

https://dspace.org/

Selected cases in the conduct of Kenyan foreign policy sine 1992

Wanyama, Leonard

2012-01-05
http://hdl.handle.net/10539/10914

Downloaded from a DSpace repository. https://dspace.org/

Table of Contents

CHAPTER ONE:

INTRODUCTION 4

1.1BACKGROUND 4

1.1.1 Kenya's domestic politics 6

1.1.2 Understanding Kenyan Foreign Policy 8

1.2 AIM AND RATIONALE 12

1.3 THE RESEARCH PROBLEM 13

1.3.1 The research questions 13

1.3.2 Hypothesis and Variables 14

1.4 LITRATURE REVIEW 14

1.5 THEORETICAL AND ANALYTICAL FRAMEWORK 17

1.5.1 Liberalism, Foreign Policy and Domestic politics 18

1.6 METHODOLOGY 20

1.7 CHAPTER OUTLINE 20

KENYA'S REGIONAL INTERESTS AND POLITICS IN THE EAC 22

2.1 BACKGROUND 22

2.1.1 EAC Member Bargaining Profile 23

2.2 FOREIGN POLICY AND THE EAC IN THE IMMEDIATE POST 1992 PERIOD 24

2.3 THE EAST AFRICAN COMMUNITY (EAC) 25

2.3.1 The Ghost of Efforts Past 26

2.4 EAST AFRICAN COOPERATION IN KENYA 27

2.4.1 The Ministry of East African Community (MEAC) 27

2.4.2 Kenya's Current Conduct in East African Affairs 28

2.4.3 Growth and Establishment of the EAC 29

2.5 MOVING FROM THE CUSTOMS UNION TO THE COMMON MARKET 30
2.6 NEGOTIATING THE COMMON MARKET 31
2.6.1 The Immediate Political Dangers 32
2.6.2 Locking-in policies 32
2.6.3 The Process of achieving the Common Market 32
2.7 THE ROLE OF NEW ACTORS IN THE COMMON MARKET NEGOTIATIONS 36
2.7.1. Parliament and the EAC 36
2.7.2 Business Interest Groups 36
2.7.3 Media 37
2.7.4 Non Governmental Organizations (NGOs) 37
2.8 CONCLUSION 38
KENYA'S EXTERNAL RELATIONS WITH SUDAN 40
3.1 BACKGROUND 40
3.2 FOREIGN POLICY INTERACTIONS WITH SUDAN IN THE IMMEDIATE POST 1992 PERIOD 41
3.2.1 New Demands in the International and Domestic environment 42
3.3 FOREIGN POLICY INTERACTIONS UNDER THE KIBAKI ADMINISTRATION 43
3.3.1 IGAD and the AU 44
3.3.2 Kenyan interests, Implementation of the CPA and the prospect of independence 44
3.4 SPECIFIC RELATIONS BETWEEN KENYA AND SUDANESE ENTITIES 45
3.4.1 Kenya's relations with Northern Sudan 46
3.4.2 Kenya South Sudan relations 47
3.4.3 Emerging Concerns for Kenya-Sudan Relations 48
3.5 THE ROLE OF NEW ACTORS IN KENYA-SUDAN RELATIONS 50
3.5.1 Parliament 50
3.5.2 Trade and Business Interests 51
3.5.3 Media 51
3.5.4 Non Governmental Organizations (NGOs) 52

3.6 CONCLUSION 53

KENYA'S POST 1992 RELATIONS WITH SOMALIA 55

4.1 BACKGROUND 55

4.2 KENYA AND SOMALIA POST 1992 56

4.2.1 Initiatives of the Moi Administration Post 1992 58

4.3 KENYA-SOMALIA RELATIONS UNDER THE KIBAKI ADMINISTRATION 59

4.3.1 Engagement with the Somali Transitional Federal Government (TFG) 61

4.4 DRIVERS OF INSECURITY AND KENYA'S INTERNAL POLICY 67

4.5 THE ROLE OF NEW ENTITIES IN KENYA-SOMALIA RELATIONS 69

4.5.1 Parliament 69

4.5.2 Business 70

4.5.3 Civil society 70

4.5.4 Media 71

4.6 CONCLUSION 72

CONCLUSION 74

5.1 SUMMARY 74

5.1.1 The Objectives of Kenyan Foreign Policy 74

5.1.2 The Argument 75

5.1.3 Has multiparty democracy directly or indirectly affected the conduct of Kenyan foreign policy? 76

5.1.4 Have events during this period caused a critical rethinking in the conduct of Kenyan foreign policy? 77

5.2 CONCLUSION 78

5.2.1 The Current State of Affairs 78

5.2.2 Recommendations 80

BIBLIOGRAPHY 81

CHAPTER 1

INTRODUCTION

1.1BACKGROUND

In the post cold war era the conduct of Kenyan foreign affairs has changed at the global, regional and domestic levels. This is a result of the end of single party rule and politics with the repeal of Section 2A of the constitution. At the global stage Kenyan foreign policy has come to be characterised by three main factors. First is the nature of its relations with donors. During this period the country's major aid providers rapidly reduced their support for the authoritarian leadership of then President Daniel Arap Moi demanding an end to corruption and proper fiscal management of the economy. They also demanded that the political system be liberalised through the institution of legal and constitutional changes that allowed for the pluralisation of democratic practice and the observance of new norms, namely; human and environmental rights. Under pressure to fulfil these demands President Moi orchestrated amendments legalising the formation of opposition parties and opening up the political space.[1] These changes fostered a transformation in foreign policy orientation as greater emphasis was placed on Economic, "Diaspora" and Environmental diplomacy.[2] From that time foreign donors have increasingly played a powerful role in the country's decision making, in its development of a democratic process and in extension its foreign policy choices.[3]

Secondly, the rise of newly emergent international security threats has occasioned Kenya's active involvement in the international arena. Kenya has been a victim of terror on more than one occasion. However, the global ramifications of the 9/11 attacks in the United States (US) resulted in the international focus on the region as a source of terror.[4] Kenya has become a significant ally in the war on terror and other emergent threats such as piracy. The country's commitment to tackling these global security challenges is continually weighed against its domestic obligations. Debates have been centred on whether Kenya's commitment in dealing with international security threats is motivated by its own perceptions of the threat or by an opportunity in acquiring trade-offs between different public goods with countries in the developed world. In as much as such exchanges may

---

[1] S. Brown, 'Authoritarian leaders and multiparty elections in Africa: how foreign donors help to keep Kenya's Daniel arap Moi in power', *Third World Quarterly*, Vol. 22, No 5, 2001, pp 725–739.

[2] Kenya High Commission United Kingdom, *Service Charter 2010*, Retrieved 16 October 2010 from <http://www.kenyahighcommission.net/khccontent/component/content/article/45-service-charter-2010/67-kenya-high-commission-londons-service-charter-2010.html>

[3] W. C. Kamau, 'Kenya & the War on Terrorism', *Review of African Political Economy*, Vol. 33, No. 107, 2006, pp. 133-141, Retrieved 21st March 2011, form the JSTOR database available at the University of the Witwatersrand library website <http://www.jstor.org/stable/4007116>

[4] G. Khadiagala, 'Kenya: Haven or Helpless Victim of Terrorism', *United States Institute Of Peace* Special Report 113 January 2004 Retrieved 16 0ctober 2010 from <http://www.usip.org/files/resources/sr113.pdf>

provide increased political stability and economic development in a pluralistic democratic environment, it cannot be ignored that Kenya is becoming a source of terrorism instead of a stable, prosperous home of tolerance, liberty, and democracy in Africa.[5]

Lastly to improve its regional economic position, Kenya is keenly pursuing multilateral trade as a strategy for development in an increasingly globalized environment. Kenya has embarked on a wide ranging trade reform process.[6] Following this course, the country is involved in regional integration initiatives under the auspices of the East African Community (EAC). Consequently, this is an extension of the liberalisation process that is providing it with increased opportunities while also exposing the Kenyan economy to more competition.[7] Thus trade continues to be an important factor in achieving improved economic development and performance.[8]

However, as posited by Makumi Mwagiru globalization is affecting all actors in the international system. Therefore the developing world is also increasingly asserting the universality of certain values and processes, such as those of human rights and their corresponding standards. Globalization is therefore posing certain challenges in the formulation of foreign policies, requiring countries to conform to the realities of a complex interdependence within the international system.[9] In this context, Kenya conducts its external relations in its immediate neighbourhood driven by two main factors. Foremost is the intense regional integration initiative in the East African region since the partner states of the EAC undertook to establish among themselves a customs union, a common market, a monetary union and, ultimately, a political federation. The purpose of this arrangement is to strengthen and regulate the industrial, commercial, infra-structural, cultural, social, political and other relations of the partner states so that there is accelerated, harmonious and balanced development with sustained expansion of economic activities that will be shared

---

[5] V. Krause and E. E. Otenyo, 'Terrorism and the Kenyan Public'**,** *Studies in Conflict & Terrorism,* No.28, 2005, pp 99–112, , Retrieved 21st March 2011, form the Informaworld database available at the University of the Witwatersrand library website, <http://pdfserve.informaworld.com/960289_731395714_725270655.pdf>

[6] The Export Promotion Council (EPC): International Trade Centre UNCTAD/WTO (ITC) And the Ministry of Trade & Industry, "*Kenya's Export Strategy,"* Rethinking Export Strategy: A Paper Delivered At The Regional Executive Forum During Africa Trade Week. Nairobi 26-28 November 2001, <http://www.intracen.org/wedf/images/ef2001/kenyapaper1.pdf>

[7] The Institute of Economic Affairs' (IEA), 'Report on Trade Policy Reforms and Poverty in Kenya: The Cotton-Textile Sub-sector', *Policy Round Table on Linking Trade, Development and Poverty Reduction,* 11th July 2006, Retrieved 16 October 2010 from <http://www.cuts-citee.org/tdp/pdf/ND-The_Cotton-Textile_Sub-sector-Kenya_2006.pdf>

[8] E. Zepeda, et al., 'The Impact of the Doha Round on Kenya', CEIP, UNECA, UNDP, KIPPRA, 2009 Retrieved 16 October 2010 from <http://carnegieendowment.org/files/impact_doha_kenya.pdf>

[9] M. Mwagiru, 'Re-inventing the Future: Linkages between Human Rights, Foreign Policy and Regional Integration', *Thought and Practice: A Journal of the Philosophical Association of Kenya (PAK),* Vol.1 No.2, December 2009, pp.73-86, Retrieved 16 October 2010 from African Journals Online (AJOL), available from the Internet <http://ajol.info/index.php/tp/article/viewFile/51594/40241>

equitably.[10] On the 1st of July 2010 the EAC launched the Common Market allowing the free movement of goods, services, capital and labor in the bloc.[11] This measure is a continued facilitation of increased cooperation in trade liberalisation and development-one of the fundamental pillars of the EAC.[12]

Secondly the issue of peace and security in East Africa is of immense importance to Kenyan foreign policy. This is prompted by the growing realization that issues such as the proliferation of small arms lie at the heart of many of the security problems that face not only the East African sub-region but the wider Great Lakes and Horn of Africa regions. The conflicts in Southern Sudan and Somalia are all fuelled by these weapons, as are the violent conflicts in Kenya's far flung North Eastern Province (NEP) that borders Somalia. Small arms are also contributing to high levels of crime, violence, and insecurity in Kenyan cities. The porous borders and conflict dynamics mean that the security and stability of the East African, Great Lakes and the Horn of Africa sub-regions are closely intertwined.[13] It is thus important to address this especially with the opening up of borders under the East African common market.

1.1.1 Kenya's domestic politics

The change from an authoritarian state to a democratic one has meant that Kenya has had to reorient and carry out its national goals in a more transparent and accountable manner. This has come through the redefinition of new roles for the actors and definition of roles for the newly emerging entities. This has taken place under the constitutional-administrative reform debates that have occurred over this period beginning with the constitutional amendment of Section 2A. The constitutional changes in 1991 that reintroduced multiparty politics not only legalised other political parties but also opened up the political process to ensure a greater democratization. This openness set up incentives for institutions and actors to seek independence from the authoritarianism characterised within the highly centralised presidency.[14] Meanwhile, alongside political parties the civil society and the media have

---

[10] J. Kamanyi, 'The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development', *Paper presented at the 10th Annual Sir Udo Udoma Symposium Makerere Law Society*, Makerere University, Kampala April 2006, and Retrieved 16 October 2010 from <www.eac.int/**politicalfederation**/index.php?...41...>

[11] C. Butunyi and L. Barasa, 'Kibaki sets off common market', *Daily Nation*, Posted 30 June 2010 at 20:45, Retrieved 16 October 2010 from <http://www.nation.co.ke/News/Kibaki%20%20sets%20off%20common%20market/-/1056/949920/-/teyyvg/-/index.html>

[12] E. Kafeero, 'Customs And Trade Facilitation In The East African Community (EAC)', *World Customs Journal*, Vol. 2, No. 1, pp.63- 71, Retrieved 16 October from <http://miami.uni-muenster.de/servlets/DerivateServlet/Derivate-4924/diss_kafeero.pdf>

[13] P. Eavis, 'SALW in the Horn of Africa and the Great Lakes Region: Challenges and Ways Forward', *The Brown Journal of World Affairs,* Vol. 9, Issue 1,Spring 2002, Retrieved on 16 October 2010 from Heinonline, available from the Internet <http://heinonline.org/HOL/Page?handle=hein.journals/brownjwa9&div=30&g_sent=1&collection=journals>

[14] F. Holmquist and M. Ford, 'Kenya: State and Civil Society the First Year after the Election',

risen to stake claim in influencing public debate and policy. The Kenyan state continues to consolidate its decades-long struggle for democracy and the improvement of the economy. In as much as emerging issues in a globalised world intrude on these objectives, they continue to be tackled within the norms of the emerging democratic process.[15]

Developments in Kenya's political environment since 1992 began way before as a result of the clamour and internal debates for political change. At the same time international focus shifted to Africa after the success of the democratic experiment in Eastern Europe. Githu Muigai contends that this could have tilted the balance in favour of political reforms.[16] While donors demanded accountability and transparency in government, pro-democracy movements protested the economic decline, falling standards of living, rampant regime corruption, press harassment, political detention and institutionalized torture.[17] Between November 25 and 26 of 1991, a consultative meeting of the Paris Club, a group of donors and international institutions interested in supporting economic development in Kenya deferred aid commitments for six months for the country's 1992 calendar year pending progress on political and economic reforms of the country. The announcement of withholding $350 million in fast-disbursing aid resulted in President Moi's declaration of multiparty elections in December of that year at a special delegate's conference of KANU. On the 10th of December parliament repealed section 2A of the constitution allowing the return of multiparty politics in Kenya.

This resulted in a somewhat expanded area of political participation, public discussion and debate.[18] There was the registration of new political parties such as Forum for the Restoration of Democracy (FORD) which splintered into FORD-Kenya and FORD-Asili; the Democratic Party (DP); Kenya National Congress (KNC), Kenya Social Congress (KSC) and Kenya National Democratic Alliance (KENDA). Civil society in the form of the Church, professional societies and the media contributed to the expanded public voice and were able to at least express points of view on serious political matters, for instance, the National Council of Churches of Kenya (NCCK); new television broadcasting stations such as the Kenya Television Network (KTN) and publications such as *Society, Finance*, *Watchman*, *Nairobi Law Monthly*; and organizations such as the Law Society of Kenya (LSK) were critical of the regimes behaviour.[19]

Africa Today, Vol. 41, No. 4, (4th Qtr., 1994) Kenyan Politics: What Role for Civil Society?, Retrieved 16th March 2011 25 April 2010 from JSTOR database available at University of the Witwatersrand library website, <http://www.jstor.org/stable/4187014>, pp. 5-25

[15] J. D. Barkan, 'Kenya after Moi', *Foreign Affairs*, Vol. 83, No. 1 2004, pp. 87-100, Retrieved 16 October 2010 from <http://www.foreignaffairs.com/articles/59535/joel-d-barkan/kenya-after-moi>

[16] G. Muigai, 'Kenya's Opposition and the Crisis of Governance', Retrieved *A Journal of Opinion*, Vol. 21, No. 1/2 (1993), pp. 26-34, 5 October 2010, from JSTOR database available at University of the Witwatersrand library website, <http://www.jstor.org/stable/1166282> pp26

[17] F. Holmquist and M. Ford, *Kenya: State and Civil Society the First Year after the Election* p.6

[18] Ibid pp9

[19] Ibid pp21

The economy of the country also continued to decline due to the combined strains of aid cut-off; the measures implemented to meet economic conditionality; and the predictable monetary response to the advent of multiparty politics.[20] However after the amendments President Moi went on to win the elections in 1992 and 1997. After the 1997 elections two main debates came onto the national agenda. First was the succession of President Moi whose presidential term was constitutionally limited to two five year durations and second was the issue of comprehensive constitutional reforms of the country.

The succession debate heralded important changes in the Kenya's political system that could not be delayed. The key questions were who would get to become president and how would he or she be selected to ascend to the top position in the land. Kenyans were in need of a political leadership that would stem the economic decline and corruption while implementing reforms of the country. The international community was also keen on witnessing a transition devoid of civil strife as Kenya has always been a pillar of stability in a politically tumultuous region. What increasingly became certain was that as the 2002 elections approached, the nation was on the verge of fundamental changes where the operating rules of politics were going to change profoundly. In 2002 Kenyans elected the opposition coalition led by Mwai Kibaki into power with him as the third president of Kenya.[21] The Kibaki victory in 2002 had a positive impact as it set an example of how democracy can generally flourish in Africa thanks to the smooth transfer of power and transparency in the conduct of elections for the Kibaki administration came to power under the mandate of change in leadership and the implementation of reforms.

1.1.2 Understanding Kenyan Foreign Policy

First, one has to understand Kenya's political system in order to grasp its importance in the policymaking process. Kenya promulgated a new constitution in August of 2010.[22] However the conduct of foreign policy is still being conducted under the premise of the old constitution in which most institutions—including the judiciary, parliament, and the electoral commission—are subservient to the president. The president appoints high court judges and electoral commissioners; has the power to dissolve parliament; and controls the national budget. Members of parliament are elected by the general population but parliament has had little power to address public grievances. Nevertheless, since 2003, the National Assembly has made "enormous strides" in establishing a committee system, which

---

[20] B. Grosh and S. Orvis , 'Democracy, Confusion, or Chaos: Political Conditionality in Kenya', *Studies in Comparative International Development,* Winter 1996/7 Vol.31, N0. 4, 46-65, Retrieved 21st March 2011, at Springerlink database available at University of the Witwatersrand library website, <http://www.springerlink.com/content/b261731426333213/fulltext.pdf> pp54

[21] J.D. Barkan, *Kenya after Moi,* pp87,90

[22] M.D. William Angawa, 'Kenya Marks Promulgation Of New Constitution 27 August 2010, *Kenya Elections.com*, August 27 2010, Retrieved 22nd June 2011, <http://www.kenyaelections.com/2010/08/kenya-marks-promulgation-of-new-constitution-27-august-2010/>

includes oversight committees. However advocates of further reform note that parliament is still expected to rubber stamp the executive branch's budget, and lacks the ability to review the president's judicial and cabinet appointments.[23] Currently the defense and foreign relations committee has risen to fill this void.

In this respect under the old constitutional, the conduct of foreign policy in Kenya was the prerogative of the President. Consequently, within this transitional implementation period the President is the initiator, articulator and director of foreign policy. The Ministry of Foreign Affairs (MFA) responsibilities are therefore to advice and execute policy in consultation with the President. Several individuals, such as the permanent secretary; other related ministries, institutions, organizations, and agencies participate in the foreign policy formulation and decision making. From this perspective, the MFA is only a facilitator, co-ordinator and a steward of the country's foreign policy; the various government agencies are complementary actors in the conduct of foreign policy. Kenya's foreign policy orientation has, since independence been designed and guided by the following basic and universally recognized norms:

1. The respect for sovereignty and territorial integrity of other states and preservation of national security,
2. Good neighbourliness and peaceful co-existence,
3. Peaceful settlement of disputes,
4. Non-interference in the internal affairs of other states,
5. Non-alignment and national self-interest, and
6. Lastly the adherence to the Charters of the United Nations (UN) and the African Union (AU).[24]

There are a number of factors that have influenced Kenya's foreign policy since independence but their outcomes have been shaped by its national interest. This self interest manifests itself in the pursuit of political security and stability; the pursuit of economic advancement and development; geo-political factors; and increasing regional integration.

Peace and stability are considered the pre-requisite to social and economic development. The government's commitment to guarantee the security of its people and the preservation of national integrity and sovereignty within secure borders underlies the desire to advance national interests by guaranteeing a secure political environment for development.

---

[23] S. Hanson, Understanding Kenya's Politics, Council on Foreign Relations (CFR), January 25, 2008, Retrieved 21st March 2011,<http://www.cfr.org/publication/15322/understanding_kenyas_politics.html>

[24] Kenya Ministry of Foreign Affairs, *Foreign policy*, Retrieved 21st March 2011, <http://www.mfa.go.ke/index.php?option=com_content&view=article&id=55&Itemid=57>

Secondly, economic development has played a dominant role in shaping Kenya's foreign policy. The need to pursue an open economic policy and the demand for foreign capital and investment flows, including Foreign Direct Investment (FDI) and Overseas Development Assistance (ODA), has influenced Kenya's approach to foreign policy. Thirdly, Kenya's foreign policy in the region has been shaped by factors such as the presence of overlapping ethnic community across borders and the fact that Kenya is a littoral state of the Indian Ocean which influences its relations with landlocked neighbours. Lastly, international and regional co-operation form a major component of the foreign policy of any country. Kenya participates actively in several regional initiatives. The most important being the EAC and the Intergovernmental Authority on Development (IGAD). This co-operation is borne out of the realization that the development and prosperity of Kenya are intimately tied with her neighbours in the region. With the advent of globalization and liberalization, the country's external relations are being governed more and more by the need to promote a favourable environment for trade and investment.[25]

The history of Kenyan foreign Policy pre-1992 comprised of two regimes, namely; that of President Jomo Kenyatta and President Daniel Arap Moi. During this time the conduct of foreign policy was determined by character of the incumbent holder of the Presidency and the fact that the country strictly adhered to its economic and ideological blueprint. President Kenyatta was a Pan-Africanist who led the country to independence as the first President of the republic in 1964.[26] He inspired nationalism to achieve progress. Kenyatta took a pragmatic approach in conducting national affairs.[27] Susan Gitelson contends that since the foreign policy of small states depend on their leaders policy preferences it is no surprise that Kenya adopted a low key practical stance to foreign policy.[28] This pragmatism is traceable to the Lancaster House negotiations that led Kenya's to independence.[29] Secondly, the *Sessional Paper No. 10 of 1965 on African Socialism and Its Application to Planning in Kenya*; became the nation's economic and ideological platform that institutionalised and prioritized economic planning as the means to achieve growth and national progress.[30] Kenya adopted a technocratic perspective to the achievement of

---

[25] Ibid

[26] K. O. Nyangena, Jomo Kenyatta: An Epitome of Indigenous Pan-Africanism, Nationalism and Intellectual Production in Kenya, *AJIA* vol. 6 nos 1 & 2, 2003, pp. 1–18, Retrieved 16th March 2011 <http://www.ajol.info/index.php/ajia/article/viewFile/57203/45591> pp4,6

[27] Ibid pp7,8

[28] S. A. Gitelson, Policy Options For Small States: Kenya and Tanzania Reconsidered, Studies in Comparative International Development, Volume 12, Number 2, 29-57,Retrieved 21st March 2011, at Springerlink database available at University of the Witwatersrand library website <http://www.springerlink.com/content/7n3630ug4336w190/fulltext.pdf> p35

[29] D. Speich, The Kenyan Style of "African Socialism":Developmental Knowledge Claims and the Explanatory Limits of the Cold War ',*Diplomatic History*, Vol. 33, No. 3 (June 2009), Retrieved 16th March 2011,<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-7709.2009.00780.x/pdf >pp.453

[30] Ibid pp457

national goals and reliance on economic expertise while using this foundational document as a major policymaking tool including in its foreign affairs. [31]

This economic prioritization came to determine Kenya's international posturing during the cold war.[32] Kenya sustained a level of autonomy through extensive relations with both sides of the divide enabling the country to maximize the receipt of aid and achieve assurances of support in times of crisis especially from western countries. Kenya maintained cordial relations with the UK, in terms of continued trade and military training. It also developed and maintained relations with communist powers such as Russia and China who provided aid and other forms of technical assistance to the country.[33] This successfully resulted in Kenya being elected to the United Nations Security Council (UNSC) in 1973. The country also hosted many international conferences and the location of the United Nations Environmental Program (UNEP) headquarters in its capital Nairobi-the first in Sub Saharan Africa. By ensuring such manoeuvrability, this approach enhanced the country's prestige, while facilitating both international and regional trade. It also enabled the acquiring of a wide variety of ODA for the country for the purpose of achieving economic development and stability.[34] However, critics point out that the Kenyatta presidency increasingly became overly paternalistic and patriarchal; unaccommodating to divergent views and depended mainly on achieving consensus through loyalty that developed into ethnic politics whose manifestation was the political isolation, detention and assassination of political leaders.[35]

On the other hand, foreign policy under former President Moi was highly centralised and reflected his self-interest in defending his government against international and domestic criticism. Moi thus became more interested in neutralising those perceived to be opposed to him. He centralised and personalised power in the image of the 'Nyayo' (Swahili for footsteps) philosophy that mirrored Kenyatta's style of leadership and cloaked in the aspirations of peace, love and unity in an attempt to stand out as a nationalist in his own right. To ensure his grip on power, he systematically usurped the functions of the other institutions of government to the extent that the principle of separation of powers was rendered ineffectual. This was because he associated insecurity and instability with open criticisms and challenges to his policies and style of leadership. Patronage and loyalty were the characteristic of Moi's leadership style and governance became an authoritarian system in which the president delegated no responsibilities and became involved in almost everything in the country including the individual rights of people. Corruption, nepotism and tribalism became systematically rampant in government. The economy began to decline and

[31] Ibid pp450,458
[32] S.A. Gitelson *Policy Options For Small States: Kenya and Tanzania Reconsidered* pp30
[33] Ibid pp40,41
[34] Ibid pp52
[35] K. O. Nyangena, *Jomo Kenyatta: An Epitome of Indigenous Pan-Africanism, Nationalism and Intellectual Production in Kenya*, pp8

human rights abuses became wide spread. The assassination, repression, arbitrary arrests, political trials, torture and detention without trial of dissidents reminiscent of the colonial era became common place. This was because Moi viewed human rights as alien Eurocentric conceptions inconsistent with African values and culture. He also perceived activists as unpatriotic, disloyal and ungrateful individuals influenced by 'foreign masters'.

Internationally, Moi concentrated on boosting Kenya's image through participating in military peace keeping missions and negotiation of peace agreements under the auspices of the Commonwealth, the Organization of African Unity (OAU) and the United Nations (UN). The country maintained its traditionalist approach but intensified working for its interests through international organizations which it was party to. It also took part in conferences and became signatory to many international charters such as the African Charter on Human and Peoples' Rights adopted in Nairobi in 1986, yet it did not care for its implementation.[36] This enhanced the nation's prestige both continentally and internationally but it could not stem the wave of criticism over governance especially in an international environment characterised with the end of the cold war and constant domestic pressure with the decline of the economy; increasing corruption and human rights violations.

1.2 AIM AND RATIONALE

The intention of this research will be to explore contemporary trajectories of Kenyan foreign policy while building on new domestic themes provided by the post 1992 period. This research will endeavor to show the linkages in its external relations. It will therefore attempt to explain the impact of the political changes in Kenya's foreign policy practice, by showing how significant actors, events and issues have influenced the conduct of foreign policy. Ultimately this inquiry hopes to understand foreign policy making in the Kenyan context after the 1992 repeal of section 2A of the constitution and the return to plural democratic practice[37].

To do this, the research will analyse three cases of Kenya's external relations within its region. The first case will be an examination of Kenya's relations with its neighbours in the reconstituted EAC namely; Tanzania, Uganda, Rwanda, and Burundi, as they move towards the East African Common Market. The second case will inquire on the nature of relations between Kenya and the Government of South Sudan (GoSS). The focus will be on their relations after the attainment of the CPA as South moves towards anticipated autonomy in the forthcoming referendum. Lastly, this research will examine new Kenya-Somalia relations that have culminated into the establishment of the Somali TFG. The purpose of this study is

[36] K.G.Adar, 'The Internal and External Contexts of Human Rights Practice in Kenya: Daniel Arap Moi's, Operational Code', African Sociological Review 4,(1), 2000 p74-96, Retrieved 16th March 2011, <http://www.ajol.info/index.php/asr/article/viewFile/23175/19862>p75, p87

[37] Gilbert M. Khadiagala and Terrence Lyons, (eds.) African foreign policies: power and process, Lynne Rienner, 2001.pp6

to show that Kenyan domestic politics actually affects the conduct of foreign policy. Secondary to this, it will attempt to link African foreign policy debates to the wider liberal theory discourse.

