary Union and Political Federation) are integrated at an interval which means that implementation of each is mutually exclusive.

12 www.un.org/aboutun.

13 www.undp.org/governance/

PSO Training programmes need to prepare peace keepers to respond to diverse sustainability concerns by being able to interpret the problem, categorize it and institute well philosophically grounded and practical peace and security interventions. The philosophical grounding should integrate both civilian and military world view of peacekeeping challenges and interventions to enable ownership of the process by all stakeholders. In this way, training for peace and security becomes a trans-formative process in pursuit of options sensitive to a multi-dimensional and cross-cultural peace operation environment.

References

- Akokpavi, J (2009) Problems and prospects of regional integration and development in Africa. In Amuwo, A et al. (eds) *Civil Society, Governance and regional integration in Africa*. Pp. 297-317. Development Policy Forum (DPMF).
- Bon le G. (1897) *The Crowd; A study of the popular mind*, 2nd ed. London; Fisher Unwin,
- Bull, H (1961) *The Control of the Arms Race*. London; Weidenfeld and Nicolson.
- Butterfield, H. (1952) *History and Human Relations*. London; Collins.
- Carr, E.H (1942) *Conditions of Peace*. London, Macmillan and Co.
- Cashman, G. (1993) *What causes war? An introduction to Conflict*. New York; Lexington Books.
- Di Chiro, G (1987) Environmental Education and the question of Gender: A feminist Critique. In Robotton. I (Eds) *Environmental Ed; Practice and possibility* (pp.23-45) Geelong, Victoria; Deakin University.
- Ekins, P (1993). *The Gaia Atlas of green Economics*. New York. Anchor Book.
- East African Community (EAC 2010 Protocol on the establishment of the EAC Common Market Articles
- Francis, D (2007) *Uniting Africa; Building Regional Peace and Security Systems*. University of Bradford, UK. Ashgate. P. 91-115.
- Freud, S (1968) *Why War?* In; L. Bramson and G.W Geothals, *War; Studies from Psychology Sociology Anthropology*. New York and London; Basic Books.
- Garnett, J (2007) *The Causes of War and the Conditions of Peace*. In; J. Baylis et.al (2007) *Strategy in the Contemporary World. An Introduction to Strategic Studies*. Oxford University Press.
- Garnett, J. (2009), *The Causes of War and the Conditions of Peace*. In (eds) Baylis, J et .al; *Strategy in the Temporary World; An introduction to Strategic Studies*. Oxford. Oxford University Press. Pp.20-41.
- Gowans, C. (1993) *what causes war? An introduction to conflict*. New York; Lexington Books.
- Gowans, A.L (1914) *Selection from Treitschkes' Lectures on Politics*. London and Glasgow.
- Jumuiya News* (2009) *Gearing up for the EAC Common Market*. A News letter of the Kenya Ministry of East African Community. Issue 17. Jan-March 2010. www.meac.go.ke
- Katumanga, M (2008) *Book Review; Insiders and outsiders; Citizenship and Xenophobia in contemporary Southern Africa* (2006) by Francis B. Nyamnjoh. London.
- Leftwich, A (1983) *Redefining Politics, People, resources and power*. New York.
- Mamdani, M. (1996) *Citizen and Subject: Contemporary African and the Legacy of Late Colonialism*. Cape Town: David Philip.
- Mamdani, M. (2001) *When Victims become Killers; Colonialism, Nativism and the Genocide Rwanda*, Kampala; Fountain Publishers.
- Mortimer R.A (1996) *Senegal's Role in ECOMOG; The Francophone Dimension in the Humanitarian crisis; The Journal of Modern African Studies*. Vol. 34 Issue No. 08. Cambridge University Press.
- Manboah-Rockson, J.K (2006) *Regionalism and Integration in Sub-Saharan Africa; A Review of Experiences, Issues and Realities at close in the Twentieth Century*.
- Ndaruga, A.M and R. Kerich (2007) *Environment Philosophy, Ed. and Sustainable Development*. Nexus; in(ed) Waswa, F et.al *Environment and Sustainable Development*. Pp.21-37.
- Nelson, K.L and S.C Olin (1979) *Why War; Ideology, Theory and History*. Berkeley and Los Angeles. University of California Press.
- Neocosmos, M (2006) *From Foreign Native to Native Foreigners: Explaining Xenophobia in Post-Apartheid South Africa: Citizenship and Nationalism, Identity and Politics*. Dakar. CODESRIA.

