THE EFFECTIVENESS OF PREVENTIVE DIPLOMACY IN RESOLVING
ELECTION VIOLENCE IN EAST AFRICA: A COMPARATIVE CASE STUDY OF
KENYA AND BURUNDI

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DECLARATION

I, the undersigned, do hereby declare that this thesis is my original work, and has not been submitted to any other college, institution or university other than the United States International University-Africa, for academic credit.

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DEDICATION

This thesis is dedicated to my deceased father, Mr Wilson Mwangi Maina, for his unwavering parenting, love and great regard that he had for education.

I also dedicate it to my loving and supportive mother, Mrs. Susan Wangare Mwangi, and to my siblings Kelvin Maina Mwangi and Lynne Wanjiru Mwangi, who always encouraged me to strive for the best.
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My venture into International Relations began with my professional career working for different Embassies that culminated into a passion that I really enjoy. My mother Susan Wangare Mwangi has been my pillar of strength as well as the encouragement and love from my brother Kelvin Mwangi and my sister Lynne Mwangi have gone a long way in making it possible for me to achieve this academic mission.

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ACRONYMS/ABBREVIATIONS

AU-African Union

CPA - Comprehensive Peace Agreement


ECK -Electoral Commission of Kenya

IGAD-Intergovernmental Authority on Development

IREC-Independent Review Commission

KICC-Kenyatta International Convention Centre

MAPROBU-Mission Africaine de Prévention et de Protection au Burundi

MDC-T-Movement for Democratic Change-Tsvangirai

MPLA -People’s Movement for the Liberation of Angola

NARC-National Alliance of Rainbow Coalition

ODM-Orange Democratic Movement

PNU-Party of National Unity

SPLM/A-Sudan’s People Liberation Movement/Army

UNITA-National Union for the Total Independence of Angola

UN-United Nations

UNSC- United Nations Security Council

US- United States

ZANU-PF-Zimbabwe African National Union-Patriotic Front
ABSTRACT

The 1990’s era marked the advent of multiparty democracy which led to the rise in the number of elections in Africa. In 2015, elections were held in Egypt, Burkina Faso, Burundi, Côte d’Ivoire, Lesotho, Guinea, Sudan and Nigeria. Elections have been conducted in many African countries and some of them have been marred with violence. Electoral violence has been seen to be recurrent in most areas thereby indicating that the underlying root causes of electoral violence remain unresolved.

Kenya, a country situated in East Africa experienced electoral violence in December 2007 following the announcement of the presidential elections results. Violence broke out amid claims by the opposition that the Electoral Commission of Kenya (ECK) had rigged the presidential elections in favour of the incumbent by declaring President Mwai Kibaki as the winner and his opponent Raila Odinga, the loser.

The National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) was the ruling political party in Burundi that announced that the incumbent President Pierre Nkurunziza would run for a third-term in the presidential elections scheduled for June 2015. This announcement sparked protests and violence by the opposition claiming it was a violation of the constitution which says that no president should be elected more than twice.

Preventive diplomacy was found to work in the Kenya but not in Burundi. No studies have sought to explain why it worked in Kenya and not in Burundi. This thesis seeks to fill this looming gap by comparing the Kenyan case to the Burundian case to explain why preventive diplomacy attained success in the Kenyan case, while in the Burundian case it did not yield any success.
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CHAPTER 1: INTRODUCTION

1.1 Background of the Study

Academic and policy literature attest that the beginning of the 1990’s reflected the promotion of rapid democratization in Africa through multiparty elections that ended the stereotypical fact that Africa is made up of one party states. Elections are an important component towards the realization of democratic consolidation of any country. The early 1990’s experienced a wave of protests that reflected fervor for democratic and accountable leadership. With the fall of the Berlin wall and discrediting of the Socialist-Marxist systems, many electoral reforms were implemented. Many autocratic regimes caved in to the pressure for reform emanating from both the citizens and the international community which paved the way for periodic elections (Collier, 2009).

Since the Arab Spring in 2011, a number of Northern African countries have also held multiparty elections. The frequencies of elections and advancement in the quality of democracy across the continent have generated a sense of optimism for multiparty politics. However, this advancement has been accompanied by another worrying phenomenon of election-related violence. This phenomenon not only poses a threat to peace and security on the continent, but also risks inhibiting the long-term sustainability of democratic consolidation (Bekoe, 2010).

The peacefulness of an election has inadvertently become the most articulated feature of any conceivable minimum benchmark of elections in the continent of Africa. Yet peace is neither an overriding determinant nor does it exclusively define a credible electoral process; rather, it is one of certain critical parameters such as fairness, integrity and transparency. Even so, African international and citizen observers as well as the general public have tended to weigh in on this particular aspect; understandably, given that over the past two decades experience on the continent has shown that elections, although a
much lauded hallmark of democracy, in fact can constitute a regionalized threat to peace and stability (Collier and Vicente, 2012).

When deadly electoral violence occurs, the social, economic and political consequences transcend state boundaries. This was true in Lesotho (1998), Nigeria (1999, 2003, 2007, and 2011), Kenya (2007), Zimbabwe (2008), Côte d’Ivoire (2010) and the Democratic Republic of the Congo (2011). As a result, the ‘peace factor’ is accorded more significance than other factors that constitute the credibility of an electoral process, including in instances where the legitimacy of the outcome is under threat. This calculus has in advertently formed an important part of the delicate balancing act of negotiating compliance with international and regional norms and standards that govern the conduct of democratic elections in Africa. The result presents a predicament for both international/regional institutions such as the African Union (AU) and regional economic communities (RECs), respectively the continental and sub-regional bulwarks of democratic governance while being at the same time the guarantors of peace, security and stability (Collier and Vicente, 2012, pp121).

Countries such as Ghana, Malawi, Zambia and Kenya for instance held high-profile elections that ushered in a new era of multiparty politics. Elections represent a competition for power and are contentious. Unless conducted fairly, they can and often lead to violence. Election related violence has become one of the leading causes of crises especially in the global south. This is particularly the case in the continent of Africa, where transitioning from authoritarian regime to democratic governance has remained a contested issue. Elections have been witnessed to exacerbate tensions by further polarizing warring groups/societies especially when the incumbent regimes manipulate the electoral process to suit themselves (Diamond, 1995).
The 1994 elections held in Nigeria is one of the most poignant examples of election-related violence where the military intervened and inhibited the democratization process thereby sparking civil unrest. When Angola held elections in 1992, the losing party, the National Union for the Total Independence of Angola (UNITA) protested the outcome of the election results that their presidential candidate Jonas Savimbi had lost to José Eduardo dos Santos of the People’s Movement for the Liberation of Angola (MPLA). Electoral violence started in Luanda which culminated into a two year war in the country (Chege, 1995).

With the end of colonization and the beginning of self-rule in Africa, majority of African states turned into authoritarianism, while others became military dictatorships such as Somalia led by Major General Siad Barre from 1969-1991. Laurent Gbagbo refused to acknowledge his defeat in the 2010 presidential elections in Côte d’Ivoire which sparked tensions and violence from his opponent Ouattara’s supporters as he was recognized by the African Union (AU) together with the international community as the winner of the presidential seat (Hoglund and Fjelde, 2016).

Hoglund & Fjelde (2016) further note that Zimbabwe experienced a violent political crisis during the aftermath of the presidential elections of 2008. Zimbabwe African National Union-Patriotic Front (ZANU-PF) led by President Robert Mugabe implemented serious atrocities such as forceful disappearance, torture, rape and murder to his political opponents of the Movement for Democratic Change-Tsvangirai (MDC-T) led by Morgan Tsvangirai. The atrocities were also directed to journalists, polling agents, civic leaders and ordinary citizens suspected to be supporting the opposition party MDC-T.

In 2007, about ten million Kenyans went to the polls in what was anticipated to be the most closely-run and hotly contested presidential and parliamentary elections. The
constitutional referendum of 2005 saw a political discourse sustained at high pitch and focused on the presidential elections. The two main candidates were incumbent President Mwai Kibaki and former ally Raila Odinga, who had led opposing sides in the referendum that was won by Raila’s Orange Democratic Movement (ODM). The National Alliance of Rainbow Coalition (NARC) led by President Mwai Kibaki was represented by the symbol of a banana during the referendum while the opposing Orange Democratic Movement was represented by the symbol of an orange. Since ODM won the 2005 constitutional referendum, they concluded that only rigging could prevent them from winning during the parliamentary and presidential elections in 2007 (Kriegler, Aboud, and M’Marete, 2008).

Elections in Kenya have been characterized by deep ethnic divides, unemployment, inequitable distribution of resources and deep-rooted historical land grievances. Elections were held on 27 December 2007 and as the presidential results trickled in, President Kibaki trailed and started catching up later into the tallying exercise. He was later on declared the winner (by an excess of 230,000 votes) and hurriedly sworn in less than half an hour after the announcement. Protests were conducted by ODM amid claims of rigging by the Electoral Commission of Kenya (ECK). ODM conducted a press conference that was abruptly silenced by a news blackout and armed soldiers kicked out party agents, diplomats and international observers out of the Kenyatta International Convention Centre (KICC) who were left aghast at the malfeasance committed by the ECK (Krieglar et al, 2008).

The 2007 elections in Kenya were characterized by a passionate campaign where the Party of National Unity (PNU) led by President Kibaki came to represent the incumbency dominance of the ‘Mount Kenya Mafia’ of the Gikuyu, Embu and Meru communities while the ODM was seen to represent everybody else; particularly the Luo and the
Kalenjin. To complicate matters, the Chairman of ECK, Samuel Kivuitu, had contributed to the doubt on the credibility of the results (Ohito and Obonyo, 2010).

He had failed to submit the presidential results on the second day of counting and purportedly said that he had no confidence in the results being submitted by his own officials because some tallies seemed to be higher than the number of registered voters. He was quoted saying “I hear there is a communication problem; phone lines have been blocked. I cannot ring out but I can receive calls while in my office”. Public suspicion of election malpractice intensified and violence ensued in Nairobi, Western, Rift Valley and Coast provinces where mostly the Gikuyu were attacked and approximately 1300 civilians were killed, property was damaged, people were evicted from their land leading to some 300,000 internally displaced persons (Jepson, Sanghrajka and Ochieng, 2014).

The challenges posed by election-related disputes and political violence underscore the importance of building institutions that can balance competition with order, participation with stability and contestation with consensus. The collective realization that multi-party democracy is central to sustainable peace and stability in Africa has led to increased involvement from the AU and RECs in preventive diplomacy initiatives. In the context of an election, these efforts are utilized when the politics and institutions of an electoral process appear unable to manage tensions without causing violence. Preventive diplomacy, as one element of the African Peace and Security Architecture (APSA) is an essential component of the comprehensive agenda of promoting peace, security and stability in Africa (Muggah and White, 2013).

One of the critical APSA institutions undertaking preventive diplomacy is the African Union Panel of the Wise (PoW), established by the AU under Article 11 of the protocol relating to the establishment of the AU Peace and Security Council (PSC). The PoW is
made up of members nominated by the AU Commission (AUC) chairperson after wide consultations; they are appointed for a three year term through a decision of the AU Assembly. The body also includes past panel members, who are referred to as ‘Friends of the Panel’. The PoW supports the activities of the AUC chairperson and the PSC in conflict prevention. It also works closely with similar regional structures such as the Council of the Wise of ECOWAS; the Committee of Elders of the Common Market for Eastern and Southern Africa; the ad hoc mediators of SADC; and the AUC’s Continental Early Warning System.

First established in 2007, the PoW consists of five members; each representing one of the five geographic regions of Africa, who are highly respected African persons, each of whom has made outstanding contributions to the cause of peace, security and development. The personal and professional attributes of PoW members allow the institution to carve a distinctive niche in conflict prevention in politically complex electoral processes. In addition, its relatively small membership gives the PoW sufficient institutional agility to intervene rapidly at critical moments of crisis-prone electoral processes. It is also one of the few APSA institutions that enjoys a standing annual approval for its activities, thus avoiding the usual bureaucracy involved in seeking approvals. Furthermore, the Friends of the Panel may be used as envoys in cases where all the members of the PoW are occupied elsewhere and cannot be deployed on peace-making missions.

Muggah and White (2013) contend that since its inception the PoW has carried out preventive diplomacy in several troubled electoral and political processes, including those in Guinea (2010), Egypt and Tunisia (during the post-‘Arab Spring’ transition), the DRC (2011), Senegal (2012), Sierra Leone and Ghana (2012). As witnessed in Tunisia and Egypt, the PoW encouraged all the main electoral stakeholders to forge consensus during
the early stages of the constitutional and institutional reform processes that preceded the various elections and referenda. Although dissimilar internal dynamics meant that the two countries experienced different post-Arab Spring political trajectories, the willingness of political stakeholders in Tunisia to work together towards democratization made the PoW’s preventive actions more fruitful in that country than in Egypt. Tunisia’s peaceful general elections in 2014 contrasted sharply with Egypt’s violence-ridden process that was punctuated by the 2013 coup d’état.