1.3 THE RESEARCH PROBLEM

Kenya presents itself as being keen on maintaining a moderate profile in international politics by adopting a posture of 'silent diplomacy'. Even though the question of the need to assume a regional leadership position is normally speculated on in media and academic circles, Kenya deliberately refuses to play a "big brother" role and has instead opted for friendly relations so as to enable Kenyan business interests to expand all over the region.[38] It has therefore had to manoeuvre in an environment where there exists old scepticism and suspicions about its national ambitions among its East African neighbours.[39] Kenya is also coming to the realization that it needs the regional hinterland in terms of expanding regional markets and that it will gain more from increased integration from the inclusion of countries, namely Rwanda and Burundi.[40]

Internationally, Kenya is considered to be in a difficult regional neighborhood in terms of regional challenges it faces. Kenya served as an important mediator in brokering Sudan's north-south separation in February 2005 after two decades of civil war. It also provides shelter to almost a quarter of a million refugees mostly from Somalia and other countries. In addition, Kenya also works hard to prevent the clan and militia fighting in Somalia from spreading across the border, which has long been open to nomadic pastoralists.[41]

The research problem is therefore how does one get to understand Kenyan foreign policy in the pluralistic democratic environment? This problem highlights how to understand the foreign policies of a third world country within a larger liberal theoretical framework of international relations. The challenge is thus to understand foreign policy process in a country that is consolidating its democratic gains in a rapidly globalizing world. This study will explore how themes of change and continuity are reconciled with the emerging issues of globalization through the improvement of trade position and the pursuit of a nation's security.

1.3.1 The research questions

Has multiparty democracy directly or indirectly affected the conduct of Kenyan foreign policy?

---

[38] K. Wanjohi, 'When Kenya Sneezes…' *New African* May 2009, pp.65

[39] Muramira G., 'East Africa: Kenya Blocks Construction of New EAC HQ in Arusha', *New Times* 3rd March 2009, <http://www.allafrica.com/storie/2009o3030934.html>

[40] W. Braude, *Regional integration in Africa : Lessons from the East African Community,* South African Institute of International Affairs (SAIIA), Johannesburg, 2008, pp.12

[41] Central Intelligence Agency, 'Kenya: Transnational Issues' *The World Factbook*, as updated on June 24, 2010 Retrieved 16 October 2010 from <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>

The research will look into whether multiparty politics has effected changes in the institutional structures, the pursuit or the expression of particular values, and posturing within Kenya's operational context.

Have events during this period caused a critical rethinking in the conduct of Kenyan foreign policy?

The research will look at how specific events such as: the transfers of power, terrorist attacks; and themes, such as change, transition, trade and terrorism, have played out within this period.

1.3.2 Hypothesis and Variables

This study's main premise is that multi party democracy and politics have directly affected the conduct of Kenyan foreign policy. Secondly it assumes that different events within this era have caused a critical rethinking in the conduct of Kenyan foreign policy. It therefore searched for links between multi party politics and the outcomes of Kenyan foreign policy. In the research "the multiparty era" is the independent variable. This is because the focus on this particular period comprises the major causal factors which should result in Kenyan foreign policy outcomes. "Kenya's foreign policy" is the dependent variable. This is primarily based on international relations theory that suggests that domestic politics affects the external relations of nations.[42] Therefore this study will show how aspects of Kenya's foreign policy, such as decision making, have been affected by the domestic political environment as determined by multiparty politics.

1.4 LITRATURE REVIEW

Joseph Nye posits a traditionalist view of foreign policy in which it is perceived in terms of a state's national interest and characterized as "the set of shared priorities regarding relations with the rest of the world". This definition of national interest is expounded on by William Zartman who says it is the "search for security of the national 'self.'" His emphasis is on "*national interests*" as a holistic collective notion of state intentions.[43] James Rosenau posits that such an understanding of foreign policy is too narrow if one considers the abstract nature in the notion of national interest. He contends that foreign policy should be viewed in a more holistic way that includes a number of distinct dimensions which include the facts that the action of states: are undertaken by concrete and identifiable actors; are responses to a host of internal and external stimuli; are addressed to many diverse objectives; take

[42] H. A. Kissinger, 'Societal Sources of Foreign Policy: Domestic Structure and Foreign policy', in J.N. Rosenau (ed.) *International Politics and Foreign Policy*, Free Press New York, 1969.

[43] B. Peppetta, South Africa and Libya in the formation of the African Union (AU): ideological versus material power, Retrieved 21st March 2011, available at the Electronic Thesis and Dissertation (ETD) database at the university of the Witwatersrand library website <http://wiredspace.wits.ac.za/handle/10539/8395>

many forms and result in many outcomes.[44] Robert Jackson and George Sorensen therefore define foreign policy as a summation of all the activities by which national governments conduct international relations with each other, international organizations and non-governmental actors. In their opinion, foreign policy is the effort by government to influence the goals and activities of other actors, whom they cannot completely control because they exist and operate beyond their sovereignty. It is thus an obligation that all national governments, by the very fact of their separate international existence, engage in a foreign policy that is directed at foreign governments and other international actors. This premise is based on the view that policy is a laid out course of action by government agencies and their personnel and therefore foreign policy consists of the aims and measures that are intended to guide government decisions with regard to external affairs, particularly relations with foreign countries.

Rosenau captures the scope of foreign policy in three ways. First, it is the sum of general tendencies and principles that underlie the conduct of states in international affairs where officials draw insights for guidance when confronted with external conditions that require decisions and action. Secondly, it is a set of commitments to plans for action, that is, it is the specific goals and means for achieving them that are deemed to be appropriate responses to the opportunities and challenges abroad. These plans and commitments are, in effect, both translations of generalized orientations and reactions to the immediate context. Lastly, it is a form of behaviour where officials of nations take concrete steps with respect to events and situations abroad. This follows the translation of generalized orientations, the development and articulation of specific goals and commitments. Viewed in this way, foreign policy consists of the external behaviour of states. It is what individuals representing a particular state do or do not do in their interactions with individuals, groups and officials elsewhere in the world.[45]

As a basis for the examination of foreign policy in Kenya this study examines the works of Marshal R. Singer and Zartman whose postulations are used to explain the nature of the international relations context that Kenya finds itself. Singer characterizes the nature of foreign policy in small and developing states such as Kenya. Describing them as poor and underdeveloped he contends that these states have less power in the international system because they lack wealth, organization, international status and the will to change their condition. This weak position that these small countries occupy in the international system of stratification, means that to a very large extent their foreign policy alternatives are limited if not wholesomely determined or constrained by external elements.[46] Zartman

[44] J. N. Rosenau, 'The Study of Foreign Policy', *World Politics: An Introduction*, (eds.) J.N. Rosenau, K.W. Thompson, G. Boyd, Collier Macmillan New York,1976, pp.15
[45] Ibid pp16
[46] M. R. Singer, 'The Foreign Policies of Small Developing States', *World Politics: An Introduction*, J.N. Rosenau, et al. (eds.), Collier Macmillan, New York, 1976. pp.263-290

contextualizes the African continental system in which foreign policy is practiced. He states the fact that the nature of African international relations among countries has no centre in terms of systemic structure, distribution of values and the dynamics of relations engendered within and by that distribution. To him African policy consists of: temporary initiatives on the regional level, delicate positions of predominance within a sub region and a limited array of resources available as a power base even for the strongest.

African states have little with which to threaten with and little to share; they are not in a position to win or enforce long term commitments. At best they command temporary advantages, since most African states' resources are meagre. Furthermore the size of the continent and the needs of its component states are enormous that the exercise of continental leadership would require sizeable resources. Therefore, due to the lack of continental leadership, the alternative is for African countries to pursue regional leadership. This makes it possible for countries to joust for increased influence on the regional level. In the event of a lack leadership, alliances become an important- but also often ephemeral- element of power, and since the benefits are frequently more a function of coalition payoffs than of long term engagements or integration, membership tend to shift and overlap.[47] What is unique to the East African region is the nature of cooperation between EAC member states over time within the contexts of past and present integration.

The classic analysis of Kenya's foreign policy by John Howells contextualizes the country's external relations to the specific nature of its domestic politics by examining Kenya's key motivations within the international system. Howell explains the need for Kenya's foreign policy at a domestic, regional, continental and international level. He looks at the institutional structures, the pursuit of values and the context within which the Kenya acted out its policies. Howells main consideration is to explain how a newly independent African state conducted itself in world affairs.[48] On the other hand, Samuel Makinda takes a different approach. While explaining Kenyan foreign affairs within the context of the cold war he postulates that Kenyan foreign policy practice is the function of an overly dependent state rather than an eager entrant in world affairs. He emphasizes the fact that Kenya's actions at different levels of the international system are a result of it being entirely dependent on foreign capital.[49] What is characteristic of Howell and Makinda's examinations is the conclusion that Kenyan foreign affairs cannot be greatly affected by any changes that may occur. J.B. Ojwang and Luis Franceshi explain that constitutional and legal

---

[47] W. Zartman, 'Africa', *World Politics: An Introduction*, J.N. Rosenau et al. (eds.) Collier Macmillan New York, 1976. p.569-594

[48] J. Howell , 'An Analysis of Kenyan Foreign Policy', *The Journal of Modern African Studies*, Vol. 6, No. 1 (May, 1968), pp. 29-48, Cambridge University Press doi:10.1017/S0022278X00016657

[49] S. M. Makinda, 'From Quiet Diplomacy to Cold War Politics: Kenya's Foreign Policy', *Third World Quarterly*, Vol. 5, No. 2, (Apr., 1983), pp. 300-319 Retrieved 19th December 2010, from JSTOR available at University of the Witwatersrand library website, <http://www.jstor.org/stable/3991274>

recommendations need to be improved in the practice of foreign affairs within the context of reforms and the constitutional making process that has been taking place over the last twenty or so years.[50] This is especially the case, now that a new constitution has taken effect upon its promulgation and is currently being implemented. Korwa G. Adar and Mutahi Ngunyi's analysis of the politics of integration within East African states shows what Kenya's regional attitudes and relations are.[51]Korwa G. Adar's book, *Kenyan Foreign Policy Behaviour towards Somalia, 1963-1983*, is a foundational text explaining the pre-1992 foreign policy environment with regards to relations with Somalia.

1.5 THEORETICAL AND ANALYTICAL FRAMEWORK

Liberal theory is one of the many theories seeking to explain the nature of international relations. The theory is closely connected with the emergence of the modern liberal state where modernization means progress in most areas of human life including international relations. Unlike realism whose focus of analysis is the state, liberalism considers the individual and groups of individuals like corporations, organizations, and associations of all kinds as its centre of scrutiny. Liberalism's main contention is that it is not only conflict but also cooperation that shapes international affairs.[52] Liberalism is characteristically optimistic in its perception of international affairs because of the belief that when humans employ their reason they can arrive at mutually beneficially cooperation.

The main assumptions of liberalism are:

1. A positive view of human nature;
2. A conviction that international relations can be cooperative rather than conflictual; and
3. A belief in progress.

However, theories of foreign policy are distinguished from theories of international relations in that they seek to explain the behaviour of individual states as opposed to the overall pattern of outcomes of state interactions. Nevertheless, there is an overlap since one may explain individual state behaviour within the ideological lenses provided by a particular conceptual pattern of international relations.[53] Therefore in examining foreign policy

---

[50] J.B. Ojwang and L. Franceshi, 'Constitutional Regulation of the Foreign Affairs Power in Kenya: A Comparative Assessment' *Journal of African Law*, 46, 1 (2002), pp 43–58, Retrieved 16 October 2010 from JSTOR available from the University of the Witwatersrand Library website <http://www.jstor.org/stable/4141321>.

[51] K. G. Adar and M. Ngunyi 'The Politics of Integration within East Africa' in W. O. Oyugi (ed) *Politics and Administration in East Africa* EAEP Nairobi 1994

[52] Robert Jackson and Georg Sørensen, *Introduction to international relations : Theories and Approaches*, Oxford University Press, 2003, pp 9

[53] B. Peppetta, *South Africa and Libya in the formation of the African Union (AU): ideological versus material power*, Retrieved 21st March 2011, available at the Electronic Thesis and Dissertation (ETD) database at the University of the Witwatersrand library website <http://wiredspace.wits.ac.za/handle/10539/8395>

liberalism conceptualises a meaningful perspective of the modern world. Liberalism accomplishes this due to its connection to the emergence of the modern constitutional state. Liberalism argues that the modern world is constantly in a process of modernization and that enables progress in most areas of life. Progress enlarges the scope for cooperation across international boundaries. This means a better life for the majority of individuals who posses reason, which when applied to international affairs results into greater cooperation.[54] Liberalism thus provides the closest description of the current global environment of international politics that is characterised by economic openness, civic identity and cooperation between states in a world of advanced industrial capitalism to achieve absolute gains. It also describes the common expression of the pursuit of the values such as political and civil liberties, market economics and ethnic toleration.[55]

Liberalism provides a number of conceptions of international cooperation in four different strands of thought namely: sociological liberalism, interdependence liberalism, institutional liberalism and republican liberalism. According to sociological liberalism, international relations are not only governed by the relations between governments but also the relations between private individuals, groups, and societies. Relations between people are viewed to be more cooperative than relationships between governments. A world with more of such transnational networks is said to be more peaceful. Interdependence liberalism contends that modernization increases the level of interdependence between states. The importance of transnational actors is acknowledged as it means military force is a less useful instrument, and welfare, not security, becomes the dominant goal of states. This conception views that 'complex interdependence of states signifies a world of more cooperative international relations. Institutional liberalism contends that international institutions promote cooperation between states because institutions alleviate problems concerning lack of trust between states and they reduce states' fear of each other. Lastly, republican liberalism posits that democracies do no got to war against each other due to their shared domestic culture of peaceful conflict resolution, sense of common moral values and their mutually beneficial ties of economic cooperation and interdependence.[56]

1.5.1 Liberalism, Foreign Policy and Domestic politics

Barbara Farnham posits that domestic politics frequently influences a country's external affairs through a process of decision making that grows out of the individual decision maker's awareness of the requirements for effective action in the political context. This emphasises on the fact that external relations are influenced by domestic politics through policymakers' attempts to balance international and domestic imperatives. Through a process of decision-making that grows out of an awareness of the requirements for effective

[54] Robert Jackson and Georg Sørensen, *Introduction to international relations : Theories and Approaches* pp.99
[55] Ibid pp. 123
[56] Ibid pp. 127

action in the political context it thus becomes important to understand a state's international affairs by examining foreign policy choices and the use of domestic politics to explain these decisions. This should tell how the political context influences what decision-makers focus on when considering a foreign policy problem; how sensitivity to the demands of the political context actually affects the decision-making process; and how such a process affects foreign policy outcomes. This is because decisions are made in a specific context and therefore decision making behaviour cannot be understood without specifying the situation to which the decision maker is responding to. For political decision makers that includes not only substantive policy problems but also the political context within which they must be addressed. Ultimately the political aim of foreign policy decisions in any political context is to attain acceptability, which is the sufficient consensus in support of policy. Although the fundamental features of the political context are relatively fixed, its specific operational requirements may change from society to society, and even within the same society over time, for instance, differences in decision makers identities and their qualities. Still acceptability has to be achieved at different levels whether at the level of political decision makers, the incorporation of domestic sentiment or deciding on international situations.[57]

On the other hand, Rosenau's contention of national adaptation best captures the linkages within the concept of progress captured in the liberal theory framework in which he states:

> "National adaptation is a process through which fluctuations in the essential structures of a nation are kept within limits acceptable to its members. The essential structures are those basic interaction patterns, for instance, the economy; polity; or society, that sustain the life of a nations actors and institutions that undergo fluctuation in response to changing circumstances at home and abroad. These changes are posited as demands with which a nation must cope, and since the demands are both internal and external, the nation is seen as achieving (or failing to achieve) adaptation through the basic orientations whereby the interplay between the demands from at home and abroad is handled. In this process of continuous adaptation there always is the presence of an internal and external balance which can undergo enormous shifts, depending on the relative strength of the internal and external demands; the orientations of the nation's leaders; and the public's moods toward these relative strengths. The degree of adaptation or mal-adaptation at any point in time is conceived to be a function of the discrepancy between the relative strength of the key internal and external inputs and the orientations toward achieving the balance between them. If the discrepancy is great, mal-adaptation will ensue, with either extinction or transformation to a more appropriate set of orientations occurring thereafter. If the

[57] Barbara Farnham, Impact of the Political Context on Foreign Policy Decision-making, *Political Psychology*, Vol. 25 No. 3, 2004 pp.441-460 retrieved on 16 October 2010 from Wiley-Blackwell, available from the Internet, <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9221.2004.00379.x/pdf>

> discrepancy is slight or nonexistent, then neither extinction nor adaptive transformation will follow". [58]

Henry Kissinger provides a simple linkage by postulating that the role of the domestic structure is to: determine the allocation of resources; affect the way the actions of other states are interpreted; and elaborate positive goals. While he considers historical traditions, social values and the economic system in the systematic assessment of the impact of the domestic structure on the conduct of international affairs to be important, he emphasizes on the impact of the administration structure, and the formative experience of leadership groups or individuals. Kissinger states that the nature of administration provides the standard operating procedure, institutes the bureaucracy, formalises rigidity, establishes a place for ideology, and facilitates executive-civil service relations that are elements in the foreign policy process. The nature of leadership through its experiences during the rise to eminence; the structure in which the leadership must operate in, and the values of society contribute to the foreign policy process and get to determine the kind of foreign policy that a nation has. He concludes that in foreign policy there is a premium on short term goals and in this context domestic needs succeed at all times.[59]

1.6 METHODOLOGY

This study is a qualitative research that is a case by case analysis in Kenyan foreign policy practice, whereby it will analyse different occasions in which the common variable is the active conduct of Kenyan foreign policy. The study will investigate three selected cases to get a clear understanding of the nature of Kenyan foreign policy making and focus on existing academic literature and current reports to provide a contemporary analysis and debate on Kenya's foreign affairs so as to determine the linkages between its external relations and its domestic politics. The primary sources of this study will include official policy documents, reports and academic journals. The secondary sources will consist of general literature on the subject of foreign policy and Kenyan foreign policy in particular. This will include books, published articles in newspapers, magazines and internet sources will also be relied on for current information.

1.7 CHAPTER OUTLINE

In addition to the introductory chapter, this study will consist of four other chapters, which are as follows:

---

[58] J. N. Rosenau, 'Paradigm Lost: Five Actors in Search of the Interactive Effects of Domestic and Foreign Affairs', *Policy Sciences*, Vol. 4, No. 4 (Dec., 1973), pp. 415-436, (425)

[59] Henry A. Kissinger, 'Domestic structure and Foreign Policy', in James N. Rosenau (ed.), *International Politics and Foreign Policy*, The Free Press New York, Collier-Macmillan Limited, 1969.

Chapter 2: Kenya's Regional Interest and Politics in the EAC

This chapter will examine Kenya's foreign policy interactions in the post 1992 period. It will then define the EAC and what it stands for. This will be followed by an examination of Kenya's cooperation within the EAC framework and how there has been movement from the custom union to the common market. It will then focus on the negotiation process of the common market and finally look at the role of new actors in the common market negotiations.

Chapter 3: Kenya's External Relations with Sudan

The third chapter will start off in the same style as chapter two by looking at Sudan's interaction with Kenya post 1992. It will then explain the nature of interactions under the Kibaki administration highlighting the specific relations with both the North and the South. It will then examine the role of the new actors in these relations.

Chapter 4: Kenya's Post 1992 relations with Somalia

As will be the set trend in previous chapters the post 1992 relations will start of this chapter. It will then be followed with foreign affairs under the Kibaki administration. However, the focus will be the nature of cooperation with the Transitional Federal Government (TFG) and how the drivers of insecurity are determining Kenya's internal policy, before highlighting the role of new actors in these interactions.

Chapter 5: Conclusions and Recommendations

This chapter will summarize the main points of the study, the findings and recommendations. This chapter will outline the objectives of Kenyan foreign policy. It will then delineate the thesis and show whether the research questions have been answered in this study. Finally it will conclude with a brief mention of the current state of affairs and recommendations.

CHAPTER 2

KENYA'S REGIONAL INTERESTS AND POLITICS IN THE EAC

2.1 BACKGROUND

The present trajectories of the East African Common Market will explain Kenya's regional interests within the political framework of the workings of the EAC. The chapter will show the nature of progression in the regional integration initiatives of the organization from the customs union to the common market. Kasaija points out that the the initial integration efforts in East Africa are traceable to the pre independence period. These efforts were highly advanced over three distinct periods that overlapped into the early post independence years, namely; from 1894-1947, 1948-1966, and 1967-1977. In the first period there was instituted a unified administrative control while in the second the colonial government established a quasi-federation that established a common market with a number of common services and a High Commission.[60] With the approach of independence in the early 1960s the three foremost East African member states; Kenya, Tanzania and Uganda, revamped the quasi federation and formed the common services organization that changed the administrations to corporations under the third initiative after the signing of the East African Federation Treaty in 1963.[61] Nevertheless despite its progressiveness this initiative ended in failure in 1977.[62] The current initiative is traced to 1984 when the member countries signed the EAC mediation agreement for the division of assets and liabilities of the collapsed EAC. In this agreement the partner states committed themselves to exploring areas of future cooperation which took off in 1993.

Mugomba posits that during the Kenyatta regime Kenya's foreign policy was resentful towards its partners. It felt that is should not bear the responsibility of 'carrying' the poorer members. Kenya also faced constant suspicion from its neighbours which felt that it intended to dominate them within the community. These aspersion based on socialist ideological perspectives cast against it by its neighbours were unwelcome.[63] Kenya's level of economic growth accelerated and completely outpaced those of its partners making them see themselves as subsidising Kenyan growth while opening up to become victims of Kenyan 'sub-imperialism'. In as much as Kenya was very keen on the economic benefits accrued

---

[60] P. A. Kasaija, 'Regional Integration: A Political Federation of the East African Countries?' *African Journal of International Affairs,* Vol. 7, Nos. 1&2, 2004, pp. 21–34, Retrieved 16th March 2011 p 25, <http://www.ajol.info/index.php/ajia/article/viewFile/57213/45602>

[61] Ibid pp26, 27, also see Braude W., *Regional Integration in Africa: Lessons from the East African Community*. Johannesburg, South African Institute of International Affairs (SAIIA), 2008

[62] Ibid pp25,

[63] A. T. Mugomba, Regional Organisations and African Underdevelopment: The Collapse of the East African Community ', *The Journal of Modern African Studies*, Vol. 16, No. 2 (Jun., 1978), pp. 261-272 Retrieved September 9 2009 from JSTOR database available at University of the Witwaterand library website <http://www.jstor.org/stable/160169>
p263,264

from the EAC common market that opened up the region it became increasingly frustrated with what it saws as a lack of commitment and unreliability of partners due to their domestic political debates or upheavals. Secondly, Kenya's alliances with the West left its partners uncomfortable resulting in differences to foreign policy approaches and outlooks. This scenario served to change the priorities of the country as it sought to secure itself from increased isolation and threat of conflict by practising a strong western orientation.[64] The rise of Kenya to a notable African middle power in international stature, wealth, and diplomatic influence widened the gap between itself and other members. By the beginning of the Moi presidency in 1978, the EAC had collapsed. Adar posits that East African relations became a matter at the behest of the President enabling Kenya to engage in the broader regional space of the Great Lakes and the assumption of greater continental roles. The conduct of foreign relations was thus sustained by the personal relationships that President Moi cultivated with individual African leaders.[65] It sought to enhance the national agenda on the basis of the President's personal view of what he thought was good for the country.

2.1.1 The Current EAC Member Bargaining Profile

The EAC has a recorded average per capita income of US$ 502 in which Kenya records US$ 794, Uganda US$556, Tanzania US$525, Rwanda US$494 and Burundi US$164. Kenya is the largest of the three economies with a Gross Domestic Product (GDP) of $19.7 billion in 2008; Tanzania's GDP is $12.4billion; Uganda's GDP is $10.9 billion. Burundi's GDP is US$837 million and Rwanda's is US$ 3.7 billion. The differences in overall GDP and per capita GDP have narrowed in the past decade, with stronger economic performance in Rwanda, Tanzania and Uganda and sluggish growth in Kenya. In 2008 Kenya's real GDP grew at an annual average rate of 1.7 percent attributed to post electoral violence and drought. This was well below the average GDP growth rate of Rwanda (11.2 percent) Uganda (9.2 percent), Tanzania (7.4 percent). In terms of population Burundi has 8.2 million people, Tanzania 40.7 million, Uganda 29.6 million, Kenya 38.3 million, and Rwanda 9.8 million**.** It is notable that Burundi, Rwanda and Uganda are landlocked, relying on access to the seaports of Mombasa in Kenya and Dar-es-Salaam in Tanzania.[66] All three countries view regional integration as an essential plank of their development strategy and an important ingredient in stimulating increased trade and investment. Policymakers are expecting the creation of the EAC common market to facilitate higher trade and investment flows between member states through increased competition and the improvement of efficiency in the export sectors of individual countries.

---

[64] Ibid pp 265-271

[65] K.G.Adar, *The Internal and External Contexts of Human Rights Practice in Kenya: Daniel Arap Moi's, Operational Code*

[66] EAC Secretariat, *East African Community Facts and Figures* – 2009, ARUSHA, TANZANIA 2010, Retrieved 16th March 2011,< http://www.eac.int/> pp29-30

The long history of collaboration between the earlier three East African states with its ups and downs has left a legacy, in both good and bad terms. The processes and experiences leading up to the collapse of the Community in 1977 still linger in the minds of politicians and civil servants. On the negative side a certain amount of scepticism remains on the part of Tanzania and Uganda vis-à-vis Kenya on account of the widespread perception that Kenya benefited disproportionately from regional cooperation at the expense of the other partners. However it is hoped that this anxiety will be dispelled through new experiences.[67] Though the previous ideological differences between 'socialist' Tanzania and Uganda and 'capitalist' Kenya also remain a reality, the 'statist' mode of thinking in the integration drive is pervasive in much of the civil service of the partner countries and this could help gel collaboration especially in the newfound common platform in the liberal conception of the state and a market-driven economy, the old mindset is bound to wane and eventually disappear.[68]

2.2 FOREIGN POLICY AND THE EAC IN THE IMMEDIATE POST 1992 PERIOD

Concrete moves towards revival of the EAC begun in November of 1991, when the three heads of state held a summit in Nairobi after which they committed to the revival of the East African Cooperation. Two years later in 1993, the heads of state set up the Permanent Tripartite Commission for East African Co-operation after meeting in Arusha. This commission was charged with co-ordinating the move towards East African Co-operation. A year later, in November 1994, the first protocol establishing an EAC secretariat in Arusha, was signed in Kampala and was implemented in March 1996. The treaty making process took three years before its completion in 1998 because the draft was circulated in the three countries for debate after which the heads of state finally signed the treaty on 30th November 1999 and it entered into force on the 7th of July 2000 following its ratification by the original three member states. On 1st of January 2001 the EAC was formally launched. The Republics of Rwanda and Burundi acceded to the EAC Treaty later on the 18th of June 2007 and became full Members of the community with effect from the 1st of July 2007.[69] Currently most of the institutions provided for under the treaty are up and running including the Secretariat, the East African legislative assembly (EALA) and the East African Court of Justice (EACJ).[70]

---

[67] M. A. McIntyre, 'Trade Integration in the East African Community: An Assessment for Kenya', *IMF Working Paper,* African Department, July 2005, Retrieved 16th March 2011,<http://www.imf.org/external/country/ken/index.htm?pn=0>pp3

[68] Ibid

[69] EAC Portal, *About the EAC,* Retrieved 16th March 2011 <http://www.eac.int/about-eac.html>

[70] P. A. Kasaija, *Regional Integration: A Political Federation of the East African Countries?* p.27,28

The personal relationships that President Moi cultivated with individual African leaders helped advance his selfish interest in enhancing the country's prestige while achieving legitimacy for a regime that was increasingly despotic. [71] Likewise, in as much as there was much clamour for democracy in Kenya, and the region President Moi never criticised the Tanzanian or Ugandan elections under Presidents Benjamin Mkapa and Yoweri Museveni as the country strictly adhered to the principle of non-interference. Kenya also failed to condemn human rights abuses in Northern Uganda where a long protracted battle has been waged against the Lord's Resistance Army. However it is under this period that the move towards the establishment of the EAC were galvanised putting Kenya in the lead as seen from the appointment of a Kenyan, Francis Muthaura as the first executive secretary of the community secretariat.[72]

2.3 THE EAST AFRICAN COMMUNITY (EAC)

The East African Community (EAC) is the regional intergovernmental organisation of the Republics of Burundi, Kenya, Rwanda, Uganda, and the United Republic of Tanzania with headquarters in Arusha, Tanzania. Its integration efforts are fuelled by the realisation of the large potential in creating a regional economic bloc encompassing the East African countries. The region has a combined population of more than 125 million people, a land area of 1.82 million square kilometres and a combined GDP of $73 billion. This bears a great strategic and geopolitical significance and creates prospects of renewed and reinvigorated development in East Africa. Its people also share a common history, language, culture and infrastructure. Across geographic borders they also share common climatic conditions, trade and agricultural practices, social systems and even overlapping administrative structures. It is with this in mind that the integration process is currently at a high pitch as reflected by the encouraging progress of the EAC customs union, that was signed in November 2009 and the ratification in 2010 of the common market Protocol by all the Partner States.[73] It is expected that integration will facilitate the land locked partner states of Uganda, Rwanda and Burundi in enhancing their economic potential which is inherently linked to the particular interests and conditions of Tanzania and Kenya.[74]

The EAC envisages the establishment of a single market and investment area in the region and the harmonization of policies to promote cross-border trade and investment, eased cross border movements of goods and persons, development of infrastructure, and

---

[71] K.G.Adar, *The Internal and External Contexts of Human Rights Practice in Kenya: Daniel Arap Moi's, Operational Code*

[72] P. A. Kasaija, *Regional Integration: A Political Federation of the East African Countries?* p28

[73] EAC Portal, *About the EAC,* <http://www.eac.int/about-eac.html>

[74] Kenya Ministry of The East African Community, 'Strategic Plan 2008-2012', *Government of Kenya(GOK)* July 2009, Retrieved 16th March 2011, <http://www.meac.go.ke/index.php?option=com_docman&task=cat_view&gid=1&Itemid=2&limitstart=5> p1

enhancement of technological and human resource development.[75] This is to enable the formation of a prosperous, competitive, secure, stable and politically united East Africa through widening and deepening economic, political, social and cultural integration. This will facilitate increased competitiveness; value added production; trade and investments in order to improve the quality of life of the people of East Africa.[76] In the theory of economic integration, a customs union is supposed to be the third stage of integration after a Preferential Trade Area (PTA) and a Free Trade Area (FTA). However, the EAC Treaty indicated that a customs union would be the first stage in the process of economic integration. Thus, real economic integration in the region commenced with the establishment of the customs union.[77] Prior to the signing of the treaty a number of achievements were realized in accordance with its 1997-2000 development strategy. Of importance to the facilitation of free movement of persons was the easing of cross-border movement of persons and goods through the establishment of an East African passport, the establishment of immigration desks for East Africans at regional airports, re-introducing interstate passes and withdrawing of visa charges for students. In the second development strategy that covered the period 2001-2005 the most significant milestone of was the establishment of the EAC customs union and the current ratification of the common market protocol.[78]

2.3.1 The Ghost of Efforts Past

However, the EAC is haunted by the failure of previous initiatives. Noting that previous initiatives took place at the height of the cold war, Agrippah T. Mugomba posits that the failure of the 1967 attempt at integration can mainly be placed on ideological differences. He states that the right and left ideological positions taken at the time by Kenya and Tanzania respectively; and the ideological somersaults of Uganda served to undermine the achievement of unity needed to carry out the activities of the EAC. He also points to a number of factors such as long harboured fears of one or the other partners; resentment by Kenya over the need to 'carry' the poorer members; long strained relations between Uganda and Tanzania over Nyerere's refusal to recognise Amin's military regime; markedly different foreign concerns and approaches; and the concentration of foreign capital in the industrial and commercial 'core', which has long threatened to turn the two 'peripheral' states into economic satellites and the principle victims of Kenyan 'sub imperialism.[79] In as

---

[75] T.N. Kibua and A. Tostensen, 'Fast-tracking East African Integration Assessing the Feasibility of a Political Federation by 2010', Chr. Michelsen Institute (CMI) REPORT 2005, Retrieved 16th March 2011, <http://www.cmi.no/publications/?cmi-reports&view=all> pp.11

[76] EAC Portal, Retrieved 16th March 2011, <http://www.eac.int/about-eac.html>

[77] EAC Portal, *What it is*, <http://www.eac.int/customs/index.php?option=com_content&view=article&id=18&Itemid=84>

[78] T.N. Kibua and A. Tostensen, *Fast-tracking East African Integration Assessing the Feasibility of a Political Federation by 2010* , pp11

[79] P. A. Kasaija, *Regional Integration: A Political Federation of the East African Countries?*, pp263

much as he terms factors as purely 'psychological' qualms Kasaija views the pursuit of a political federation at that time as an overly ambitious project especially at a time when these countries were more concerned with nation building and regime consolidation that spilled over onto the regional stage as a struggle for regional hegemony.[80] The current efforts therefore seek to avoid these problems in order to achieve the goals of improving the welfare of East Africans.