- Nyamnjoh, F.B (2006) *Insiders and Outsiders; Citizenship and Xenophobia in Contemporary Southern Africa*. London, Zed Books.
- Onditi, F. and S.Kithia (2009) Livelihood –Conservation Scorecard Balancing; Sustainable or Dispensable? Access to Natural Resources and Policy Implications in Bwindi Impenetrable National Park, South-Western, Uganda; *International Journal of Social Sciences*. Vol. 1. No.1 pp. 73-81.
- Olson, W.C et.al (1983) *The Theory and Practice of International Relations*, 6th Ed, Englewood Cliffs, NJ. Prince Hall

The Need for Preventive Diplomacy in The Eastern African Region

C.A. Mumma- Martinon (Ph.D) - Prevention Conflict Analyst and Head of Applied Research.

Introduction to the Eastern African Region

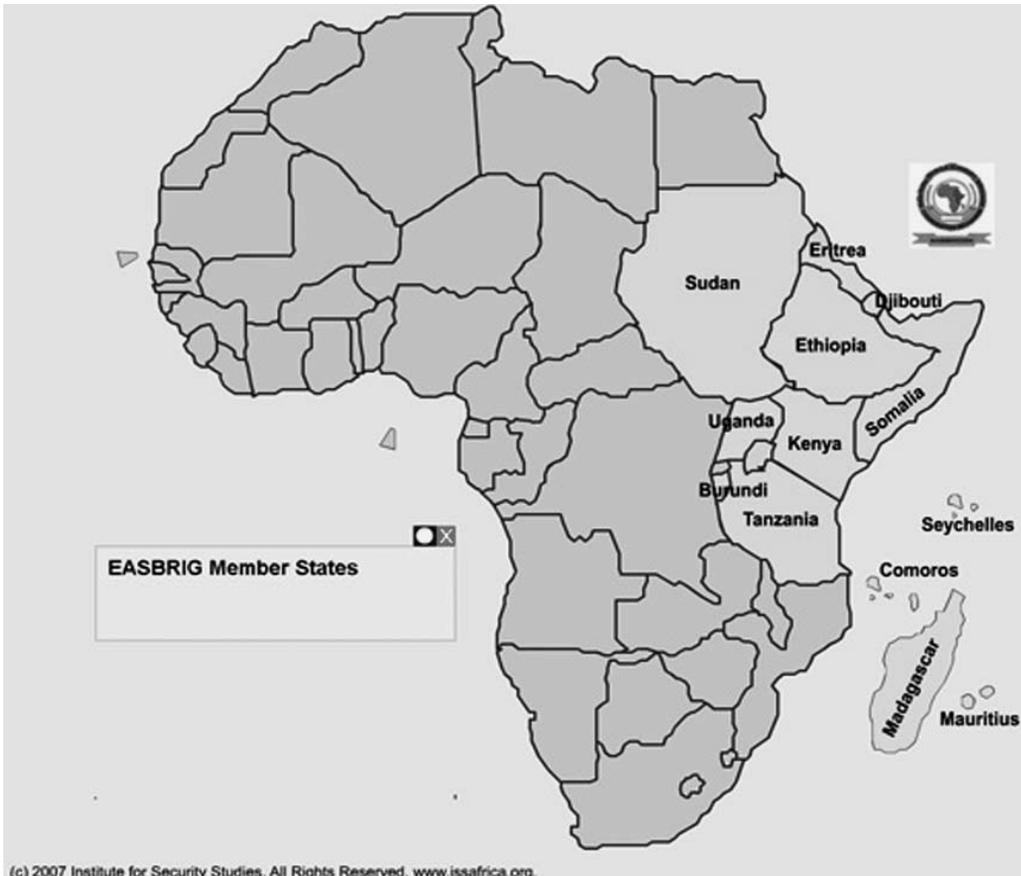
The issue of peace and security has become central to the concepts of conflict prevention in the Eastern African Region. (Refer to the map below on page 2), because it is an issue that broadly covers the complexity of contemporary conflicts in this part of Africa.

It is important to note that security cannot be achieved without addressing the causes of instability, and that sustainable development can only occur within a secure and a peaceful environment. Furthermore, internal security cannot thrive in an atmosphere of regional instability. Therefore, the importance of the African Union working together with regional and sub- regional organizations in promoting peace are widely acknowledged, and in recent years, closer co-operation and co-ordination have been fostered.

