

THE INTERVENTION MEASURES OF AFRICAN UNION IN THE KENYA'S (2007-2008) POST ELECTION VIOLENCE

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DECLARATION

I declare that this project is my original work and has not been presented for another academic award in any other University or Institution.

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ABSTRACT

The study sought to assess the intervention measures of AU in the Kenya's Post-election violence in (2007-2008). Specifically, the study sought to establish whether the African Union has adopted the responsibility to protect (R2P) principle in managing post-election violence; to determine the effectiveness of the African personalities in intervening in Violence and to examine if the Africa Union peace process mechanism in Kenya enhanced the resolution of the Post-election violence. The study was based on functionalism theory and hurting stalemate model. The study adopted a descriptive research design. The target population for the study was employees of Amnesty international, Kenya National Human Rights Commission and non-government organizations dealing with conflict management in Kenya. The officials are from the ministry of interior, ministry of foreign affairs and the AU offices in Kenya. The study was based on both primary and secondary data. Primary data was collected using a semi-structured questionnaire while secondary data was collected using desk research. Secondary data was collected from reports and other sources such as Journals, articles, textbooks and internet materials that dealt on issues of AU intervention in the post-election violence in Kenya-2007/2008. The data was collected by involving 2 research assistants. The assistants administered questionnaires and do the desk research. The interviews were done by the researcher herself at a place convenient for the researcher and the interviewee. The quantitative data was analyzed using descriptive statistics such as mean, standard deviation, frequencies and percentages. Data was presented using tables, graphs and pie charts. Qualitative data was analyzed using content analysis. The data was presented in prose form. The study found that the AU had adopted the responsibility to protect in the interventions of post-election violence in Kenya 2007/2008. The study further established that that R2P mattered in resolving post-election violence 2007/2008. The study found that African personalities played a role in resolving post-election violence in Kenya 2007/2008. The intervention by the African Union personalities consisted of the use of chairman Kufuor's good offices, and the support of the mediation that was conducted by Kofi Annan. The study also found that majority of the respondents agreed that African personalities ensure that a sustainable peace was seized as soon as possible in the 2007/2008 violence. The study concluded that the international community's commitment to democratic electoral outcome is patently less clear. Annan's focus on power sharing during the mediation process in Kenya was never questioned and the issue of determining who really won or holding fresh election to produce a clear winner according to democratic principles was abandoned. Instead the formation of grand coalition was accepted as a win situation for both parties. The study recommended that Electoral reforms must include mass education to the public which basically encompasses public awareness campaign. There was an emphasis on pragmatism that overcame political differences during the mediation process.

Dedication

I dedicate this research project to the Almighty for giving me the strength and guidance that I needed and to my incredible parents for their unending love and support during this whole journey.

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

This study looks into the measures of intervention by the AU in the post-election violence of Kenya in the year 2007-2008. It did not go less than a month and there were matters that were discovered that came to accordance with the accord of the nation and formed the movement of qualities formally known as the grand coalition movement¹. In the beginning, the started with a framework of mediation that was as a result of the support from the African Union and it grew so fast over time. The stakeholder's role was second which helped in mounting and pressure sustainability on the two conflicting parties and the team spearheaded by Mr. Annan to bringing peace to Kenya ² the intervention by the African Union and its intervention is what is concentrated in this research, mainly focusing on the post-election violence of 007-2008. Matters were found within a month which came hand in hand with the nation's accord hence formulating the main movement also called the grand coalition movement³. Due to the mobility of parties in different Kenyan constituencies, people started playing part in accord in joining hands for peace⁴. In this way people learnt on how to live peacefully and a support constituency was built for the process.

The mediating team led by Mr. Annan was the third character, it contained experienced personnel, and it had a highly valued network and also contained high standards mediation skills

¹ Mwagiru, M. (2008). highly valued network and also contained a high standards mediation skills in crisis management.

² Mathews, Kay 2008. the intervention by the African Union and its intervention is what is concentrated in this research.

³ ibid.

⁴ ibid

in crisis management. The people who engaged in the mediating process experience a high standard of confidence to the Kenyan people in that it enjoyed doing the process. Further, they, being of African native had diminished the resistance that could have been experienced if the team were from other parts of the world, especially the western⁵. Another final factor was the pressure that the mediation team got from externally both with the leverage during the mediation process. There were crucial lessons that were generated from the mediation process in Kenya in 2007-2008 post-election violence. However there were not provision of mechanism that ensured the full accord was followed just like other peace keeping agreements⁶. This research begins by introducing the background, it follows by generating the statement of the research problem, it brings out clearly the objectives of the study, the research question are recorded afterwards, it is then followed by justification, the literature review is also presented as it capture literature done earlier, there is a theoretical framework there after then a conceptual framework, scope and finally the limitation and the methodology used in the study.