2.4 EAST AFRICAN COOPERATION IN KENYA

Kenya has always been very active in regional affairs through its activities in the MFAs EAC affairs directorate and the Ministry of East African Community (MEAC). The EAC Affairs Directorate is responsible for all matters concerning the Community. It ensures the effective articulation of Kenya's foreign policy within the EAC in order to achieve a diplomatically competitive, peaceful and prosperous union. The directorate is the main entity within the MFA that advances Kenya's interests in the Community and its regional interests internationally. Its functions include: the effective representation of MFA in EAC meetings; the effective articulation of Kenya's foreign policy within the Community; the dissemination of information on EAC projects and programmes to Kenyan missions abroad; participation in EAC peace initiatives; EAC common market protocol matters; EAC monetary union negotiations; EAC foreign policy coordination; the EAC, European Community Economic Partnership Agreement (EAC-EC-EPA) negotiations; EAC political integration; and the EAC, Common Market for Eastern and Southern Africa, and Southern African Development Community (COMESA-EAC-SADC) Tripartite framework negotiations.[81]

2.4.1 The Ministry of East African Community (MEAC)

The Ministry of East African Community (MEAC) is a more recent development that arose as a result of the new EAC initiative beginning in 1984. Initially its functions were put under the custody of the Ministry of Planning and National Development from 1993 to 1997. Thereafter, the functions of the former EAC were transferred to the Office of the President, as the department of East African and Regional Co-operation which also handled the issues of COMESA until 1998. However, in 1998, the Government established a fully fledged Ministry of East African and Regional Cooperation mandated to coordinate the affairs of the EAC, COMESA and Intergovernmental Authority on Development (IGAD). In 1999 the Ministry's functions were transferred to a department within the Ministry of Tourism, Trade and Industry. In February 2003, the department was transferred to the MFA until July 2004,

---

[80] A. T. Mugomba, *Regional Organisations and African Underdevelopment: The Collapse of the East African Community* p26

[81] Kenya Ministry of Foreign Affairs, Retrieved 16th March 2011, <http://www.mfa.go.ke/index.php?option=com_content&view=article&id=190&Itemid=124>

when the Ministry of East African and Regional Co-operation was re-established. In 2006, it was renamed the Ministry of East African Community (MEAC).[82]

Through its activities the MEAC hopes to achieve a deepened and widened East African integration for improved livelihoods and sustainable development of Kenya. Its main functions are: to facilitate, coordinate and oversee the development, monitoring and evaluation of the implementation of EAC policies, projects, and programmes for effective integration; and promote partnerships, liaison and maintain linkages with all stakeholders on EAC matters for maximised benefits. The achievement of this is through the guidance of Kenya's traditional foreign policy orientation.[83] In this regard the MEAC views itself as an avenue for the achievement of a vibrant, professionally managed, people-centred public agency, coordinating with relevant stakeholders, and integration for improved livelihoods, sustainable growth and national development. It is thus charged with this mandate under presidential circular No.1 of May 2008 to: develop policy on the EAC; coordinate government participation in the Community meetings and institutions; coordinate the Implementation of the community's regional programmes; implement the East African Treaty; and promote the fast tracking of East African integration. It does this by the facilitation, oversight, and coordination of the planning and direction of national policies and resources to create conditions favourable for the development and achievement of the objectives of the EAC and implementation of the provision and protocols of the East African Treaty; the negotiations pertaining to the areas of the East African co-operation, particularly the stages of the customs union, the common market, the monetary union and finally the political federation; all community regional integration projects, programmes and activities under sector-specific government agencies; the national participation in the fast tracking of the integration process and in furthering community integration into other regional economic groupings; the national abstinence from measures likely to jeopardise the achievements of the community's objectives or the implementation of the provisions of the East African Treaty, complete with the resolved protocols; and the creation of integration awareness for the benefit of all Kenyans.[84]

2.4.2 Kenya's Current Conduct in East African Affairs

With the change in government in 2003 President Mwai Kibaki inherited the EAC initiative from former President Moi. Under his leadership, Kenya is firmly committed to achieving the EAC vision as seen from his public pronouncements where has asserted that once the customs union is complete it will be closely followed by the finalization of the instruments for the common market, which includes freedom of movement, labour and residence across

[82] Kenya Ministry of The East African Community, *Strategic Plan 2008-2012*, pp1
[83] Ibid pp3
[84] Ibid pp4

the region'.[85] This is because of the President's belief that regional integration initiatives are not a choice but a necessary strategy for sustainable development.[86]

In the increasingly pluralistic public space, after the repeal of section 2A of the constitution in 1992, new roles have emerged for actors to take part in the EAC process. Parliament, business interest groups and the media have become increasingly active as the integration process has progressed. Through the EALA political parties have gotten an opportunity to legislate, carry out oversight functions and represent the people of East Africa in a bid to foster economic, social, cultural and political integration.[87] The media continues to constantly report on integration initiatives. The civil society, especially the business and advocacy groups have intensified coordinated action within the community due to the potential of greater economic prospects as captured by the activities of the East African Business Council (EABC). Human rights and other advocacy groups are also coordinating their efforts to help construct the notion of shared principles of democracy and civil liberties to develop a peaceful and stable East Africa that cares for the welfare of citizens. In this context, two parallel but complementary debates are taking place. The first concerns the growth and establishment of the EAC and secondly the construction of shared values within the EAC to establish harmonious and stable relations.

2.4.3 Growth and Establishment of the EAC

In this debate, the issues of fast tracking the stages of the EAC and expansion of the regional organization are prominent as seen with inclusion of Rwanda and Burundi. However, fast tracking institutionalization has gained more prominence over expansion as the EAC does not feel capable of accepting any new members. It is noted that expansion has been beneficial in neutralising some of the traditional rivalries between the original three members and opened up the prospects of accessing markets such as the Democratic republic of Congo (DRC) and South Sudan. Though its benefits have raised the possibility of Ethiopia and South Sudan to join the EAC; other issues, such as the degree of shared democratic values such as democracy, hinder these countries from participating in the community.[88] Fast tracking has also gained priority on the EAC agenda due to its support by EAC heads of state for a speedier process of integration. The main goal is to consolidate the EAC as an institution so as to quickly get to the goal of a political federation while managing

---

[85] P. A. Kasaija, *Regional Integration: A Political Federation of the East African Countries?*, pp32

[86] EAC Secretariate, *Report of the committee on fast racking east African federation,* Retrieved 16th March 2011 <www.eac.int/politicalfederation/index.php?option=com_docman&task=doc_download&gid=42&Itemid=28 Report of the committee on fast racking east African federation> pp4

[87] EAC Portal, Retrieved 16th March 2011<http://www.eala.org/component/content/article/26-overview/13-welcome-to-the-east-african-legislative-assembly.html >

[88] Braude W., *Regional Integration in Africa: Lessons from the East African Community*. Johannesburg South African Institute of International Affairs, 2008, pp108,109

to make the organization operationally effective in order to guarantee an improvement in the welfare of East African citizens.[89]

2.4.4 Construction of Shared Values

This is mainly the domain of the civil society groups, particularly business and advocacy groups. The media mostly reports on this debate while business is keen on influencing questions of institutional efficiency. Advocacy groups are keen on the construction of values on the basis of the protection of human rights and the practice of democracy. These groups are concerned with the achievement of rights within the EAC, public awareness of the regional integration agenda, initiatives surrounding the HIV/AIDS pandemic, EACJ jurisdiction for the enforcement of rights, and prevention of gender bias or any other form of discrimination.[90] Mwagiru contends that in terms of democratic practice these groups see the EAC as an opportunity for the member countries to break from their past poor records of governance and entrench practices of civil liberties, constitutionalism and peaceful transition of power in the community. This would enable a re-creation of better experiences for the EAC while avoiding earlier failure, and meet the demands of a new globalized world, by ultimately entrenching and legitimately regionalizing the practice of human rights and democracy.[91]

2.5 MOVING FROM THE CUSTOMS UNION TO THE COMMON MARKET

The three earlier partner countries ratified the customs union protocol on 30th November, 2004 which was implemented over a five-year term. The signing of the protocol for the establishment of the EAC customs union was very significant in starting the practical phase of the EAC. Its implementation started in January 2005 and the objectives spelled out in the protocol include the liberalization of the intraregional trade regime on the basis of mutual benefits, promotion of efficiency in production within the EAC, and the promotion of economic development and industrial diversification. The protocol provides for the establishment of a Common External Tariff (CET); trade remedies; the prevention, investigation and suppression of custom offences; and the collection of customs duty by adopting a uniform standard of valuation for goods. The EAC entered fully fledged liberalization of the customs union in January 2010.[92]

---

[89] Ibid pp114

[90] Y. Simbeye and S. Kinyuyu, 'Elaborating on the Human Rights System of the East African Community' *The 2nd Annual East African Civil Society Organizations' Forum* November 2007, Arusha, Tanzania The East Africa Law Society Retrieved 16th March 2011,<www.eac.int/gender>

[91] M. Mwagiru, 'Re-inventing the Future: Linkages between Human Rights, Foreign Policy and Regional Integration', *Thought and Practice: A Journal of the Philosophical Association of Kenya (PAK) Vol.1 No.2, December 2009, pp.73-86,* Retrieved 16th March, <http://www.ajol.info/index.php/tp/article/viewFile/51594/402412011>

[92] P. Kiguta, 'PRESS STATEMENT: Commencement of Fully Fledged EAC Customs Union' *EAC Portal* <http://www.eac.int/component/content/353.html?task=view>

Article 5(2) of the EAC treaty states that after the customs union, partner states would progress to a common market. The smooth functioning of a common market entails improved macro-economic policy synchronisation and co-ordination, especially in terms of the fiscal regimes. Furthermore, the article suggests that a pre-requisite for achieving common market status is the easing of border-crossing by citizens of the partner states, the harmonisation and maintenance of uniform employment and labour policies, programmes and legislation. The achievements made with the coming into force of the common market protocol include: easing the movement of people through the introduction of the East African passport, adoption of a single immigration entry, special passes for border communities; ratification of a protocol on the free movement of persons, labour, services; the right of establishment and residence; and harmonisation of labour policies and legislation.[93]

The EAC Common Market Protocol became effective on 1st July, 2010. During its launch in Nairobi, President Kibaki urged Kenyans to take full advantage of the many business and investment opportunities that would be made available. He also committed to hasten the implementation process, through a government taskforce that has made recommendations on the legal reforms necessary to fully actualize the protocol. As the implementation deepens, it is believed Kenyans will experience enhanced free movement of goods, labour, persons, capital and services in addition to being allowed to establish and reside anywhere within the EAC. This freedom is expected to stimulate cross-border trade and wealth creation resulting in higher living standards for Kenyans.[94]

2.6 NEGOTIATING THE COMMON MARKET

The EAC is a very important initiative when it is approached either as a trading bloc or a cooperation platform. It provides an avenue for the development of stable policies and investment friendly institutions as preconditions for tackling wide spread poverty in the region. The common market negotiations therefore showed the interesting potential for change arising from the method and the mechanisms used in negotiating the rules governing the regional common market. Institutions and bargaining about institutions was at the centre of the common market project opening up the possibility to transform some of the fundamental conditions enhancing growth and poverty reduction in the region.[95] The EAC Treaty affirms that the community will be people centred and market driven thus

[93] T.N. Kibua and A. Tostensen, *Fast-tracking East African Integration Assessing the Feasibility of a Political Federation by 2010* pp.12

[94] Kenya Ministry of Foreign Affairs, *Foreign policy*, Retrieved 21st March 2011, <http://www.mfa.go.ke/index.php?option=com_content&view=article&id=190&Itemid=124>

[95] D. Booth, et al., 'East African integration: How can it contribute to East African development? ', *Briefing* February 2007, Retrieved 16th March 2011, <kms1.isn.ethz.ch/serviceengine/.../pb00_**East**+**African**+**Integration**.pdf> pp 5-7

explaining the involvement of stakeholders, particularly business lobbies in a well-established pattern of consultation as new or much more strengthened networks of interest groups spanning the region formed to take advantage of these opportunities.

2.6.1 The Immediate Political Dangers

Creating a common market meant removing obstacles to the free movement of labour. Freer labour movement was seen as highly desirable in Uganda and Kenya, and could have important developmental benefits in Tanzania. However, it was a politically sensitive matter in the negotiations especially in the case of Tanzania. Secondly, free movement of persons and labour was explicitly linked to the right of establishment in another member state. Tanzania resisted this linkage because it amounted to ceding land rights to foreigners including citizens of Kenya and Uganda even though this has been continuously viewed as posing a substantial obstacle to cross-border investment.[96] The negotiations faced uncertainty over the unwillingness of country leaders to support free movement of labour in practice. There were fears that if unscrupulous politicians stirred up trouble around it, negotiating governments would not be able to avoid responding with protectionist measures resulting in slowing down the process.

2.6.2 Locking-in policies

There was a high possibility of formal agreements on harmonisation being neutralised by the persistence of informal practice. However, the EAC process showed that it had the ability to 'lock in' reform policies that might otherwise not be sustainable against patronage-driven politics at the national level. This ability, changed perceptions as the belief that the policy regime was now set in Arusha, and that it is objective, has already had a positive impact on the investment climate. Such progressive change depended on a rather uncertain process of bargaining, arguing and consensus-building.[97]

2.6.3 The Process of achieving the Common Market

The 11th meeting of the Council of Ministers directed the Secretariat to commence negotiations on the EAC common market Protocol from July 1st 2006. The Council further set December 2008 as the date for the conclusion of the negotiations and signing of the protocol; and June 2009 as the date for the ratification of the Protocol. The same Council meeting directed the Secretariat to commission a study that would specify the scope of the protocol, identify key areas for negotiations, indicate the necessary institutions that may have to be set up to support the common market and propose a model EAC common market protocol that will form the basis for negotiations[98]. The original program thus

---

[96] ibid
[97] ibid
[98] EAC Secretariat, *Study on the Establishment of an East African Community Common Market : Final Report*, August, 2007, Retrieved 16th March 2011, <www.eac.int/.../160-study-on-the-establishment-of-an-east-african-common-market.html>

envisaged that the protocol would essentially be negotiated over two and a half years. However, because of the need to incorporate Rwanda and Burundi in the common market program, negotiations delayed and took longer.

2.6.3.1 The Setting up of the negotiation structures and the subsequent round of negotiations

The 11th Council meeting directed that a High Level Task Force (HLTF) of experts be set up to handle the technical aspects of the negotiations of the Protocol and that a Multi-Sectoral Coordination Committee (MSCC) of permanent secretaries and a Ministerial Multi-Sectoral Council (MMSC) be formed to lead the negotiations of the Protocol. Thirty delegates from each respective country were selected forming one hundred and fifty delegates strong HTLF on the negotiation of the EAC common market Protocol[99]. The first rounds of negotiations were held in Kigali, Rwanda in April 2008. This round made significant progress as general agreements were reached on the overall structure as well as specific issues on the preamble; the objectives and principles of the protocol, free movement of goods, free movement of persons and free movement of labour. Tanzania did not attend this round. In the intervening period after this Tanzania received the report of the Kigali deliberations and forwarded her comments which would be considered during the following Nairobi meeting.[100]

In the second round, in Nairobi delegates expressed great determination to work towards the conclusion of the negotiations and reaching an agreement on the Protocol by the set deadline of December 2008. Kenya made a note of Tanzania's absence in the previous round and urged a positive attitude in shedding off some national interests, if members were to realize the objective of the common market.[101] The key outcome of the Nairobi round of negotiations was the HLTFs consideration of the Tanzanian comments on the Kigali deliberations that sought clarifications on several issues, including movements of refugees, structural aspects of addressing imbalances in the implementation of the common market; applications of the principles of asymmetry and variable geometry as well as establishing logical build up from customs union to common market and addressing more boldly the issues of acceleration of economic growth and development in their link to the promotion of free movement of production factor. Tanzania had to reaffirm its commitment to negotiate and implement common market protocol after negative press reports to the effect that it

---

[99] Ibid

[100] EAC UPDATE, *EAC Launches Common Market negotiations in Rwanda: Minister Leads Call for "Bold Commitment" To Regional Unity* Issue Number 2008/02 Friday April 18 2008, Retrieved 16th March 2011, <www.eac.int>

[101] EAC UPDATE EAC, *Common Market Negotiations enter crucial stage of substantive issues of Protocol* ISSUE NO 2008/11 FRIDAY,22 AUGUST 2008 pp 1-3 Retrieved 16th March 2011, <www.eac.int>

was not committed to negotiate the EAC common market Protocol. At the end of this round however there were still outstanding issues on Tanzania's comments.[102]

In the intervening period between the Nairobi round and the Bujumbura round- held in September of 2008-a diplomatic spat between Kenya and Tanzania arose over the construction of EAC headquarters in Arusha. The Bujumbura rounds key outcome was the breaking of the deadlock over contentious issues on the rights of residence and the dispute over the construction of EAC Headquarters.[103] The delegates reached consensus on a substantial complement of the outstanding issues as Tanzania lifted its objections to the inclusion of the Article on right of residence in the proposed Protocol. The article on the right of residence was now reinstated providing, among others, that the citizens of the EAC who are nationals of other Partner States shall have the right of residence in the host Partner States for the purposes of seeking and carrying out an economic activity or employment; and that the right of residence shall include the right to enter and reside in the host Partner State. The delegates also reached consensus on a number of provisions that were to govern the right of establishment within the EAC common market while Tanzania's reservations on the matter were recorded for further consultations. The meeting also considered the provisions governing the free movement in the model common market Protocol. They reached consensus particularly on the provision that the member states shall progressively remove existing restrictions and shall not introduce any new ones that will impede trade in services among the Partner States. The Right of Establishment; Right of Residence and Free Movement of Services, persisted as outstanding issues.

The fourth Round was held in Kampala, Uganda on October 2008.[104] During the Kampala round of the negotiations, the HLTF made further progress, elaborating on the outstanding issues of the right of establishment; right of residence; and free movement of services that had been referred for consultations in the partner states during the Bujumbura round of the negotiations. Having cleared the hurdles of the outstanding issues, the HLTF, during the Kampala round, considered other substantial items of its agenda, on the matters of transport policy; economic and monetary policy co-ordination; and competition and other common rules, agreeing on additional or incremental draft protocol provisions. The HLTF proceeded systematically and succeeded in indicating firm commitment of the member

---

[102] EAC UPDATE, *Tanzania reaffirms commitment to negotiate and implement the Common Market Protocol* ISSUE NO 2008/12 FRIDAY,22 AUGUST 2008 pp 6-7 Retrieved 16th March 2011, <www.eac.int>

[103] EAC UPDATE, *EAC Common Market Protocol take shape as Bujumbura round of talks winds up* ISSUE NO 2008/14 FRIDAY, 3 OCTOBER 2008 pp 4-5 Retrieved 16th March 2011, <www.eac.int>

[104] EAC UPDATE *Steady progress made in Kampala round of EAC Common Market Protocol negotiations* ISSUE NO 2008/16 FRIDAY, 17 OCTOBER 2008 pp1-5 Retrieved 16th March 2011, <www.eac.int>

states to the timely establishment of the EAC common market agreeing on the broad principles and objectives that would govern the proposed common market; building consensus and mutual confidence on identified sensitive or contentious issues of the proposed common Market; and, through cordial interactions of a give and take approach , negotiating balanced provisions and safeguards in the draft Protocol that take care of the interests of all the parties and seeking to ensure a sustainable EAC common market. There was a demonstration during this round of in quest to complement one another and increasingly discovering common ground on all the issues of the negotiations.

2.6.3.2 Zanzibar and other subsequent negotiation rounds

The Zanzibar round was a MMSC meeting at which continued negotiations of the protocol that had not been considered so far took place together with the HLTFs presentation of an interim report of the negotiations to the coordination committee of the permanent secretaries. This round was a ministerial meeting aimed at giving political guidance on issues. By the 8th round held in Kisumu most of the critical issues had been smoothed over and the issues under discussion were mainly those concerning the financing of EAC and the need to carry out an institutional review the organization for the effective functioning of the common market.[105] At the 9th and last Round of the negotiations in Kampala, Uganda, the HLTF had prepared their Report of draft EAC common market protocol that was to be presented to the meeting of the MSCC on the common market Protocol that sat in Kampala from 6-7 April 2009 and recommended the document for approval.[106] [107]

2.6.3.3 Role of the Sectoral Councils rounds in the negotiations

The MMSC received and considered the progress reports on the negotiations from the MSCC.[108] This comprised the permanent secretaries responsible for regional co-operation in each Partner State and such other permanent secretaries of the partner states as each may determine on the EAC common market protocol negotiations. The MMSC provided the political clout of line ministers from the respective countries in the creation of the protocol which the HLTF did not have.

---

[105] EAC UPDATE, *8th Round of EAC CM negotiations end in Kisumu, Kenya* ISSUE NO 23 10 FEBRUARY 2009 pp 3 Retrieved 16th March 2011, <www.eac.int>

[106] EAC UPDATE, *Multi sectoral council of ministers considers the draft EAC common market* ISSUE NO 27 22 APRIL 2009 pp6-7 Retrieved 16th March 2011, <www.eac.int>

[107] EAC UPDATE, *High Level Task Force Concludes CM Protocol Negotiations in Kampala* ISSUE NO 26 6 APRIL 2009 pp 1-3 Retrieved 16th March 2011, <www.eac.int>

[108] EAC UPDATE, *EAC Partner States Extend Time for Conclusion of Common Market Protocol* ISSUE NO 2008/19 FRIDAY, 21 NOVEMBER 2008 pp.1-6 Retrieved 16th March 2011, <www.eac.int>

2.7 THE ROLE OF NEW ACTORS IN THE COMMON MARKET NEGOTIATIONS

2.7.1. Parliament and the EAC

The Kenyan government has turned to parliament to boost its regional integration agenda through high government officials and high-level government teams, to consistently lobby Kenyan MPs and their counterparts in the EALA to ensure that laws dealing with the integration process are given priority. Parliament is viewed as a "key pillar" in achieving regional unity and the avenue through which the government can help its citizens understand the benefits and opportunities arising from the integration process. There are twenty eight laws to be passed by Kenya's Parliament within the current term to help roll-out the protocol. The MEAC also needs parliaments support for the Ministry's budget proposals in Parliament that will facilitate its activities including the payment of the EALA MPs, currently under its docket.[109]

2.7.2 Business Interest Groups

As Kenya's domestic environment was increasingly faced with economic decline, Kenyan business interests sought out alternatives regionally. The regime's modest economic record, political divisions and administrative liabilities resulted in the loss of economic opportunities to neighbouring states. The Kenyan business community showed greater interest in investing in Uganda and Tanzania as the regimes in those countries provided more stable and predictable political contexts.[110] These actions later resulted in the prioritization of trade in the conduct of foreign policy as the country's interests grew regionally. The business community through organisations and professional societies such as the East African Business Council (EABC) and the Association of Professional Societies of East Africa (APSEA) actively monitors the adherence of the customs union and common market protocols. Due to the development of diverse regional networks the membership and leadership of these groups includes the most prominent entrepreneurs, including the heads of transnational firms, from all three countries. They regard the combination of East African legislation and coordinated private-sector pressure as a possible key to creating a more favourable environment for foreign and local direct investment.[111]

---

[109] A. Shiundu, 'Kenya turns to MPs over integration efforts', Daily Nation, September 28 2010, Retrieved 16th March 2011, <http://www.nation.co.ke/News/Kenya%20turns%20to%20MPs%20over%20integration%20efforts/-/1056/1019574/-/55wssuz/-/index.html>

[110] F. Holmquist and M. Ford , *Kenyan Politics: Toward a Second Transition?,* p232

[111] Booth D. et al, East African integration: How can it contribute to East African development? *Briefing* February 2007, Retrieved 16th March 2011, <http://www.odi.org.uk/resources/download/100.pdf> pp 5-7

2.7.3 Media

The media has carried out aggressive campaigns in support of civic and voter education over this period. First, these have served to disseminate information and sensitize the public about their political and civil rights as well as duties. Secondly, the media exposed the weaknesses and failures of the government enabling the electorate to make judgements of their government. Finally, the media helped foster the growth of a discursive realm in which issues of national and local concerns were debated in an open and free manner.[112] The Media's actions have made the domestic issues in Kenya transcend into the international arena. This has been through linking these events to the trends, events and values within the international arena at a regional, continental or global sphere.[113]

In effect East African citizens have increasingly become reliant on the media to make sense of issues beyond their experiences influencing people's opinions about the community. This has been done through the diffusion of integrationist ideas thereby filtering, crystallizing and disseminating the collective national conversations within and across borders thus facilitating and sustaining regional understanding. This has contributed to the creation of linkages between national and supra national political institutions on one hand and the citizenry on the other. It has also come to confer legitimacy on the actions of governments, leaders and other actors.[114]

2.7.4 Non Governmental Organizations (NGOs)

Associations such as the East African Human Rights Institute and the East Africa Law Society are creating linkages across the region.[115] These groups are mainly tackling issues of constitutionalism and human rights as the community progresses towards a political federation. Their concerns, regard to democratic governance, constitution making and reviewing, observance of the rule of law, the protection and promotion of human rights. Particularly, they focus on what the role of the EAC is in advancing constitutionalism in

---

[112] P. Wanyande, 'The Mass Media as Civil Society and Their Role in Democratic transition in Kenya', *Africa Media Review*, Vol. 10 No. 3 pp1-20, Retrieved 16th March 2011, < http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol10no3/jamr010003002.pdf> ,p76

[113] M. Mwagiru, 'A Return to Basics: Media Rights as Fundamental Human Rights.' African Media Review, Vol. II, No. 3. 1997pp88-104, Retrieved 16th March 2011, <http://digital.lib.msu.edu/projects/africanjournals/pdfs/africa%20media%20review/vol11no2/jamr011002007.pdf> p98,99

[114] G. Nyabuga, Enhancing Equity in the East African Regional Integration Process: Role of the Media, in *East African Integration, Dynamics of Equity in Trade, Education and Media*, Society for International Development (SID), 2011, pp152

[115] Booth D. et al, East African integration: How can it contribute to East African development? pp 5-7

Eastern Africa especially as envisaged in the EAC Treaty.[116] Through workshops for Civil Society Organisations (CSOs) in the region, issues are discussed; reviewed and appropriate consultations on civil society involvement mechanisms are developed in order to draw a roadmap on forming appropriate regional linkages.[117]

2.8 CONCLUSION

This chapter set up the debate on integration initiatives in the East African region. It then described the Kenyan foreign policy within the EAC in the immediate post 1992 period, explaining what the EAC is and the bargaining posture of each of its member states. It then highlighted the challenges of past failure on current initiatives and depicted the history of Kenyan involvement in EAC till the establishment of the Ministry of East African Community (MEAC), the chapter then explained Kenya's conduct in East African affairs under the Kibaki administration as it tackled issues of growth and establishment of the EAC; and the construction of shared values as the community moved from the customs union to the common market. It examined the immediate political dangers, and the locking-in of policies. The details of the process of achieving the common market; the setting up of the negotiation structures; the subsequent round of negotiations; and the role of the sectoral councils rounds in the negotiations was expounded on. Finally, the role of new actors in the common market negotiations was examined.