Despite this effort, impoverishment, unemployment, environmental degradation, pollution, insufficient education and healthcare, political corruption, ethnic discrimination, erosion of state institutions are still common features in the region, causing despair, frustration, fuelling extremism violence, which in turn lead to insecurity. To address these challenges, a more comprehensive, multilateral approach could be advanced that can appeal to wider spectrum of actors including: local, national, regional and international organisations and institutions, as well as NGOs and civil societies.

From the above, evidently, promoting peace and stability in this region still poses a major challenge. Therefore, a strong need exists to apply other mechanisms towards conflict prevention and preventive diplomacy is one such means.

The paper therefore, attempts to answer the following two questions: “what exactly needs to be prevented in preventive diplomacy?” and “why use preventive diplomacy in conflict prevention?”



Source: <http://www.easbrig.org/members.php>

What Exactly Needs to be Prevented?

For years, Africa has not only been defined by its geographical location, but also by the nature of conflicts in the Continent, which are historically exacerbated by a continuous struggle for regional hegemony among its constituent states (Markakis, 1998). Even though countries in Africa vary in size, military strength and capabilities, the patterns of conflicts and problems affecting them, are similar.

The Eastern African region has been characterized by perennial conflicts of all forms including: inter and intra state conflicts (Fodha, 2007). Since the end of colonialism, the region has endured: Ethiopian Civil War, Eritrean War of Independence, Ethiopian-Eritrean War, Ogaden War, Somali Civil War, Second Sudanese Civil War, Darfur Conflict in Sudan, Burundi Civil War, Lord's Resistance Army in Uganda and the Rwandan Genocide. Kenya has enjoyed a relatively stable government, however, politics has been turbulent at times, including the attempted coup d'état in 1982 and

the Kenyan 2007 Post Election Crisis that sent destabilizing ripples in the Eastern African Region. Djibouti, the Puntland and Somaliland regions of Somalia have also seen relative instability with the collapse of Siad Barre's regime as one of the many factors that have led to instability in the region (Cassanelli, 1966). Presently, there is constant war in Somalia, which is in the state of collapse.

Evidently, there are a lot of things to be prevented in the Eastern African region including:

Fragility of states: What happened in Kenya in 2007 could lead to the possible disintegration of states and the long term effects could be disastrous for the region, especially if the conflict continues for a long period of time. The reaction to the election crisis in Kenya, 2007 and 2008, was an example of *preventive diplomacy* trying to stem a deteriorating socio-political and economic environment. The African Union and the United Nations sent emissaries to get the two sides in the dispute to reach a political settlement, while the United States put pressure, as well (Jo -Isenberg, 2010). Stopping Kenya from becoming a disaster zone was a fire fighting reaction and it appeared to work.

Proxy wars in the region: Also to be prevented is the rise of proxy wars like what is happening within Somalia currently. The primary focus of this conflict is elsewhere, but conflict itself is fought in the region as an easier option. International terrorism, is also another proxy warfare, that has used Eastern Africa as a focal point. This has given great opportunity for Al-Qaida using proxies like Al-Shabaab to flourish. The effects for the region are beginning to bite and if not dealt with, would leave major wounds, difficult to heal in the long run. This was also exemplified by the Kampala bombings in July, 2010.

Internalization of conflicts: Such conflicts usually have spillover effects because they start in one place and then are transnationalised to the neighbours. These come in the form of militia and rebel groups carrying small arms which end up being used to cause chaos in host countries. Militias and rebel groups sometimes find refuge in the host countries, particularly in the border or frontier communities that might have blood relations with the rebels. Others are in the form of refugees who end up dislocating socio-economic well being of the people in the host countries. Conflicts in Africa, having wiped out 15 years of development, asserted UN Secretary General Ban Ki-Moon, necessitated "preventive diplomacyon moral, political and financial grounds." (ibid)

Long-running and unending conflicts exemplified by the conflicts between Eritrea and Ethiopia, the Burundi conflict, the armed rebellion by the Lord's Resistance Army (LRA) in Uganda, the conflict in the Democratic Republic of Congo (DRC), and the Sudan Conflict, which continue to threaten the security of the region. In Northern Uganda, the Lord's Resistance Army has been considered as a major

risk in the region (ibid) because they have managed for most part of the conflict to move easily within Sudan and Democratic Republic of Congo. In January, 2007 an escalation of crime was blamed on the proliferation of small arms and the refugee problem in Rwanda and Burundi. (ibid)