Preventive diplomacy is one of the most original contributions of the United Nations (UN) system to the maintenance of international peace and security. The UN Charter states that the goal of the organization is to take effective collective measures for the prevention and removal of threats to peace stated in Article 1, paragraph 1 of the UN Charter. While the end of the Cold, the concept of preventive diplomacy developed by Dag Hammarskjöld was resurrected and given a new definition by the present UN Secretary-General, Boutros Boutros-Ghali. In his landmark report *An Agenda for Peace*, the Secretary-General further carries on Hammarskjöld’s definition of preventive diplomacy as actions to prevent disputes from arising between parties and to prevent existing disputes from escalating into armed conflict and to limit the spread of the latter when they occur. The new notion of preventive diplomacy is specifically distinguished from other types of UN actions, such as peacemaking, peacekeeping and peace building. In *The Agenda for Peace*, peacemaking is defined as an action to bring hostile parties to agreement, while peacekeeping involves the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peacebuilding, is defined as an action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict (Acharya, 1996).
The renewed emphasis on preventive diplomacy is in part the result of a growing disillusionment with peacekeeping. Greater emphasis on preventive diplomacy is one of the options that could, in the long-term, reduce the need for expensive and politically more difficult peacekeeping operations in many parts of the world. Preventive diplomacy has the potential to enhance the legitimacy of the UN's peace and security role by measuring it against a broader framework than mere peacekeeping functions that are so susceptible to periodic setbacks. Moreover, to a much greater extent than peacekeeping operations, the exercise of preventive diplomacy could be decentralised, hence, undertaken by agencies other than the UN, including regional organizations such as the AU and non-governmental organizations. Because preventive diplomacy relies primarily on diplomatic means, it provides opportunities for greater burden-sharing within, and decentralisation of international peace and security arrangements. Preventive diplomacy can be applied to a broad range of international security problems by a number of actors and agencies acting within a multilateral framework. The instruments of preventive diplomacy vary widely, from a simple telephone conversation during a crisis to the deployment of military units, from the peacetime monitoring of events in potential trouble spots to the dispatch of fact-finding and goodwill missions at the onset of a crisis. In a narrow, if more familiar sense, preventive diplomacy is about suppressing or resolving disputes which have an immediate potential to escalate into armed confrontation. In a broader sense, preventive diplomacy seeks to establish the necessary long-term background conditions which inhibit the use of force as a means of dispute settlement (Acharya 1996, pp 2).

Preventive diplomacy stems from the assumption that intractable conflicts are easier to avoid before they happen, rather than fix them once they have erupted. Preventive diplomacy consists of the following elements; mediation, fact-finding missions,
confidence building, early-warning systems and good offices. Preventive diplomacy in Kenya was carried out by a Panel of Eminent African Personalities led by Kofi Annan who brokered a settlement that yielded a Government of National Unity and the formation of two commissions; one to examine the violence that erupted and the other one was the Independent Review Commission (IREC), which was tasked with examining the 2007 Kenyan elections from various perspectives. The violence in 2007/2008 was unprecedented in scope and intensity. Ohito and Obonyo (2010) posit that violence affected one out of three Kenyans in different ways such as being displaced from their homes, destruction of property, loss of jobs, personal injury or having a friend or relative that died in the violence.

An African Union (AU) led Panel of Eminent African Personalities was sent to Kenya to mediate a peace deal between Mr. Odinga and President Kibaki since they would not meet face to face and refused to hold talks together. The Panel composed of Chairman Kofi Annan, Graca Machel and Benjamin Mkapa led the mediation process at Serena Hotel which culminated into a Government of National Unity by signing the National Peace Accord which stated that there will be a Presidential position held by Mr. Kibaki and a Prime Minister position held by Mr. Odinga (Jepson, et al 2014).

In Burundi, the Belgian colonial masters favoured the Tutsi’s and marginalized the Hutu and the Twa. The announcement on April 2015 that President Pierre Nkurunziza of Burundi would seek a third-term in office sparked widespread protests across Bujumbura on grounds that Nkurunziza violated the 2000 Arusha Peace Agreement that brought an end to the country’s civil war which stipulated power should be shared between the majority Hutu (85%) and the minority Tutsi (14%) (Human Rights Watch Report, 2010).
President Pierre Nkurunziza also violated the constitution which does not allow for a president to run for a third-term in office. The police used excessive force to disperse the protesters and weeks later a coup attempt was mounted by some army officers who were defeated by forces loyal to Nkurunziza. Presidential and parliamentary elections went ahead despite international calls for them to be postponed and on July 2015, President Pierre Nkurunziza was re-elected back to power (Vircoulon, 2016).

Mass atrocities committed by the *Imbonerakure*, a youth wing of the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) included torture, rape, grenade attacks and murder directed at the opposition or those who were viewed to be opposing the President’s third-term. Within a year or less, more than 200 civilians had been murdered and approximately 185,000 have fled the country including opposition politicians, journalists and civil society activists who have fled for exile in Kenya, Belgium and Rwanda. The AU authorized the deployment of 5000 peacekeepers under the Mission Africaine de Prévention et de Protection au Burundi (MAPROBU) which President Nkurunziza refused to consent to hence violence continued to persist (Connolly, 2016).

1.2 Statement of the Problem

Various forms of interventions meant to address Africa’s conflicts have occurred in the past decade. According to scholars, the major interventions have included military and diplomatic efforts emanating from both the international community and regional engagements. Young (2007) contends that the Intergovernmental Authority on Development (IGAD) mediation efforts in the Sudan Peace Process is a good example of preventive diplomacy efforts that led to the culmination of the Comprehensive Peace Agreement (CPA) that brought peace between the conflicting parties who were the Government of Sudan and Sudan’s People Liberation Movement/Army (SPLM/A). The
Secretariat for the IGAD Peace Process on the Sudan was created and based in Nairobi under Special Envoy General Lazaro Sumbeiywo who carried out and sustained the mediation process that culminated into a peaceful resolution of the conflict.

The nature of African conflicts is dynamic and new waves of conflict sources associated with election violence have been on the rise. Whereas attempts have been made by analysts to show how the election violence are addressed through diplomatic engagement, using the concept of African solutions to address African problems, no study shows why in some cases preventive diplomacy succeeds in resolving election related violence, while in other cases it does not.

Preventive diplomacy was found to work in Kenya but not in Burundi. No studies have sought to explain why it worked in Kenya and not in Burundi. Therefore, in this thesis, I seek to fill this looming gap by comparing the Kenyan case to the Burundian case to explain why preventive diplomacy attained success in the Kenyan case, while in the Burundian case it did not yield any success.

1.3 Theoretical Framework

Preventive diplomacy, a word coined by Dag Hammarskjöld in 1960 refers to actions that prevent disputes from arising between parties, and prevent existing disputes from escalating into armed conflict. Over the years, preventive diplomacy has been used to address and resolve election violence (Hammarskjöld, 1960).

This thesis focuses on Dag Hammarskjöld’s approach of preventive diplomacy to explain how election violence in Sub-Saharan Africa can be resolved. Preventive diplomacy consists of the following elements; mediation, fact-finding missions, confidence building, early-warning systems and good offices. Preventive diplomacy stems from the assumption that intractable conflicts are easier to avoid before they happen, rather than fix
them once they have erupted. Hammarskjöld’s preventive diplomacy approach offers a blend of Eastern-Western spirituality in his psychological and philosophical ways of conflict resolution.

The approach contains elements of both Western science and Eastern mysticism which points to the multidisciplinary nature of preventive diplomacy containing principles of respect for one’s self worth, open-mindedness and the need for self-control over abusive actions and speech. This approach will be used to explain how preventive diplomacy resolved election violence in East Africa.

Ramcharan (2008) contends that Article 99 of the United Nation’s Charter envisaged the idea of preventive diplomacy- for the first time in the history of international organizations, it gave the Secretary General the competence to bring forward matters that might threaten international peace and security to the Security Council for its consideration. Successive generations of diplomats, heads of state and the United Nations (UN) experts have put great faith in the hope that diplomatic efforts might be able to avert conflicts and human catastrophes. Dag Hammarskjöld’s preventive diplomacy has seen dramatic success such as in the Cuban Missile crisis of 1962 when Secretary General U-Thant helped avert a nuclear confrontation between the Soviet Union and the United States. The approach of preventive diplomacy is potent and will continue to be so because of a simple belief by people that everything possible should be done to avert a disaster or conflict from erupting.

Hammarskjöld created avenues and markers on the practice of preventive diplomacy that is being used today. He always used his judgment in decisions about whether his insights might be useful or not. He sent representatives on special missions to investigate more closely matters that were prone to conflict and kept root causes in mind as he believed
that it would be important to tackle the economic and social root causes of conflict (Ramcharan, 2008).

1.4 Purpose of the Study/General Objective

The main objective is to explain the effectiveness of preventive diplomacy in resolving election violence in East Africa.

1.5 Specific Objectives of the Study

The following objectives guide the study:


2. To explore how fact finding missions facilitated by the AU carried out its activities in Kenya and Burundi prior to elections, and in the aftermath of outbreak of violence in the two cases.

3. To examine the extent of openness/acceptance of the conflicting parties to the process of mediation in the Kenyan and Burundian cases.

4. To explore if the qualities of mediators have any effect in the success of mediation for the Kenyan and Burundian cases.

1.6 Research Questions

1. What are the similarities and differences of the drivers to election violence in the case of Kenya (2007/2008) and Burundi (2015/2016)?

2. How did fact finding missions facilitated by the AU carry out its activities in Kenya and Burundi prior to elections, and in the aftermath of outbreak of violence in the two cases?

3. To what extent were the conflicting parties open/accepting to the process of mediation in the Kenya and Burundi peace processes?
4. Do the qualities of mediators have any effect on the success of mediation in the Kenyan and Burundian cases of post-election violence?

1.7 Hypothesis


2. Fact finding missions facilitated by the AU were slower and ineffective in the Burundi case than in the Kenyan case.

3. To a greater extent, the conflicting parties in Burundi were not open/accepting to the process of mediation while the conflicting parties in Kenya were open/accepting to the process of mediation.

4. The qualities of mediators have an effect in the success of mediation in the Kenyan and Burundian cases of post-election violence.

1.8 Significance of the Study

Democratic governments contribute towards the participation of the citizens through elections. However, the process of conducting elections more often than not turns into violence as witnessed in Afghanistan, Thailand, Coté d’Ivoire, Nigeria, Egypt and Zimbabwe. This poses as a threat to peace and security on the continent and risks undermining the long-term sustainability of the democratization process. The coup d’états in Mali and Guinea-Bissau in 2012 staged before and during the elections are additional examples of how serious election-related violence is in the continent.

The comparison of how preventive diplomacy was used to resolve the election violence in Kenya and Burundi is an area that has not received much attention and therefore presents a unique opportunity to study both cases and find out why preventive diplomacy works in some cases; and not in others. This study is designed to contribute to the existing stock of
knowledge in the area of study and also to generate new knowledge that can inform the formulation of policy hence provide practical solutions to address the problem.

1.9 Scope of the Study

This thesis seeks to explore the effectiveness of preventive diplomacy in resolving election violence by focusing on the Kenyan (2007/2008) case and Burundi (2015/2016) case. To illustrate this, the research will map out the history of election violence in both countries including their causes and effects. This research will examine the role of international actors including states, international organizations, regional organizations and non-governmental organizations.

While trying to analyze and research on the Burundi (2015/2016) case, one of the limitations experienced was lack of sufficient literature on the subject since it is a very new case hence data gotten depended mostly on e-books, journals, articles, newspapers and magazines. The secondary data could have been better triangulated by primary data from focus group discussions and in depth-interviews.

1.10 Definition of Terms

1.10.1 Elections

Elections are a necessary attribute to the process of democratization. An election refers to “the process by which government representatives are chosen by the citizenry to represent them and their interests in the current regime” (Sisk, 2008). Democracy is considered to be the ultimate guarantor for peace. The authority of the government is derived solely from the consent of the governed. All modern democracies hold elections although not all elections are democratic as some of them are not free and fair elections which lead to political violence occurring through election violence.
1.10.2 Election Violence

Election violence refers to any organized or impromptu act set out to intimidate, threaten, physically harm, abuse or blackmail a political entity so as to influence an electoral process (Bekoe, 2010). The breakdown of an electoral process is the onset of election violence. Elections in most cases are plagued with conflict or violence for instance Nigeria (2011) and Cote d’ Ivoire (2010) where the electoral commissions in each case had had been initially approved as worthy to run credible polls but still were unable to prevent the ensuing violence.

Election violence can occur in three major types which are pre-electoral, during the election and post-electoral. Pre-election violence is characterized by shooting, thuggery and arson and takes place mostly at the stage of party primaries where contestants from the same party contest for the ticket to become the party’s flag bearer. Violence during elections involves snatching of ballot boxes, kidnapping of electoral officers and forcing electoral officers to alter the results during election period. Post-election violence occurs after the elections have been held and a winner is declared. It is perpetrated by looting, arson, destruction of property and lives by the party that did not win the elections (Frazer, 2011).

1.10.3 Diplomacy

The word Diplomacy is used in widely different ways. In this thesis, the word Diplomacy will refer to the institutions, people and processes used by different states to conduct their political relations with one another. Freeman (2010, pp.55) makes reference to Napoleon Bonaparte who stated that “Diplomacy is the police in grand costume.” He also refers to Cardinal Richelieu who quoted that “Diplomacy is not at incidental or opportunistic arrangements, but at creating long lasting durable relations.” (Freeman, 2010, pp.61). The
government representatives sent from a sending country to a host country are known as diplomats (Feilleux, 2009).