Building on the history of integration initiatives, this chapter has shown the trajectory of change from the resentful posturing of the Kenyatta administration; the use of personal relationships under the Moi administration; to the continuity that has grown more inclusive in the Kibaki administration. It has shown the increasing importance of the EAC in the development agenda of all member states despite the fact that they have to battle with the overbearing shadow of past failures. Kenya's initiatives that have culminated in the formation of the MEAC, weave into the continuity in policy exhibited with the election of the Kibaki administration. This continuity handles the debates on the growth and entrenchment of the EAC while also constructing shared values. The chapter then captures the movement from the customs union to the common market by showing the negotiation process and how it faced peril due to domestic politics and dependence on informality within the technocratic structures of the EAC.

The role of new actors in this process is noticeable by their character. Parliament has been called upon to engage actively in the passage of legislation while business interest groups have made great strides in developing regional linkages, lobbying and monitoring the

---

[116] J. Kamanyi, *The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development*, p12-14

[117] Y. Simbeye and S. Kinyuyu, *Elaborating on the Human Rights System of the East African Community*, p2

implementation of regional policy. The media has helped to educate the East African citizenry on the common market, while exposing government weaknesses and criticising policy due to the fact that there has been an increased reliance on the media for information. Lastly NGOs have built linkages that have mainly focused on the construction of values necessary as the community moves onwards to the formation of the East African Monetary Union.

CHAPTER 3

KENYA'S EXTERNAL RELATIONS WITH SUDAN

3.1 BACKGROUND

Unlike its relations with the EAC member states that are traceable to the pre independence period, Kenya's has nurtured bilateral relations with Sudan since its independence in 1963. However, the current actualization of southern secession added a complicated twist resulted in relations after years of war in Sudan. This chapter will focus on how Kenya relates to both the North and the South, therefore explaining Kenya's growing ambitions within a larger regional context. Conflict in Sudan was very probable from the time the country attained independence in 1956 as tensions existed in the months before independence.[118] By the early 1960s a sustained guerrilla war had broken out with this initial conflict ending with negotiations in Addis Ababa in 1972 leading to peace that lasted for a decade.[119]

Kenya's foreign relations with Sudan can best be described as limited responses to events in that country. Kenya mainly attended conferences aimed at finding a political settlement to the rebellions and hosted significant numbers of Sudanese refugees' as instability persisted when guerrillas stepped up attacks.[120] Kenya granted the Government of Sudan (GoS) guarantees that it would respect the principle of non intervention, pledging its neutrality in the conflict and maintained this posture even after the failure of the Addis Ababa agreement brought in regional and international actors into the conflict, who played different roles as mediators or providers of resources that multiplied the geopolitical shifts in alliances affecting the course of the conflict.[121] As the neutral entity at the time Kenya then took to hosting a number of peace efforts initiated by different members of the international community such as former US President Jimmy Carter's talks in Nairobi between the GoS and the Sudanese Peoples Liberation Movement/Army (SPLM/A) in August and December of 1989.[122]

Changes in regional geopolitics resulted in Kenya's entry into the conflict on the diplomatic front as the leader of the SPLM/A, John Garang mobilized diplomatic support from the Kenyan government. Kenya thus began providing discreet assistance to the South as it

---

[118] P. Woodward, 'Somalia and Sudan: a tale of two peace processes', *The Round Table* , 93: 375, 469 — 481, Retrieved from Informaworld database available at University of the Witwatersrand library website, <http://www.informaworld.com/smpp/title~content=t713448095>

[119] Ibid pp470

[120] R. Iyob and G. M. Khadiagala, Sudan: the elusive quest for peace, Boulder, Colo. : Lynne Rienner Publishers, Inc., 2006. pp.81-82

[121] Ibid pp 91

[122] Ibid pp92

became increasingly worried about the impact of Khartoum's military successes and its influence in the spread of Islamic fundamentalism to its own Muslim minority.[123]

3.2 FOREIGN POLICY INTERACTIONS WITH SUDAN IN THE IMMEDIATE POST 1992 PERIOD

Under the auspices of Intergovernmental Authority on Development (IGAD), Kenya provided leadership of the process through the chairmanship of President Moi with the support of the western countries under the IGAD Partners Forum (IPF), which gained the necessary leverage with the negotiating parties to facilitate the peace process. Under President Moi's chairmanship IGAD undertook to win the confidence of the warring parties; establishing itself as the legitimate strategy to the Sudan question; and seeking international support and financial assistance for the process.

Kenya's involvement in the IGAD's peace process led to the infusion of democratic values in the determination of outcomes as captured in the development of the Declaration of Principles (DOP). The DOP called for a secular state and stated that, if this could not be agreed upon then Southern Sudan should have the right of self-determination in a referendum with the option of secession.[124] The DOP also determined the nature of the relationship between state and religion; it thus became a useful foundation for future agreements on key principles setting the framework for subsequent talks and consolidating the right to self determination for the South while giving the GoS the right to introduce *sharia* law in the North.[125] Initially the North rejected the DOP but, as negotiations continued its tenets were considered and it became a fundamental milestone in attaining peace. On numerous instances President Moi, sustained the process through his personal initiative to reinvigorate stalled talks. The GoS was never keen on having the DOP as part of the negotiations for it only sought an end to the war and the unity of the country. Moi used carrot and stick approaches to secure their commitment, threatening the withdrawal of IGAD from talks.[126] He cited the importance of proceeding with negotiations on the basis of the plight of the Sudanese people who continued to be killed, or maimed, and whose property was being destroyed.[127] Moi eventually convinced Bashir to accept the DOP as the basis for negotiations.[128]

---

[123] Ibid 96 also see P. Woodward, *Somalia and Sudan: a tale of two peace processes*, pp471

[124] P. Woodward, *Somalia and Sudan: a tale of two peace processes* pp 472-473

[125] S. J. A Mason, 'Sudan, North-South Comprehensive Peace Agreement', *Unpacking the Mystery of Mediation in African Peace Processes,* Mediation Support Project, Center for Security Studies, ETH Zurich pp72-77, Retrieved 15th March 2011, <http://www.swisspeace.ch/typo3/fileadmin/user_upload/Media/Publications/Journals_Articles/Aberg_Annika_Unpacking_the_Mystery_Case_Study_Sudan.pdf>

[126] R. Iyob and G. M. Khadiagala, *Sudan : the elusive quest for peace,* pp118

[127] Ibid p106

[128] Ibid p120

Kenya struggled to maintain the IGAD process as the most credible and effective peace enterprise in the face of competing initiatives that did not see any foreseeable solution to the Sudan conflict such as the Egypt-Libya peace efforts. It also had to work against counterproductive initiatives such as the US frontline states strategy which was meant to: deter Sudanese support for terrorism and extremism; end north-south conflict; encourage the restoration of political and human rights; and end the humanitarian crisis. However this plan involved economic and military support to IGAD member states thus it ultimately resulted in a number of IGAD members going to war with Sudan and undermining IGADs credibility techbically leaving Kenya as the lone diplomatic conduit since it was the only IGAD member not at war and with whom the NIF regime maintained reasonably good relations.[129] Kenya was thus charged with the duty of gaining the confidence of the GoS in order to restore the integrity of the IGAD initiative as the legitimate avenue for the achievement of peace.[130]

3.2.1 New Demands in the International and Domestic environment

The late 1990s were characterised with increased pressure for a peaceful settlement from the IPF. This was in the aftermath of the rise of terror threats as exemplified by the 1998 Nairobi bombing and the 9/11 attacks. Considerations around these events led to the development of a consensus within the IPF about the terror threat in the region, thus putting an end to contradictory and competing policies towards finding peace in the Sudan which was viewed as a necessary and effective strategy in dealing with terrorism in the region.[131] Alfred Anangwe contends that in this context Kenya took note of the growing influence of radical Islam from North Sudan on its Muslim minority. Its involvement in Sudanese peace efforts was therefore informed by emerging security challenges beyond the questions of the increasing humanitarian pressures of hosting a large refugee population. The fighting also fuelled Kenya's own internal insecurity and conflicts such as tribal clashes, urban crime and terrorist activity which were sustained by Small Arms and Light Weapons (SALW) sourced from Sudan. Kenya also became a transit point for arms being shipped onward to conflict zones within the Great Lakes and Horn of Africa region. Kenya exploited its important role in regional politics to pursue peace as a way of curbing general insecurity in the region.[132]

The IPFs impatience with delays in the achieving an outcome put Kenya under a lot of pressure to professionalise the IGAD mediation which was highly affected by its domestic politics. The IGAD mediating committee was under the leadership of Kenyan ministers, who

---

[129] Ibid p107-108
[130] R. Iyob and G. M. Khadiagala, *Sudan : the elusive quest for peace* pp111
[131] Ibid pp120
[132] A. Anangwe, 'International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War', *African Journal of International Affairs,* Vol. 7, Nos. 1&2, 2004, pp. 81–97, , Retrieved 15th March, <http://www.codesria.org/IMG/pdf/5-anangwe.pdf>p88-89

were responsible for the mediation, yet constant political changes in foreign ministers, subjected the mediation to uncertainty as over a five year period, Kenya had four foreign ministers leading the mediating committee, all with varied levels of ability. The IPF demanded the appointment of a special envoy to speed up the peace process and prevent the long delays or postponements that had come to characterise the mediation. They also demanded a dedicated secretariat to support the new envoy to mount a concentrated and continuous mediation effort. This led to establishment of an IGAD secretariat in the MFA led by Ambassador Daniel Mboya.[133] Later on, President Moi appointed Lieutenant General Lazarus Sumbeiywo, as head of the IGAD secretariat to revitalise the process.[134] Under his leadership and the unparalleled commitment of then President Moi the peace process went on to successfully achieve the Machakos protocol which was a fundamental milestone.[135] Moi's dedication considered the increasing potential of the Sudanese conflict to cause wider regional instability and the opportunity the process provided to boost his legacy by becoming a peacemaker at the end of his last term in office.[136]

3.3 FOREIGN POLICY INTERACTIONS UNDER THE KIBAKI ADMINISTRATION

Upon occupying the Presidency in 2003 the Kibaki administration inherited the Sudanese peace process and steered it to it the signing of the Comprehensive Peace Agreement (CPA) in 2005. From the achievement of the CPA Kenya has used its chairmanship of IGAD to continually monitored and mediate events in the pre-referendum period to the actual carrying out of the referendum.[137] Through the efforts of President Kibaki, Sudan has sought the support of the UN, IGAD, the AU and COMESA. President Kibaki has consistently sought commitments from the leaders of the two sides, namely President Omar Al Bashir and First Vice President Salva Kiir through high level consultations in resolving outstanding issues.[138] While the Kibaki administration has also welcomed the development of a US policy on

---

[133] R. Iyob and G. M. Khadiagala, *Sudan : the elusive quest for peace* pp113-114

[134] Ibid pp121

[135] International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence,* Africa report No. 159 p1, 6 May 2010, Retrieved 15th March 2011,<http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/159-sudan-regional-perspectives-on-the-prospect-of-southern-independence.aspx>

[136] T. Carney, 'Some Assembly Required Sudan's Comprehensive Peace Agreement', *United States Institute of Peace (USIP)* Special Report 194 November2007, Retrieved 15th March 2011 <http://www.usip.org/publications/some-assembly-required-sudans-comprehensive-peace-agreement> , Ibid p4

[137] A. Agina, 'War in Sudan too grave to contemplate', *Daily Nation*, December 20 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/War%20in%20Sudan%20too%20grave%20to%20contemplate%20/-/1056/1075786/-/u3xxn5z/-/index.html>

[138] Presidential Press Service (PPS), 'Kibaki urges Sudan support over referendum', *Daily Nation*, September 25 2010, Retrieved 15th March, <http://www.nation.co.ke/News/Kibaki%20urges%20Sudan%20support%20over%20referendum/-/1056/1017786/-/91oo9ez/-/index.html>

Sudan[139] the US has, on the other hand, continued to show confidence and support for Kenyan initiatives evidenced by President Barack Obama's request that Kenya should help ensure that the referendum is peaceful tin order to facilitate the implementation of the CPA. In furthering this agenda the Kibaki administration has continued to follow the traditional avenue of engaging regional organizations. This has mainly been through the auspices of IGAD and the AU which are the main avenues through which Kenya is seeking the support of the United Nations Security Council (UNSC).

3.3.1 IGAD and the AU

IGAD continues to be Kenya's major platform in securing the implementation of the CPA by involving the unequivocal support of member states and it has ensured the referendum was held on schedule in accordance with the "spirit and letter" of the agreement. Kenya views the AU as an important avenue in providing the official recognition and legitimacy for the independence of South Sudan, and this therefore explains why Kenya has lobbied hard for the principle of self determination in order to assuage AU scepticism, which has traditionally supported the territorial integrity of African states. As the coordinator of the IGAD secretariat, Kenya ensures there is policy coherence rather than competition between these two important bodies, particularly in the event of any obstruction to self determination. This coordination also involves the UN and the broader field of international actors, preventing a clash of forums.

3.3.2 Kenyan interests, Implementation of the CPA and the prospect of independence

As one of the guarantors of the peace process Kenya is firmly committed to the complete implementation of the CPA and to respect the choice the South Sudanese made in January of 2011. Its commitment is drawn from its position as the leader of the IGAD sub-committee on Sudan that facilitated the peace agreement and helped shape a process that promoted a democratic transformation with the right to self determination for the South. This historical impetus gives Kenya a strong interest in the implementation of the CPA and in extension full independence. [140]

Kenya's commitment to the process also stems from its fear of the costs to be incurred by itself and the region if there is resurgence in conflict in terms of loss of work for its citizens and the shutdown of Kenyan businesses operating in Southern Sudan. Regionally, according to SID the overall cost of conflict in Sudan to the economies neighbouring countries would be about 34% of their total annual GDP over a 10 year period. The wider ramifications of conflict in Sudan would be an increase in the perceptions of risk for the whole region,

---

[139] J. S. Morrison and J. G. Cooke, The Obama Administration's Sudan Strategy**,** *Centre for Strategic and International Studies (CSIS)* Commentary, Retrieved 15th March 2011, <http://csis.org/files/publication/091021_Morrison_Sudan.pdf> pp1

[140] International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence* pp4

leading to low levels of investment in neighbouring countries and lower economic growth which would reduce demand for neighbouring countries exports in Sudan. Additionally, the large numbers of refugees would put additional pressures on already scarce local resources and could further ignite local ethnic tensions in the host country; increase the spread of epidemic diseases to host populations with little or no immunity; fuel violence and lawlessness as a result of small arms from the country being smuggled over the borders leading to the deterioration of the security situation in border areas; and the development of an arms race due to higher levels of military spending in Sudan would divert necessary resources from developmental programmes in the region.[141]

Attention was therefore placed on achieving a peaceful process with the outcome of the Sudan referendum as promised by President Kibaki. Despite concerns over the slow implementation of the CPA the President has ensured the resilience of the CPA in the face of various challenges to sustain the signatory's commitment to full and speedy implementation of the remaining aspects.[142] In this role Kenya hopes to continue its: peace building initiatives; support for civil society; provision of higher education for Sudanese students; participation in rehabilitation, reconstruction, and development; and engagement with Southern factions to ensure their unity in order to end violent factionalism.[143] It has also strongly encouraged an electoral process in determining the future of South Sudan as seen in the voter registration process with nearly 80% of Southern Sudan voters living in Kenya having registered to cast their ballots for the referendum at registration centres set up in Nairobi, Dadaab, Kakuma, Eldoret, Kitale and Nakuru.[144]

Given its long-time support, and the hope that Southern Sudan is a likely candidate for the expansion of the EAC among many other potential gains of attaining a new economic partner, as expected, Kenya will became one of the first countries to extend its official recognition of the referendum that declared the South independent.

3.4 SPECIFIC RELATIONS BETWEEN KENYA AND SUDANESE ENTITIES

The challenge of conducting relations with Sudan has been striking the diplomatic balance while pursuing its own interests. Though Kenya has been widely viewed as a supporter of

---

[141] Frontier economics ,*The Cost of Future Conflict in Sudan*, Retrieved 15th March 2011,< http://www.frontier-economics.com/_library/pdfs/frontier%20report%20-%20the%20cost%20of%20future%20conflict%20in%20sudan.pdf> pp16-17

[142] Sudan Tribune, *Mbeki in Kenya for talks on Sudan's peace process*, 9 FEBRUARY 2010, Retrieved 15th March 2011, < http://www.sudantribune.com/Mbeki-in-Kenya-for-talks-on-Sudan,34066 >

[143] Frontier economics ,*The Cost of Future Conflict in Sudan* pp28

[144] M. Mwaniki and W. Menya, 'High turnout in Sudan vote listing', *Daily Nation*, December 6 2010, Retrieved 15th March, <http://www.nation.co.ke/News/High%20turnout%20in%20Sudan%20vote%20listing%20/-/1056/1067648/-/5ecre2z/-/index.html >

the Southern Sudanese it has maintained a neutral posture as an impartial player in the region by managing to be pro-South without being anti-North. [145]

3.4.1 Kenya's relations with Northern Sudan

Generally, Kenya's inclinations are well known in Khartoum.[146] For number of years the two countries met annually as part of a Joint Ministerial Committee. The forum has since been in an indeterminate state given the issuance of the International Criminal Courts (ICC) arrest warrant for President Bashir in 2008. While trade weakened as a result of the war, Kenya maintained an export relationship with Khartoum. The two share intelligence regarding terrorism and cooperate on IGAD issues.

Khartoum leaves relations on Southern issues such as joint security concerns, economic cooperation, and training support to be negotiated directly with Juba, though it has protested Kenya's dire involvement in issues touching on national sovereignty. Despite somewhat cordial relations, there is a degree of mutual mistrust by both countries which occasionally characterises relations as strained.[147]Khartoum's view that Kenya's mediation was partial to the SPLM/A has been confirmed by its involvement in weapon transfers to the South, which has weakened Kenya's credibility as a neutral actor. However, Khartoum cannot afford to impair relations with Kenya as it has a stake in achieving a peaceful outcome.[148] On Kenya's part the distrust is as a result of the past GoS actions in which it has used allied local warriors in Southern Sudan to attack the Turkana in Kenya under the pretext of cattle-rustling.[149] The Kenyan government is also still very cautious of the influence of Islamic radicalism on its population and has therefore taken to addressing its own Muslim minority to curtail Islamic fundamentalism and prevent blind solidarity of its population with Sudan.[150]

Kenya has embraced the strategy of courting President Bashir despite having been indicted by the ICC. This is because it sees no prospect of President Bashir's removal from power and therefore in order to achieve its goals it has accommodated him as an important entity in the process rather than an obstacle as is the position the international community has taken. This strategy however has played out in its domestic politics showing the cracks of

---

[145] J. Davis, *Regional Security and the Implementation of the CPA in the Sudan*, Africa Peace Forum and Project Ploughshares, Retrieved 15th March 2011,< http://www.ploughshares.ca/libraries/Build/Nairobi07RegSecGender.pdf> pp16,

[146] . S. Morrison and J. G. Cooke, *The Obama Administration's Sudan Strategy* pp4

[147] Ibid p2

[148] Ibid

[149] B. K. Chacha, 'From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?'*African Journal of International Affairs,* Vol. 7, Nos. 1&2, 2004, pp. 57–79, Retrieved 15th March 2011, <http://www.codesria.org/IMG/pdf/4-Chacha2.pdf > AJIA pp64

[150] D. Ochami, 'Do not support Bashir just because he is Muslim, says PM', *The Standard*, 10th September 2010, Retrieved 15th March 2011,<http://www.standardmedia.co.ke/InsidePage.php?id=2000018138&cid=4&>

the current coalition government as it deals with its own ICC process following the Post election violence in 2007. The differences were evident as seen from the invitation of Sudanese President Omar Al-Bashir during the promulgation of Kenya's new constitution. The GoKs official justifications for his invitation have been linked to regional stability which depends on continuous engagement with the GoS. This is viewed as being in tandem with its own pursuit of sustainable peace and security as underpinned by its three interconnected, mutually dependent pillars of peace, justice and reconciliation. However the infighting it has created is bare for all to see. [151]

3.4.2 Kenya South Sudan relations

Kenya is an important partner for the Government of South Sudan (GoSS) as it has traditionally been an important transportation hub for the South and it has hosted many Sudanese refugees. It currently carries a great deal of influence in the security and stability through its role in IGAD therefore making it a strategic ally for the South.[152] The historic links of Kenya's discreet support for the SPLM/A, through its diplomatic, logistical and humanitarian aid and the open border it maintained was an essential component in sustaining the rebel movement especially after the SPLM/A was forced to leave Ethiopia in 1991 and was welcomed to set up its headquarters in Nairobi where it was accommodated by the Moi administration.

Kenya is continuing it support in a number of ways. First, a Southern Sudan Liaison Office has been established within the office of the Kenyan president and it is dedicated to supporting the GoSS and SPLM. Its mandate includes monitoring the CPA, advising President Kibaki and serving as the principle liaison for the majority of official interaction with Juba. It is also an advisory body for Kenyan business interests as it facilitates commercial links between investors and the GoSS. Secondly, Kenya is training the emerging GoSS civil service. It operates an institute of administration in Juba that trains government officials. It has also sent its own officials as part of UN Development Program (UNDP) training programs and dispatched a team of legal experts to assist in drafting legislation. Training has also involved a program to bring senior South Sudanese ministry officials to Nairobi where they are mentored by their Kenyan counterparts. The Kenya Institute of Administration (KIA), which trains Kenyan civil servants has set up a campus in Juba to contribute to training programs in the region.[153] This skill development is also taking place under different auspices such as

---

[151] T. Mwangi, 'Kenya was perfectly right to invite Sudan President Omar al-Bashir', *Daily Nation*, August 29 2010 ,Retrieved 15th March 2011, <http://www.nation.co.ke/oped/Opinion/Kenya%20was%20perfectly%20right%20to%20invite%20Sudan%20President/-/440808/999160/-/pcu9e3z/-/index.html>

[152] J. Davis, *Regional Security and the Implementation of the CPA in the Sudan* ,pp16,

[153] M. Mutiga, Kenyan donor money and firms helping build Southern Sudan, *Daily Nation*, June 5 2010 , Retrieved 15th March

business and or humanitarian activities, where Kenya has sent thousands of workers to Southern Sudan to participate in reconstruction and state building efforts as it helps the South diversify its economy by investing heavily in manpower development and training programs. Kenyan educational institutions do not charge a higher fee for students from the South, which is the practice for students from outside the East African Community. These efforts to boost cultural ties are also demonstrated by the opening of a University of Nairobi (UoN) campus in Lokichoggio on the Kenyan border with the South where the biggest population of students is Southern Sudanese.[154]

Thirdly, Kenya is extensively involved in security cooperation with the South as the Kenyan army trains SPLA officers and provides technical support. It also maintains a rotating battalion of peacekeepers in the South as part of the UN Mission in Sudan (UNMIS).[155] Kenya has also been involved in weapons transfers. In as much as this displeases Northern Sudan Kenya believes it must play this role because Southern Sudan has the right to arm itself, and cannot sit idly by while the North increases its arsenal with the help of Chinese, Russian and Iranian suppliers to balance out power.[156] Lastly, as the primary channel for the massive international relief effort for the Sudan Kenya profits from port fees, road taxes, and the financial benefits obtained from the presence of thousands of NGO workers, including infrastructure improvements. However, the prevalence of peace could enable the country develop its northern region that was neglected as a consequence of the Sudanese civil war.[157] Though some contend that most of this assistance is motivated by strategic calculations based on what was the expected outcome of Southern independence in the referendum in which it seeks to cement its influence in Southern Sudan. Kenya's involvement in Sudan has provided an opportunity for a more assertive role in the region where it has long been criticized for punching below its geopolitical weight in its approach to foreign policy. Kenya is therefore employing an unusually muscular approach in Southern Sudan as it spends millions of shillings and expends considerable diplomatic capital to take advantage of the opportunities opening up in the country for the development of economic ties. [158]

3.4.3 Emerging Concerns for Kenya-Sudan Relations

The foremost concern surrounds the politics involved in the facilitation of regional security as strong conflict linkages exist within the Great Lakes and Horn of Africa region. Inter-linkages of arms, people, and fundamentalist ideologies move freely within this conflict

---

2011,<http://www.nation.co.ke/News/Kenyan%20money%20and%20firms%20helping%20build%20Southern%20Sudan/-/1056/932648/-/sepj89z/-/index.html>

[154] Ibid

[155] International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence* pp3-4

[156] Ibid

[157] J. Davis, *Regional Security and the Implementation of the CPA in the Sudan* ,pp22

[158] M. Mutiga, *Kenyan donor money and firms helping build Southern Sudan*

system and whenever a major conflict is resolved, a large surplus of arms often becomes available to others involved in different forms of conflict. Sudan is therefore viewed as part of a conflict system in an increasingly globalised world whose consequences have ramifications for its neighbours. As the regionalisation of domestic conflict has become characteristic of Africa over the past decade, the conflict in Sudan has come to affect Kenya through cross-border incursions and trade in small arms, often on the basis of kinship ties that traverse international frontiers.[159] It is therefore imperative to prevent a resurgence of war in the Sudan as a precaution against this.

However, while pursuing regional security, there is a real danger of the development of an arms race in the region as evidenced by the large arms acquisitions in the Southern and Northern Governments of Sudan.[160] This is arms race is spreading to Kenya as the government has been on the spot over its massive expenditure on military hardware in which a whopping Sh27 billion ($348 million) was used to buy combat aircraft, helicopters, grenade launchers and other light arms yet the country is not at war.[161] The country also garnered unwanted attention through its facilitation of weapons transfers to South Sudan. The apprehension is that this prioritization on security issues will result in the diversion of necessary resources needed in health, education and development programs in the region while maintaining a volatile atmosphere that is likely to exacerbate the situation.[162]

The other concern is mostly directed towards Kenya and how its "high octave" politics would affect its relations with Sudan which is land locked and highly dependent on Kenya. The instability of 2007 and the uncomfortable balancing act of the current coalition government have exposed its fractious politics and led analysts to term the country's diplomatic initiatives as amateurish due to the fact that its parochial factional fights have become internationalised.[163] In connection to this country's culture of impunity and corruption that is becoming a big hindrance to the implementation of proposed infrastructure developments as demands by senior Kenyan government officials for large

---

[159] B. K. Chacha, *From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?* pp 59-60

[160] D. Wabala, 'Sh27bn Kenya arms purchase queried', *Daily Nation*, March 21 2010, Retrieved 15th March 2011,<http://www.nation.co.ke/News/Sh27bn%20arms%20Kenya%20purchase%20queried%20%20/-/1056/884168/-/5nvwx1/-/index.html>

[161] Ibid

[162] S. Arya, 'Sudan - Conflicts, Terror and Oil', *Journal of Defence Studies* Vol 3. No 4. October 2009 pp64-78, Retrieved 16th March 2011, <http://www.idsa.in/system/files/jds_3_4_sarya.pdf>
p73-75

[163] N. Wachira and C. Onyango-Obbo, 'Diplomacy - How Kenya Lost Its Standing in the Outside World', *The East African*, 31 January 2011, Retrieved 15th March 2011, <http://allafrica.com/stories/201101311478.html?page=2>

bribes before they commission many of the projects delays implementation, to the frustration of officials in Southern Sudan and other governments in the region.[164]

3.5 THE ROLE OF NEW ACTORS IN KENYA-SUDAN RELATIONS

3.5.1 Parliament

The government has sought Parliament's involvement concerning its activities in relation to Sudan as seen when it endorsed a motion on the referendum seeking to ensure that the region was free of conflict after January. The house unanimously passed that peace was key goal before and after the referendum whether or not the South decides to secede or not. The MFA has also rallied lawmakers to ensure that the Southern Sudan gets all the help it can in preparation for the referendum on the basis of its role as a guarantor of the CPA and current chair of IGAD on Sudan under the mandate given to it by the AU. The actions of parliament are the states legitimization of its own activities by the involvement of the representatives of its people in the hope of projecting itself as a regional power.[165]

3.5.1.1 Role of Political Personalities

The GoSS has shown a more nuanced approach in its understanding of how to achieve outcomes from the Kenyan state, by directly engaging with high profile political personalities in order to provide it with guarantees of support especially under the coalition government that has an equal and shared work load in the carrying out of international engagements.[166] The GoSS has sought out a good rapport with both President Mwai Kibaki and Prime Minister Raila Odinga. The prime minister's support is deemed to be stronger and more visible for he is one of the GoSS primary interlocutors. Former President Moi and current Vice President Kalonzo Musyoka also remain primary GoSS contacts. Former President Moi maintains an active watch of the CPA process and continues to support and counsel the SPLM. Vice President Musyoka also knows the main actors in Khartoum and Juba well and maintains close ties developed during his time as Minister for Foreign Affairs. However, it is MFA that is most active in shaping Sudan policy at present.[167] The biggest concern for the GoSS is that due to the nature of Kenyan politics that is very charged many

---

[164] M. Mutiga, *Kenyan donor money and firms helping build Southern Sudan*

[165] A. Shiundu, 'MPs approve Sudan referendum motion', *Daily Nation*,December,16 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/politics/MPs%20approve%20Sudan%20referendum%20motion/-/1064/1073426/-/97p39hz/-/index.html>

[166] K. Kelley,' Obama urges Kenya help on Sudan referendum' , *Daily Nation*, December 20 2010 , Retrieved 15th March 2011, <http://www.nation.co.ke/News/Obama%20urges%20Kenya%20help%20on%20Sudan%20referendum/-/1056/1075568/-/fhutaq/-/index.html>

[167] International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence* pp4

prominent Kenyans could too pre-occupied by their domestic politics to assist them in their time of need.