Increase of bank Robberies by citizens from other countries. For example, on 18, Sept 2008, it was reported that a Kenyan was to be indicted for stealing billions of shillings from the national Bank of commerce in Moshi, Tanzania. In January, 2005, a Ugandan was also suspected to have robbed the same bank of \$5.7 Million. In 2006, it was reported that 12 Kenyans joined robbery with violence and murder charges in Tanzania. They were alleged to have operated in Kenya, Uganda, Tanzania, Malawi, Zambia and Mozambique for over two years. They became known as “Moshi 12”. If allowed to continue, this issue can complicate the relations between states in the region calling for preventive diplomacy.

Loss of control over natural resources: Smaller or developing countries can no longer protect their own natural resources from bigger powers. With less and less respect for borders and sovereignty, countries are losing authority of what would be considered naturally theirs. It is becoming almost impossible to protect and even undertake activities over these national resources. This was the case of the upper countries of the Nile and the natural resource conflicts in DR Congo. This situation has been exacerbated by corruption, ethnic violence and oppressive dictators.

Organized Crime: Although the majority of the criminals engaged in these networks originated in the West African countries of Ghana and Nigeria, the networks have expanded their bases of operations beyond West Africa throughout the African continent where Kenya, for example, is now perceived as a “traffickers haven” (Aning, 2007) The threats and challenges posed by organized criminal activities in Africa have become so pronounced that experts now characterize such groups as representing particular ‘African Criminal Networks’ (ACN). The trend shows signs of growing sophistication in organized crimes, cyber crimes have also increased, most common are car thefts. In East Africa they have become known as the East African Federation of Criminals (Kareithi, 2008). In Kenya, during the political crisis in 2007, the country faced serious threats from organized crimes including: Mungiki and Kenyan National Youth Alliance, Kisungusungu, Baghdad Boys, Kamjesh, Jeshi la Mzee. These crimes were mainly motivated by ethnic groups and have manifested the activities of terrorism.

Numerous ‘old’ security challenges: Eastern Africa, like Central and Western Africa faces numerous ‘old’ security challenges,¹ which are often worsened by the recurrent drought in the region (Nyin’guro, 1995). According to the United

1 ‘Old’ security challenges are characterized by, perennial armed conflicts, e.g. the Chad/Sudan tensions or the Ethiopia – Eritrea conflict among others, underpinned by easy availability of SALW, political violence, and food insecurity. The ‘new’ challenges are nourished by the ‘old’, giving rise to public health problems, massive migration, and increasingly ungoverned and ungovernable spaces within which individuals with terrorist affiliations and other opportunistic groups can exploit and threaten human, regional and international security. While these challenges persist, they also create opportunities within which other criminal entities can thrive.

Nations, in 2007, more than 11 million people in Eastern Africa were, and are still affected by the drought partly caused by climatic change (<http://allafrica.com/stories/200810030629.html>). Currently, close to 18 million people are facing serious challenges related to food insecurity in the five affected countries, namely: Djibouti, Ethiopia, Eritrea, Kenya and Somalia. Eritrea in particular, is facing a combination of poor rains, decreased food production and with increased global prices adversely affecting vulnerable groups (Aning, 2007).

Despite the fact that the region has abundant natural resources, this wealth has not transformed the livelihoods of the population due to the continued instability and insecurity of the region as a whole (Fahrang, 2000). The lesson to be learned is that the past, especially a past lived in struggle and instability can be enslaving (Mwagiru, 2006). For instance, conflict in the Eastern Africa Region remains one of the regions' biggest development challenges. The human, economic and development costs of conflict are immense. Without peace and security, development simply cannot take place (Miguel, 2004). This is due to the fact that conflicts in this region bear certain unique characteristics predominantly embedded in their root causes, intensity,² and duration (often too long), escalation and their propensity to spill over to neighbouring states.

A peaceful and secure environment is frequently cited as the biggest priority for ordinary Africans across the continent. Instability in the Eastern Africa region therefore, has global implications, creating zones of lawlessness open to exploitation by criminals and terrorists alike (Speigel, 1999). It is for these reasons that conflict prevention is a must in the region and preventive diplomacy would offer a viable solution.