Diplomacy involves a wide range of tasks from issuance of travel visas to detailed negotiations aimed at resolving international conflicts. This makes it an indispensable tool in the everyday conduct of relations between countries. Its established modes of communication and negotiation have enabled states to make their relationships better and stronger. Therefore, the heart of diplomacy lies in communication. Diplomacy has its roots in the 6th Century B.C in the Ancient Greek city states of Athens, Corinth, Sparta, Megara and Argos. The ancient Chinese, Romans and Egyptians also established ad hoc procedures for managing relations with their neighbours. Official personnel were dispatched, treaties were negotiated and the policies were articulated through the use of diplomatic channels (Feilleux, 2009).

1.10.4 Preventive Diplomacy

Preventive diplomacy is a term coined by the then UN Secretary General Dag Hammarskjöld in 1960 and refers to actions that prevent disputes from arising between parties, and prevent existing disputes from escalating into armed conflict. During the Cold War, the concept of preventive diplomacy focused on efforts to keep local disputes from provoking wider confrontation between the United States and the Soviet Union.

The nature of preventive diplomacy focuses on non-coercive diplomatic methods and peaceful means described in Article 33 of the UN Charter. Preventive diplomacy elements include mediation, fact-finding missions, confidence building, early warning systems and good offices. Preventive diplomacy has applied the tool of mediation to solve most conflicts in the world; especially in Africa’s electoral scene (Gerenge, 2015).
1.11 Methodology

1.11.1 Introduction

The thesis makes use of secondary data. I purposively searched for data that addressed my topic and research objectives which was gotten from secondary sources of data such as books, journals, reports and newspapers such as the Kenyan Standard, Daily Nation, East African and Burundi Tribune.

1.11.2 Research Design

The research design used in this thesis is qualitative research as it does not make use of any statistics. Lincoln (2000) argues that qualitative research is a type of scientific research that seeks to understand a research problem or topic from the perspectives of the local populace involved. It is the examination, analysis and interpretation of observations without involving mathematical models using methods such as phenomenology, ethnography, grounded theory and case study among others.

Given that this work is a comparative analysis, this thesis applies Lincoln’s (2000) knowledge of qualitative research where case studies of Burundi and Kenya are studied as case studies that describe and interpret the feelings, behaviour, views and meanings of the experiences of the Kenyan and Burundian people. By interpreting these views and experiences, this study focuses on the nature of inquiry and endeavours to explain how and why preventive diplomacy succeeded in Kenya and not in Burundi.

1.11.3 Data collection

Data collection was carried out from secondary sources of data. Data was collected from books, journals, reports and Burundi Tribune (English version), Kenya Daily Nation, Kenya Standard and East African newspapers. Vital information was also gotten from reports of the Burundi Independent National Electoral Commission (CENI) and
Independent Electoral and Boundaries Commission (IEBC) formerly Electoral Commission of Kenya (ECK). In addition, reports from the local, regional and international actors like the UN also made up a formidable source of information as well as government reports, media reports and webpages.

1.11.4 Data Analysis

In this thesis, content analysis will be used for data analysis. Hsieh & Shannon (2005) argue that content analysis involves analyzing the contextual meaning of text data. Borrowing from Hsieh & Shannon (2005), this research will make use of content analysis to analyze text data from books, newspapers, journals, reports and webpages. I will carefully read each text and highlight text that appears to explain or give reasons why preventive diplomacy worked in Kenya but not in Burundi. Consequently, the findings of content analysis will be used to provide knowledge, understanding and correlation of preventive diplomacy and election violence phenomena.

Bryman (2012) argues that content analysis provides a platform for the construction of meaning in texts. It comprises the search for underlying themes in the materials being analyzed where a theme is a category identified by the researcher through his/her data that relates to the research questions and provides the researcher with the basis for a theoretical understanding of his /her data that can make a contribution to the literature relating to the research focus.

1.11.5 Ethical Issues

Bryman (2012) contends that ethical issues and considerations cannot be ignored. This is because they relate directly to the integrity of the piece of research being undertaken. This research was conducted purely for academic purpose. Data collected has been referenced
and the original author cited. Ownership of original data has been acknowledged in this thesis and kept from unauthorized access, destruction or accidental loss.

1.11.6 Chapter Summary

This chapter has submitted a blueprint of the research design, methods of data collection, data analysis and finally the ethical issues involved.

1.12 Chapter Summary and summary of all chapters

Chapter one entails the background of the study, statement of the problem, hypothesis, purpose of the study, specific objectives, significance of the study, scope of the study, definition of terms, methodology and chapter summary. Chapter two will provide the literature review while chapter three will provide the data presentation and findings of this research. Chapter four entails the conclusions and recommendations of this thesis.
CHAPTER 2- LITERATURE REVIEW

2.1 Introduction
This study makes use of secondary data while conducting the literature review. Based on the objectives of this study, existing gaps that other authors did not address have been identified in this chapter as no explanation has been given as to why preventive diplomacy succeeded in Kenya and not in Burundi. Election violence in Africa is not a new phenomenon in the continent. The level of violence has been highly discussed and publicized especially with international and regional organizations like the United Nations and the African Union. The election violence in Kenya 2007/2008 and Burundi 2015/2016 has received plenty of scholarly attention in books, journals, newspapers and reports. Nonetheless, the research has not been exhaustive and needs further inquiry.

2.2 Literature Review

2.2.1 Preventive Diplomacy
As noted earlier, the word Diplomacy is used in different ways. In this thesis, the word Diplomacy will refer to the institutions, people and processes used by different states to conduct their political relations with one another. Representatives from a particular government sent from a sending country to a host country are known as diplomats (Feilleux, 2009). Diplomacy involves a wide range of tasks from conducting detailed negotiations that resolve international conflicts to issuance of travel visas for the promotion of tourism. This makes it an indispensable tool in the everyday conduct of relations between countries. Its established modes of communication and negotiation have enabled states to make their relationships better, fruitful and stronger. Consequently, the heart of diplomacy lies in communication.
Gerenge (2015) in his article *Preventive Diplomacy and the AU Panel of the Wise in Africa’s Electoral-related Conflicts* posits that the nature of preventive diplomacy focuses on non-coercive diplomatic methods and peaceful means of resolving conflict. It refers to actions that prevent disputes from arising between parties, and prevent existing disputes from escalating into armed conflict. Preventive diplomacy elements include mediation, fact-finding missions, confidence building measures, early warning systems and good offices. These elements are fundamentally non-military in nature and do not consist the use of force; but diplomatic methods of resolving conflict.

### 2.2.1.1 Mediation

Kleiboer (1996) in his article *Understanding Success and Failure of International Mediation* argues that mediation has been used in preventive diplomacy as an intervention tool of conflict prevention and resolution to lessen violent conflicts in Africa. Mediation is the process by which a skilled and neutral third-party intervenes in a conflict to help the warring parties reach an agreement by use of non-coercive methods. The process of mediation is conducted by a mediator who assists the conflicting parties in voluntarily reaching a mutually acceptable agreement.

Methods of conflict resolution include: arbitration, mediation, negotiation and adjudication. Mediation has been used for a long time and in different parts of the world. In the current world, the destructive ability of weapons makes conflict very costly. Due to anarchy, there is no world government to control international behavior. Power is found in numerous units that guard their sovereignty by all means possible. Mediation is seen as a good means of addressing disagreements between and among states that are antagonistic to each other. Mediation can also be used to resolve conflicts within a state as well as conflicts between states and non-state actors.
In the contemporary world, mediation is the most common method used in conflict resolution. It is a complex kind of negotiation whereby parties negotiate in the presence of a third party. It is the continuation of negotiations by other means. Parties resort to mediation because they cannot negotiate at all or they have reached a deadlock after negotiation has begun. Parties in a conflict agree on the choice of the mediator. This implies that mediation is non-coercive. Parties in conflict are free to choose to negotiate in the presence of a third party or not.

Mediation has been used in a widely diverse set of contentious cases, emanating from the gamut of divorce settlements to peace efforts between warring countries. The disputants and the mediator have to voluntarily accent to the process of mediation hence it cannot be assumed that every disputant will be open to partaking in the mediation process to resolve the conflict. The benefits from accepting the mediation process includes an end to the violent conflict and settlement, narrower gains unrelated to the diplomatic settlement and preserving their relationship. Mediators have a clear cut role in the conflict resolution process where they provide a forum for the parties to negotiate to assist them in formulating potential settlement terms (Greig & Diehl, 2012).

2.2.1.2 Fact-Finding Missions

Wolff & Dursun-Ozkanca (2013) in their book *External Interventions in Civil Wars: The Role and Impact of Regional and International Organizations* contend that fact-finding missions refer to the process of gaining first-hand and impartial knowledge of a particular situation and raise awareness of a looming crisis. Mediation usually follows fact-finding missions to beef up conflict prevention efforts through preventive diplomacy. Fact finding missions can be carried out by an individual or a group of persons and they come in various forms; some come from the initiative of the state(s) in conflict, others come about
through the UN Security Council, General Assembly, Secretary-General or regional bodies such as the AU. Fact-finding missions to a state require an invitation from the state or a consent of the state being examined.

Acharya (1996) in *Preventive Diplomacy: A Concept Paper* argues that fact finding missions as an element of preventive diplomacy involve the collection and analysis of timely and reliable information on conflict situations. Fact finding missions are more specific to a given situation and can be undertaken during peace time and also during crisis time. The missions are comprehensive as they cover domestic, regional and global aspects of a conflict and they aim to address the social, economic and political factors that underpin the conflict.

**2.2.1.3 Confidence Building Measures**

Ralph (1996) in the article *Asia-Pacific Confidence and Security Building Measures* argues that confidence building measures can be both formal and informal and they address, prevent and resolve uncertainties among states or disputing parties. Confidence building measures have been used to provide reassurance by reducing uncertainties and therefore contribute to the reduction of misperception and suspicion among the disputants. Trust and confidence is of uttermost importance in achieving peace and security and this has consequently lessened the probability of armed confrontation through the process of preventive diplomacy.

The author further contends that confidence building measures have been used in the ASEAN Regional Forum (ARF) to make clear to concerned member states the true nature of potentially threatening military activities hence promoting regional security in Asia-Pacific. Confidence building measures have enabled countries to clarify their purpose and target when they are holding regional military exercises that are deemed to exert pressure
on other’s security interests. Through information exchanges and transparency, they have provided mutual clarification of the strategic intentions of parties in a potentially adversarial setting therefore building confidence among the potential adversaries.

2.2.1.4 Early Warning Systems

Acharya (1996) in Preventive Diplomacy: A Concept Paper explains that since preventive diplomacy is meant to be timely and pro-active, early warning systems are an integral element of preventive diplomacy. These systems enable the monitoring of developments in political, military, social, ecological and other areas that may lead to outbreak of violence, if not mitigated. These systems seek to detect outbreak of conflict as they involve the process of observing and collecting factual evidence on emerging crises. Experts and eminent persons play a vital role in early warning systems as they identify areas and issues where conflicts are brewing by collecting information on the ground and undertaking necessary steps to prevent eruption of a conflict.

Brahm, (2005) in Early Warning explains that the main aim of early warning systems is to avert conflict before it becomes too costly to handle. Data collected enables the conflict experts to determine if the situation is risky or not and facilitate advance planning about the situation. Potential early warning signs include a rise in societal intolerance, an influx of refugees, destruction and looting of property, sudden demographic changes, increase in number of demonstrations and government clamp downs.

Nhara (1996) in his article Early Warning and Conflict in Africa argues that early warning systems provide data and indicators that will be used to forecast the emergence of a conflict. The three pillars of early warning systems; that is, preparedness, prevention and mitigation enable the data collected to provide timely alert to potential conflicts.
Early warning is geared to forestall or alleviate the worst effects of conflict including early intervention that transforms and resolves conflicts.

Nhara (1996) further explains that conflict experts in the Organization of African Unity would visit any conflict zone in Africa and communicate directly with the disputants so as to receive first-hand information about the situation then determine if there is a *prima facie* risk of potential conflict. If a risk exists, then an early warning would be issued which was communicated promptly to the Secretary-General. The Secretary-General would need to take the early warning signs seriously to ensure optimal utilization of the early warning system.

Although early warning has expanded and improved, its context has changed over the past decade. Only a few years ago, information on brewing situations around the globe was scant; the challenge was to obtain more of it. Today, the challenge is, in some ways, the reverse: information is voluminous and must be sifted, evaluated and integrated. However, predicting crises remains an uncertain business, and the international community is still, on occasion, taken by surprise, as it was by the ethnically targeted violence that ripped through southern Kyrgyzstan in June 2010 and the timing of the wave of popular unrest that has shaken the Middle East and North Africa in 2011.

Cooperation within the United Nations on early warning has improved. Specialized parts of the system such as the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Office of the Special Adviser for the Prevention of Genocide and Mass Atrocities are playing a key role in filtering information and drawing attention to such dangerous indicators as patterns of human rights violations or hate speech, which might otherwise escape detection. Similarly, closer cooperation between the United Nations and regional organizations such as the African Union and ECOWAS, both of
which operate early warning systems, has ensured more and better data. Above all, there is a need for organizations to better anticipate those ‘threshold moments’ when parties to a conflict decide, or feel compelled, to use or escalate violence to achieve their aims (Brahm, 2005). The more the motives and calculations of key actors are understood, the better conflict resolution actors will be able to tailor a preventive response.