3.5.2 Trade and Business Interests

Kenyan businesses are prospecting in Southern Sudan for opportunities mindful of the potential windfall of economic potential benefits for Kenya as the South separates from the North. Three major proposed projects connecting East Africa are of particular note, namely: a new sea port in Lamu, on Kenya's Indian Ocean coast; a railway network updating existing lines and connecting Juba to Kenya, Uganda, and Ethiopia; and an extension of the Trans-African Highway Network linking South Sudan to Kenya's Mombasa port. Kenyan and South Sudanese officials are also discussing a 1,400-km pipeline from Juba to the Lamu port, which could yield significant dividends and open up a broader swathe of Kenyan territory to economic modernisation.[168] The centerpiece of Kenya's efforts to take advantage of the Southern independence is the Lamu port. The facility would ease dependence on the port of Mombasa, which has been criticized as being inefficient by officials in neighboring countries that depend on it. These infrastructure developments would provide Southern Sudan with a more attractive export route than the existing 1,600km line from Port Sudan in the North. [169] These opportunities for stronger business links are recognised as an important element of the country's national development, and have been well received by both wealthy private investors and ordinary jobseekers. South Sudan's independence has led to the envisioning of new markets for Kenyan exports not only in South Sudan itself, but also to the Central African Republic (CAR), Northern Congo (DRC) and beyond.[170]

3.5.3 Media

The media in Sudan is tightly controlled by the government through the security apparatus and a press council. The space for expression and reporting has shrunk considerably especially after the ICC indictment of President Bashir increasing the intimidation of journalists.[171] In the wake of this the Kenyan media is thus serving as a platform for in depth Sudanese coverage. The media is awash with extensive reporting on Sudan and coverage includes analysis concerning the successes or failures of the peace agreement in Nairobi in 2006, to updates and reports on Sudan. Updates on heightened tensions and threats are a

---

[168] International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence* pp3

[169] M. Mutiga, *Kenyan donor money and firms helping build Southern Sudan*

[170] International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence* pp 2-3

[171] Peace Pen Communications (PPC), *Reporting on International Criminal Justice and Terrorism*, East Africa Media Workshop, the International Commission for Jurists – ICJ Kenya and the Institute For Security Studies, (ISS), 26th – 28th August 2009, Retrieved 16th March 2011 <http://peacepencommunications.org/images/stories/presentations/PPC%20Media%20regional%20Media%20Workshop%20on%20Reporting%20International%20Criminal%20Justice.%20%20August%202009.pdf> Nairobi, p32

fixture in Kenyan newspapers and broadcast stations as this is also an avenue for immigrant refugees to receive proper reporting on the situation back home. It also serves the Kenyan business community investing in the country, informing them on the state of security. [172]

The media is also very important in exploring and exposing details of some of the behind the scene activities for public scrutiny and discussion. For example the mystery surrounding Russian-made tanks that the government denied was destined for South Sudan was revealed in the press.[173] Also the coverage of President Bashir's attendance of the promulgation ceremony and subsequent exposure of his secret attempt to visit for a second time, has led the country to defend its actions concerning its invitation of Bashir. It also resulted in the Nairobi IGAD summit being cancelled and put Kenya under renewed pressure from the ICC and its international partners over its international commitments.[174]

In its constant reporting on Sudanese news, issues and milestones the media also acts as a monitoring mechanism.[175] The media has enabled public debate on the Sudan both by its citizens and the Kenyan public as it has provided the space for both Kenyan and Sudanese diplomats, professional, and civil society to debate the country's issues in a wider regional space.

3.5.4 Non Governmental Organizations (NGOs)

For more than a decade, Operation Lifeline Sudan has been a vital conduit of humanitarian relief to southern Sudan from its base in Turkana District providing a haven to thousands of

---

[172] M. Mutiga, 'South Sudan's Kiir warns of war if January referendum is delayed', *Daily Nation*, October 2 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/africa/South%20Sudans%20Kiir%20warns%20of%20war/-/1066/1024944/-/o51v82/-/index.html>

[173] K. Kelly, 'Leaked cables claim Kenya sent tanks to South Sudan', *Daily Nation*, December 7 2010 , Retrieved 15th March 2011, <http://www.nation.co.ke/News/Leaked%20cables%20claim%20Kenya%20sent%20tanks%20to%20South%20Sudan%20/-/1056/1068242/-/kv4s81/-/index.html>

[174] K. J. Kelley, 'Kenya answers Hague court on Bashir's visit', *Daily Nation*, November 2 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/Kenya%20answers%20Hague%20court%20on%20Bashir%20visit/-/1056/1045676/-/11vtk85/-/index.html > see W. Menya , 'Igad summit seeks peaceful Sudan vote', *Daily Nation*, November 22 2010, Retrieved 15th March 2011,<http://www.nation.co.ke/News/Igad%20summit%20seeks%20%20peaceful%20Sudan%20vote%20/-/1056/1058640/-/14rj95hz/-/index.html >

[175] P. Martell, 'South Sudan president in plea as referendum registration begins', *Daily Nation*, November 15 2010, Retrieved 15th March <http://www.nation.co.ke/News/africa/South%20Sudan%20president%20in%20plea%20as%20referendum%20registration%20begins/-/1066/1054202/-/fqrk/-/index.html>

refugees. [176] This role is bound to continue as the south reconstructs itself, however Kenya will be a key partner in facilitating the return of refugees.[177]

Secondly, NGOs are increasingly carrying out a monitoring function of the possibility of conflict in the country. Both international and domestic Kenyan organizations such as Transparency International (TI) have studied and reported on arms acquisitions in the South and Northern Governments. The consequences of these actions have been linked to a wider regional space that has resulted in comparisons of which Kenya has featured. Domestically groups such as TI have publicly questioned Kenya's defense expenditure and policy terming it as a "gross miscarriage of justice for a country that is not at war".[178]

3.6 CONCLUSION

This chapter began with a background introducing the nature of Kenya-Sudan relations. It then examined the foreign policy interactions between the two countries in the immediate post 1992 period explaining the new demands in the international and domestic environment. This chapter then examined the foreign policy interactions under the Kibaki administration by exploring the use of IGAD and the AU as diplomatic platforms in the pursuit of Kenyan interests and the implementation of the CPA within the prospects of independence for South Sudan. It then looked at the specific relations between Kenya and the two Sudanese entities namely North and South; and the emerging concerns between them. Lastly the chapter looks at the role of new actors in the Kenyan political space and how they have affected the nature of relations.

The main points in this chapter are captured in two main phases. The first is the immediate post 1992 period under President Moi. In this phase the limited responses to the civil war in Sudan that were restricted to humanitarian actions became more proactive as Kenya offered the SPLM/A discreet assistance and diplomatic support. This was because of the geopolitical shifts that resulted in Kenya's fears of the influence of Islamic radicalism from the North. Later the influence of the donor community and global phenomenon like terrorism played a big part in the conduct of foreign policy in Kenya. The biggest gain of this period was the professionalism of diplomatic efforts in the country. In the second phase, the proactive nature became more methodical and pragmatic mainly as a result of the achievement of the CPA and the need for its implementation. This pragmatism was reflected in the countries considerations of the cost of conflict, its aims especially with regards to its pursuit of a more prominent status in the region and its approach to which it sought to

---

[176] B. K. Chacha, *From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?* pp62

[177] AFP, 'South Sudan plans return of 1.5 million for referendum' , *Daily Nation*, August 24 2010, Retrieved 15th March <http://www.nation.co.ke/News/africa/South%20Sudan%20plans%20return%20of%201.5%20million%20for%20referendum/-/1066/995754/-/dfd1qdz/-/index.html>

[178] D. Wabala, *Sh27bn Kenya arms purchase queried*

ensure peace in the region. Kenya's relations with Sudan have therefore been a tight balance of maintaining cordial relations with the North while doing the same with the South and cementing its influence via this initiative. Concerns have emerged out of these relations with the question of maintaining peace and regional security on the part of the two Sudanese entities emerging while the question of the stability Kenya in light of its charged politics being posed by its partners mainly South Sudan.

It has emerged that the role of the new actors in the conduct of foreign policy has served a number of functions. Parliament has served to legitimise the activities of government mainly through debate, while political personalities have served to offer guarantees of support especially to South Sudan. This is a change from the Moi era in which the president was the ultimate guarantor. Business interests have served to develop economic ties with mutual benefits for both countries and a spring board for further ties in future while the media has severed as an alternative space of inquiry and debate of Sudanese issues. Lastly the NGOs are providing more than humanitarian assistance as they monitor trends in the region especially as regards conflict and development.

CHAPTER 4

KENYA'S POST 1992 RELATIONS WITH SOMALIA

4.1 BACKGROUND

This chapter highlights the nature of Kenya-Somalia relations in the face of newly emergent international security issues. It will also look at the Kenya government's interaction with the TFG and how its regional interests are affected in terms of regional peace and security. James Mayall states that Kenya-Somalia relations have been tumultuous due to the question of Somalia's irredentism that has bedevilled its relations with Kenya.[179] Under British rule, Kenya had a small Somali constituency within its borders that was largely isolated from other nationalist movements. A.A. Castagano contends that this estrangement led Somali not to consider themselves native Kenyans and therefore placed their loyalty with the Somali Republic that had gained independence in 1960, at a time when Somali nationalism swept across Somali inhabited regions.[180] I.M. Lewis states that Kenya gained independence before the issue could be resolved to the Somali Republics satisfaction.[181] As a result, according to David Kromm, Somali chiefs and local authorities in Kenya's territory refused to cooperate with the national administration or participate in elections and started a militant secessionist movement called the *shifta* that engaged in banditry and warlike activities attacking police posts, convoys and supporters of Kenyan rule in the Northern Frontier District (NFD).[182]

President Kenyatta instituted emergency laws in the NFD, later renamed the North Eastern Province (NEP).[183] Kenya also took up an aggressive stance because of Somalia's outright support of these activities and constitutionally advocated for its irredentist claims as a justification of its militant efforts in the NFD.[184] The Kenyatta administration put down the rebellion but maintained its posture against Somalia.[185] This this was due to the sporadic insurrections that continued despite the mediated peace of 1967 that committed the two

---

[179] J. Mayall, 'The Battle for the Horn: Somali Irredentism and International Diplomacy', *The World Today*, Vol. 34, No. 9 (Sep., 1978), pp. 336-345, Retrieved 19th December 2010 from JSTOR Database , available from University of the Witwatersrand Library Web site<http://www.jstor.org/stable/40395068> p336

[180] A.A. Castagano, 'The Somali-Kenyan Controversy: Implications for the Future', *The Journal of Modern African Studies*, Vol. 2, No. 2 (Jul., 1964), pp. 165-188, Retrieved 19th December 2010 from JSTOR Database, available from University of the Witwatersrand Library Web site,<http://www.jstor.org/stable/158817> p169,170,173, 174

[181] I.M. Lewis, 'Pan-Africanism and Pan-Somalism', *The Journal of Modern African Studies*, Vol. 1, No. 2 (Jun., 1963), pp. 147-161, Retrieved 19th December 2010, from JSTOR Database, available from University of the Witwatersrand Library Web site,<http://www.jstor.org/stable/159026> p158

[182] D. E. Kromm, 'Irredentism in Africa: The Somali-Kenya Boundary Dispute', *Transactions of the Kansas Academy of Science (1903-)*, Vol. 70, No. 3 (Autumn, 1967), Retrieved 19th December 2010, from JSTOR Database, available from University of the Witwatersrand Library Web site, <http://www.jstor.org/stable/3627482>p363

[183] Ibid pp363

[184] Ibid p364

[185] J. Mayall, *The Battle for the Horn: Somali Irredentism and International Diplomacy*, pp344

countries to a negotiated settlement of disputes. Through diplomacy under the auspices of international organizations such as the Organization of African Unity (OAU), Kenya worked to delegitimize the Somali irredentist claims. It also strengthened its military cooperation with Ethiopia as a counter measure against further aggression. [186]

Harry Ododa posits that upon President Moi's ascent to office, Kenya worked specifically towards getting Somalia renounce: its territorial claims; the use of force in settling disputes; and securing its adherence to UN and OAU principles of non interference in the internal affairs of other countries.[187] In 1981 Somalia made the renunciations demanded. Nevertheless, Kenyan suspicions remained as similar and even stronger agreements that had previously been reached were normally broken.[188] This unease in relations went on till the fall of the Somali Republic.

4.2 KENYA AND SOMALIA POST 1992

In 1991 the regime of Said Barre collapsed and as rival clans fought to fill the power vacuum caused by the breakdown of central political authority the country became contested by over thirty rival clans with the dominant ones being the United Somali Congress (Hawiye clan), the Somali Patriotic Movement (Darod clan), the Somali Salvation Democratic Front (Majertein clan), the Somali Democratic Alliance (Gadabursi clan) and the United Somali Front (Issa clan). Moreover, within each of these clan-based parties serious factional differences exist between rival warlords facilitating the civil war and subsequent state failure of the country. Despite UN efforts in the early 1990s to establish order, over one million Somalis died as a result of war, famine and disease during the 1990s. Between January 1991 and August 2000 Somalia had no central government while governance has consisted of a variety of fluid overlapping local authorities that included private militias, clan elders and fundamentalist mosques.[189] During this time there have been fourteen failed peace processes. The country has continued to face a massive humanitarian, political and security crisis. From the collapse nearly half of the population has come to rely on external

---

[186] D. E. Kromm, *Irredentism in Africa: The Somali-Kenya Boundary Dispute* pp364,also see *A.A. Castagano, The Somali-Kenyan Controversy: Implications for the Future*, pp182,183

[187] H. Ododa, 'Somalia's Domestic Politics and Foreign Relations since the Ogaden War of 1977-78', *Middle Eastern Studies*, Vol. 21, No. 3 (Jul., 1985), pp. 285-297, Retrieved 19th December 2010, from JSTOR Database, available from University of the Witwatersrand Library Web site, <http://www.jstor.org/stable/4283072> p290

[188] Ibid 291

[189] Center for Systemic Peace (CSP), *Polity IV Country report 2008: Somalia* , Retrieved 15th March 2011,<http://www.systemicpeace.org/polity/Somalia2008.pdf>,pp2

assistance as more than two million are displaced within the country's borders and neighbouring states.[190]

Both the world's largest internally displaced settlement and the world's largest refugee camp hosted in Daadab Kenya are products of the crisis.[191] Kenya contributed a great deal in humanitarian help as a good deal of refugee flows have constantly ended up at its doorstep. The country also hosts many international organizations and provides facilities such as air and sea ports to facilitate food supplies into Somalia while also hosting Somalia's UN operations for many its agencies working there.[192]

The implosion of the Somali state resulted in increased insecurity in Kenya. The NEP was flooded with small arms and ammunition. Stephen Brown contends that many as 5000 automatic rifles are estimated to cross the border each month with an estimated 90-95% of households in the province being armed. These low priced weapons are easily available and have found their way to the capital, Nairobi and other parts of the country. The situation has thus fuelled insecurity in the country as an estimated half to one million weapons are said to be in circulation nationally.[193] Godwin Murunga notes that, over the years, the rise in crime has come to be associated with the Somali dominated residential area of Eastleigh in Nairobi which is viewed as the hub of trafficked weapons in the country. Besides the increased robberies, maiming and murders that these weapons facilitate they also fuel ethnic conflicts particularly among the northern cattle rustling communities.[194] Terrorist elements have also taken advantage of the historic Somali 'invisibility' where the government has not been able to distinguish the difference between the Kenyan Somalis and incoming refugees to inflict terror on the Kenyan society. Though both President Moi's, and subsequently President Kibaki administrations have responded with the closure of the

---

[190] Center on International Cooperation(CIC), 'Mission Reviews: Somalia' *Review of Political Missions 2010*, New York University (NYU), Retrieved 15th March 2011, <http://www.cic.nyu.edu/politicalmissions/docs_missions/reviews/mr_somalia.pdf> pp95

[191] Ibid pp95

[192] B. Moller, The Somali Conflict: The Role of External Actors, Danish Institute for International Studies (DIIS) Report 2009:0, Retrieved 15th March 2011, <http://www.diis.dk/graphics/Publications/Reports2009/DIIS_report_2009_03_Somali_conflict.pdf> pp23

[193] S. Brown, 'Deteriorating Human Security in Kenya: Domestic, Regional and Global Dimensions', in J. Andrew Grant and Fredrik Söderbaum (eds.), *The New Regionalism in Africa,* Aldershot, Hants: Ashgate 2003,pp100, Retrieved 15th March 2011, <http://books.google.co.za/books?id=sv2RqTbZgAgC&printsec=frontcover&dq=The+New+Regionalism+in+Africa&hl=en&ei=qjB_TZ3uCOKX4gat9enECA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCwQ6AEwAA#v=onepage&q=page%20100&f=false>

[194] G. R. Murunga, Conflict in Somalia and Crime in Kenya: Understanding theTrans-Territoriality of Crime, *African and Asian Studies,* volume 4, Nos. 1-2 ,2005 , Retrieved 15th March 2011, from ingentaconnect available at University of the Witwatersrand library website, <http://docserver.ingentaconnect.com/deliver/connect/brill/15692094/v4n1/s8.pdf?expires=1300181757&id=61733379&titleid=5428&accname=UNIVERSITY+OF+THE+WITWATERSRAND+LIBRARY&checksum=24CFD76A4069A4B80BAD6C9347CFC5AF> pp149, 155

Kenya-Somali border on several occasions it has not improved the situation.[195] Peter Woodward has stated that in the chaos there have developed illegal interactions and economic practices that include mafia-style merchants, drug dealers in the local favourite *Khat*, and financial operators.[196] Babere Kerata Chacha has pointed out that these issues combined have increasingly concerned Kenya as over the years this environment has allowed foreign incursions and a cross-border arms trade with militias from Somalia entering Kenya, attacking Somali refugees and Kenyan ethnic Somalis, effectively rendering the border unsafe.[197]

The full magnitude of the danger posed to Kenya first came to fore when on August 7th 1998, the Al-Qaida terrorist group launched coordinated attacks on the American embassies in Nairobi and Dar es Salaam.[198] The attacks killed two hundred and twenty four people, including twelve Americans and injuring five thousand.[199] Most of the terrorist elements involved came through Somalia taking advantage of the lack of government in the country.[200] Anangwe states these attacks then increased the scrutiny of both ethnic and refugee Somalis by the Kenyan authorities.[201]

4.2.1 Initiatives of the Moi Administration Post 1992

The Moi administration engaged in a two pronged strategy. First, it developed a counterterrorism strategy by addressing its vulnerabilities which involved dealing with its porous northern border that was close to radical Islamist strongholds. It also had to monitor the large Somali refugee population that had been infiltrated by these Islamists. Following the 9/11 attacks President Moi was quick to give Kenya's fullest cooperation because he supported the antiterrorism initiative based on the country's own experiences weighing the options on whether to provide a platform for ground or aircraft carrier based operations; open-ended or greater cooperation and support on the intelligence front; and the continued usage of Kenya's facilities of military value.

Secondly, J. Stephen Morrison postulates that Kenya's approach sought to facilitate a state-building initiative that was to establish an inclusive and accountable national government in

---

[195] Ibid
[196] P. Woodward, *Somalia and Sudan: a tale of two peace processes*, pp472
[197] B. K. Chacha, *From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?* pp64
[198] D. H. Shinn, 'Fighting Terrorism in East Africa and the Horn', *Foreign Service Journal* , September 2004, Retrieved 15th March 2011, <http://www.fsjournal.org/Sept04/Shinn.pdf>pp37
[199] P. N. Lyman and J. S. Morrison, 'The Terrorist Threat in Africa', *Foreign Affairs*, Vol. 83, No. 1 (Jan. - Feb., 2004), pp. 75-86, Retrieved 19th December 2010, from JSTOR available at University of the Witwatersrand library website, <http://www.jstor.org/stable/20033830> pp75
[200] A. Anangwe, 'International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War', *African Journal of International Affairs,* Vol. 7, Nos. 1&2, 2004, pp. 81–97, , Retrieved 15th March, <http://www.codesria.org/IMG/pdf/5-anangwe.pdf> pp87
[201] B. K. Chacha, *From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?* pp 67

Somalia.[202] Richard Cornwell states that using diplomacy via international organizations under the auspices of IGAD Kenya hosted the deliberations for the formation of a new government.[203] Ulf Terlinden and Tobias Debiel declare that in this role it set up an institutional framework for the talks under the chairmanship of President Moi and included the previous Arta process that had led to the formation of the Transitional National Government (TNG).[204] Sally Healys point out that Kenya also provided the secretariat function under IGADs mandate and conducted the mediation in collaboration with its partners.[205] Ahmed I. Samatar and Abdi Ismail Samatar state that this initial effort resulted in controversy over the legitimate list of participants and the process remained deadlocked until the change in Kenyan administration with the election of President Mwai Kibaki in the 2002 general election.[206]

Morrison posits that like many other African countries these initiatives reflected fear and hesitation towards US perspectives and responses in its antiterrorism initiatives in Africa. Many African countries were concerned that the campaign might harm Muslim civilians and outrage domestic constituencies resulting in further instability. This scepticism led countries like Kenya to emphasize on the need for hard evidence and targeted retaliation in the war against terror. Kenya also functioned within the framework of the African Convention against Terrorism adopted after the 1998 bombings.[207]

4.3 KENYA-SOMALIA RELATIONS UNDER THE KIBAKI ADMINISTRATION

Cornwell states that following the election of a new administration that inherited the process, Kenya continued using IGAD as the main diplomatic avenue in dealing with the Somali question. Under its auspices a Transitional Federal Government (TFG) was formed and a Transitional Federal Parliament (TFP) was sworn in, in Nairobi. The TFG immediately got Kenya's support that urged a prompt return to Somalia so that the work of state reconstitution could begin. The TFG struggled to relocate from Kenya as it lacked money or an armed force to enforce its administrative power over its own territory. After appeals to

---

[202] J. Stephen Morrison, 'Somalia's and Sudan's Race to the Fore in Africa', *Washington Quaterly* , 25:2 pp. 191–205 Spring 2002, The Center for Strategic and International Studies (CSIS) and the Massachusetts Institute of Technology(MIT), Retrieved 15th March 2011, <http://www.twq.com/02spring/morrison.pdf> , pp197,200, 201

[203] R. Cornwell, 'SOMALIA: Plus ça change...? *Africa Security Review*, 13(4) 2004, <http://www.iss.co.za/pubs/ASR/13No4/AQ_Cornwell.pdf>pp57-60

[204] U. Terlinden and T. Debiel ,'Deceptive Hope for Peace? The Horn of Africa BetweenCrisis Diplomacy and Obstacles to Development' *Peace Conflict and Development* Issue 4, April 2004, Retrieved 15th March 2011, < http://www.peacestudiesjournal.org.uk/dl/DeceptiveHope.PDF> pp14,16-18

[205] S. Healy, 'Peacemaking in the Midst of War: An Assessment of IGAD's Contribution to Regional Security in the Horn of Africa', *Crisis States Working Paper* no. 59, November 2009, Retrieved 15th March 2011,<http://eprints.lse.ac.uk/28482/1/WP59.2.pdf>, pp10

[206]Ahmed I. Samatar and Abdi Ismail Samatar, 'Somali Reconciliation: Editorial Note, *Bildhaan* , Vol. 3, Retrieved 15th March ,<http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1017&context=bildhaan> pp6,7

[207] J. Stephen Morrison, *Somalia's and Sudan's Race to the Fore in Africa*,pp197,200, 201

the international community, by Kenya the AU undertook to provide a military force initially mandated to monitor the uncertain peace and subsequently to protect the Somali government.[208]

Terlinden and Debiel point out that the formation of the TFG in 2003 was successful due to the establishment of a degree of professionalism with a clean reputation.[209] The two highlight how the Kibaki administration increasingly prioritized the state building initiative over a more reconciliatory process which it saw entirely as a Somali matter. Peter Woodward states the IGAD framework served as the avenue in which the negotiations developed a blueprint for power sharing to avoid the centralized and predatory exercise of power. It also obtained a steadfast commitment that facilitated easy occupancy of the institutions without having to figure out arrangements when back in Somalia. Woodward contends that the IGAD framework ensured adequate representation at the talks that involved the inclusion of clan representatives, factional leaders (warlords) and leaders of 'civil society'. Even though these three groups were suspicious of each other, IGAD provided the diplomatic setting needed to ensure inclusive deliberation of issues, namely the constitution, land, the withdrawal of armed militias and the restoration of property rights.[210]

The importance of IGAD to Kenya is that it serves as a platform where it can boost initiatives for state building in Somalia. First, this has happened through seeking support as reported by Walter Menya on President Kibaki's consistent calls for the international community through the UN system, to support the region's efforts under IGAD to restoring security in the lawless country. Through IGAD there is consistent lobbying of the AU and some of its measures have been subsequently endorsed by the AU including the appointment of an eminent High Level Personality for Somalia and deployment of additional troops to join the, African Union Mission in Somalia (AMISOM) soldiers already stationed in Mogadishu. Other measures that have gone through the same include the review of the current mandate of AMISOM to enhance its peace enforcement capacity and extending support to the TFG to bolster its effectiveness countrywide.[211] Kenya has also lobbied for an increase in troop numbers by two thousand soldiers to reach the authorized strength of eight thousand one

[208] R. Cornwell, *SOMALIA: Plus ça change…?* pp57-60
[209] U. Terlinden and T. Debiel, *Deceptive Hope for Peace? The Horn of Africa Between Crisis Diplomacy and Obstacles to Development*, pp14,16-18
[210] P. Woodward, *Somalia and Sudan: a tale of two peace processes*, pp476,477,478,479

[211] W. Menya, 'Kenya's President opens peace meeting', *Africa Review,* November 18 2010, Retrieved 15th March 2011, <http://www.africareview.com/News/Kenyan%20President%20opens%20peace%20meeting/-/979180/1056234/-/efgdom/-/index.html>

hundred troops needed and the support of the TFG in terms of troop training, provision of trainers, establishment of joint command, and provision of security experts.[212]

Secondly, as a platform IGAD facilitates Kenya's continuous monitoring of any escalating danger posed inside Somalia. Kenya is keen on the need to mobilize effective Somali forces from within the country and has reached out to other EAC countries to help empower the country by providing it with resources and equipment.[213] The IGAD platform also gives legitimacy to openly and consistently voice its concern to international organizations that the lack of attention to Somalia would allow the country to get out of hand affecting the entire region and international community as radical islamic groups such as Al-Shabaab with links to Al Qaida take root in the country.[214] Lastly, the IGAD allowed Kenya to participate in the development of a National Security and Stabilization Plan (NSSP) for Somalia giving it a key diplomatic role to promote further reconciliation between parties on Somalia's behalf within the region in keeping with the letter and spirit of the Transitional Federal Charter (TFC) developed during the negotiations.[215]

4.3.1 Engagement with the Somali Transitional Federal Government (TFG)

David H. Shinn points out that Kenya has always worked hard to prevent the clan and militia fighting in Somalia from spreading across its borders. The Government of Kenya (GOK) has built on the positive relationship developed in recent history that led to the formation of a TFG and its hosting for some time in Nairobi. These relations are manifest in Kenya's motivation in cooperating with the TFG which is to contain the influence of Islamic groups that Kenya fears will resuscitate irredentist claims to the NEP such as the Union of Islamic courts (UIC) or terror-linked groups like Al Shabaab, that violently challenge the authority of the TFG.[216] This is seen mainly as the pursuit of the state building agenda and advocacy against what Kenya sees as unnecessary parallel initiatives outside the official channels of the TFG such as in the case of the US approach that financed warlords in the fight against the UIC. Kenya held the view that the US should have supported the TFG against the UIC instead of having a parallel group of individuals whose long term commitment was not