Why Preventive Diplomacy?

It is said in the medical field that, "prevention is better than cure". If we consider the world just like a health body, it is equally true that prevention of violent conflicts is equally important than intervention or non-intervention. Suppression of war has been the role of the UN and it is said that stopping war before it starts is quite easier than ending it.

Just like these words coined together "preventative diplomacy" implies, any diplomatic action, strategy or policy aimed at preventing violent conflicts. It is an "action taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from the destabilizing effects of economic, social, political and international change (Lund, 1996)." Boutros Boutros-Ghali's Agenda for Peace, 1992, defines preventative diplomacy as, "actions to prevent disputes from arising...prevent existing disputes from escalating...to limit the spread of the latter when they occur". Clearly, Bruce W.

² If we look at recent examples, the war in the Democratic Republic of Congo escalated to a level where it went beyond the country's borders to involve Uganda, Zimbabwe, Angola and Namibia.

Jentleson seem to go beyond the definitions of Lund and Boutros Ghali in that, he identifies and proposes preventative diplomacy along with three other components: early warning, key decisions on early actions and strategies of action (2000).

The Importance of Preventive Diplomacy in Conflict Prevention

Preventative Diplomacy aims at three things: First, is to prevent disputes arising between governments and minority parties within states; second, is to prevent an existing dispute from being transformed into an open conflict; and finally, if a conflict breaks off, is to ensure that it spreads as little as possible (Bedjaoui 2000).

Former UN Secretary General, Boutros-Ghali, on the Reflections on the Role of the UN and its Secretary General identified prevention of conflict as an utter priority for the United Nations because the costs of peacekeeping operations are overwhelming (2000). Some costs that can be easily avoided is increasing humanitarian and displaced persons, especially refugees. This actually worsens situations in that, resources for development are diverted to cover short-term relief humanitarian situations (Lund, 2001). A foreword in Lund (2001) Preventing Violent Conflicts shows that even though disputes and conflicts may not directly threatens our national security, the fact of trade, economic interdependence, and internationalization of conflicts through media; for instance, indicate the importance for preventing conflicts. This presents a valid leeway for the suggested mechanism: preventative diplomacy.

The beauty of preventative diplomacy can be portrayed in the stories where it was applied of which this section seeks to address. Preventive diplomacy has succeeded in many parts of the world including Africa. If this is the case, then it could be used also successfully as a tool of conflict prevention in the Eastern African Region.

Some Lessons learnt from Successful Cases of Preventive Diplomacy

1. Estonia, Latvia and Lithuania:

It is said that Estonia, Latvia and Lithuania enjoyed relative privileged status with the West during their incorporation into the Soviet Union (1940-91). Western governments did not recognize such incorporation. Baltic independence movement intensified in the late 1980s. Western concern and involvement led to the 1991 independence. The effectiveness of the West influence in terms of preventative diplomacy capitalized on the use of already existing procedures, status in international organisations and those organizations' norms and standards as reinforcement for bilateral incentives-and as incentives in their own right (Hurlburt 2000). Among such norms and standards was in the field of human rights.

Left with a limited arsenal, international organizations and governments worked together to offer different incentives, which became salient features of the international community's response. Membership in or associations agreements with European organizations—the Council of Europe, OSCE, and the European Union – were conditioned on Baltic adoption of liberal citizenship laws and residence procedures for residents belonging to other ethnic groups (Hurlburt, 2000).

The results were interesting, in that, Russian troops withdrew completely from the Baltic countries. Third party interventions did not aim for the good of one part to the conflict. As for the United States, it was determined to balance support for Russia democracy and Baltic independence. Heather F. Hurlburt observes certain consequences related to preventative diplomacy theory including: the possibilities for multilateral preventative action, several actors within and external to the conflict including: international organizations using and reinforcing existing structures of institutions, norms, and values. There were also rewards for following norms. Moreover, though resources were scarce, they were pooled together building national support in a wider context.

2. The role of big nations like United States leading in multilateral efforts:

The targets for preventive diplomacy were set, but not restricted, in that they were creative and flexible to use any available opportunities to achieve favorable outcomes for all parties. These lessons are vital in appreciating the value of multilateral preventative action and not taking a participatory leadership in such preventative actions.