2.2.1.5 Good Offices

Whitfield (2010) in her article Political Missions, Mediation and Good Offices argues that good offices are employed in support of national peace processes and also help avert threatening conflicts through the process of preventive diplomacy. Good offices are undertaken by high profile mediators or envoys engaged on behalf of an individual state, a regional organization or the United Nation’s Secretary-General. The UN’s good offices have been engaged in the provision of technical advice to prevent violent conflict where a third party leads a process of dialogue and negotiation to assist two or more conflicting parties prevent, manage or resolve a conflict. Good offices are embraced by article 33(1) of the UN Charter as measures of achieving peaceful settlement of disputes. At the United Nations and other organizations such as the Organization of American States, the term ‘good offices’ has evolved to mean almost anything; from a telephone call from the Secretary-General to full-fledged mediation effort conducted in his or her name such as those seen in Kenya and in Cyprus.

Successive Secretaries-General have used their good offices to help parties find solutions to problems at the earliest possible stage. The effectiveness of the good offices is often a function of how much political space the Secretary-General has in which to act. As a custodian of the Charter, the Secretary-General also has the duty to speak out in certain situations, an obligation which may or may not enhance mediation efforts. At times, public advocacy in full view of the media is necessary; more often, however, good offices
are deployed behind the scenes. Irrespective of the approach, the key is to practice preventive diplomacy that is as determined as it is flexible.

Steiner (2004) argues that The Department of Political Affairs of the UN serves as the main operational arm for the conduct of good offices. With regular and extra budgetary support from the Member States, the Department was strengthened over the past years to play its lead role in preventive diplomacy within the United Nations system more effectively. It has enhanced its analytical capacities, its technical expertise in key areas such as electoral assistance, its partnerships and its ability to learn lessons, distil best practices and facilitate system-wide responses. As a result, it is becoming better geared towards rapid response and, through its reinforced regional divisions and Mediation Support Unit, can assist good offices and mediation initiatives worldwide, whether undertaken by the Organization or its partners. Its standby team of mediation experts is able to deploy within 72 hours to assist negotiators on peace process design, security arrangements, constitution-making, gender, power-sharing and wealth-sharing. A dedicated mechanism, supported by voluntary contributions, provides more flexible financing for rapid response.

Jepson, G., Sanghrajka N. & Ochieng, J. (2014) in their book Back from the Brink explain that the AU led Panel of Eminent African Personalities chaired by Kofi Annan offered its good offices during the Kenya 2007/2008 election violence crisis by ensuring that the process of the National Dialogue and Reconciliation was carried out in a continuous and sustained manner towards resolving the political crisis caused by the disputed presidential electoral results. Negotiations carried out through these good offices ensured the ODM and PNU representatives aired out their views and aspirations and were committed to the mediation process which led to a peaceful settlement.
2.2.1.6 Global Context of Preventive Diplomacy

Feilleux (2009) in his book *The Dynamics of Diplomacy* argues that diplomacy has its roots in the 6th Century B.C in the Ancient Greek city states of Athens, Corinth, Megara and Sparta. The ancient Chinese and Romans also established ad hoc procedures for managing relations with their neighbours. Official personnel were dispatched, treaties were negotiated and the policies were articulated through the use of diplomatic channels (Feilleux, 2009). The techniques of international diplomacy are public diplomacy, shuttle diplomacy, preventive diplomacy and multilateral diplomacy.

He further argues that public diplomacy is the process by which states use of soft power to influence foreign public opinion. He further explains that shuttle diplomacy as explained by Henry Kissinger refers to the process of carrying out mediation by moving from one location of a conflicting party to another location where the parties in conflict have refused to meet. Multilateral diplomacy is carried out by addressing multiple audiences simultaneously in open forums such as the United Nations General Assembly where negotiations between member states takes place.

Steiner (2004) in his book *Collective Preventive Diplomacy: A Study in International Conflict Management* argues that history books teach that military intervention does more harm than good. It is easier to prevent conflict before it begins than to intervene in conflict that has already escalated into violence. Conventional practices that brought out elements of preventive diplomacy have been in practice since the 17th century where nations and governments interacted with each other on an administrative level aided by diplomats who had specialized in political negotiation. From the Belgian Revolution (1830-1838) to the Armenian unrest in the Ottoman Empire (1878-1914), the author notes that the type of preventive diplomacy that was employed to manage the conflict was referred to as ancient preventive diplomacy.
Yuzawa (2006) in his journal article *The Evolution of Preventive Diplomacy in the ASEAN Regional Forum: Problems and Prospects* defines preventive diplomacy as actions geared towards preventing disputes from arising and preventing existing disputes from escalating into armed conflict. Preventive diplomacy has received much attention from scholars and experts as one way of addressing security problems. This has been witnessed in the ASEAN Regional Forum (ARF) where 25 states have embraced preventive diplomacy as a mechanism to address the region’s security issues.

The author goes on to explain various assumptions of preventive diplomacy for instance preventive diplomacy relies on diplomatic and peaceful methods to resolve conflict such as mediation, negotiation, arbitration and conciliation. It is voluntary; preventive diplomacy is employed at the request of the parties and they have to consent to it. Thirdly, preventive diplomacy is non-coercive; acts that require use of force or sanctions are not part of preventive diplomacy. Fourthly, preventive diplomacy requires trust and confidence hence the mediator has to be trustworthy and impartial to all parties involved. Fifthly, preventive diplomacy is carried out under the auspices of international law and therefore has to abide by international law rules and norms. Finally, preventive diplomacy requires timeliness; action taken is to be preventive carried out at an early stage of a crisis rather than curative.

Ghali (1992) in his paper *An agenda for peace: Preventive diplomacy, peacemaking and peace-building* further affirmed Hammarskjöld’s theory that the best approach of conducting preventive diplomacy was to prevent tension before it escalated into conflict. He further defined Hammarskjöld’s definition of preventive diplomacy as actions taken to prevent disputes from arising between parties and preventing existing disputes from escalating into armed conflicts and limiting the spread of the latter when they occur. He
posits that contemporary preventive diplomacy places social detection and early intervention of violent conflict at the crux of international politics.

Transformation in the labour and economic market has been brought about by the information age and the advent of technology that has caused the new preventive diplomacy to depend on multidisciplinary resources for success. While conventional preventive diplomacy was performed by Presidents of nation-states, the new preventive diplomacy is now practiced by multiple organizations such as the United Nations and individuals of proven effective leadership. Boutros Boutros- Ghali further notes that preventive diplomacy consists of a repertoire of elements such as early warning systems, fact finding missions, mediation, good offices and confidence building measures.

Mall (1969) in his book *Dag Hammarskjöld: Strictly personal* argues that diplomats, specifically the Secretary-General of the UN set the international standard for conceptualizing preventive diplomacy. Hammarskjöld served as the second United Nations Secretary-General from 1953-1961 and in his 1960 UN Security Council report on South Africa he coined the term preventive diplomacy for the first time. Through peaceful negotiations, Hammarskjöld intervened in the tension between China and the US where fifteen American citizens whom had been taken hostage during the Korean War. He negotiated with the Chinese authorities that led to the liberation of the American hostages.

Daskalovski (2004) in his article *The Macedonian Conflict of 2001: Between Successful Diplomacy, Rhetoric and Terror* argues that preventive diplomacy was carried out during the Macedonia conflict of 2001 that yielded much success compared to the other Balkan conflicts in Bosnia, Kosovo and Croatia. The ethnic Albanian militant group attacked the Macedonian security forces where 38 security officers were killed as the Albanians
demanded human rights reforms in favour of ethnic Albanians. The United States and the European Union moved in tandem and got involved since the beginning phases in preventing the conflict from escalating. They applied diplomatic pressure to the Macedonian government and pledged foreign aid of 40 million Euros if the antagonists agreed and signed the Ohrid Agreement that would end hostilities. Peace ensued thereafter.

2.2.1.7 African Context of Preventive Diplomacy

Mall (1969) contends that Hammarskjöld used his preventive diplomacy prowess and devoted his time to finding a solution to the Congolese problem. The Belgian government was unwilling to give autonomy to the Congo and he carried out two days’ discussions which birthed Resolution 143 that ordered Belgian troops to immediately retreat from the Congo and provide technical assistance to the newly found government.

Hammarskjöld assembled UN troops from Africa, Sweden, Asia and Ireland to preserve peace and their mandate was carefully defined as an impermanent body that would only serve until the local forces would be able to intervene on their own. He networked extensively to make an impression on high profile leaders who had the capacity to influence the country to find peace and maintain ceasefires despite the massive human rights violations. He did not take sides in the conflict and his strategy of preventive diplomacy in the Congo averted the secession of Katanga province before his plane was shot down enroute to Congo in 1961.

Gerenge (2015) in his article Preventive Diplomacy and the AU Panel of the Wise in Africa’s Electoral-related Conflicts argues that the post-Cold War democratization process in majority of the African states has contributed to election related risks and this has informed the African Union (AU) to pursue peace initiatives and stability. The
African Union has engaged the Panel of the Wise (PoW) in preventive diplomacy efforts in elections that pose a threat to peace and stability. The PoW was formed after the establishment of the AU Peace and Security Council (PSC) and is made up of highly respected African persons nominated by the AU Commission. The PoW has been involved in troubled elections in Africa such as in Democratic Republic of Congo (2011), Senegal (2012) and Sierra Leone (2012).

Hansen (2013) in his article *Kenya’s Power Sharing Arrangement and its Implications for Transitional Justice* argues that the international community made use of preventive diplomacy in the Kenyan 2007/2008 crisis when Ghana’s former President John Kufuor, then Chairman of African Union Commission put forward a Panel of Eminent African Personalities led by Kofi Annan with Tanzanian President Benjamin Mkapa and Graça Machel of Mozambique to try and find a peaceful solution to the crisis. Kofi Annan insisted that the Panel would be the only process of mediation and both conflicting parties had to be made aware of this. During the mediation process between President Kibaki’s PNU and Raila’s ODM, the Panel realized that it was imperative to present evidence of progress to boost public confidence. The Panel finally launched formal negotiations on January 29 2008 where the two principals had negotiating teams of a 20 member delegation where messages of peace and national reconciliation were reiterated.

Sato (2003) in his book *Containing conflict: Cases in preventive diplomacy* argues that during Kofi Annan’s tenure as the Secretary General of the UN, he emphasized on the importance of shifting from a culture of reaction to a culture of prevention that was fundamental in reducing conflicts and wars. The devastating cases of Kosovo, Darfur and Rwanda were a challenge for preventive diplomacy and he emphasized that prevention is better than cure and the root causes of conflict have to be addressed; not merely the
symptoms. Annan argued that preventive diplomacy contains certain elements that are crucial for the success of conflict management that will are explained below:

1. Early warning systems-This involves the process of observing and collecting factual evidence on emerging crises. Seeks to detect outbreak of conflict.

2. Confidence building measures-Are actions taken to show good faith that consequently reduce the likelihood of conflict between parties.

3. Fact finding missions- This involves the collection and analysis of reliable information on the potential conflict situation.

4. Mediation- Process of involving a neutral third party who negotiates between the disputants.

5. Good offices- Involvement of a dispatch of senior officials such as the UN Secretary-General or his/her personal envoys.

Preventive diplomacy has had its successes and challenges in the African context. Adelman (1999) in his book Early warning and prevention: The case of Rwanda argues that there was sufficient early warning information that would have implemented preventive diplomacy to avert the 1994 genocide in Rwanda but assistance did not arrive in time to prevent the bloodshed of over 2 million Rwandese. Much blame has been placed on the UNSC, US, France and Belgium for their combined failure to intervene in the conflict. The international community was guilty of sins of omission.

Young (2007) in his article Sudan IGAD Peace Process: An Evaluation contends that Sudan has suffered a civil war for decades between the Sudan Government and the Sudan’s People Liberation Movement/Army (SPLM/A). The British colonialists administered the northern and southern provinces separately where the southern people who were mainly Africans were marginalized as more power was given to the northern Arab elite who held most positions in government and controlled the oil revenue. This led
to the outbreak of the civil war and IGAD took it upon itself to carry out preventive diplomacy to prevent the escalation of armed conflict by facilitating the Sudan peace process in 1993. The Standing Committee on Peace was created to assist in negotiations but the peace process stalled as the Government of Sudan refused to endorse the Declaration of Principles meant to act as a basis for negotiations. Efforts to end the civil war later began in 2002 in Nairobi under Special Envoy Lt. General Lazaro Sumbeiywo who carried out a successful mediation process due to his impartiality and financial accountability. He also achieved good relations with advisors and donors that culminated into the Comprehensive Peace Agreement (CPA) that ended the war in 2005.

2.2.2 Election Violence

2.2.2.1 Global Context of Election Violence

Bekoe (2010) in his article Trends in Electoral Violence in Sub-Saharan Africa argues that electoral violence is a type of political violence that is distinguished by its timing (close to elections) and motive (to impact on elections). Election violence refers to an organized or impromptu act set out to intimidate, threaten, physically harm, abuse or blackmail a political entity so as to influence an electoral process. The breakdown of an electoral process is the onset of electoral violence. Violence is usually employed to disrupt, delay or derail a poll. Elections in most cases are plagued with conflict or violence for instance Nigeria (2011) and Cote d’ Ivoire (2010) where the electoral commissions in each case had been initially approved as worthy to run credible polls but still were unable to prevent the violence that ensued thereafter.