---

[212] United Nations Security Council, '*Letter dated 7 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed tothe President of the Security Council*', 7 July 2010, Retrieved 15th March 2011, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S2010%20361.pdf> S/2010/361 pp 2,3

[213] Ibid

[214] Somali Cause, *Somalia A Comprehensive Review on the Transitional Federal Government of Somalia (TFG): Analysis and Recommendations*, February 2010, Retrieved 15th March 2011<http://www.somalicause.org/wp-content/uploads/2011/02/A-Comprehensive-Review-on-the-Transitional-Federal-Government-of-Somalia-TFG1.pdf> pp9

[215] The Intergovernmental Authority on Development (IGAD), *COMMUNIQUÉ ISSUED BY THE EXTRA-ORDINARY SUMMIT OF IGAD HEADS OF STATE AND GOVERNMENT ON SOMALIA,* Retrieved 15th March 2011,<http://www.igad.org/som/sum_som_06_09_05.htm>

[216] D. H. Shinn, 'Somalia: Regional Involvement and Implications for US Policy', Paper Presented at the American Enterprise Institute for Public Policy Research October 4, 2006, pp2

guaranteed. Kenya is also an important player in multilateral diplomatic initiatives like the Contact Group on Somalia because it believes that as country that is directly affected by the consequences of Somali state failure it can contribute to finding solutions.[217]

Lastly, under the banner of the war on terror Kenya cooperates with the TFG in security initiatives that involve rendition of suspects and the deportation of Somali nationals suspected to have links with terrorist networks to TFG officials.[218] Also, in order to bolster the security capabilities and troop efficiency for the TFG, Kenya has engaged in open and clandestine initiatives where in an official capacity Kenya has trained policemen and women to help the TFG enforce law and order in its strongholds while unofficially it has been reported in the media and documented by human rights organizations as having facilitated the recruitment of Somali youths in refugee camps to be fighters.[219] The importance of this new relation can be seen by the establishment of an embassy in 2007 to facilitate an official channel of interaction between the two countries.[220]

4.3.1.1 Terrorism in a Regional and International Context

P. N. Lyman and Morrison posit that the Somali connection alarmed and alerted Kenya to the Al Qaida infrastructure in East Africa that is built on the state weakness in Somalia and created linkages with disaffected Muslim minorities in the region. Terror is thus encouraging radicalization on the basis of pre existing deep rooted problems within these groups.[221] Ken Menkhaus notes that Kenya also became attentive to the nature of infiltration by the radical Al Itihaad Al Islamiya (AIAI) into the country which had infiltrated local communities and clans through working within legitimate sectors as teachers, health workers, journalists, and merchants.[222]

Nevertheless, Joel D. Barkan and Jennifer G. Cooke posit that it is the 9/11 attacks that brought heightened focus on Somalia as a breeding ground for terrorism. In the war on terror Kenya has became a significant ally as it seeks enhanced cooperation and assistance in its own counter terrorism efforts.[223] Anangwe posits that what makes the fight against

---

[217] Ibid p7

[218] T. Dagne, Somalia: Current Conditions and Prospects for a Lasting Peace, Congressional Research Service, March 12, 2007, Retrieved 15th March 2011, <http://assets.opencrs.com/rpts/RL33911_20070312.pdf> pp1,3

[219] Human Rights Watch(HRW), *Harsh War, Harsh Peace Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia* , April 18 2010, Retrieved 15th March 2011, <http://www.hrw.org/node/89646> p55

[220] Xinhua, 'Kenya plans to reopen embassy in Somalia'. People's Daily online, August 23 2007, retrieved 22nd June 2011, <http://english.people.com.cn/90001/90777/6246547.html>

[221] P. N. Lyman and J. S. Morrison, *The Terrorist Threat in Africa*, pp75,76

[222] K. Menkhaus, 'Somalia: Next Up in the War on Terrorism?',*Africa Notes*, Center for Strategic and International Studies (CSIS),No.6 January 2002,pp1, Retrieved 15th March 2011, <http://csis.org/files/media/csis/pubs/anotes_0201b.pdf>

[223] J. D. Barkan and J. G. Cooke, 'U.S. Policy Toward Kenya in the Wake of September 11: Can New Antiterrorist Imperatives Be Reconciled with Enduring U.S. Foreign Policy' Goals?, *Africa Notes*, Center for Strategic and

terror so important is the economic impact of these actions to itself and the wider East African region as terrorism threatens the new integration initiatives affecting the key sectors of the country's economy such as tourism and horticulture which are major foreign exchange earners.[224]

Responses in the Fight against Terrorism

Gilbert Khadiagala argues that the previous administration was slow in its response to terrorist threats since the 1998 bombing a result of a denial based on the perception that Kenya was a victim, rather than a source of international terrorism. This refutation was also tied to the inability to acknowledge the wider context that led to the growth of terrorism which was: the erosion of governance structures; the notably weak enforcement and gate keeping of institutions. Furthermore, the Moi regime was afraid of alienating Kenya's minority Muslims who often complain of marginalization at a critical time in the country's succession politics. This position changed later to a more aggressive stance in policy after Muslim protestors embarrassed the Moi regime by marching for al Qaeda in the wake of September 11 attacks.[225]

However, he posits the new administration of President Kibaki moved to establish concrete measures to stem the growing threat by forming an Anti-Terrorist Police Unit (ATPU); cabinet authorization of negotiations between the executive and legislative branches on legislation to detect and punish suspected terrorists; and engaging in parliamentary debate to expeditiously pass an Anti-Terrorism Bill. In other measures, the Ministry of Finance established a Task Force on Anti-Money Laundering and Combating the Financing of Terrorism consisting of representatives from finance, trade, and foreign affairs ministries; the Central Bank of Kenya (CBK); the police; the Criminal Investigation Department (CID); and the National Security Intelligence Service (NSIS), that seeks to review existing legislation and recommend a national policy on combating the financing of terrorism.[226] Further he states that the measures point to a more proactive policy on terrorism, but their long-term viability hinge on fundamental reforms in the security services, immigration, and port authorities that checks on corruption in these agencies.[227]

International Studies (CSIS), Number 4 December 2001, pp1, Retrieved 15th March 2011,<http://csis.org/files/media/csis/pubs/anotes_0112.pdf>

[224] A. Anangwe, *International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War*, pp.92

[225] G. Khadiagala, *Kenya: Haven or Helpless Victim of Terrorism*, pp3

[226] Ibid p3-4

[227] Ibid p4

4.3.1.2 The Emergence of Piracy and the Challenges Facing Nations

Emmanuel Kisiangani states that piracy off the coast of Somalia has its roots in, among other factors, state failure, when former fishermen, in an attempt to protect the country's waters and resources from illegal fishing and dumping of industrial toxic waste morphed when young Somalis quickly realised that it was more lucrative and less dangerous to attack large and generally unarmed commercial vessels. This criminal activity has since evolved not only in terms of magnitude but also in sophistication as it has grown into a multimillion-dollar industry, with gunmen demanding huge ransoms for the ships they seize. Piracy has also shifted away from its initial concentration around the port of Mogadishu to areas outside the Somali waters, extending into the Gulf of Aden and downwards towards the exclusive economic zone of the Seychelles.[228]

Nancy Karigithu, Director-General of the Kenya Maritime Authority (KMA) has stated how the costs of this phenomenon to Kenya has led to a reduction in the shipping and cruise industry, a slowdown in the distribution of food aid to Ethiopia, Somalia, and Sudan, as well as increasing the costs of vital humanitarian assistance to the Horn of Africa.[229] The Kenyan port of Mombasa is increasingly vulnerable to security disruptions in the West Indian Ocean.[230] This threat to commercial shipping is affecting global trade as shipping companies incur higher economic costs as a result of piracy due to costs that include ransom payments, damage to ships and cargoes, delays in delivering cargoes, increased maritime insurance rates, the costs of steps to harden merchant ships against attack, and costs for using naval forces for anti-piracy operations.[231] Media reports show that piracy is eroding the competiveness of the East African region's exports due to the spike in freight costs and the fact that the international naval forces patrolling the area are overstretched. This is set to be worse if the UN declares the East African coast a war risk operation zone or dangerous waters to sail on.[232]

---

[228] E. Kisiangani , Somali pirates: villains or victims?, *South African Journal of International Affairs*, 17: 3, 361 — 374, Retrieved 27 February 2011 from informaworld database available at University of the Witwatersrand library website,<http://www.informaworld.com/smpp/title~content=t792221889> pp362

[229] N. Karigithu, 'Role Played by Kenya in the Fight Against Piracy and armed robberyagainst ships in Waters off the Coast of Somalia' , *Abstract of Presentation to be made at the Ninth Meeting of the Consultative Process on Oceans and the Law of the Sea, "Overview of Threats to Maritime Security, their Impacts and Responses Thereto with a Focus on Piracy and Armed Robbery Against Ships"*, Retrieved 15th March, <http://www.un.org/Depts/los/consultative_process/documents/9_nancykarigithuabstract.pdf>

[230] L. Ploch et al*., '*Piracy off the Horn of Africa'*, Congressional Research Service (CRS),* September 28, 2009, Retrieved 15th March, <http://www.fas.org/sgp/crs/row/R40528.pdf> pp 11

[231] Ibd pp12

[232] B. Sankia, 'EA waters at risk of being labelled 'dangerous' over increasing piracy', *The East African*, November 22 2010, Retrieved 15th March 2011, <http://www.theeastafrican.co.ke/news/-/2558/1057242/-/om920sz/-/index.html>

Domestically it is suspected that the proceeds of piracy are being laundered into the Kenyan economy causing unexpected price hikes in the market as is observed in the country's real estate sector.[233] This has led to increased securitization as the government is increasingly interpreting the question of piracy and its effects as an additional problem connected to the instability of Somalia. The Kenyan government is suspicious that there is a lot of the money collected from the earnings of piracy that is being laundered through the purchase of property in the country. Official estimates say there is between Ksh 96 billion and Ksh 164 billion (US$ 1.2 billion and US$ 2.05 billion) floating in the country's informal economy. This occurrence is enhancing social tensions due to the feeling that the beneficiaries of piracy are taking up the opportunities for self advancement that rightly belong to Kenyans.[234] The government has thus entrusted the CBK to investigate and monitor where the money is coming from as suspicious bank accounts are being monitored to get hold of suspects.[235] The securitization is also to prevent the lucrative lure of the vice that is attracting youth from the country who are being recruited by pirates canvassing Nairobi's suburb like Eastleigh.[236]

Yet, it is the purchase of increasingly sophisticated weaponry for the purpose of hijacking ships by pirates that has the potential of financing regional conflict, terrorism and enhancing criminality. The new flow of small arms in the region by pirates has the potential to fuel instability in the already volatile Horn of Africa region that is home to several ongoing armed conflicts, and armed banditry. There is increasing apprehension that some of the revenues from ransoms paid for the release of ships and hostages may finance an influx of more weapons to the area for pirates or others. The financial proceeds from piracy may also make other illegal trades flourish such as human trafficking and smuggling of weapons empowering criminal groups that could challenge emerging local authorities and the reconstituted TFG in the future.[237]

Kenya's Responses in the Fight against Piracy

Kenya has responded to the threat of piracy in a number of ways. First, the country established the KMA which has created a security corridor for ships entering the Port of Mombasa to counter piracy attacks on Kenya's territorial waters.[238] Secondly, Kenya has

---

[233] Forum for African Investigative Reporters (FAIR) ,*Pirates, Smugglers and Corrupt Tycoons: Social Bandits in Africa*, January 2011, Retrieved 15th March 2011, <http://www.fairreporters.org/portal/fairnew/UserFiles/SysDocs/bb_content/1454/pirates%20pdf%202011%20final.pdf> p5

[234] Ibid p7

[235] Ibid p7-8

[236] Ibid p6

[237] L. Ploch et al*., Piracy off the Horn of Africa*, pp15-16

[238] G. Kihara, 'Security zone set up in fight against piracy' *Daily Nation*, November 18 2010 , Retrieved 15th March 2011, <http://www.nation.co.ke/News/regional/Security%20zone%20set%20up%20in%20fight%20against%20piracy%20%20/-/1070/1056324/-/95phg3z/-/index.html>

shown great willingness and undertaken to prosecute pirates by providing its judiciary, investigative, and logistic capacity with the support of the international community despite its limited capacity in availability of stenographers; modern equipment and record systems; translators and legal assistance for pirates; the collection and processing of evidence; and pressure on an overcrowded penal system that heavily burden the country that is in need of strengthening its legal response.[239]

Third, piracy has justified to the government that it must work through international organizations and extend its diplomatic efforts particularly within the UN system to encourage the state building agenda which is being done under the auspices of the AU, IGAD and by the establishment of the TFG. This is because the Kenya believes that the millions being spent to fight pirate attacks off the coast of Somalia should be spent instead on helping the country become a functioning state. Kenya has voiced warnings that neglecting Somalia's on land would be a mistake as criminal elements morph to become more potent threats to the region as time goes by. Citing the Ethiopian endeavor in Somalia in early 2007, Kenya contends that a strong multilateral action within the auspices of the UN-AU would be a success if only world powers took attention to the country's problem.[240] James Kraska and Brian Wilson believe that this argument has gained ground as its sentiments been captured in the UN Nairobi report which describes Somalia's descending trajectory, explaining that if the problem of piracy is not resolved, countries around the world will be negatively impacted. And that stability on land must be complemented by the disruption of the illicit revenues from maritime piracy and implementation of vessel security measures to minimize the risks of new attacks on ships at sea.[241] Also Kenya's diplomatic initiatives under the AU Peace and Security Council and in conjunction with the TFG have long requested that the broad U.N. arms embargo be amended or lifted in order to improve the capabilities of forces fighting Islamist insurgents.[242]

Fourthly, Kenyan participation in multilateral initiatives have increasingly involved in it sending its navy to protect ships through Somali waters and the Gulf of Aden.[243] This participation is under the auspices of the Contact Group on Piracy off the Coast of Somalia

---

[239] Chatham House, 'Piracy and Legal Issues: Reconciling Public and Private Interests', *Africa Programme and International Law Conference Report*, 1 October 2009 , Retrieved 15th March 2011, <http://www.chathamhouse.org.uk/files/15221_011009piracy_law.pdf> Ibid p21

[240] E. M. Lederer, 'Kenya says West wasting money on anti-piracy ships', *Kold News 13* , September 26, 2010, Retrieved 15th March 2011,<http://www.kold.com/Global/story.asp?S=13217833>

[241] J. Kraska and B. Wilson, 'Maritime Piracy in East Africa', *Journal of International Affairs,* Spring/Summer 2009, Vol. 62pp63, Retrieved 15th March 2011,from EBSCOhost database available at University of the Witwatersrand library website, <http://0-web.ebscohost.com.innopac.wits.ac.za/ehost/pdfviewer/pdfviewer?sid=d632f09e-f588-4c00-a739-60dd129095f4%40sessionmgr12&vid=2&hid=18>

[242] L. Ploch et al*., Piracy off the Horn of Africa*, pp18-19

[243] B. Moller, *The Somali Conflict: The Role of External Actors* pp26

(CGPCS) made up of 24 member governments, five regional and international organizations. The Contact group has identified six tasks for itself, namely:
1) Improving operational and information support to counter-piracy operations,
2) Establishing a counter-piracy coordination mechanism,
3) Strengthening judicial frameworks for arrest, prosecution and detention of pirates,
4) Strengthening commercial shipping self-awareness and other capabilities,
5) Pursuing improved diplomatic and public information efforts, and
6) Tracking financial flows related to piracy.

In support of these goals, four working groups make recommendations at periodic meetings of the Contact Group secretariat on relevant military, operational, judicial, diplomatic, and public information aspects of regional and international anti-piracy efforts. The goals of the working groups' efforts are to improve operational coordination, information sharing, and the effectiveness of legal enforcement activities among all regional and international actors combating piracy in the region. Under this initiative, Kenya hosts one of the two regional facilities of the Maritime Rescue Coordination Centre (MRCC) established in the region in Mombasa, that support information sharing. [244] Kraska and Wilson state that Kenya also helps in the development of coastal surveillance infrastructure, provision of patrol boats and maritime interdiction capabilities.[245]

Lastly, Kenya has also established a new Merchant shipping Bill that seeks to strengthen the law and has taken on board the provisions for piracy in the relevant conventions. A Maritime Police force has been established and International Ship and Port Facility Security (ISPS) Code is being vigorously implemented. Kenya continues to engage with regional and international organisations to find a lasting solution to the problem.[246]

4.4 DRIVERS OF INSECURITY AND KENYA'S INTERNAL POLICY

The drivers of insecurity that threaten Kenyan interests and East Africa at large emanate from two main sources. First is the proximity to Somalia and its potential destabilizing effect on Kenya, due to cross-border ethnic, religious, cultural, and economic bonds, and the spillover of religious, political, and criminal violence. Second,is the presence of Al Qaeda in East Africa and the apparent priority it has given to the region in its global strategy, evidenced by the terrorist attacks in Kenya in 1998 and 2002.[247] These two factors have compounded the situation in Kenya's NEP that has traditionally been persistently affected

[244] L. Ploch et al., *Piracy off the Horn of Africa*, pp22
[245] J. Kraska and B. Wilson, *Maritime Piracy in East Africa*, pp 64-65
[246] N. Karigithu, *Role Played by Kenya in the Fight Against Piracy and armed robbery against ships in Waters off the Coast of Somalia*
[247] M. Bradbury and M. Kleinman, 'Winning Hearts and Minds? Examining the Relationship Between Aid and Security in Kenya ' *Feinstein International Centre*, Tufts University, April 2010 , pp 25, Retrieved 15th March 2011,<http://www.humansecuritygateway.com/documents/FEINSTEIN_WinningHeartsAndMinds_ExaminingTheRelationshipBetweenAidAndSecurityInKenya.pdf>

by insecurity and periods of acute communal violence since independence due to: latent irredentism, marginalization, endemic poverty, changing livelihoods, environmental degradation, and resource competition. In later years this proximity to Somalia has led to the proliferation of small arms, and Islamic radicalization due to the presence of Al Shabaab in Somalia has heightened Kenya's sense of insecurity.[248]

Ken Menkhaus has observed that overtime; Kenya's pluralistic society has allowed for the emergence of a multitude of agendas namely the humanitarian agenda, the state building agenda, and the peace building agenda. Yet, a heightened sense of securitization has taken precedence as a result of the war on terror and the emergence of piracy on the Somali coast that have made it difficult for Kenya as it struggles to achieve clarity in defining its policy due in the face of limited capabilities and the competing nature of these agendas.[249] However, the government has concentrated its energies on the state building agenda as noticed on the international front where Kenya's diplomacy has persistently lobbied for state building on behalf of the TFG to high profile US officials who have visited Kenya in recent years.[250]

The securitization of the state building agenda has resulted in Kenya becoming extremely stringent in its immigration policies in which refugees are deported back to war ravaged conditions; or rendered to Ethiopia or Somalia after being detained without charge at Kenya's police stations without any recourse to legal process and their whereabouts unknown to their relatives since 2006. The government has also initiated occasional border closures that are ineffective in solving security concerns.[251] The securitization has also resulted in blanket discrimination and targeting of both ethnic and refugee Somali's for abuse the by Kenyan security agencies.[252] The security apparatus has also applied other measures that besides being unlawful in terms of international standards are highly ineffective like the setting up of the Security Vetting Committee to screen all refugees' applications for movement passes.[253]

This ineffectiveness has therefore forced the government to carry out police reforms especially after the actions of the security services have caused foreign governments to

---

[248] Ibid pp 25-26

[249] K. Menkhaus, 'Somalia A Country in Peril, a Policy Nightmare', *ENOUGH Strategy Paper* , September 2008, Retrieved 15th March, <http://www.enoughproject.org/files/publications/somalia_rep090308.pdf> pp9-15

[250] P. Mayoyo,' What Kenya wants from Obama's man, *Daily Nation*, June 6 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/politics/What%20Kenya%20wants%20from%20Obamas%20man%20%20/-/1064/933314/-/item/0/-/6gcb8r/-/index.html>

[251] Amnesty international , *Horn of Africa: unlawful transfers in the 'war on terror'*, June 2007 Kenya/Ethiopia/Somalia June 2007, Retrieved 15th March 2011,<http://www.amnesty.ca/index_images/resources/horn_of_africa_unlawful_transfers.pdf>

[252] Human Rights Watch (HRW), *"Welcome to Kenya" Police Abuse of Somali Refugees*, June 17 2010, Retrieved 15th March 2011, <http://www.hrw.org/en/reports/2010/06/17/welcome-kenya-0> pp 14-18

[253] Ibid pp 75

temporarily suspended military assistance; institute vetting procedures for training programs; and redoubled calls for widespread police reform.[254] There is now a broad consensus among civil society, donors, and the government of Kenya about the nature of the reforms necessary to clean up the Kenyan police force and begin to build a force capable of protecting the rights of Kenya's citizens and refugees hosted.[255] The government is also paying attention to some of its policies that have never been taken into consideration in carrying out disarmament operations according to best international practice and the rule of law, as laid out in the draft National Policy on Small Arms that shows an awareness of the links between small arms proliferation, insecurity, and good governance.[256]

4.5 THE ROLE OF NEW ENTITIES IN KENYA-SOMALIA RELATIONS

4.5.1 Parliament

The National assembly has manifested two main roles in the more open pluralistic society that Kenya has become. First, parliament has stood to defend the rights of locals especially those from the NEP against the heavy handedness of security forces. It has also provided an avenue to place demands for equal distribution of benefits between the refugee population and ethnic residents of the province. This is because in the 20 years of UN and other NGO presence in the NEP the host communities have increasingly felt that they have received the worse end of the stick in terms economic and employment opportunities especially when considering the opportunities available for unskilled labour.[257]

Secondly, parliament has served to debate and pass laws to help in dealing with the challenges associated with Kenya's relation with Somalia such as the passage of the Proceeds of Crime and Anti-Money Laundering Act, the Refugee act, and the debate on Kenya's need for an anti terror Law. It is through parliament that institutions like KMA have been established to regulate the maritime sector and the passing of the Merchant Shipping bill into law will guide the authority in carrying out its functions.[258]

---

[254] Human Rights Watch (HRW), *"Bring the Gun or You'll Die" Torture, Rape, and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle*, June 29 2009, Retrieved 15th March 2011,<http://www.hrw.org/en/reports/2009/06/28/bring-gun-or-you-ll-die>, pp47

[255] Ibid pp 48

[256] Ibid pp49

[257] Ibid pp16-17 see also Human Rights Watch (HRW), *From Horror to Hopelessness Kenya's Forgotten Somali Refugee Crisis*, March 30, 2009, Retrieved 15th March 2011, <http://www.hrw.org/en/reports/2009/03/29/horror-hopelessness> pp26-30

[258] Kenya Association of Manufacturers, *Merchant Shipping Act Becomes Law*, June 22, 2009, Retrieved 15th March 2011, <http://www.kam.co.ke/?itemId=17&newsId=218>

4.5.2 Business

The effects of insecurity from both terrorism and piracy have had a direct impact on business in Kenya as seen in the tourism sector where terrorism has caused huge losses to one of Kenya's leading export earners. Piracy has also brought the once flourishing cruise ship tourism plummeting according to the Kenya Ports Authority (KPA), where cruise ships arrival at the port of Mombasa has decreased since November 2005 when the first cruise ship was attacked by pirates en route from Mombasa. The loss of cruise tourist from forty thousand has come down to just below ten thousand. Also, the over one hundred and ten fishing vessels that used to sail to Mombasa for port services every year have diminished to about twenty.[259] The demands from this group for increased security may explain the government's securitization of these issues.

For local businesses in Nairobi, the influx of Somali's has caused rising social tension that has led them to be cautious in their demands to government. The Eastleigh Business Community (EBC), a coalition of Kenyan Somali businessmen, worries especially in light of historical prejudice and stigmatization of the Somali community in light of investments by pirates in Eastleigh. Though they welcome any government investigation and scrutiny they are keen that it is not biased against them. [260]

4.5.3 Civil society

The civil society comprised of international organizations, NGOs and religious leaders all play different roles in question to Kenya's relation with Somalia. It is this section of the Kenyan polity that has actually fully taken up the humanitarian agenda in relations with Somalia. First the civil society monitors the efficacy of policy such as the security vetting committee and border closures.[261]They also monitor the national debate as a means of understanding the kind of atmosphere in which they are operating. In this Human Rights Watch (HRW) has noted that on occasion the effect of increased anti-Somali sentiment in Kenya's political discourse means that even organizations that traditionally speak out on behalf of Somali refugees feel they have to censor themselves and avoid making statements calling for the respect of the rights of Somalis in Kenya.[262] Secondly, NGOs provide services such as health-care, legal representation, training of government workers to best international practice, prevention of refoulement[263]. The Refugee Consortium of Kenya

---

[259] B. Sankia, 'EA waters at risk of being labelled 'dangerous' over increasing piracy', *The East African*, November 22 2010, Retrieved 15th March 2011, <http://www.theeastafrican.co.ke/news/-/2558/1057242/-/om920sz/-/index.html>

[260]Forum for African Investigative Reporters (FAIR) ,*Pirates, Smugglers and Corrupt Tycoons: Social Bandits in Africa* pp6

[261] Human Rights Watch (HRW), *"Welcome to Kenya" Police Abuse of Somali Refugees* pp73-74

[262] Ibid pp14-18

[263] Ibid pp65

(RCK) has played a major role in this area in accordance with the law. [264] Third, these groups coordinate action with government institutions such as the Kenyan Ministries of Immigration and Registration of Persons, Land, Planning and National Development, Development of Northern Kenya and Other Arid Areas, and Special Programmes to adopt joint approaches in dealing with the challenges involved. [265]They also provide funding to assist refugees with organizations such as the three leading UN agencies (UNHCR, UNICEF, WFP), the International Organization for Migration (IOM), the Kenyan Red Cross, and numerous international NGOs performing this function.[266]

However in working with the refugees, dealing with their concerns, documenting their abuses and afflictions both national and international agencies take up the responsibility to criticise government in instances where policy is failing by raising the issues for discussion.[267] For instance the question of renditions to Somalia, Ethiopia and more recently Uganda has led to a scenario where there has become a full-blown clash of human rights and security concerns where in the age of terrorism, the former are being shunted aside.[268] This has become a platform for rights activists to challenge the government process and conduct of these actions that abdicate proper legal means especially against a backdrop of extra judicial killings and abuses by the Kenya police.[269]

4.5.4 Media

The media role is mainly to provide a platform where both government and other stake holders get a chance to publicize their agendas. For instance, following several border incidents, the Kenyan media and government called for a more robust response from the AMISOM and raised the spectre of Kenyan military intervention there.[270] Likewise within days of operations commencing amidst public allegations of human rights violations the Kenya National Commission on Human Rights (KNCHR), a statutory government body in collaboration with NGOs have brought a media spotlight to the activities of the security forces with both major Kenyan television stations highlighting abuses that take place.[271] As a platform the media has also opened up to private citizens to question policies and raise

[264] Human Rights Watch (HRW), *From Horror to Hopelessness Kenya's Forgotten Somali Refugee Crisis* pp20
[265] Ibid pp31
[266] Ibid pp41
[267] Ibid pp12-13
[268] Ibid

[269] G. Mathenge, 'State comes under stinging criticism over 'renditions',' *The Standard*, October 2 2010, Retrieved 14th March 2011, <http://www.standardmedia.co.ke/InsidePage.php?id=2000019548&cid=4&ttl=State>

[270] M. Bradbury and M. Kleinman, 'Winning Hearts and Minds? Examining the Relationship Between Aid and Security in Kenya pp27-28
[271] Human Rights Watch (HRW), *"Bring the Gun or You'll Die" Torture, Rape, and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle*, pp44

criticism as is the case of former member of parliament, Billow Kerrow, who questioned the a government operation on television and complained about the treatment of members of his community by security forces.[272] The media is also the avenue for debate of issues such as rendition.[273] It also explores and exposes the intricacies and contradictions in Kenya as a result of the relations giving a clearer perspective of the complexity of the problem as in the case of how Kenyan businesses and law firms are facilitating piracy in the country. [274]

4.6 CONCLUSION

The backdrop of this chapter gave an account of the historical relations between Kenya and Somalia. It then scrutinized the post 1992 relations between the two countries by surveying the initiatives of the Moi administration. This was then followed by the examination of relations under the Kibaki administration and more specifically between the administration and the TFG. This focus involved a look at the current threats mainly terrorism and piracy; as drivers and determinant of insecurity and internal policy in Kenya. Lastly this chapter examined the role of new actors in Kenya-Somalia relations.