3. The Eminent Persons from the Panel of the Wise:

One main responsibility of the Eminent Persons from the AU Panel of the Wise is to advance preventive diplomacy. For example, under the Peace and Security Council , a group of Eminent Persons headed by the Former UN Secretary General Kofi, solved the political crisis in Kenya, 2007, ultimately leading to power sharing deal between the two principals President Kibaki and Prime Minister Raila Odinga. The outcome of the mediation work in Kenya shows success in third party mediation in Preventive diplomacy.

4. Others include:

Peace enforcement as applied by UNAMID Mandate under chapter 7; Peacekeeping in Cote D'Ivoire, where the UN put exclusive Zone (safety buffer zones) separating Northern forces of "Soro" and Southern forces of "Kagbo"; Post Conflict Peace building, where UN developed a "fallout" on political mission in Sierra Leone and Liberia, working with UNCI and INGOs or development projects in issues of employment, democratic institutions, capacity building, good governance etc. All these were to

prevent re-escalation of conflict; Preventive Deployment of military forces in Cote D'Ivoire by UN to operate buffer zones between belligerents; Deployment of ECOMOG by ECOWAS in Liberia; Preventive Development: for instance, humanitarian work in Darfur, which involved early recovery and development: improving water situations, roads, agricultural sector, Mediation: Joint mediators, e.g. Salim Ahmed Salim (AU Envoy) and Eliasson (UN): the Doha Peace Process; Peaceful negotiations.

Conclusions

Evidently, the above conflicts make security a concern in the region since conflicts deter development and security. As an issue, conflict can only be achieved through concerted efforts of all the states found in this region (Berman, Katie & Sams, 2000). Conflicts and threats to security have had direct results, in the occurrence of massive violation of human rights despite the fact that there have been attempts to develop mechanisms to deal with them (www.African-union.org).

The lack of capacity of African States and Organizations to respond quickly and effectively to them³ has led to deceptive peace agreements and spillover effects throughout the region. However, with Preventive diplomacy there is some hope. What is important is not whether it can work in the region, but how to identify the factors which would enhance or make it more effective.

³ Historically, some of Africa's core security challenges have been: the legacy of historic notions of state sovereignty, the rise of regionalism in the absence of common values, the difficulty of managing hegemonic regionalism, elitism in the form of regional integration occurring only at the level of leaders without permeating the consciousness of the people the creation of institutions with little or no capacity to manage them, resulting in a merely formal regionalism, the perception of regionalism as an externally driven project and the fact that many still have doubts about Africa's ability to take responsibility for peace and security on the continent.

References

- African Union (AU) Publication: www.African-union.org. The Declaration on the Establishment of a Mechanism for Conflict Prevention, Management and Resolution, AHG/DECL.3 (XXIX), available at www.African-union.org
- Cassanelli J. (1966). *The Struggle for the Land in Southern Somalia*, Boulder, Col: West view Press.
- Eric G. Berman, Katie E. Sams, (2000). *Peacekeeping in Africa: Capabilities and Culpabilities*, Pretoria: Institute for Security Studies.
- Eritrea: *Food Shortages Feared As Rains fail*, at: <http://allafrica.com/stories/200810030629.html>. (accessed on 13th October 2010).
- Fahrang Rajaei, (2000). "Globalization on Trial," West Harford: Kumarian Press.
- Fodha, Hassan. "Africa, AU/ UN Laboratory for Peacekeeping and Development", *African Geopolitics*. Vol. 26, 2007, pp. 49 – 59
- Koops Joachim, (2007). *Towards effective and integrative Inter-organizationalism. From Conflict to Regional Stability: Linking Security and Development*. In DGAPbericht, New Faces Conference, Spain.
- Markakis, J. (1998). *Resource Conflict in the Horn of Africa*. London: Sage. Also see: John Prendergast, Building for Peace in the Horn of Africa: Diplomacy and Beyond, Special Report, U.S. Institute of Peace, June 28, 1998, p.2.
- Makumi Mwangi, (2006). *Conflict in Africa: Theory, Process and Institutions of Management*. Nairobi: CCR Publications.
- Miguel Edward, Shanker Satyanath & Ernest Sergenti, (2004). "Economic Shocks and Civil Conflicts: An Instrumental Variable Approach", *Journal of Political Econom.* Vol. 112, Pgs 731-740.
- Nyinguro Phillip, O. (1995). "The Impact of the Cold War on Regional Security. The Case of Africa, in: Munene, Nyunya, Adar (Eds). *The United States of Africa*, East African Educational Publishers, Nairobi.
- Spiegel, Steven L. & Wehling, Fred L. (1999). *World Politics in a New Era*. Fort Worth: Harcourt Brace College Publishers.
- Taylor Jo Isenberg, "Kenya and Preventive Diplomacy: Finding a way Forward," <http://blog.psaonline.org/2010/08/04/kenya-and-preventive-diplomacy-finding-a-way-forw...> accessed October 8, 2010