Frazer (2011) in his book Preventing Electoral Violence in Africa argues that electoral violence can occur in three types that is pre-electoral, during the election and post-electoral. Pre-election violence is characterized by thuggery, shooting and arson and takes
place mostly at the stage of party primaries where contestants from the same party contest for the ticket to become the party’s flag bearer. The second type is the violence that occurs during elections and involves snatching of ballot boxes, kidnapping of electoral officers and forcing electoral officers to alter the results during election period. The author further posits that the final type of electoral violence is post-election violence which occurs after the elections have been held and a winner is declared. It is perpetrated by looting, arson, destruction of property and loss of lives by the party that did not win the elections.

Election violence is not a new phenomenon in the current age. Trevithick and Gault (2016) in their article *A Brief History of American Political Violence: A tradition as old as the American Republic* argue that the Hamburg Riot took place in the United States’ 1876 elections after the American Civil War. White supremacist militias blocked supporters of Abraham Lincoln who were Republican voters from accessing the polling stations across South Carolina. A massacre ensued where 100 black men were executed by the white supremacists. The Ku Klux Klan carried out intimidation activities on citizens and politicians during national and local elections.

Islam (2015) in his article *Electoral violence in Bangladesh: Does a confrontational bipolar political system matter?* contends that Bangladeshi democracy still faces a major challenge of ensuring peaceful and fair elections. Electoral violence is ubiquitous as the opposition parties are suspicious of the electoral institutions and environment. The Bangladesh Nationalist Party which is the opposition party boycotted the 2014 elections after Sheikh Hasina’s regime decided to abolish the caretaker government so as to remain in power at all costs. There was low voter turnout, high tension and intense localized violence that led to the loss of at least 18 lives. Violence has engulfed the country as
opposition activists staged attacks and transportation blockades for their demands to be met.

Mazumdar, (2013) in his article *Election Violence in the Philippines* argues that the Philippines is one of the fastest growing economies in the world yet corruption and political violence cripples the government. Philippines experienced pre-election violence during the *barangay* (village) elections where voters choose one chairman and seven councilors to lead the *barangay*. The violence led to 22 candidates and their supporters to lose their lives. Philippines lacks a concrete response to the violence which leaves civilians and politicians altogether vulnerable to future attacks. The voters lack confidence in the election system and government’s ability to maintain peace during election periods.

2.2.2.2 African Context of Election Violence

Studies of Sub-Saharan elections held between the years 1990 to 2007 showed that 19% of the 213 cases represented were classified as heightened cases of election violence (Bekoe, 2010). Electoral violence in Africa is seen to be common and regular which poses a threat to the legitimacy of multi-party elections as the main driver of democratic prosperity in Africa. An election that has been judged as free and fair does not mean that there are no chances for violence to occur as seen in most election violence cases in the continent.

Chege (1995) in his article *Between Africa's Extremes* argues that since Nigeria’s independence in 1960, the country has been plagued with election violence. Six of the seven general elections from 1960-2007 have been violent. The first post-independence election led by Prime Minister Balewa faced inter-communal rioting and widespread violence due to complaints of intimidation and fraud that claimed more than 200 lives.
The author further argues that the 1999, 2003 and 2007 general elections that brought President Olusegun Obasanjo and the late President Umaru Musa Yar’Adua to power were faced with late opening of polls, intimidation of voters, seizure of ballot boxes by gangs and widespread election violence. Domestic and international observers from the European Union concluded that the 2007 elections were the worst in Nigeria’s history and the worst elections they have ever seen anywhere in the whole world.

Hoglund & Fjelde (2016) in their article *Electoral Institutions and Electoral Violence in Sub-Saharan Africa* argue that beatings, intimidation and sporadic killings of more than 100 civilians have been part and parcel of every ballot since the opposition party emerged in 1999. Zimbabwe African National Union-Patriotic Front (ZANU-PF) has been accused of misrule and plunder under a government with no policies to reverse the 1.6 million inflation in a country that has made prices to be conducted in billions of Zimbabwean dollars. Election violence hit Zimbabwe during the aftermath of the presidential elections of 2008. President Robert Mugabe of Zimbabwe African National Union-Patriotic Front (ZANU-PF) in his firm belief of ‘only God could remove him from power’ conducted serious atrocities such as torture, forceful disappearance, rape and murder to his political opponents of the Movement for Democratic Change-Tsvangirai (MDC-T) led by Morgan Tsvangirai. The atrocities were also directed to journalists, polling agents, civic leaders and ordinary citizens who were suspected to be supporting the opposition party MDC-T.

Heavy weapons such as rocket propelled grenades (RPG) and heavy machine guns have been used against the civilian population in Abidjan. Intense fighting between the forces loyal to Laurent Gbagbo and forces loyal to President Alassane Ouattara put the country in a post-election crisis after Gbagbo-who is facing crimes against humanity charges at the International Criminal Court (ICC) refused to step down after his defeat in the 2010 elections. Yabi (2011) in his article *The causes of the post-election crisis in Côte d'Ivoire*
explains that grave crimes committed by armed forces from both sides for five months led to the killing of at least 3000 civilians and 150 women who merely wore Ouattara’s t-shirts were gang raped. Ouattara’s party leaders were dragged out of their homes and restaurants by Gbagbo cronies and later found in morgues; their bodies riddled with bullets. Gbagbo militiamen put up checkpoints and demanded civilians to speak Guéré, an ethnic language in the West that was pro-Gbabgo. If you couldn’t speak it as a mother tongue you were immediately gunned down.

2.2.2.3 Causes of Election Violence

Election violence is considered as a sub-category of political violence that is distinguished by its timing and motive. It is a coercive and deliberate strategy used by the actors in politics to pursue their interests in relation to an electoral contest. Collier (2009) in his book Wars, Guns, and Votes: Democracy in Dangerous Places explains that election violence can be caused by structural factors and electoral process factors. Structural factors refers to the underlying power structures found in emerging democracies for instance poor governance, patronage systems, exclusionary politics and socio-economic uncertainties that come with losing political power in states where all power is centralized. Structural weaknesses in the electoral management bodies and the nature of electoral system where the winner-takes-all are major causes for election violence.

These structural factors make the stakes during the election to be so high that the electoral contest is perceived as a zero-sum game where the winner takes it all. Politicians therefore resort to illegal electoral strategies and make use of youth militia to either win the election or strengthen their post-election bargaining position as seen in the Imbonerakure case in Burundi and the Mungiki case in Kenya. The author further notes
that election violence can also be caused by electoral process factors such as flawed elections and institutions coupled with election fraud.

### 2.2.2.4 Consequences of Election Violence

Atuobi (2008) in his article *Election-related Violence in Africa* explains that identity factors such as religion, ethnicity and race are manipulated by the political elite to garner votes for their own selfish political ambitions. Parties draw support alongside these identity lines and often lead to election violence as everybody wants to be a winner. Election violence inhibits development and democratic consolidation of the countries that face violence. This is because power is gained and retained through violence. A government perceived to have come to power through irregularities faces legitimacy questions that inhibit it from forging national unity. Election violence also impacts voter turnout and consequently the outcome of the electoral process.

Sisk (2008) in his book *Elections in Fragile States* notes that election violence can impact negatively on existing social relations. Identity politics is prevalent in African politics hence election violence assumes identity dimensions that polarize groups along race, religion and ethnic lines as seen in the Burundi 2015/2016 election violence case. Election violence can escalate into larger scale protracted conflicts. The violence derails the peace process in post-conflict states as witnessed in the 1992 Angola case when UNITA returned to war for almost a decade after their presidential candidate Jonas Savimbi lost to José Eduardo dos Santos of the People’s Movement for the Liberation of Angola (MPLA).

Protracted election-related violence has a negative impact on the economy in the long-run. The destruction of property associated with the violence in Kenya reverses the economic gains of the country as it costs the government revenue from tourism and
consequently impacting negatively on the economic activities of the neighbouring countries in East Africa that rely on Kenya’s port at the Coast. Williams (2016) in his article *The Burundi Ultimatum* asserts that property has been destroyed, bodies have been mutilated and over 100,000 Burundians have fled their homes to seek refuge in neighbouring countries due to the election violence. The violence has triggered fears of a new civil war and destabilization of the entire African Great Lakes Region.
3.1 Similarities and differences of the drivers to election violence

A driver to an election violence refers to a factor that causes or triggers election violence to occur (Horowitz, 1985). Drivers can have similarities or vary from one conflict to the other. Most scholars contend that ethnification of politics is one of the main drivers to election violence. Horowitz (1985) posits that political leaders use ethnicity to manipulate the masses so as to seize political power and this was evident in the Kenyan and Burundian case. When ascriptive voting occurs, voters register under the political party that they feel to be ethnically affiliated to and hence voting ends up being determined by birth/ethnicity and not the party’s program or performance. Since every party expects to be the winner, when one does not win then violence erupts and is targeted at groups of rivaling ethnicities.

Sisk (2008) posits that ethnic grievances have proven to foster violence and the provision of public goods. Ethnification of politics was evident both in the Kenya and Burundi case where the Kikuyu ethnicity was aligned to the PNU party and the Luo ethnicity aligned to the ODM opposition party. Declaration of Mwai Kibaki, a Kikuyu, as the next president of Kenya sparked wide protests by the Luo which led to various acts of violence being committed across the country.

Another similarity between the two cases would be the presence of local perpetrators. Collier and Vicente (2012) argue that for elections to turn violent, local perpetrators must be present. These are hardcore supporters of the different political parties and they often resort to violence and rely on non-democratic persuasion tools when their leader loses the elections hence undermining free and fair elections.

Williams (2016) asserts that in Burundi, most media houses are shut down, political groups and their leaders suffer intimidation and violence from the police and the ruling
party’s militia youth group, Imbonerakure. The Imbonerakure are hardcore supporters of the CNDD-FDD party and have been accused of bribery, extortion, intimidation and death threats to opposition supporters thereby contributing to the election violence in Burundi. Similarly, Kagwanja and Southall (2010) posit that the Mungiki group in Kenya was seen to be recruiting youths in Naivasha and Nakuru who committed revenge attacks on the Luo ethnic group and claimed financial rewards from Landlords in Nairobi for evicting Luos who took advantage of the crisis and refused to pay rent.

Vircoulon (2016) explains that Nkurunziza’s decision to run for a third term is the immediate reason that sparked protests from the opposition that consequently led to election violence in Burundi. The Hutu-Tutsi antagonism is not any different from the Luo-Kikuyu rivalry but it goes deeper with history. Before independence in 1962, Belgian colonial legacies of divide and rule favoured the minority Tutsi group over the majority Hutu and the marginalized Twa people. The Tutsi’s despite being a minority in Burundi have had power and controlled the country’s elite institutions which led to the feeling of resentment by the Hutus that led to the civil war. The author further notes that, decades of instability followed and in 1993 Melchior Ndadaye became Burundi’s first democratically elected Hutu president who was later on assassinated by the Tutsi extremists leading to another civil war between the two ethnic groups that claimed about 300,000 lives.

In present times, political leaders of the Hutu majority have used ethnicity to manipulate the Hutu population to keep the CNDD-FDD party in power. Atuobi (2008) explains that an identity factor such as ethnicity is manipulated by the political elite to garner votes for their own selfish political ambitions. Parties draw support alongside these identity lines and often lead to election violence as everybody wants to be a winner. The opposition party claimed that President Nkurunziza’s election to third term was unconstitutional and hence protests in Bujumbura led to election violence occurring.
Historical injustices arising from land issues have been the major cause of election violence in Kenya as opposed to identity politics as seen in the Burundian case. The British settlers in Kenya dispossessed many ethnic groups from their original homeland and after independence, the government purchased these British settler’s farms for distribution to Africans. Majority of this land in the Rift Valley highlands was given to the Kikuyu as they came from the founding father President Jomo Kenyatta’s ethnic group of the Kikuyus. Looking back at history, when Kenya gained independence in 1963, the leaders governed the country through the colonialist’s model of governance where the executive had dominant powers. The Europeans had settled on the land owned by the citizens hence making Kenyans become squatters on their own land and were denied chances of practicing commercial agriculture. After Jomo Kenyatta took over, his Kikuyu kinsmen were allocated large portions of land and this brought about inequalities among the different ethnic groups as the national cake was not distributed equally (Greig & Diehl 2012).

The controversial land question has lingered on as a colonial legacy in Kenya. In 1902, the British settled in the White Highlands dispossessing the Kikuyu, Maasai and Kalenjins across the Rift Valley, Nyanza and Western provinces from their customary land. The Mijikenda in the coast also lost their land to the Sultan of Zanzibar and were turned into landless squatters. Africans were resettled in the native reserves and the Mau Mau freedom fighters staged an uprising in 1952 against the British colonial government and revolted against the seizure of Kikuyu land. After independence the Kenyatta government established the Settlement Fund Trustees to enable landless Kenyans purchase settler farms which was based on a market system and benefited the wealthy Kenyans who could afford the land hence those who had customarily owned the land lost what was initially theirs if they could not afford to buy it back. Kenyatta’s government
was able to transfer the former White Highlands to Kenyans; particularly the Kikuyu; as the system favoured wealthy and powerful Kikuyu politicians at the expense of other ethnic groups therefore creating land grievances amongst different ethnicities (Veit, 2011).