The major theme that is captured in this chapter is the continuity in the conduct of foreign policy that is based on fears that change in the course of time. These fears are based on the history of irredentism that has existed between Kenya and Somalia since independence. Somalia has provided a major challenge in relations due to the state disintegration that took place with the fall of the Said Barre regime. This resulted in a great deal of domestic pressure, in terms of the humanitarian crisis as the country dealt with a huge influx of refugees. It also had to deal with increasing criminality and terrorism that flourished in Somalia as a result of the lack of government. In response Kenya developed a counterterrorism strategy and also devoted efforts to encourage state building in Somalia. It used IGAD as its main platform in the pursuit of its goals and developed a strong relationship with the TFG. Its relationship with the TFG is mainly in the form of security and diplomatic support. However, this relationship has become compounded by the effects of terrorism and piracy leading to heightened securitization especially in light of the war on terror.

The new actors in the pluralised Kenyan space have played a part in its relations with Somalia as manifested in various ways. The national assembly has done this in two ways. First, due to the historical injustices and abuse of ethnic Kenyan Somali's in the course of its aggressive posture towards Somalia and the increasing securitization of relations, parliament has served to protect the interests of these Kenyans through political

---

[272] Ibid pp45-46

[273] L. Atwoli, 'Renditions: It's time for due process', *Daily Nation*, October 2 2010, Retrieved 14th March 2011 <http://www.nation.co.ke/oped/Opinion/Renditions%20Its%20time%20for%20due%20process%20/-/440808/1024862/-/ys4rkjz/-/index.html >

[274] Forum for African Investigative Reporters (FAIR) ,*Pirates, Smugglers and Corrupt Tycoons: Social Bandits in Africa* p7

representation against these ills and in the expression of their interest. Secondly, parliament has passed legislation to legitimize the conduct of foreign policy especially as concerns issues with a direct link to questions of security. The business community has mainly suffered losses as a result of insecurity emanating from these threats. Thus they have mainly lobbied for increased security. Besides offering, humanitarian assistance the NGOs have monitored policy and national debates on the issues concerning Kenya-Somali relations criticising the excesses or in efficiencies of policy implementation while the media has been the main avenue in which the clash of agendas has taken place.

CHAPTER 5

CONCLUSION

5.1 SUMMARY

The preceding four chapters of this study introduced the subject of Kenyan foreign policy, and examined: its regional interest and politics within the EAC; its external relations with Sudan; and Somalia post the 1992 repeal of section 2A. These sections included brief description of foreign policy prior to and after the return of multi party politics in 1992, followed by the examination of specific aspects of the selected cases namely: the common market negotiations in the case of the EAC; the distinct and particular relations that Kenya has with both Northern and Southern Sudan; and the nature of cooperation with the Somali TFG in the face of emerging security threats. This chapter will summarize the main points of the study, the findings and provide recommendations on the subject.

5.1.1 The Objectives of Kenyan Foreign Policy

Like any other nation Kenya's foremost objective is to pursue its national interest. In its case Kenya is doing this goal by securing political security and stability; aspiring to economic advancement and development; management of geo-political factors; and engaging in the increased regional integration initiatives. First, in examining the EAC, Kenya is pursuing its interest due to the realisation of the large potential in creating a regional economic bloc encompassing the East African countries thus giving it a greater strategic and geopolitical significance and creating prospects of renewed and reinvigorated development in the region.[275] Secondly, the country is using the opportunity of its relations with South Sudan to build greater economic ties and project a more assertive role in the region on the basis of the recent historical links in which Kenya mediated the peace process with the backing of IGAD.[276] It is also setting itself up to benefit from the gains of an independent South Sudan as it hopes to usher it into the fold of the EAC therefore expanding its regional horizons. [277] Lastly, Kenya is increasingly taking up a securitized approach in its relations with Somalia as the threat of terror increases and the emergence of piracy unfolds, potentially linking criminal and radical Islamist groups who threaten to resuscitate irredentist claims.[278] The government's cooperation with the TFG is thus meant to stem the effects of a weak governance system in Somalia.

---

[275] EAC Portal, *About the EAC,* <http://www.eac.int/about-eac.html>

[276] International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence* pp4

[277] Frontier economics ,*The Cost of Future Conflict in Sudan* pp16-17

[278] D. H. Shinn, *Somalia: Regional Involvement and Implications for US Policy*, pp2

5.1.2 The Argument

This thesis sought to find out whether the conduct of foreign policy has changed in the advent of a pluralised political sphere in Kenya. In order to do so it first developed and examined a liberal theoretical framework before contextualising the debate. In this light Rosenau's concept of national adaptation is very important in understanding Kenya for it is still consolidating its democratic gains twenty years after the repeal of section 2A in 1991. This postulation emphasises the fluctuations of essential structures that respond to both internal and external pressures in order to handle the processes of national extinction or transformation therefore capturing the outcomes of politics in Kenya.

Secondly, this thesis looked at the political developments in the country in order to expand on perspectives surrounding the conduct of its foreign policy. Here three factors materialized, namely: the manifestation of the entrenched influence of donors and the international community in the nation's foreign affairs; the role played by additional new actors in the public sphere; and lastly, the effect of administrative changes in government due to the occupancy of the Presidency by different individuals. In the case of donors and the international community, their involvement in the conduct of policy is mainly based on Kenya's strategic location in the region. Using carrot and stick approaches mainly in the form of the effects of an acceptance, an increase, a denial or a decrease in aid, donors get to apply pressure to achieve desired outcomes.[279] In the EAC common market negotiation donors were more subtle in their approach offering their support in diplomatic activities in terms of funding that enabled the completion of the negotiations.[280] However in Sudan and Somalia, donors have been more forceful in their approach making demands and actively participating in the processes because the questions of insecurity in these two countries have global ramifications. In Sudan, donors under the banner of the IPF and the Kenya government worked in tandem to achieve the outcome of the signing of the CPA. However in Somalia the efforts of the international community and the Kenya government seem to conflict, for instance the US has side stepped initiatives where the TFG is directly involved in terms of dealing with radical Islamic groups such as the UIC, while the Kenya government has been lobbying for the TFGs support within the UN system. Also the international community has concentrated more on parallel multilateral initiatives like the Contact Group initiatives, while the Kenya government has maintained the primacy of state building in solving the problems that emanate from Somalia.

---

[279] B. Sihanya and D. Okello, Mediating Kenya's Post-Election Crises: The Politics and Limits of Power Sharing Agreement', in *Tensions and Reversals in democratic Transitions, The Kenya 2007 General Elections* Society for International Development (SID) and Institue for Development Studies (IDS), University of Nairobi 2010, pp672

[280] EAC Portal, *PRESS RELEASE,* East African Community Secretariat, Arusha, Tanzania, 4 February 2010, Retrieved 17th March 2011, <http://www.eac.int/rmo/index.php?option=com_content&view=article&id=162:10th-pf-stercom-arusha&catid=35:news&Itemid=237>

New actors in the open political space have been very important in educating the general public and their members on issues of concern. They have also been very vocal in voicing their concerns on policy thus making the government more accountable. The broadened scope of political players has thus legitimized the action of government through inclusion of these actors in the process of foreign policy even in the face of occasional conflict.[281] The civil society is building regional networks in an attempt to construct shared values around notions of democracy and human rights; and the development of economic and business ties. It is also providing humanitarian assistance especially in conflict scenarios where they monitor scenarios and give up to date analysis of situations. The media is serving as a platform for the inquiry, debate, and expression of events, issues, and views surrounding foreign policy practice. The last of these factors, the effect of administrative changes in the Presidency due to occupancy by different individuals, has ensured continuity in policy by enabling the smooth democratic transition in 2002 from the Moi to the Kibaki administration, although under markedly different circumstances than the transition in 1978 after the death of President Kenyatta. However, since 2007 the politics as a result of the coalition government has led the country to be too beholden to domestic politics diverting attention from foreign policy issues and exposing the level of discord in government.

Lastly, this thesis sought to examine Kenyan external relations by raising two research questions, namely: Has multiparty democracy directly or indirectly affected the conduct of Kenyan foreign policy? Have events during this period caused a critical rethinking in the conduct of Kenyan foreign policy? These questions were posed under the assumption that multi party democracy and politics have directly affected the conduct of Kenyan foreign policy and that different events during this period have caused a critical rethinking in its practice. It therefore set out to find linkages between the practice of domestic politics in a multi party space and the foreign policy outcomes that result of such a process.

5.1.3 Has multiparty democracy directly or indirectly affected the conduct of Kenyan foreign policy?

This study finds multiparty democracy has directly affected the conduct of Kenyan foreign policy. With the return to multiparty democracy two important issues occurred. First, the open political environment allowed for the emergence of new actors mainly in the civil society whose influence is increasingly growing in the policy-making process. Secondly, at the end of President Moi's term, multiparty democracy facilitated the smooth transition from his administration to that of President Kibaki therefore enabling continuity in the conduct of foreign policy.

---

[281] P. Wanyande 'Civil Society and Transition Politics in Kenya: Historical and Contemporary Perspectives', in *Discourses on Civil Society in Kenya,* African Research and Resource Forum(ARRF), 2009, Nairobi Kenya pp14, <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol10no3/jamr010003002.pdf>

In the EAC the wave of democracy, both in the country and in the region has led to the development of a common platform in the liberal conception of the state and a market-driven economy within the three countries. This has made regional integration become an essential element of their development strategy and an important ingredient in stimulating increased trade and investment. It has also provided an opportunity for the member countries to break from their past poor records of governance and entrench practices of civil liberties; constitutionalism and peaceful transition of power in the community through the involvement of the new actors in order to enable a re-creation of better experiences for the EAC and meet the demands of a new globalized world, by ultimately entrenching and legitimately regionalizing the practice of human rights and democracy.

In Sudan, circumstances forced Kenya to become more proactive in its contact beyond the hosting of conferences and peace summits. It is insightful that this proactive stance was after Kenya instituted multiparty democracy and that it persited on the infusion of democratic values in the determination of outcomes as captured in the development of the Declaration of Principles (DOP). Over time the purely humanitarian perspective that cited the importance of peace negotiations and outcomes on the basis of the plight of the Sudanese people who continued to be killed, or maimed, and whose property was being destroyed has become fused with more direct national concerns. The demands of regional security matters and the developing economic links between the two countries have become more prominent motivations in the burgeoning relations.

The direct influence of Kenya-Somali relations can be determined from the nature of domestic politics in the country because the historical sense of threat from Somalia still persists. This has been compounded by newly emergent security threats that come from the country. The state has therefore been less inclusive in the state building policy making process by become increasingly securitized. As a result the fact that new actors are pushing the humanitarian agenda parallel to the state has resulted in a clash and or competition in agenda. Kenya-Somalia relations are therefore fluid and at times contradictory due to the lack of coherent relationship between the state and stakeholders.

5.1.4 Have events during this period caused a critical rethinking in the conduct of Kenyan foreign policy?

This study contends that during this period in which the establishment of a pluralised political space has taken place, there has been a critical rethinking in the conduct of Kenyan foreign policy. In the first instance this can be associated with the acceptance of the liberal conception of state and market-driven economics that led to realization that a revival in regional integration initiatives could serve to enable the formation of a prosperous, competitive, secure, stable and politically united East Africa through widening and deepening economic, political, social and cultural integration for development. It can thus be contended that Kenya's economic decline necessitated Kenyan business interests to seek

out alternatives regionally. As the Kenyan business community showed greater interest in investing in Uganda and Tanzania it breathed life into the prospects of reviving the EAC due to the potential for shared benefits to be accrued in regional cooperation. This is clearly seen in the conduct of its regional foreign policy initiatives in which Kenya expects that the creation of the EAC common market will facilitate higher trade and investment flows between member states through increased competition and the improvement of efficiency in the export sectors of individual countries so as to facilitate growth and development in the region.

Secondly, the emergence and growth of the threat of terror as exemplified by the 1998 Nairobi bombing, the Kikambala attacks and the more internationally prominent 9/11 assault have had a great impact on the nature of the country's foreign policy due to the focus on the region as a source of terror. It was after the linkages between terror and the fragile security situation in both Sudan and Somalia were established that state building through peaceful negotiations began. However, the effects of the conflicts in these two countries also placed great domestic pressure on Kenya as it raised the prospects of the radicalization of its Muslim minority and facilitated Kenya's own internal insecurity and conflicts such as tribal clashes, urban crime and terrorist activity which were sustained by Small Arms and Light Weapons (SALW) sourced from Sudan and Somalia. These conflicts also took on a regional dimension as Kenya became a transit point for arms being shipped onward to conflict zones within the Great Lakes and Horn of Africa region.

5.2 CONCLUSION

This study was a selection of three cases in which there is a visible presence of Kenyan input of its foreign policy. The East African Community (EAC), Sudan, and Somalia captured the regional field in which the country functions within the larger structure of the international system. In each case, the thesis has tried to show the linkages of Kenya's domestic framework, in relation to a liberal theoretical framework. The thesis concludes that the character of domestic politics is therefore important in how the country, conducts its foreign affairs as it strives to project itself as a regional power. This section will thus conclude by stating the findings and giving recommendations on the subject of the thesis

5.2.1 The Current State of Affairs

In 2007 Kenya experienced its worst political crisis characterised by post election violence after the dispute of the electoral results. Mediation by the international community led to the establishment of the Grand Coalition government after the signing of the National Accord that underlined power sharing as a means of ending the political crisis. Karuti Kanyinga states that in as much as there is relative calm and no recurrence of political violence,

"the country is in a state of 'political immobiliism' as factionalism within each of the parties in the coalition is on the increase, and alliances form and fragment on account of different issues".[282]

Nevertheless, the country has managed to write a new constitution and is in the process of implementing it.[283] The country has also developed a new foreign policy that is awaiting approval of the cabinet.[284]

In this respect, there are a number of general challenges that have thus befallen the conduct of Kenya's politics due to the character of its domestic politics. The apathy of Kenyan lawmakers, who are too focused on debates on domestic politics to engage in issues that have regional and international consequences, is visible from the highly charged discussions that mainly interrogate issues of succession politics and the prosecution of post election suspects at the ICC. This has distracted members of parliament from other issues as captured in the concerns of South Sudanese officials who fear that in their time of need Kenyan politicians maybe too caught up in domestic politics to offer any help and international partners who may doubt the country's commitment to its international obligations. [285]

Kenya's domestic politics also has a full agenda in the implementation of the new constitution. This has even raised the concerns of high ranking officials such as EAC Permanent Secretary David Nalo who has expressed concern that twenty seven pieces of legislation identified for review will not be carried out in time, as they are still pending before the Attorney General's office following the decision by parliament to prioritize the implementation of the new constitution.[286] The squabbles in the coalition government have also made the situation worse as the infighting has spilled over into the international arena and the country's diplomatic efforts have thus ended up being described as 'a joke'. This is therefore increasingly making Kenyan foreign policy ineffective in tackling issues such as

---

[282] K. Kanyinga, ' Hobbling along to Pay-offs: The Kenya Grand Coalition Government', *Paper prepared for a workshop on Political Inclusion in Africa, American University,* Washington DC, April, 2009, Retrieved 21st March 2011, <http://www.american.edu/sis/africacouncil/upload/Paper-2a-Kenya-coalition_govt-Kanyinga-draft.pdf>

[283] J. Ratemo, 'Kenya gets new Constitution', The Standard, August 27th 2010, Retrieved 21st March 2011, <http://www.standardmedia.co.ke/InsidePage.php?id=2000016958&cid=4>

[284] L. Barsa, 'Kenya turns to diplomacy to boost trade', *Daily Nation*, June 12 2010 , Retrieved 21st March 2011, <http://www.nation.co.ke/News/Kenya%20turns%20to%20diplomacy%20to%20boost%20trade/-/1056/937182/-/format/xhtml/-/gnlidjz/-/index.html>

[285] A. Shiundu, *Kenya turns to MPs over integration efforts*

[286] L. Anami, 'Crowded House Diary to delay EAC Common Market', The Standard, 17 January 2011, Retrieved 21st March 2011,<http://www.standardmedia.co.ke/health/InsidePage.php?id=2000026943&cid=14&>

those of Somalia where the country seeks to bring the attention of the international community.

The media faces a number of challenges as national coverage and biases toward national issues carry more weight and are more likely to be published than those concerning foreign policy issues. Secondly the media has become hyper-commercialised in the increasingly liberalized environment meaning the media is primarily interested in issues that encourage sales or those that attract more advertising.[287] The civil society is facing growing hostility from the government as a result of heightened securitization as captured by the statements of the suspended Kenyan Minister of Foreign Affairs Moses Wetangula who has criticized humanitarian organizations based in Nairobi dealing with issues which the government believes should be left to Somalis themselves once they attain a viable government

5.2.2 Recommendations

This study thus recommends a number of issues in light of Kenyan foreign policy. First, the coalition government should find and or develop a unified working relationship in policy decision making. This should be through ending the protocol, procedural and administrative divisions that exist between the coalition partners.[288] This will help in terms of national projection of the state and issues of concern to the nation both in the regional and international sphere. Secondly, government policy should seek a more cooperative and inclusive nature as this brings positive results as seen in the case of the EAC. Antagonism and competition in agenda's as seen in the case of Kenyan Somalia relations as a result of securitization of issues over humanitarian considerations compounds an already complex situation. The government should strive to end illegal practices and ineffective policies such as refoulement, border closure, and security vetting committees or the recruitment of refugees to fight in Somalia.

The government should ensure the complete reform of institutions like the police so they can serve the public better and engage in the effective implementation of policy. In line with this parliament should increase its inquiry role through committees such as the Parliamentary Committee on Defence and Foreign Relations while donors continue to add pressure for best practice and call for the respect of international obligations. Lastly, the media should strive for broader coverage through the institution of editorial policies that cover wider and more in depth issues and ramifications of foreign policy practice.

[287] G. Nyabuga, *Enhancing Equity in the East African Regional Integration Process: Role of the Media* pp 153-154
[288] K. Kanyinga, *Hobbling along to Pay-offs: The Kenya Grand Coalition Government*, pp 10,

BIBLIOGRAPHY

Adar K. G. and Ngunyi M. 'The Politics of Integration within East Africa' in W. O. Oyugi (ed) *Politics and Administration in East Africa* EAEP Nairobi 1994

Adar K.G., 'The Internal and External Contexts of Human Rights Practice in Kenya: Daniel Arap Moi's, Operational Code', African Sociological Review 4,(1), 2000 p74-96, Retrieved 16th March 2011, <http://www.ajol.info/index.php/asr/article/viewFile/23175/19862>

AFP, 'South Sudan plans return of 1.5 million for referendum', *Daily Nation*, August 24 2010, Retrieved 15th March <http://www.nation.co.ke/News/africa/South%20Sudan%20plans%20return%20of%201.5%20million%20for%20referendum/-/1066/995754/-/dfd1qdz/-/index.html>

Agina A., 'War in Sudan too grave to contemplate', *Daily Nation*, December 20 2010, Retrieved 15th March 2011, < http://www.nation.co.ke/News/War%20in%20Sudan%20too%20grave%20to%20contemplate%20/-/1056/1075786/-/u3xxn5z/-/index.html>

Amnesty international, *Horn of Africa: unlawful transfers in the 'war on terror'*, June 2007 Kenya/Ethiopia/Somalia June 2007, Retrieved 15th March 2011, <http://www.amnesty.ca/index_images/resources/horn_of_africa_unlawful_transfers.pdf>

Anami L., 'Crowded House Diary to delay EAC Common Market', The Standard, 17 January 2011, Retrieved 21st March 2011, <http://www.standardmedia.co.ke/health/InsidePage.php?id=2000026943&cid=14&>

Anangwe A., 'International Terrorism and East African sub-regionalism: Developing a Sub-regional Tourism Industry in the Face of War', *African Journal of International Affairs,* Vol. 7, Nos. 1&2, 2004, pp. 81–97, Retrieved 15th March, < http://www.codesria.org/IMG/pdf/5-anangwe.pdf>

Angawa M.D W., 'Kenya Marks Promulgation of New Constitution 27 August 2010, *Kenya Elections.com*, August 27 2010, Retrieved 22nd June 2011, <http://www.kenyaelections.com/2010/08/kenya-marks-promulgation-of-new-constitution-27-august-2010/>

Arya S., 'Sudan - Conflicts, Terror and Oil', *Journal of Defence Studies* Vol. 3. No 4. October 2009 pp64-78, Retrieved 16th March 2011, <http://www.idsa.in/system/files/jds_3_4_sarya.pdf>

Atwoli L., 'Renditions: It's time for due process', *Daily Nation*, October 2 2010, Retrieved 14th March 2011

<http://www.nation.co.ke/oped/Opinion/Renditions%20Its%20time%20for%20due%20process%20/-/440808/1024862/-/ys4rkjz/-/index.html>

B. Sankia, 'EA waters at risk of being labelled 'dangerous' over increasing piracy', *The East African*, November 22 2010, Retrieved 15th March 2011, <http://www.theeastafrican.co.ke/news/-/2558/1057242/-/om920sz/-/index.html>

Barkan J. D. and Cooke J. G., 'U.S. Policy Toward Kenya in the Wake of September 11: Can New Antiterrorist Imperatives Be Reconciled with Enduring U.S. Foreign Policy' Goals?, *Africa Notes*, Centre for Strategic and International Studies (CSIS), Number 4 December 2001, pp1, Retrieved 15th March 2011,<http://csis.org/files/media/csis/pubs/anotes_0112.pdf>

Barkan J. D., 'Kenya after Moi', *Foreign Affairs*, Vol. 83, No. 1 2004, pp. 87-100, Retrieved 16 October 2010 from <http://www.foreignaffairs.com/articles/59535/joel-d-barkan/kenya-after-moi>

Barsa L., 'Kenya turns to diplomacy to boost trade', *Daily Nation*, June 12 2010, Retrieved 21st March 2011, <http://www.nation.co.ke/News/Kenya%20turns%20to%20diplomacy%20to%20boost%20trade/-/1056/937182/-/format/xhtml/-/gnlidjz/-/index.html>

Booth D. et al, East African integration: How can it contribute to East African development? *Briefing* February 2007, Retrieved 16th March 2011, <http://www.odi.org.uk/resources/download/100.pdf>

Bradbury, M. ,and Kleinman, M., 'Winning Hearts and Minds? Examining the Relationship Between Aid and Security in Kenya '*Feinstein International Centre*, Tufts University, April 2010 , pp 25, Retrieved 15th March 2011, <http://www.humansecuritygateway.com/documents/FEINSTEIN_WinningHeartsAndMinds_ExaminingTheRelationshipBetweenAidAndSecurityInKenya.pdf>

Braude W., *Regional integration in Africa : Lessons from the East African Community,* South African Institute of International Affairs (SAIIA), Johannesburg, 2008,

Brown S., 'Deteriorating Human Security in Kenya: Domestic, Regional and Global Dimensions', in J. Andrew Grant and Fredrik Söderbaum (eds.), *The New Regionalism in Africa,* Aldershot, Hants: Ashgate 2003,pp100, Retrieved 15th March 2011, <http://books.google.co.za/books?id=sv2RqTbZgAgC&printsec=frontcover&dq=The+New+Regionalism+in+Africa&hl=en&ei=qjB_TZ3uCOKX4gat9enECA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCwQ6AEwAA#v=onepage&q=page%20100&f=false >

Brown, S., 'Authoritarian leaders and multiparty elections in Africa: how foreign donors help to keep Kenya's Daniel arap Moi in power', *Third World Quarterly*, Vol. 22, No 5, 2001, <http://aix1.uottawa.ca/~brown/pages/Stephen_Brown_TWQ.pdf>

Butunyi C. and Barasa L., 'Kibaki sets off common market', *Daily Nation*, Posted 30 June 2010 at 20:45, Retrieved 16 October 2010 from <http://www.nation.co.ke/News/Kibaki%20%20sets%20off%20common%20market/-/1056/949920/-/teyyvg/-/index.html>

Carney T., 'Some Assembly Required Sudan's Comprehensive Peace Agreement', *United States Institute of Peace (USIP)* Special Report 194 November2007, Retrieved 15th March 2011 <http://www.usip.org/publications/some-assembly-required-sudans-comprehensive-peace-agreement>

Castagano A.A., 'The Somali-Kenyan Controversy: Implications for the Future', *The Journal of Modern African Studies*, Vol. 2, No. 2 (Jul., 1964), pp. 165-188, Retrieved 19th December 2010 from JSTOR Database, available from University of the Witwatersrand Library Web site, <http://www.jstor.org/stable/158817>

Center for Systemic Peace (CSP), *Polity IV Country report 2008: Somalia*, Retrieved 15th March 2011, <http://www.systemicpeace.org/polity/Somalia2008.pdf>

Center on International Cooperation (CIC), 'Mission Reviews: Somalia' *Review of Political Missions 2010*, New York University (NYU), Retrieved 15th March 2011, <http://www.cic.nyu.edu/politicalmissions/docs_missions/reviews/mr_somalia.pdf>

Central Intelligence Agency, 'Kenya: Transnational Issues' *The World Factbook*, as updated on June 24, 2010 Retrieved 16 October 2010 from <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>

Chacha B. K., 'From Local Conflicts to Global Terrorism: Can Refugees and Regional Security Problems Jeopardise the Renewal of Kenya?'*African Journal of International Affairs,* Vol. 7, Nos. 1&2, 2004, pp. 57–79, Retrieved 15th March 2011, <http://www.codesria.org/IMG/pdf/4-Chacha2.pdf>

Chatham House, 'Piracy and Legal Issues: Reconciling Public and Private Interests', *Africa Programme and International Law Conference Report*, 1 October 2009 , Retrieved 15th March 2011, <http://www.chathamhouse.org.uk/files/15221_011009piracy_law.pdf>

Cornwell R., 'SOMALIA: Plus ça change...? *Africa Security Review*, 13(4) 2004, <http://www.iss.co.za/pubs/ASR/13No4/AQ_Cornwell.pdf>

Dagne T., Somalia: Current Conditions and Prospects for a Lasting Peace, Congressional Research Service, March 12, 2007, Retrieved 15th March 2011, <http://assets.opencrs.com/rpts/RL33911_20070312.pdf>

Davis J., *Regional Security and the Implementation of the CPA in the Sudan*, Africa Peace Forum and Project Ploughshares, Retrieved 15th March 2011, <http://www.ploughshares.ca/libraries/Build/Nairobi07RegSecGender.pdf>

EAC Portal, *About the EAC,* Retrieved 16th March 2011 <http://www.eac.int/about-eac.html>

EAC Portal, *About the EAC,* <http://www.eac.int/about-eac.html>

EAC Portal, *PRESS RELEASE,* East African Community Secretariat, Arusha, Tanzania, 4 February 2010, Retrieved 17th March 2011, <http://www.eac.int/rmo/index.php?option=com_content&view=article&id=162:10th-pf-stercom-arusha&catid=35:news&Itemid=237>

EAC Portal, Retrieved 16th March 2011, http://www.eac.int/about-eac.html

EAC Portal, Retrieved 16th March 2011<http://www.eala.org/component/content/article/26-overview/13-welcome-to-the-east-african-legislative-assembly.html >

EAC Portal, *What it is*, <http://www.eac.int/customs/index.php?option=com_content&view=article&id=18&Itemid=84>

EAC Secretariat, *East African Community Facts and Figures* – 2009, ARUSHA, TANZANIA 2010, Retrieved 16th March 2011, < http://www.eac.int/>

EAC Secretariat, *Study on the Establishment of an East African Community Common Market: Final Report*, August, 2007, Retrieved 16th March 2011, <www.eac.int/.../160-study-on-the-establishment-of-an-east-african-common-market.html>

EAC Secretariat, *Report of the committee on fast racking East African federation,* retrieved 16th March 2011, <www.eac.int/politicalfederation/index.php?option=com_docman&task=doc_download&gid=42&Itemid=28 Report of the committee on fast racking east African federation>

EAC UPDATE EAC, *Common Market Negotiations enter crucial stage of substantive issues of Protocol* ISSUE NO 2008/11 FRIDAY,22 AUGUST 2008 pp 1-3 Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE *Steady progress made in Kampala round of EAC Common Market Protocol negotiations* ISSUE NO 2008/16 FRIDAY, 17 OCTOBER 2008 pp1-5 Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE, *8th Round of EAC CM negotiations end in Kisumu, Kenya* ISSUE NO 23 10 FEBRUARY 2009 pp 3 Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE, *EAC Common Market Protocol take shape as Bujumbura round of talks winds up* ISSUE NO 2008/14 FRIDAY, 3 OCTOBER 2008 pp 4-5 Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE, *EAC Launches Common Market negotiations in Rwanda: Minister Leads Call for "Bold Commitment" To Regional Unity* Issue Number 2008/02 Friday April 18 2008, Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE, *EAC Partner States Extend Time for Conclusion of Common Market Protocol* ISSUE NO 2008/19 FRIDAY, 21 NOVEMBER 2008 pp.1-6 Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE, *High Level Task Force Concludes CM Protocol Negotiations in Kampala* ISSUE NO 26 6 APRIL 2009 pp 1-3 Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE, *Multi sectoral council of ministers considers the draft EAC common market* ISSUE NO 27 22 APRIL 2009 pp6-7 Retrieved 16th March 2011, <www.eac.int>

EAC UPDATE, *Tanzania reaffirms commitment to negotiate and implement the Common Market Protoco*l ISSUE NO 2008/12 FRIDAY,22 AUGUST 2008 pp 6-7 Retrieved 16th March 2011, <www.eac.int >

Eavis, P. 'SALW in the Horn of Africa and the Great Lakes Region: Challenges and Ways Forward', *The Brown Journal of World Affairs,* Vol. 9, Issue 1,Spring 2002, Retrieved on 16 October 2010 from Heinonline, available from the Internet <http://heinonline.org/HOL/Page?handle=hein.journals/brownjwa9&div=30&g_sent=1&collection=journals>

Farnham B., Impact of the Political Context on Foreign Policy Decision-making, *Political Psychology*, Vol. 25 No. 3, 2004 pp.441-460, retrieved on 16 October 2010 from Wiley-Blackwell, available from the Internet, <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9221.2004.00379.x/pdf>

Forum for African Investigative Reporters (FAIR), *Pirates, Smugglers and Corrupt Tycoons: Social Bandits in Africa*, January 2011, Retrieved 15th March 2011, <http://www.fairreporters.org/portal/fairnew/UserFiles/SysDocs/bb_content/1454/pirates%20pdf%202011%20final.pdf>

Frontier Economics, *The Cost of Future Conflict in Sudan*, Retrieved 15th March 2011, <http://www.frontier-economics.com/_library/pdfs/frontier%20report%20-%20the%20cost%20of%20future%20conflict%20in%20sudan.pdf>

Gitelson S. A., Policy Options For Small States: Kenya and Tanzania Reconsidered, Studies in Comparative International Development, Volume 12, Number 2, 29-57,Retrieved 21st March 2011, at Springerlink database available at University of the Witwatersrand library website, <http://www.springerlink.com/content/7n3630ug4336w190/fulltext.pdf>

Grosh B. and Orvis S., 'Democracy, Confusion, or Chaos: Political Conditionality in Kenya', *Studies in Comparative International Development,* Winter 1996/7 Vol.31, N0. 4, 46-65, Retrieved 21st March 2011, at Springerlink database available at University of the Witwatersrand library website, <http://www.springerlink.com/content/b261731426333213/fulltext.pdf>

Hanson S., Understanding Kenya's Politics, Council on Foreign Relations (CFR), January 25, 2008, Retrieved 21st March 2011, <http://www.cfr.org/publication/15322/understanding_kenyas_politics.html>

Heally S., 'Peacemaking in the Midst of War: An Assessment of IGAD's Contribution to Regional Security in the Horn of Africa', *Crisis States Working Paper* no. 59, November 2009, Retrieved 15th March 2011, <http://eprints.lse.ac.uk/28482/1/WP59.2.pdf>

Holmquist F. and M. Ford, 'Kenya: State and Civil Society the First Year after the Election', *Africa Today*, Vol. 41, No. 4, (4th Qtr., 1994) Kenyan Politics: What Role for Civil Society?, Retrieved 16th March 2011 25 April 2010 from JSTOR database available at University of the Witwatersrand library website,<http://www.jstor.org/stable/4187014>

Howell J., 'An Analysis of Kenyan Foreign Policy', *The Journal of Modern African Studies*, Vol. 6, No. 1 (May, 1968), pp. 29-48, Cambridge University Press doi:10.1017/S0022278X00016657

Human Rights Watch (HRW), *"Bring the Gun or You'll Die" Torture, Rape, and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle*, June 29 2009, Retrieved 15th March 2011,<http://www.hrw.org/en/reports/2009/06/28/bring-gun-or-you-ll-die>

Human Rights Watch (HRW), *"Welcome to Kenya" Police Abuse of Somali Refugees*, June 17 2010, Retrieved 15th March 2011, http://www.hrw.org/en/reports/2010/06/17/welcome-kenya-0>

Human Rights Watch (HRW), *From Horror to Hopelessness Kenya's Forgotten Somali Refugee Crisis*, March 30, 2009, Retrieved 15th March 2011, <http://www.hrw.org/en/reports/2009/03/29/horror-hopelessness>

Human Rights Watch (HRW), *Harsh War, Harsh Peace Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia*, April 18 2010, Retrieved 15th March 2011, <http://www.hrw.org/node/89646>

International Crisis Group(ICG), *Sudan: Regional Perspectives on the Prospect of Southern Independence,* Africa report No. 159 p1, 6 May 2010, Retrieved 15th March 2011, <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/159-sudan-regional-perspectives-on-the-prospect-of-southern-independence.aspx>

Iyob R. and Khadiagala G. M., Sudan: The Elusive Quest for Peace, Boulder, Colo.: Lynne Rienner Publishers, Inc., 2006.