Conclusion

This second collection of issue briefs demonstrated that, many peace and security related issues keep emerging in the region. The four papers despite, having separate themes are functional in addressing the various aspects of peace of peace and security in the region.

Paper 1 analysis the Post Referendum scenario in Southern Sudan. With the signing of the CPA in 2005 which ushered in post conflict reconstruction in Southern Sudan, it was expected that the transition phase would lay in place institutions for normalization of life in the region. While this has been partially achieved, it has not been without serious challenges which have implications for even the post transition Southern Sudan.

The paper has established that even with the holding of the referendum as envisaged and the imminent creation of a new state in Southern Sudan, the early years of the nascent state will be challenging as the country grapples with the intricacies of establishing new and legitimate institutions that exercise effective authority over the vast region that is Southern Sudan. The paper has also established that the creation of the new state will also have ripple effects in the Eastern African region either positively through easier access to oil and business opportunities or negatively should the current localized conflicts get out of control. Either way, whether the vote turns out as the expected “yes” or an unexpected “no”, January 2011 will be a turning moment in the history of Sudan.

Paper 2 explores a number of options and strategies available to Kenya as it positions herself to play a proactive role in addressing the Somali and Sudanese conflict. It concludes that Kenya cannot pursue a ‘Go it Alone’ Policy. The country needs to convince and bring onboard key actors such as the UN, the US and Ethiopia. A robust engagement with these international and regional actors is what Kenya need to ensure the sustainability of its ‘new Somali and Sudan’ policy. The road to a stable and peaceful Somalia, in particular is long and winding. In the interim, Kenya should sustain the international interest and support through sustained diplomatic efforts to ensure that

the UN pledge to support Kenya's regional peace initiatives come to fruition. Finally, Kenya should ensure that the Somalia question must remain on the radar screen of international affairs, even as the international community focuses its attention on the events leading to the referendum in Sudan.

Paper 3 is on the Regional Security versus the East African Community Common Market. It shows that common market protocol operationalization comes up with security challenges. Every aspect of the protocol has direct linkage with regional peace and security. Therefore, there is need to recognize that integrated approaches, sustainable development principles, in particular, play an important role in regulating economic behavior among citizens of different nations as they interact at the aegis of free movement of factors of production. It further shows that the principles are an important tool in averting aggression and other negative spill-over of an economic Endeavour. However, very few development agencies are able to fully appreciate or understand the depth of their influence. In failing to understand the utility of these principles and norms, free market activities, not only fail to achieve economic goals, but also create conducive environment for business induced conflict among nations.

Paper 4 examines the need for preventive diplomacy in the Eastern African region. It argues that the region has experienced many running and unending conflicts. However, the mechanisms employed have often proved unable to reconcile the multifaceted dimensions of peace and security in the region. The paper thus, propagates for the need of preventive diplomacy as a tool for preventing conflict. It argues that several cases exist worldwide and in Africa, where Preventive diplomacy has been applied successfully and which would provide useful lessons for the countries in the region to learn from.

IPSTC was established in 2001 as a Pre-deployment training institution affiliated to the Defence staff college. In 2006, the Centre became a separate establishment within the Kenya Ministry of State for Defence. In 2007, the Centre expanded its focus from a national training institution to building capacity in Peace Support Operations aimed at responding to the region's peace and security challenges.

The Applied Research wing of the Center undertakes research relevant to policy and training in the broad themes of conflict prevention, management and post conflict reconstruction. Through this research, IPSTC aims to positively impact on the emerging Eastern African Peace and Security Architecture.



International Peace Support Training Centre

P.O. Box 24232 -00505, Karen Kenya

Tel No: 00254 (0) 20 883164/58

Fax: 00254 (0)83159

Email:info@ipstc.org

www.ipstc.org



Publication Supported By The Government of Japan Through UNDP