Land grabbing has brought about inequalities in Kenya that have led to election related violence. The Ndung’u Report gives a detailed account of the illegal and irregular allocation of public land where many parastatals suffered widespread and blatant abuse of office through schemes geared at illegally allocating vast amounts of public land to politically correct individuals. Public lands were widely used by former President Moi’s regime to maintain control and political patronage in the 1990’s. Parastatals such as Kenya Railways Corporation sold its prime plot on Ojijo Road in 1996 to Guardian International Limited at Kshs. 77 million and one week later Guardian International sold the same land at Kshs. 178 million resulting in undeserved profit of Kshs.100 million in one week. Directors of Guardian International Limited were Dr. Sally Kosgei and Sophia Chepkoech who had political affiliations with former President Moi’s regime (Kiai & Lumumba, 2009).

The Kalenjin, Kikuyu and the Maasai communities have clashed and fought for close to 41 years over the 8000 acres of land in Solai and Oljorai farms in Nakuru County. The Kikuyu community under the Nyakinyua Farmers Society argued that the Solai land belongs to them after they were given the land in 1982 by former President Moi. The Kalenjin community, armed with machetes and knives arrived in buses and lorries on the disputed land with the aim of subdividing the land to the anger of the Maasai who had been living in the land. Armed police were dispatched in the troubled area to ease up tensions and maintain peace (Gitonga, 2014).
Land scarcity coupled with environmental degradation and high population growth rate has contributed to violence in Kenya as witnessed in the 1991 clashes. The Kalenjins in the Rift Valley Province expelled hundreds of non-Kalenjins from the land that they jointly owned and threatened the lives of those who resisted leading to deaths of over 1000 and about 300,000 people to flee from their land (Some, 2017). In the Coast, land tenure was perceived to have favoured certain ethnic groups for instance the Kikuyu, Luo, Kamba and Kisii therefore leading to violence as also witnessed in Marakwet where the Pokot have fought with the Nandi’s for grazing and agricultural land. The main driver of election-related violence in Kenya is the perception of historic marginalization by certain ethnic groups as a consequence of alleged inequalities associated with the allocation of resources—in particular, land. The fact that many areas outside of major cities and towns are fairly ethnically homogenous has created a notion of “insiders” who are native to a particular province and “outsiders” who migrated there. These migration patterns allowed the allocation of resources to be viewed in ethnic terms. Following independence, public land has regularly been used as a tool of patronage by the country’s political elite to secure support from their own ethnic groups. Some(2017) further notes that Kikuyus, the ethnic group of Kenya’s first president, have been a primary beneficiary of this patronage, even in areas outside of their “native” region of Central province. Non-Kikuyu politicians have used this long-standing grievance to manipulate public perception and encourage violence along ethnic lines.

There exists a fundamental difference in the drivers to election violence between the Kenyan and the Burundian case. The difference is that in the Burundi case the proximate conflict factor was deep ethnic grievances caused by identity politics that date back to colonial history while in the Kenyan case it was the land tenure issue. Deep ethnic
grievances that do not address the root causes are difficult to solve hence this made preventive diplomacy to fail in the Burundian case and to succeed in the Kenyan case.

3.2 Fact finding missions facilitated by the AU

Connolly (2016) argues that since President Nkurunziza’s decision to run for a third term as president, Burundi has been moving towards more instability. President Nkurunziza claimed that his first term as president was a post-transition mandate and therefore he was not elected by the people consequently making him eligible to run for a third-term. Elections were held in July 2015 and Nkurunziza received 70% of the vote leading to his opponents seeking for exile in Rwanda, Kenya and Belgium as death threats were issued to them by Nkurunziza’s supporters.

Connolly (2016) further notes that the AU did not send any observers to Burundi for the July 2015 elections. Only after the election results were announced did AU think of deploying twenty military personnel and human rights observers whose number was supposed to increase to fifty human rights observers and military personnel but this did not materialize therefore making the crisis to become even worse. This made the African Union Peace and Security Council (PSC) authorize the deployment of 5000 troops under the Mission Africaine de Prévention et de Protection au Burundi (MAPROBU), mandated to prevent any deterioration of the security situation and ensure the protection of civilians under imminent threat (S/Res/2248(2015).

One of the principles for peacekeeping operations is consent of the parties. Having the consent of the host state ensures the safety of the peacekeepers and without the consent of the state; the legitimacy of the intervention is questionable and may be considered an invasion. Vircoulon (2016) explains that Burundi is a signatory of the AU PSC protocol
and thus is legally bound to accept any decision of the body, and the intervention at this time did not need the approval of Burundi.

Vircoulon (2016) further notes that this is a contentious issue within the AU. President Nkurunziza was given 96 hours to accept the intervention but he refused. The PSC now was determined to invoke Article 4(h) of the African Union (AU) Constitutive Act which stipulates “The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances namely: war crimes, genocide and crimes against humanity” (Constitutive Act of the African Union, 2000, pp 5).

There was however widespread debate on this move as to whether it would conform to existing international law. Also, the AU’s use of article 4(h) would only be allowed if cases of crimes against humanity could be proven, which was proving to be a challenge. The African Commission on Human and People’s Rights fact-finding mission that visited Burundi in December 2015 and the AU’s human rights observers are yet to determine if there is sufficient evidence of crimes against humanity so as to convince the African Heads of States to deploy.

Jepson, Sanghrajka and Ochieng (2014) posit that voting in Kenya was peaceful but the delays in announcing the winner of the presidential seat created unease, followed by tension and hence violence. The Electoral Commission of Kenya (ECK) announced that President Mwai Kibaki of PNU was the winner and ODM refused to accept the results thereby triggering a political crisis.

Jepson et al (2014) further argue that as the situation worsened, Ghana’s then President John Kufuor called for an emergency meeting of the African Union Commission and sent a fact-finding mission to prepare for his own visit led by the AU Peace and Security Commissioner, Ambassador Said Djinnit and Ghana’s Ambassador to Ethiopia. President
Kufuor heard that senior Kenyan officials felt that “it would only amount to a cup of tea” therefore showing reluctance by the Kenyan Government to AU intervention. Kufuor then met with former UN Secretary General Kofi Annan in Ghana to chart the way forward. Both agreed that it was imperative for Kufuor to go to Kenya but for the process to be successful, both warring parties must accept the visit.

President Kibaki appointed a Special Envoy, Moses Wetangula, to brief Kufuor to meet with both parties and help them find a common ground to dialogue and resolve the conflict. Kufuormade plans to travel to Kenya immediately but no flights were available. The then Nigerian President, Umar Musa Yar-Adua sent a plane; a gesture that demonstrated the continent’s willingness to provide support. Kufuor shuttled between the parties encouraging them to appeal to their supporters to end the violence but mistrust between the two parties ran deep as Raila was unwilling to meet Kibaki at State House as this would amount to recognizing his election.

Kanyinga, Long and Ndii (2010) contend that Kufuor recognized there was need to build trust between Raila and Kibaki and hence suggested that a group of eminent African Personalities might create a neutral space where the two parties could dialogue. Both parties agreed and a panel led by Kofi Annan, together with Graca Machel of Mozambique and President Benjamin Mkapa of Tanzania were tasked to assist the Kenyan brothers and sisters find a peaceful way forward which later brought peace and stability in the country. The international community’s response to the Burundi case was slower as compared to the Kenyan case which occurred quickly. Also, there was political support from African states under AU in intervening in the Kenyan case but not in the Burundi case thereby making preventive diplomacy to be unsuccessful in Burundi but successful in Kenya.
3.3 Extent of openness/acceptance of the conflicting parties to the process of mediation

Roberts (2007) defines mediation as “the use of a skilled and impartial third –party who facilitates communication exchanges between disputing parties that leads to conflict resolution.” Mediators need to create a forum/ atmosphere where the disputants can exchange information and negotiate.

Fratta (2010) argues that Kofi Annan succeeded in what his predecessors had failed in; bringing the disputants together. Before his arrival in Kenya, Raila and Kibaki refused to meet each other; let alone to discuss the way forward for the country hence the mediation process faced a setback. The mediation process started formally with the recognition of the Anan team as the mediators and the commitment of the parties to the mediation process. It ensured that the interests of the parties were expressed, recognized and accepted as legitimate. Solutions were geared at satisfying both parties and all angles of the dispute after the warring factions accepted to go on with the mediation process.

Nsubuga (2013) argues that the 1993 civil war in Burundi was triggered by the assassination of President Melchior Ndadaye, the first democratically elected Hutu President. During the colonial period, the Belgian colonial masters favoured the Tutsi’s and marginalized the Hutu and the Twa which caused feelings of resentment towards the Tutsi’s. The assassination of a Hutu president triggered already existing ethnic divisions into violent clashes between the Tutsi dominated army and the Hutu rebels and this prompted international efforts for intervention.

Nsubuga (2013) further notes that the then UN Secretary General Boutros Boutros –Ghali appointed Ahmedou Ould-Abdalla as the Special Envoy to facilitate the mediation process that led to the Hutu led Front Pour la Democratie au Burundi (FRODEBU) party
and the Union National pour le Progrès (UPRONA) party together with the Government of Burundi and eighteen other smaller parties to sign the Arusha Peace and Reconciliation Agreement in 2000. The willingness and commitment of the warring parties to own the process and take part in the mediation process is an important factor that led to Ould-Abdalla’s mediation efforts to be successful in the 1993 case.

Pereira (2016) posits that two former Burundian presidents have asked the UN to intervene to stop the violence to avoid a repetition of the Rwandan genocide. Due to the international community’s reluctance to pay attention to Burundi, likely mediators may be South Africa and Tanzania but due to South Africa’s own domestic issues back at home it is unlikely that it will play a role in the near future. Tanzania has stepped in and offered to mediate between the opposition and the Burundian government. Unfortunately, the government withdrew from mediation in January 2016 because opposition officers considered by the government to be responsible for the violence attended the talks. Further efforts to mediate have been turned down by President Nkurunziza; he is not ready to accept the beginning of the mediation process. To a greater extent there was lack of acceptance/openness by the conflicting parties to the process of mediation thereby making preventive diplomacy in Burundi to fail. On the other hand, to a greater extent the conflicting parties in the Kenyan case accepted and were open to the process of mediation therefore making preventive diplomacy to succeed.

### 3.4 Qualities of a mediator

Barston (2006) argues that a mediator can be a formal office-holder of a State, international institutions, envoys, special representatives or groups. The mediator has the primary responsibility of proposing substantive solutions to the problem at hand. The aim of mediation is to change the elements of perception, approach, objectives and behavior.
If the mediator is an individual, they are people of high ranking, experience, integrity, knowledgeable, trustworthy, wise, patient, neutral and confidential.

For successful negotiations to go on, the mediator has to be accepted by the warring parties and welcomed to the conflict as the mediator. Kriegler et al (2008) argues that mistrust ran deep between between President Kibaki of Kenya and Raila Odinga which made it impossible for the two sides to sit together and talk. Kufuor, former President of Ghana put forward a panel led by Kofi Annan as the lead mediator and both conflicting parties agreed to it based on Kofi Annan’s UN experience of understanding the dangers that came with rival mediation process. One of Kofi Annan’s strategies was that he insisted that the Panel would be the only mediation process so as to prevent the parties from forum shopping. He also mobilized international support for the Panel telephoning especially the United Kingdom and France. Annan also requested Ban Ki-moon to allow him to draw on UN staff in UN agencies in Nairobi for the Panel’s logistical and administrative support. Upon the Panel’s landing in Nairobi, international support was strongly behind a single mediation process and consequently the success of the mediation process.

Burundi fell into a civil war in 1993 when the first democratically elected Hutu President, President Melchior Ndadaye, was assassinated. The assassination of a Hutu president triggered already existing ethnic divisions into violent clashes between the Tutsi dominated army and the Hutu rebels and this prompted international efforts for intervention. Nsubuga (2013) notes that former UN Secretary General Boutros Boutros – Ghali appointed Ahmedou Ould-Abdalla as the Special Envoy to facilitate the mediation process that led to the Hutu led Front Pour la Democratie au Burundi (FRODEBU) party and the Union National pour le Progres (UPRONA) party together with the Government of Burundi, and eighteen other smaller parties sign the Arusha Peace and Reconciliation
Agreement in 2000. The mediator in the conflict was wise, patient and committed to the process as he appealed for international support from the UN Department of Political Affairs for fact finding missions and ensured all conflicting parties were disarmed. He also there was a fair representation of the Hutu and Tutsi groups during the negotiations. These factors led to Ould-Abdalla’s mediation efforts to be successful in the 1993 case.

Buchanan (2015) contends that questions have been raised by the international community after President Yoweri Museveni of Uganda was selected by the East African Community to lead the mediation process in Burundi. This is because he was responsible for changing the constitution of Uganda in 2005 to allow him a third-term and had been campaigning to run for a fifth-term in office in 2016. This has been considered to be jeopardizing efforts to attain peace in Burundi. President Museveni has also been accused of failing at his role as a mediator when he relegated his role as a mediator as he was busy on his re-election campaign therefore delaying negotiation talks. During his visit to Burundi, President Museveni was welcomed by Burundian government authorities and while at the negotiation meeting he repeated what the Burundian government had told him instead of taking into account the issues put forward by the opposition. This made the opposition party to reject any peace proposals that he may put forward as this portrayed him not to be a neutral and impartial mediator.