Kafeero, E. 'Customs And Trade Facilitation In The East African Community (EAC)', *World Customs Journal*, Vol. 2, No. 1, pp.63- 71, Retrieved 16 October from <http://miami.uni-muenster.de/servlets/DerivateServlet/Derivate-4924/diss_kafeero.pdf>

Kamanyi, J. 'The East African Political Federation: Progress, Challenges and Prospects for Constitutional Development', *Paper presented at the 10th Annual Sir Udo Udoma Symposium Makerere Law Society*, Makerere University, Kampala April 2006, Retrieved 16 October 2010 from <www.eac.int/politicalfederation/index.php?...41...>

Kamau, W. C., 'Kenya & the War on Terrorism', *Review of African Political Economy*, Vol. 33, No. 107, 2006, pp. 133-141, Retrieved 21st March 2011, form the JSTOR database available at the University of the Witwatersrand library website < http://www.jstor.org/stable/4007116>

Kanyinga K., ' Hobbling along to Pay-offs: The Kenya Grand Coalition Government', *Paper prepared for a workshop on Political Inclusion in Africa, American University,* Washington DC, April, 2009, Retrieved 21st March 2011, <http://www.american.edu/sis/africacouncil/upload/Paper-2a-Kenya-coalition_govt-Kanyinga-draft.pdf>

Karigithu N., 'Role Played by Kenya in the Fight Against Piracy and armed robbery against ships in Waters off the Coast of Somalia' , *Abstract of Presentation to be made at the Ninth Meeting of the Consultative Process on Oceans and the Law of the Sea, "Overview of Threats to Maritime Security, their Impacts and Responses Thereto with a Focus on Piracy and Armed Robbery Against Ships"*, Retrieved 15th March, <http://www.un.org/Depts/los/consultative_process/documents/9_nancykarigithuabstract.pdf>

Kasaija, P. A., 'Regional Integration: A Political Federation of the East African Countries?' *African Journal of International Affairs,* Vol. 7, Nos. 1&2, 2004, pp. 21–34, Retrieved 16th March 2011 p 25, <http://www.ajol.info/index.php/ajia/article/viewFile/57213/45602>

Kelley K. J., 'Kenya answers Hague court on Bashir's visit', *Daily Nation*, November 2 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/Kenya%20answers%20Hague%20court%20on%20Bashir%20visit/-/1056/1045676/-/11vtk85/-/index.html>

Kelley K.,' Obama urges Kenya help on Sudan referendum', *Daily Nation*, December 20 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/Obama%20urges%20Kenya%20help%20on%20Sudan%20referendum/-/1056/1075568/-/fhutaq/-/index.html>

Kelly K., 'Leaked cables claim Kenya sent tanks to South Sudan', *Daily Nation*, December 7 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/Leaked%20cables%20claim%20Kenya%20sent%20tanks%20to%20South%20Sudan%20/-/1056/1068242/-/kv4s81/-/index.html>

Kenya Association of Manufacturers, Merchant Shipping Act Becomes Law*, June 22, 2009, Retrieved 15th March 2011, < http://www.kam.co.ke/?itemId=17&newsId=218*>

Kenya High Commission United Kingdom, *Service Charter 2010*, Retrieved 16 October 2010 from <http://www.kenyahighcommission.net/khccontent/component/content/article/45-service-charter-2010/67-kenya-high-commission-londons-service-charter-2010.html>

Kenya Ministry of Foreign Affairs, *Foreign policy*, Retrieved 21st March 2011, <http://www.mfa.go.ke/index.php?option=com_content&view=article&id=55&Itemid=57>

Kenya Ministry of Foreign Affairs, *Foreign policy*, Retrieved 21st March 2011, <http://www.mfa.go.ke/index.php?option=com_content&view=article&id=190&Itemid=124>

Kenya Ministry of Foreign Affairs, Retrieved 16th March 2011, <http://www.mfa.go.ke/index.php?option=com_content&view=article&id=190&Itemid=124>

Kenya Ministry of The East African Community, 'Strategic Plan 2008-2012', *Government of Kenya(GOK)* July 2009, Retrieved 16th March 2011, <http://www.meac.go.ke/index.php?option=com_docman&task=cat_view&gid=1&Itemid=2&limitstart=5>

Khadiagala G. M. and Lyons T., (eds.) African foreign policies: power and process, Lynne Rienner, 2001.

Khadiagala, G., 'Kenya: Haven or Helpless Victim of Terrorism', *United States Institute of Peace* Special Report 113 January 2004 Retrieved 16 0ctober 2010 from <http://www.usip.org/files/resources/sr113.pdf>

Kibua T.N. and Tostensen A., 'Fast-tracking East African Integration Assessing the Feasibility of a Political Federation by 2010', Chr. Michelsen Institute (CMI) REPORT 2005, Retrieved 16th March 2011, < http://www.cmi.no/publications/?cmi-reports&view=all>

Kiguta P., 'PRESS STATEMENT: Commencement of Fully Fledged EAC Customs Union' *EAC Portal* <http://www.eac.int/component/content/353.html?task=view>

Kihara G., 'Security zone set up in fight against piracy' *Daily Nation*, November 18 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/regional/Security%20zone%20set%20up%20in%20fight%20against%20piracy%20%20/-/1070/1056324/-/95phg3z/-/index.html>

Kisiangani E. , Somali pirates: villains or victims?, *South African Journal of International Affairs*, 17: 3, 361 — 374, Retrieved 27 February 2011 from Informaworld database available at University of the Witwatersrand library website, < http://www.informaworld.com/smpp/title~content=t792221889>

Kissinger H. A., 'Domestic structure and Foreign Policy', in James N. Rosenau (ed.), *International Politics and Foreign Policy*, The Free Press New York, Collier-Macmillan Limited, 1969.

Kissinger H. A., 'Societal Sources of Foreign Policy: Domestic Structure and Foreign policy', in J.N. Rosenau (ed.) *International Politics and Foreign Policy*, Free Press New York, 1969.

Kraska J. and Wilson B., 'Maritime Piracy in East Africa', *Journal of International Affairs,* Spring/Summer 2009, Vol. 62pp63, Retrieved 15th March 2011,from EBSCOhost database available at University of the Witwatersrand library website, <http://0-web.ebscohost.com.innopac.wits.ac.za/ehost/pdfviewer/pdfviewer?sid=d632f09e-f588-4c00-a739-60dd129095f4%40sessionmgr12&vid=2&hid=18>

Krause V. and Otenyo, E. E. 'Terrorism and the Kenyan Public', *Studies in Conflict & Terrorism,* No.28, 2005, pp 99–112, Retrieved 21st March 2011, form the Informaworld database available at the University of the Witwatersrand library website, <http://pdfserve.informaworld.com/960289_731395714_725270655.pdf>

Kromm D. E., 'Irredentism in Africa: The Somali-Kenya Boundary Dispute', *Transactions of the Kansas Academy of Science (1903-)*, Vol. 70, No. 3 (Autumn, 1967), Retrieved 19th December 2010, from JSTOR Database, available from University of the Witwatersrand Library Web site, <http://www.jstor.org/stable/3627482 >

Lederer E. M., 'Kenya says West wasting money on anti-piracy ships', *Kold News 13*, September 26, 2010, Retrieved 15th March 2011,<http://www.kold.com/Global/story.asp?S=13217833>

Lewis I.M., 'Pan-Africanism and Pan-Somalism', *The Journal of Modern African Studies*, Vol. 1, No. 2 (Jun., 1963), pp. 147-161, Retrieved 19th December 2010, from JSTOR Database, available from University of the Witwatersrand Library Web site,< http://www.jstor.org/stable/159026>

Lyman P. N. and Morrison J. S., 'The Terrorist Threat in Africa', *Foreign Affairs*, Vol. 83, No. 1 (Jan. - Feb., 2004), pp. 75-86, Retrieved 19th December 2010, from JSTOR available at University of the Witwatersrand library website, <http://www.jstor.org/stable/20033830>

Makinda S. M., 'From Quiet Diplomacy to Cold War Politics: Kenya's Foreign Policy', *Third World Quarterly*, Vol. 5, No. 2, (Apr., 1983), pp. 300-319, Retrieved 19th December 2010, from JSTOR available at University of the Witwatersrand library website, <http://www.jstor.org/stable/3991274 >

Martell P., 'South Sudan president in plea as referendum registration begins', *Daily Nation*, November 15 2010, retrieved 15th March <http://www.nation.co.ke/News/africa/South%20Sudan%20president%20in%20plea%20as%20referendum%20registration%20begins/-/1066/1054202/-/fqrk/-/index.html>

Mason S. J. A, 'Sudan, North-South Comprehensive Peace Agreement', *Unpacking the Mystery of Mediation in African Peace Processes,* Mediation Support Project, Center for Security Studies, ETH Zurich pp72-77, Retrieved 15th March 2011, <http://www.swisspeace.ch/typo3/fileadmin/user_upload/Media/Publications/Journals_Articles/Aberg_Annika_Unpacking_the_Mystery_Case_Study_Sudan.pdf>

Mathenge G., 'State comes under stinging criticism over 'renditions',' *The Standard*, October 2 2010, Retrieved 14th March 2011, <http://www.standardmedia.co.ke/InsidePage.php?id=2000019548&cid=4&ttl=State>

Mayall J., 'The Battle for the Horn: Somali Irredentism and International Diplomacy', *The World Today*, Vol. 34, No. 9 (Sep., 1978), pp. 336-345, Retrieved 19th December 2010 from JSTOR Database , available from University of the Witwatersrand Library Web site, <http://www.jstor.org/stable/40395068 >

Mayoyo P.,' What Kenya wants from Obama's man, *Daily Nation*, June 6 2010, Retrieved 15th March 2011, < http://www.nation.co.ke/News/politics/What%20Kenya%20wants%20from%20Obamas%20man%20%20/-/1064/933314/-/item/0/-/6gcb8r/-/index.html>

McIntyre M. A., 'Trade Integration in the East African Community: An Assessment for Kenya', *IMF Working Paper,* African Department, July 2005, Retrieved 16th March 2011< http://www.imf.org/external/country/ken/index.htm?pn=0>

Menkhaus K., 'Somalia a Country in Peril, a Policy Nightmare', *ENOUGH Strategy Paper*, September 200 Mayoyo 8, Retrieved 15th March, <http://www.enoughproject.org/files/publications/somalia_rep090308.pdf>

Menkhaus K., 'Somalia: Next Up in the War on Terrorism?', *Africa Notes*, Centre for Strategic and International Studies (CSIS),No.6 January 2002,pp1, Retrieved 15th March 2011, <http://csis.org/files/media/csis/pubs/anotes_0201b.pdf>

Menya W., 'Igad summit seeks peaceful Sudan vote', *Daily Nation*, November 22 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/Igad%20summit%20seeks%20%20peaceful%20Sudan%20vote%20/-/1056/1058640/-/14rj95hz/-/index.html>

Menya W., 'Kenya's President opens peace meeting', *Africa Review,* November 18 2010, Retrieved 15th March 2011, <http://www.africareview.com/News/Kenyan%20President%20opens%20peace%20meeting/-/979180/1056234/-/efgdom/-/index.html>

Moller B., The Somali Conflict: The Role of External Actors, Danish Institute for International Studies (DIIS) Report 2009:0, Retrieved 15th March 2011, <http://www.diis.dk/graphics/Publications/Reports2009/DIIS_report_2009_03_Somali_conflict.pdf>

Morrison J. S. and Cooke J. G., The Obama Administration's Sudan Strategy, *Centre for Strategic and International Studies (CSIS)* Commentary, Retrieved 15th March 2011, <http://csis.org/files/publication/091021_Morrison_Sudan.pdf>

Morrison J. S., 'Somalia's and Sudan's Race to the Fore in Africa', *Washington Quarterly*, 25:2 pp. 191–205 Spring 2002, The Center for Strategic and International Studies (CSIS) and the Massachusetts Institute of Technology(MIT), Retrieved 15th March 2011, <http://www.twq.com/02spring/morrison.pdf>

Mugomba A. T., Regional Organisations and African Underdevelopment: The Collapse of the East African Community ', *The Journal of Modern African Studies*, Vol. 16, No. 2 (Jun., 1978), pp. 261-272 Retrieved September 9 2009 from JSTOR database available at University of the Witwatersrand library website, < http://www.jstor.org/stable/160169>

Muigai G., 'Kenya's Opposition and the Crisis of Governance', Retrieved *A Journal of Opinion*, Vol. 21, No. 1/2 (1993), pp. 26-34, 5 October 2010, from JSTOR database available at University of the Witwatersrand library website, < http://www.jstor.org/stable/1166282>

Muramira G., 'East Africa: Kenya Blocks Construction of New EAC HQ in Arusha', *New Times* 3rd March 2009, <http://www.allafrica.com/storie/2009o3030934.html>

Murunga G. R., Conflict in Somalia and Crime in Kenya: Understanding theTrans-Territoriality of Crime, *African and Asian Studies,* volume 4, Nos. 1-2 ,2005 , Retrieved 15th March 2011, from Ingentaconnect available at University of the Witwatersrand library website,<http://docserver.ingentaconnect.com/deliver/connect/brill/15692094/v4n1/s8.pdf?expires=1300181757&id=61733379&titleid=5428&accname=UNIVERSITY+OF+THE+WITWATERSRAND+LIBRARY&checksum=24CFD76A4069A4B80BAD6C9347CFC5AF>

Mutiga M., 'South Sudan's Kiir warns of war if January referendum is delayed', *Daily Nation*, October 2 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/africa/South%20Sudans%20Kiir%20warns%20of%20war/-/1066/1024944/-/o51v82/-/index.html>

Mutiga M., Kenyan donor money and firms helping build Southern Sudan, *Daily Nation*, June 5 2010 , Retrieved 15th March 2011, <http://www.nation.co.ke/News/Kenyan%20money%20and%20firms%20helping%20build%20Southern%20Sudan/-/1056/932648/-/sepj89z/-/index.html>

Mwagiru M., 'A Return to Basics: Media Rights as Fundamental Human Rights.' African Media Review, Vol. II, No. 3. 1997pp88-104, Retrieved 16th March 2011, <http://digital.lib.msu.edu/projects/africanjournals/pdfs/africa%20media%20review/vol11no2/jamr011002007.pdf>

Mwagiru M., 'Re-inventing the Future: Linkages between Human Rights, Foreign Policy and Regional Integration', *Thought and Practice: A Journal of the Philosophical Association of Kenya (PAK) Vol.1 No.2, December 2009, pp.73-86,* Retrieved 16th March, < http://www.ajol.info/index.php/tp/article/viewFile/51594/402412011>

Mwangi T. , 'Kenya was perfectly right to invite Sudan President Omar al-Bashir', *Daily Nation*, August 29 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/oped/Opinion/Kenya%20was%20perfectly%20right%20to%20invite%20Sudan%20President/-/440808/999160/-/pcu9e3z/-/index.html>

Mwaniki M. and Menya W., 'High turnout in Sudan vote listing', *Daily Nation*, December 6 2010, Retrieved 15th March, <http://www.nation.co.ke/News/High%20turnout%20in%20Sudan%20vote%20listing%20/-/1056/1067648/-/5ecre2z/-/index.html>

Nyabuga G., Enhancing Equity in the East African Regional Integration Process: Role of the Media, in *East African Integration, Dynamics of Equity in Trade, Education and Media*, Society for International Development (SID), 2011,

Nyangena K. O., Jomo Kenyatta: An Epitome of Indigenous Pan-Africanism, Nationalism and Intellectual Production in Kenya, *AJIA* vol. 6 nos 1 & 2, 2003, pp. 1–18, Retrieved 16th March 2011 <http://www.ajol.info/index.php/ajia/article/viewFile/57203/45591>

Ochami D., 'Do not support Bashir just because he is Muslim, says PM', *The Standard*, 10th September 2010, Retrieved 15th March 2011, <http://www.standardmedia.co.ke/InsidePage.php?id=2000018138&cid=4&>

Ododa H., 'Somalia's Domestic Politics and Foreign Relations since the Ogaden War of 1977-78', *Middle Eastern Studies*, Vol. 21, No. 3 (Jul., 1985), pp. 285-297, Retrieved 19th December 2010, from JSTOR Database, available from University of the Witwatersrand Library Web site, <http://www.jstor.org/stable/4283072 >

Ojwang J.B. and Franceshi L., 'Constitutional Regulation of the Foreign Affairs Power in Kenya: A Comparative Assessment' *Journal of African Law*, 46, 1 (2002), pp 43–58, Retrieved 16 October 2010 from JSTOR available from the University of the Witwatersrand Library website <http://www.jstor.org/stable/4141321>

Peace Pen Communications (PPC), *Reporting on International Criminal Justice and Terrorism*, East Africa Media Workshop, the International Commission for Jurists – ICJ Kenya and the Institute For Security Studies, (ISS), 26th – 28th August 2009, Nairobi, Retrieved 16th March 2011 <http://peacepencommunications.org/images/stories/presentations/PPC%20Media%20regional%20Media%20Workshop%20on%20Reporting%20International%20Criminal%20Justice.%20%20August%202009.pdf>

Peppetta B., South Africa and Libya in the formation of the African Union (AU): ideological versus material power, Retrieved 21st March 2011, available at the Electronic Thesis and Dissertation (ETD) database at the University of the Witwatersrand library website <http://wiredspace.wits.ac.za/handle/10539/8395>

Ploch L. et al., 'Piracy off the Horn of Africa', *Congressional Research Service (CRS),* September 28, 2009, Retrieved 15th March, < http://www.fas.org/sgp/crs/row/R40528.pdf>

Presidential Press Service (PPS), 'Kibaki urges Sudan support over referendum', *Daily Nation*, September 25 2010, Retrieved 15th March, < http://www.nation.co.ke/News/Kibaki%20urges%20Sudan%20support%20over%20referendum/-/1056/1017786/-/91oo9ez/-/index.html>

Ratemo J., 'Kenya gets new Constitution', The Standard, August 27th 2010, Retrieved 21st March 2011, < http://www.standardmedia.co.ke/InsidePage.php?id=2000016958&cid=4>

Rosenau J. N., 'Paradigm Lost: Five Actors in Search of the Interactive Effects of Domestic and Foreign Affairs', *Policy Sciences*, Vol. 4, No. 4 (Dec., 1973), pp. 415-436, (425), Retrieved

16 October 2010 from JSTOR available from the University of the Witwatersrand Library website <http://www.jstor.org/stable/4531542>

Rosenau J. N., 'The Study of Foreign Policy', *World Politics: An Introduction*, (eds.) J.N. Rosenau, K.W. Thompson, G. Boyd, Collier Macmillan New York, 1976,

Samatar Ahmed I. and Samatar Abdi Ismail, 'Somali Reconciliation: Editorial Note, *Bildhaan*, Vol. 3, Retrieved 15th March, <http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1017&context=bildhaan>

Sankia B., 'EA waters at risk of being labelled 'dangerous' over increasing piracy', *The East African*, November 22 2010, Retrieved 15th March 2011, <http://www.theeastafrican.co.ke/news/-/2558/1057242/-/om920sz/-/index.html>

Shinn D. H., 'Fighting Terrorism in East Africa and the Horn', *Foreign Service Journal, September* 2004, Retrieved 15th March 2011, <http://www.fsjournal.org/Sept04/Shinn.pdf>

Shinn D. H., 'Somalia: Regional Involvement and Implications for US Policy', Paper Presented at the American Enterprise Institute for Public Policy Research October 4, 2006, <http://www.aei.org/docLib/20061006_Shinnpaper.pdf>

Shiundu A., 'Kenya turns to MPs over integration efforts', Daily Nation, September 28 2010, Retrieved 16th March 2011, <http://www.nation.co.ke/News/Kenya%20turns%20to%20MPs%20over%20integration%20efforts/-/1056/1019574/-/55wssuz/-/index.html >

Shiundu A., 'MPs approve Sudan referendum motion', *Daily Nation*, December, 16 2010, Retrieved 15th March 2011, < http://www.nation.co.ke/News/politics/MPs%20approve%20Sudan%20referendum%20motion/-/1064/1073426/-/97p39hz/-/index.html >

Sihanya B. and Okello D., Mediating Kenya's Post-Election Crises: The Politics and Limits of Power Sharing Agreement', in *Tensions and Reversals in democratic Transitions, The Kenya 2007 General Elections* Society for International Development (SID) and Institue for Development Studies (IDS), University of Nairobi 2010

Simbeye Y. and Kinyuyu S., 'Elaborating on the Human Rights System of the East African Community' *The 2nd Annual East African Civil Society Organizations' Forum* November 2007, Arusha, Tanzania The East Africa Law Society Retrieved 16th March 2011,<www.eac.int/gender>

Singer M. R., 'The Foreign Policies of Small Developing States', *World Politics: An Introduction*, J.N. Rosenau, et al. (eds.), Collier Macmillan, New York, 1976.

Somali Cause, *Somalia A Comprehensive Review on the Transitional Federal Government of Somalia (TFG): Analysis and Recommendations*, February 2010, Retrieved 15th March 2011, <http://www.somalicause.org/wp-content/uploads/2011/02/A-Comprehensive-Review-on-the-Transitional-Federal-Government-of-Somalia-TFG1.pdf >

Speich D., The Kenyan Style of "African Socialism": Developmental Knowledge Claims and the Explanatory Limits of the Cold War ',*Diplomatic History*, Vol. 33, No. 3 (June 2009), Retrieved 16th March 2011,<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-7709.2009.00780.x/pdf >

Sudan Tribune, *Mbeki in Kenya for talks on Sudan's peace process*, 9 FEBRUARY 2010, Retrieved 15th March 2011, < http://www.sudantribune.com/Mbeki-in-Kenya-for-talks-on-Sudan,34066>

Terlinden U., and Debiel T.,'Deceptive Hope for Peace? The Horn of Africa between Crisis Diplomacy and Obstacles to Development' *Peace Conflict and Development* Issue 4, April 2004, Retrieved 15th March 2011, < http://www.peacestudiesjournal.org.uk/dl/DeceptiveHope.PDF>

The Export Promotion Council (EPC): International Trade Centre UNCTAD/WTO (ITC) And the Ministry of Trade & Industry, "Kenya's Export Strategy*," Rethinking Export Strategy: A Paper Delivered At The Regional Executive Forum During Africa Trade Week.* Nairobi 26-28 November 2001, <http://www.intracen.org/wedf/images/ef2001/kenyapaper1.pdf>

The Institute of Economic Affairs' (IEA), 'Report on Trade Policy Reforms and Poverty in Kenya: The Cotton-Textile Sub-sector', *Policy Round Table on Linking Trade, Development and Poverty Reduction,* 11th July 2006, Retrieved 16 October 2010 from <http://www.cuts-citee.org/tdp/pdf/ND-The_Cotton-Textile_Sub-sector-Kenya_2006.pdf>

The Intergovernmental Authority on Development (IGAD), *COMMUNIQUÉ ISSUED BY THE EXTRA-ORDINARY SUMMIT OF IGAD HEADS OF STATE AND GOVERNMENT ON SOMALIA,* Retrieved 15th March 2011,<http://www.igad.org/som/sum_som_06_09_05.htm>

United Nations Security Council, '*Letter dated 7 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the President of the Security Council*', 7 July 2010, Retrieved 15th March 2011, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Somalia%20S2010%20361.pdf>

Wabala D., 'Sh27bn Kenya arms purchase queried', *Daily Nation*, March 21 2010, Retrieved 15th March 2011, <http://www.nation.co.ke/News/Sh27bn%20arms%20Kenya%20purchase%20queried%20%20/-/1056/884168/-/5nvwx1/-/index.html>

Wachira N. and Onyango-Obbo C., 'Diplomacy - How Kenya Lost Its Standing in the Outside World', *The East African*, 31 January 2011, Retrieved 15th March 2011, <http://allafrica.com/stories/201101311478.html?page=2>

Wanjohi K., 'When Kenya Sneezes…' *New African* May 2009,

Wanyande P. 'Civil Society and Transition Politics in Kenya: Historical and Contemporary Perspectives', in *Discourses on Civil Society in Kenya,* African Research and Resource Forum (ARRF), 2009, Nairobi Kenya <http://www.boell.or.ke/downloads/Civil_Society_in_Kenya.pdf>

Wanyande P., 'The Mass Media as Civil Society and Their Role in Democratic transition in Kenya', *Africa Media Review*, Vol. 10 No. 3 pp1-20, Retrieved 16th March 2011, <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol10no3/jamr010003002.pdf>

Woodward P., 'Somalia and Sudan: a tale of two peace processes', *The Round Table* , 93: 375, 469 — 481, Retrieved from Informaworld database available at University of the Witwatersrand library website, < http://www.informaworld.com/smpp/title~content=t713448095>

Xinhua, 'Kenya plans to reopen embassy in Somalia'. People's Daily online, August 23 2007, retrieved 22nd June 2011, <http://english.people.com.cn/90001/90777/6246547.html>

Zartman W., 'Africa', *World Politics: An Introduction*, J.N. Rosenau et al. (eds.) Collier Macmillan New York, 1976.

Zepeda, E. et al., 'The Impact of the Doha Round on Kenya', CEIP, UNECA, UNDP, KIPPRA, 2009 Retrieved 16 October 2010 from <http://carnegieendowment.org/files/impact_doha_kenya.pdf>