Louw-Vaudran (2016) in her article posits that there have been many calls for South Africa to intervene in Burundi given its success story in mediating in the Burundian civil war. President Jacob Zuma of South Africa was appointed to lead the AU high-level-panel to Burundi. Official communiqués released to the media have not shown any appeals to reconciliation or peace. Zuma has been viewed as having flip-flopped from his 2015 stance that it would be appropriate for President Nkurunziza to step down to,
appealing to all parties to abide by the Constitutional Court ruling that approved Nkurunziza’s third-term.

Louw-Vaudran (2016) also notes that the Burundian opposition viewed Zuma’s trip to Burundi as an endorsement to President Nkurunziza therefore undermining Zuma’s role as a neutral and impartial mediator to the conflict. On the other hand, Kofi Annan in the Kenyan case proved to be an impartial mediator. During the launch of the negotiation process between Raila and Kibaki, there erupted a seating issue as the Panel had placed both principals on either side of Annan but government protocol staff came and put a presidential seat in the middle. Annan insisted the original seating order be maintained as this was neither a presidential meeting nor business as usual. This brought out impartiality from his side since he knew maintaining the presidential seat at the meeting would make ODM feel biased against and therefore leave the meeting. The qualities of the mediator in the Kenyan case ensured success of preventive diplomacy while the qualities of the mediator in the Burundian case made preventive diplomacy to be ineffective and unsuccessful.

3.5 Chapter Summary

This chapter focuses on analyzing the findings based on each research objective and question from the data collected. The findings explain the conceptual interpretation of the results of the study based on the hypothesis.
CHAPTER 4- DISCUSSIONS, CONCLUSION AND RECOMMENDATION

4.1 Introduction

This chapter will endeavor to bring the thesis to a close by delineating a summary of key findings, discussion, conclusion and finally recommendations.

4.2 Summary of Key Findings

This study has tested four hypotheses that brought out the following key findings:

1. The study has proven that due to the difference in the proximate conflict factor as a driver to election violence, preventive diplomacy failed in the Burundi case and succeeded in the Kenyan case. Deep ethnic grievances where resolution efforts do not address the root causes are difficult to solve hence this made preventive diplomacy to be ineffective in Burundi.

2. If there is political support from African leaders and a quick response from the international community, preventive diplomacy would succeed. This study has proven that the international community’s response and fact finding missions facilitated by the AU were slower and ineffective in the Burundi case than in the Kenyan case hence preventive diplomacy failed in Burundi. Also, African leaders gave a cold shoulder to Burundi and offered no political support.

3. If the conflicting parties to a large extent voluntarily accept the process of mediation, preventive diplomacy would be successful. This study has proven that the lack of acceptance by the conflicting parties to the process of mediation made preventive diplomacy in Burundi to fail and the acceptance by the conflicting parties to the process of mediation in Kenya made preventive diplomacy to succeed.

4. If the mediator exhibits qualities of impartiality and acceptance by the conflicting parties, then preventive diplomacy would be successful in resolving election
violence. This study has proven that the qualities of the mediator in the Kenyan case ensured success of preventive diplomacy while the qualities of the mediator in the Burundian case made preventive diplomacy to be ineffective and unsuccessful as the mediators were impartial and were not accepted by the conflicting parties.

4.3 Discussions and Conclusion

Drivers to election violence vary from one case to another. Similarities also do exist in different cases. The difference in the drivers to election violence in the Burundi case and Kenyan case was in the proximate conflict factor. A proximate conflict factor is an entity contributing to a climate conducive to violent conflict or its further escalation (United Nations Conflict Analysis Practice Note, 2016). Understanding the causes of conflict requires mapping out the proximate conflict factor that addresses the root cause of the conflict. In Burundi the proximate conflict factor was deep ethnic grievances caused by identity politics that date back to colonial history while in the Kenyan case it was the land tenure issue.

As argued by Veit (2011), the controversial land question has lingered on as a colonial legacy in Kenya. In 1902, the British settled in the White Highlands dispossessing the Kikuyu, Maasai and Kalenjins across the Rift Valley, Nyanza and Western provinces from their customary land. The Mijikenda in the coast also lost their land to the Sultan of Zanzibar and were turned into landless squatters. Africans were resettled in the native reserves and the Mau Mau freedom fighters staged an uprising in 1952 against the British colonial government and revolted against the seizure of Kikuyu land. After independence the Kenyatta government established the Settlement Fund Trustees to enable landless Kenyans purchase settler farms which was based on a market system and benefited the wealthy Kenyans who could afford the land hence those who had customarily owned the
land lost what was initially theirs if they could not afford to buy it back. Kenyatta’s government was able to transfer the former White Highlands to Kenyans; particularly the Kikuyu; as the system favoured wealthy and powerful Kikuyu politicians at the expense of other ethnic groups therefore creating land grievances amongst the different ethnicities.

As earlier noted by Kiai and Lumumba (2009), land grabbing has brought about inequalities in Kenya that have led to election-related violence. The Ndung’u Report gives a detailed account of the illegal and irregular allocation of public land where many parastatals suffered widespread and blatant abuse of office through schemes geared at illegally allocating vast amounts of public land to politically correct individuals. Public lands were widely used by former President Moi’s regime to maintain control and political patronage in the 1990’s. Parastatals such as Kenya Railways Corporation sold its prime plot on Ojijo Road in 1996 to Guardian International Limited at Kshs. 77 million and one week later Guardian International sold the same land at Kshs. 178 million resulting in undeserved profit of Kshs.100 million in one week. Directors of Guardian International Limited were Dr. Sally Kosgei and Sophia Chepkoech who had political affiliations with former President Moi’s regime.

Electoral violence, usually perpetrated along ethnic lines, has been common place in Kenya since the introduction of multi-party politics in 1991. In the run-up to the 1992 elections, clashes between supporters of the ruling Kalenjin-dominated Kenya African National Union (KANU) and members of ‘pro-opposition’ ethnic groups killed 779 and displaced more than 56,000 non-kalenjins (Fratta, 2010). Similarly, in the lead-up to the 1997 polls, KANU supporters attacked other ethnic groups in Coast province. Following the elections, they clashed with armed Kikuyu communities in Rift Valley, causing the death of more than 200 and the displacement of more than 100,000. Comparatively speaking, very little political violence accompanied the 2002 polls, despite the fact that
KANU was voted out of office for the first time. However, scholars largely attribute this to a number of political factors rather than any real mitigation of prevailing conflict dynamics. In particular, the Kikuyu-dominated National Alliance of Kenya (NAK) and the Luo-dominated Liberal Democratic Party (LDP), which had previously been at odds, decided to unite and share power under a National Rainbow Coalition (NARC) with Mwai Kibaki as a single presidential candidate. This union enabled a political contest that did not clearly follow ethnic lines as the two main presidential candidates were both Kikuyu.

The Commission of Inquiry on Post-Election Violence that investigated Kenya’s 2007/08 post-election violence attributed the country’s history of electoral violence to a combination of long-standing conflict drivers. The main driver is the perception of historic marginalization by certain ethnic groups as a consequence of alleged inequalities associated with the allocation of resources—in particular, land. The fact that many areas outside of major cities and towns are fairly ethnically homogenous has created a notion of “insiders” who are native to a particular province and “outsiders” who migrated there. These migration patterns allowed the allocation of resources to be viewed in ethnic terms. Following independence, public land has regularly been used as a tool of patronage by the country’s political elite to secure support from their own ethnic groups. Kikuyus, the ethnic group of Kenya’s first president, have been a primary beneficiary of this patronage, even in areas outside of their “native” region of Central province. Non-Kikuyu politicians have used this long-standing grievance to manipulate public perception and encourage violence along ethnic lines (Geir & Moen, 2009).

Mutahi (2011) argues other minor factors contributing to election violence in Kenya include a system of governance based on highly centralized and personalized executive power, unemployment and a culture of impunity. The president and his ruling circle have
historically maintained enormous control over the institutions that would normally serve as checks and balances, including the judiciary and legislature, as well as the police. Consequently, these institutions are perceived as lacking independence and integrity. Furthermore, the acquisition of political power is seen as a zero-sum game in which one’s own ethnicity must maintain the presidency in order to benefit from state resources. There exists a longstanding problem of high youth unemployment. A growing number of these young people are university educated; their underemployment is a consequence of the slow pace of job creation in the country. With little hope of formal sector employment, youth gangs and militias have proliferated throughout the country, offering an avenue for informal employment and income opportunities.

Politicians have mobilized these groups as the primary perpetrators of electoral violence. An entrenched culture of impunity is pervasive in Kenya. Despite Kenya’s history of electoral and other sectarian violence, the country has failed to bring to justice any of those responsible for prior abuses. This is despite reports issued by two government Inquiries; the Kiliku Parliamentary Committee (1992) and the Akiwumi Commission (1997) that explicitly name perpetrators and recommend investigations. Consequently, individuals intent on using violence to influence election politics commit violent acts with the knowledge that it is unlikely for them to be held accountable.

The colonial master in Burundi, first the German and then the Belgians under the League of Nations mandate played a critical role in heightening the frustrations between the Batutsi, Batwa and Bahutu. In their context of divide and rule, the colonizers imposed a caricatured and racist vision of the Burundian society where the different ethnicities were pitted against one another on the basis of physical traits and character traits. The Tutsi who are generally tall with a sharp nose as compared to the Hutu who are short with wide big noses were considered to be superior therefore, the Belgians accorded them education
opportunities and administration jobs which led to feelings of resentment and discrimination against the Hutu and Twa. When the Hutu’s perceived that the Tutsi soldiers had killed President Ndadaye, the first democratically elected Hutu president, an ethnic violence ensued between the two ethnicities leading to the civil war in 1993 (Hatungimana, 2011).

Conflict in Burundi cannot be fully understood without examining the historical ethnic issues brought about by the colonial master. Burundi has been a land of prolonged political violence since her independence in 1962. This has taken different forms ranging from military coups, targeted assassinations of prominent politicians, huge massacres, refugees, internal displacement and lack of meaningful development. From 1966 to 1993 the politics of the country were dominated by the military, which staged three successive coups. After the assassination of the first democratically elected president, who also was the country’s first ethnic Hutu president, in 1993, unprecedented political violence broke out and led to the death of more than 300,000 people (Nsubuga, 2013).

The violence in Burundi was overshadowed by the civil war in the neighboring Rwanda which has the same ethnic composition with the Hutu majority and minority Tutsi. It was only after the genocide in Rwanda in 1994 that the international community started to take the violence in Burundi seriously and actively sought to avoid ‘another Rwanda’.

Historically, the Tutsis have been a minority in Burundi but controlled the country’s elite institutions, including the military. The Hutu’s, while constituting about 85% of the population, generally held little power, leading to feelings of resentment. This fact largely caused some Hutu’s intent on eliminating the Tutsi’s leading to brutal reprisals by the Tutsi’s. On October 21, 1993, after 21 years of instability, Melchior Ndadaye became Burundi’s first democratically elected Hutu president. Tutsi extremists then proceeded to assassinate him, leading to massive violence between the two ethnic groups that led to the
civil war. The civil war eventually ended after several international attempts at peace were made, which resulted in the current government (Kliegman, 2015).

With Hutu-Tutsi divisions central to the situation in Burundi, the fear is that it will become more overtly prominent and spread throughout the Great Lakes region in Africa. The *Imbonerakure*, CNDD-FDD’s militia youth wing, has helped stoke ethnic tension by perpetrating much of the violence, primarily targeting Tutsi’s. This is the main force driving Burundian Tutsi’s to leave the country and resembles militia activity throughout the Rwanda Genocide and Burundian civil war. Deep ethnic grievances dating back to colonial history where conflict resolution efforts do not address the root causes of the problem are difficult to solve hence this made preventive diplomacy to fail in the Burundian case.

The horrors of mass violence in Somalia, Rwanda, and the Balkans led to a broad push to conduct peacebuilding differently. The paper *An Agenda for Peace* (1992) by UN Secretary-General Boutros Boutros-Ghali and the Carnegie Commission Report on Preventing Deadly Conflict (1997) furthered the realization that preventing violence before its eruption was not just a possibility but preferable to rapid response mechanisms and other reactive approaches. The momentum of prevention influenced both long-standing and modern peacebuilding practices, including mediation and efforts to counter violent extremism. Drivers to election violence need to be well understood for preventive diplomacy to be effective in a conflict situation.

The international community should support preventive diplomacy initiatives in conflict prone areas. Between the tasks of seeking to prevent conflict and maintaining peace lies the responsibility of bringing hostile parties to an agreement by peaceful means. Chapter VI of the UN Charter sets forth a comprehensive list of such means for the resolution of
conflict. The processes of peacemaking have also been the subject of various resolutions and declarations of the General Assembly, including resolution A/RES/47/120 on An Agenda for Peace: Preventive diplomacy and related matters.

The United Nations has had wide experience in the application of peaceful means to resolve conflict. If conflicts have gone unresolved, it is not because techniques for peaceful settlement were unknown or inadequate. The fault lies in the lack of political will of the parties to seek a solution to their differences through such means as suggested in Chapter VI of the Charter, and the lack of leverage at the disposal of a third party, if this is the procedure chosen. The indifference of the international community to a problem, or the marginalization of it, can also thwart the possibilities of solution as seen in Burundi.

Preventive diplomacy requires major support and attention from the international community. Dialogue efforts between the government and the opposition have yielded no tangible solutions as there exists lack of effective coordination between the AU and the East African Community (EAC). The AU has also failed at balancing the principles of non-interference and non- indifference as it is perceived to have given Burundi the cold shoulder.

Countries faced with situations of politically sensitive crimes, violent incidents or alleged grave human rights violations have increasingly turned to the international community to conduct impartial inquiries. Some of these have been mandated by the UN Security Council or by the Human Rights Council, while others have been established by the Secretary-General. The entities created are as diverse as the situations and requests they respond to. These fact-finding missions have, in recent years, been effectively leveraged to support preventive diplomacy efforts, helping to shift the calculations of the parties,
defuse tensions and build confidence. For instance, a joint fact-finding inquiry carried out with ECOWAS into the deaths of Ghanaian migrants found in the Gambia in 2007 was seen as helpful in rebuilding relations between the two countries. Other examples include the United Nations-backed International Commission against Impunity in Guatemala, created in 2007 to help the country to investigate and dismantle clandestine criminal networks; the Commission of Inquiry to investigate the events of September 2009 in Conakry; and the Panel of Inquiry on the Gaza flotilla incident of 31 May 2010 (United Nations, 2011).

Fact-finding and assessment missions are primarily used to gather information in situations where populations have experienced violations of human rights abuses. Evidence gathered can help to assess appropriate post-conflict accountability and reconciliation measures. Employed by a range of actors, these mechanisms also can serve a preventive function by drawing attention to and verifying cases of abuses, thereby increasing pressure on government actors and other perpetrators to stop committing crimes. There are several principal mechanisms for fact-finding and assessment missions. Observers may be deployed in fact-finding missions, which can be dispatched independently or jointly by UN bodies and regional organizations, to document evidence in cases where human rights appear threatened. A commission of inquiry is a type of a fact-finding mission, typically authorized by UN actors. Fact-finding missions may or may not be deployed inside the state of the threatened population, depending on the consent of the host government. A Special Rapporteur or an Independent Expert can be appointed to analyze, monitor and report on human rights issues in specific country cases or in multiple states or globally based on a thematic mandate.

Fact-finding missions and commissions of inquiry may be established by the UN Human Rights Council or the Security Council independently or upon recommendation by the
The Human Rights Council can also appoint Special Rapporteurs or Independent Experts in accordance with the body’s special procedures system. The African Union can authorize fact-finding missions to respond to potential crises through its Peace and Security Council. Such missions were sent to Sudan’s Darfur region in November 2008, to diffuse escalating tensions between Sudan and Chad, and to Côte D’Ivoire in February 2011, to assess the situation on the ground ahead of a team of African Union mediators that would arrive amid post-election violence (Muggah & White, 2013). The African Union planned to send a fact-finding mission to Libya in February 2011 in response to threats of mass atrocities against the population by former Libyan leader Muammar Gaddafi, but the mission was dissolved following the authorization of a no-fly zone through United Nations Security Council Resolution 1973.

The Intergovernmental Authority on Development (IGAD), which includes South Sudan, Djibouti, Somalia, Ethiopia, Kenya, Sudan, Eritrea and Uganda, established the Conflict Early Warning and Response Mechanism (CEWARN) in 2002 to act through national Conflict Early Warning and Early Response Units (CEWERU), which gather information and act on potential or ongoing threats through field monitors. One example took place in August 2011 in Kenya, when the Ethiopian CEWERU, acting on recommendation by its Kenyan counterpart, initiated a fact-finding mission to identify perpetrators of killings and cattle raiding in a conflict-prone border region.

The Economic Community of West African States (ECOWAS) has an important assessment architecture and can dispatch field monitors within its Observation and Monitoring Centre as well as authorize fact-finding missions to respond to threats to populations. This was seen in northern Mali in March 2012 when ECOWAS deployed a fact-finding mission to assess reported massive displacement from clashes between rebel
groups. ECOWAS has also initiated responses by other actors when populations in the region have been threatened, as evidenced in September 2009 when ECOWAS, alongside the UN and the AU, immediately called for an inquiry into a massacre at a stadium in Conakry, Guinea. The UN Secretary-General responded to the request in late October, and established a Commission of Inquiry with support from the UNSC, AU, and ECOWAS.

Fact finding missions facilitated by the AU were slower in the Burundi case than in the Kenyan case as the AU was not able to secure a Memorandum of Understanding (MoU) from the government for the deployment of human rights observers and military advisors, therefore, slowing down the mediation process (Bouka, 2016). Also, following Burundi government’s rejection of MAPROBU, African heads of states declined to support MAPROBU without Burundi’s consent due to their concerns about setting a precedent that would come back to haunt them. All this therefore made preventive diplomacy efforts to be ineffective in Burundi.

Efforts by the Nigerian President, Umar Musa Yar-Aduato send a plane for Kufuor to shuttle between the parties showed the continent’s support for fact-finding missions to end the crisis in Kenya. Also, Kufuor suggested that a group of eminent African Personalities might create a neutral space where the two parties could dialogue. Both parties agreed and a panel led by Kofi Annan, together with Graca Machel of Mozambique and President Benjamin Mkapa of Tanzania were tasked to assist the Kenyan brothers and sisters find a peaceful way forward which later brought peace and stability in the country.

The conflicting parties have to voluntarily accept to a greater extent, to engage in the process of mediation. As witnessed in Tunisia and Egypt, the PoW encouraged all the
main electoral stakeholders to forge consensus during the early stages of the constitutional and institutional reform processes that preceded the various elections and referenda. Although dissimilar internal dynamics meant that the two countries experienced different post-Arab Spring political trajectories, the willingness of conflicting parties and political stakeholders in Tunisia to work together towards democratization made the PoW’s preventive diplomacy actions more fruitful in that country than in Egypt.

Tunisia’s peaceful general elections in 2014 contrasted sharply with Egypt’s violence-ridden process that was punctuated by the 2013 coup d’état. The lack of acceptance by the conflicting parties to the process of mediation made preventive diplomacy in Burundi to fail and the acceptance by the conflicting parties to the process of mediation in Kenya made preventive diplomacy to succeed. President Nkurunziza’s administration has adamantly refused to sit down with members of the National Council for the Restoration of Arusha Agreement and Rule of Law (CNARED), the umbrella opposition group, describing CNARED as a terrorist group.

Mediation process has to be carried out by a mediator who has competent qualities such as commitment, knowledge of the conflict, impartiality and has to be accepted by the conflicting parties to carry out the mediation process. AU’s appointment of President Yoweri Museveni of Uganda was received with a lot of skepticism by observers and the opposition as he was viewed to be of no hallmark to democracy since he himself was seeking another term as president of Uganda after 30 years in power. Further, President Museveni did not put in any efforts in the mediation process in Burundi since he was busy with his campaign back home hence delegated the mediation to his defense minister who lacked the necessary gravitas to compel actors to the negotiating table (Vandeginste, 2015).
It is quite evident that the qualities of the mediator in the Kenyan case ensured success of preventive diplomacy while the qualities of the mediator in the Burundian case made preventive diplomacy to be ineffective and unsuccessful. In the Kenyan case, unlike the Burundi case, Annan included other constituents. The mediators held an informal session (*kamkunji*) with the members of parliament. They briefed the members of parliament on the progress of the negotiations. Annan announced that the parties had agreed that it was important to resolve the political conflict. The parties had to reach a political agreement through which there would be institutional, constitutional and legal reforms. Through the *kamkunji*, the MPs were included in the negotiations. The media was also present (Mutahi, 2011).

Benjamin Mkapa was familiar with the parties in conflict. He had an international standing. He had the skill of translating the press conferences into Swahili. This was to make sure that everyone in Kenya understood what was being said. It was important for people to know the progress of the mediation process. Since people were familiar with him, they could trust the message that he was delivering. Graca Machel too had an international standing and experience in addressing crises such as the Kenyan one. She had chaired the Africa Peer Review in Kenya in 2005 and 2006 hence she had a knowledge of the politics in Kenya. She appealed to the parties to resolve the conflict. Emotionally, she pleaded on behalf of Kenyans who were in great suffering. According to her, this suffering had to come to an end and the people were counting on the leaders to bring it to an end. Mkapa and Machel made many efforts to move the mediation forward when a deadlock was creeping (Jepson et al, 2014). Machel appealed to the parties to put their personal and political interests aside and think of the lives of the Kenyan people. Mkapa persuaded them to reach an agreement. He held that the parties in conflict had worked together in the past hence reaching an agreement would not be hard.
Dividing issues into two categories was a wise move. The parties agreed on agenda one and two thereby raising confidence in mediation. It also made the parties realize that the other agenda items could be achieved as well. Using the media was important in maintaining Kenyans confidence in the mediation process. The skills that the three mediators had were important in the mediation. They were all committed to resolving the Kenyan conflict. They knew that the skills of every mediator were needed in the mediation to bring the conflict to an end. Because of their skills and international standing, they were readily accepted by the parties in conflict to act as mediators and help them in resolving a crisis they were unable to resolve on their own. The people of Kenya as well as the international community also had faith in them hence they had confidence in the mediation process that was going on.

The success of the Kenyan mediation can be attributed to the skills and knowledge that the mediators brought together in conflict resolution. The mediators had mediation skills and knowledge of Kenya as well as Kenyan politics. Mkapa demonstrated that he knew the political history of Kenya. He used this to urge the leaders to reach an agreement. He said that it would not be hard for them to agree since they had worked together in the past. He was a close neighbor to Kenya. Annan knew how to pressure the parties to reach an agreement. He would issue deadlines so that the parties could negotiate within a specific period of time. Machel had knowledge of Kenyan politics and an experience in solving such crises. This ensured success of preventive diplomacy in Kenya.

Official communiqués released to the media have not shown any appeals to reconciliation or peace after President Jacob Zuma of South Africa was appointed to lead the AU high-level-panel to Burundi. Zuma has been viewed as having flip-flopped from his 2015 stance that it would be appropriate for President Nkurunziza to step down to, appealing to all parties to abide by the Constitutional Court ruling that approved Nkurunziza’s third-
term. The Burundian opposition viewed Zuma’s trip to Burundi as an endorsement to
President Nkurunziza therefore undermining Zuma’s role as a neutral and impartial
mediator to the conflict. The poor qualities of the mediators in the Burundi case made
preventive diplomacy to fail.

4.4 Recommendations

The process of preventive diplomacy is a gradual and encompassing process that
incorporates a variety of factors. The African Union should endeavour to appoint
mediators who are credible and are patient, high ranking, experienced, knowledgeable,
neutral, trustworthy, wise and confidential.

Further research is recommended. Future research of this topic should look into the
challenges experienced by the AU mediation efforts and endeavor to find solutions that
can help the organization deliver better on its mandate. The AU Peace and Security
Council needs to engage consistently in finding solutions by meeting on a monthly basis
in Burundi to discuss observer reports and evaluate the security situation. African leaders
and the international community are encouraged to act swiftly and offer political support
to the Burundi case by meeting their financial obligations so that the PSC can be
adequately staffed to carry out its mandate for preventive diplomacy to succeed. The
conflicting parties in Burundi are encouraged to voluntarily accept the process of
mediation and reach a common ground for preventive diplomacy to be successful. Deep
ethnic grievances need to be addressed from their root causes to enable preventive
diplomacy to be successful in Burundi and other countries facing similar conflict
situations.

While preventive diplomacy has grown and evolved significantly, it is neither easy nor
straightforward nor inevitably successful. It continues to face great obstacles and long
odds, with success often hostage to multiple factors, one of the most critical of which is
the will of the parties. If the parties do not want peace or are unwilling to compromise, it
is extraordinarily difficult, especially for outsiders, to persuade them otherwise. In such
cases, the linkage between preventive diplomacy and the power to produce incentives and
disincentives can be critical to convince key actors, with due respect for their sovereignty,
that there is value in choosing dialogue over violence and, if necessary, to accept external
assistance to that end.

The majority of elections held around the world are positive expressions of the right of
people to freely choose their leaders. However, in certain circumstances, elections have
been seen to have the potential to divide and destabilize, as recently observed in
Afghanistan, Burundi, Côte d’Ivoire, Kenya and Zimbabwe. This risk is particularly high
in countries with systemic, longstanding and unresolved grievances, combined with a
“winner takes all” approach to competitive politics. As domestic and international
scrutiny grows and the flow of information increases, the potential for elections to be
contested may increase, which could further heighten the possibility of election-related
violent conflict. The United Nations should work together with partners, including
regional organizations, to develop a broader approach to preventing election-related
violence that combines all the preventive diplomacy elements and electoral assistance
expertise.

In situations of internal crisis in particular, there may be concerns about undue
interference or unwanted ‘internationalization’ of a country’s internal affairs. A lack of
openings for engagement can tie the international community’s hands while the human
cost climbs in a visibly deteriorating situation — at which point, ironically, the space for
political action sometimes opens up. In the face of a particularly grave or imminent threat
to international peace and security, preventive diplomacy alone may not be effective and
may need to be complemented by other forms of leverage including, if necessary, coercive measures under Chapter VII of the UN Charter. Nevertheless, despite the myriad challenges, innovative measures and steps can be undertaken to maximize preventive diplomacy’s chances of success.
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