1.2 Background to the study

In the world society, conflict is inherent. The result led by conflict has brought governments and individual to realize that they need to put into priority all the methods that they would use in order to control conflict and ensure peace promotion and culture. This is one among the many themes that are employed in controlling international politics⁷. There is conflict experienced in all the level of human social life. There was a large expectation by nation that there would erupt conflict in borders and nations immediately and during the cold war. However after the cold war, only the intra state experienced large phenomenon of conflict rather than the

⁵ AU, 2010. the intervention by the African Union and its intervention is what is concentrated in this research. Article 4g and h.

⁶ Mbeki, Thabo 2012. When countries experience conflict within their borders.

⁷ John W. Burton, experienced large phenomenon of conflict, pp.137-138.

interstate conflict people expected. When countries experience conflict within their borders, they do not foresee it going outside their countries to the neighboring nations. If the conflict goes to the extent it spread to the neighboring nations, they make the victim nation vulnerable to even provide security to its own people. In many instances, this is true to the African system of states where there are porous borders and there are many challenges facing regime⁸. Deep poverty is the end result of the protracted conflict that are mainly experienced in Africa, and this is true when it also comes to illiteracy, and a weak government system. Due to huge amounts of debts borrowed by the governments, the nations in Africa are unable to provide adequate social life to its citizens as required by the constitution. In Africa, many cases have been due to the collapsing of episodes experienced by the government and their states. This mostly is due to the long term delegation and non-performance of the government and this is marked by weak politics and collapsing economies⁹. The collapsing of a state and mainly experienced in Africa has brought about the spillover or the spread of conflict to neighboring countries. They were heightened tension of ethnicity to the refugees in different situations, and some brings about conflict in diplomacy, which have substantially engaged resources and strength from nations that are relatively stable and shares a border with collapsed countries.¹⁰ Some conflict were seen to be just local or internal conflict since the earlier days, but due to the introduction of the organisations like the UN and the OAU these conflicts have gone to extremes to becoming international conflicts.¹¹ The thing that started as a civil war has driven the external actors into it so that peace can be restored together with security. This has made it clear that Africa should come up with its own way to coming up with solution of maintaining peace and security.

⁸ Jackson R. and Sorensen G; There was an attempt of peace negotiation in Kenya in 2008 by the AU pp. 29

⁹ Ibid Severine M. Rugumamu, 2002.

¹⁰ Ibid Zartman, I. W. " 1995:1-7.

¹¹ ibid, pg. 21

There was an attempt of peace negotiation in Kenya in 2008 by the AU. The orange democratic movement which was being led by Odinga refused to come to negotiation with Kibaki's party, they believed that they would become sideshow if they were not chaired by the mediators from the international perspective¹². By this, it was evident that ODM was not ready to going in talks with the Kibaki party Narc. This mediation was to be presided over by the Ghana president John Kufuor who was present with both the side in a meeting. The president of Sierra Leone also tried to bring together by mediation at that time so as to find unity in Kenya.

Apparently, the process of mediation to Kenya in 2008 by other nation officials shows how Africa is still reluctant to solving its own problems, and the main problem is brought by not putting the doctrine to practice¹³. They early accepted that the sovereignty of a nation would not be revered, yet there is still a deep sensitivity by the Africans governments on internal interference in the personal affairs. There was not a profound impact of mediation by the AU, this is because less attention was given to the question asked about the management of crisis and talks\dialogue¹⁴. The inability of neighbouring nations to intervene is due to the lack of trust between these members and this is historically true. It may be due to the competition observed among leaders in Africa that made it vulnerable for cooperation of the AU in managing conflict in Kenya since many members of the AU in Africa are still reluctant in granting enough autonomy to the AU organisation¹⁵.

1.3 Statement of the Problem

Mediation is supposed to end feud in a conflict stricken situation and should be able to provide everlasting peace. Mediation is not worth it if the process takes place and there is no

¹² Parselelo Kantai, African-deal; democracy on trial, Africa report, 16, April/May 2009, p. 31.

¹³ Mwangi, M. (2008). sovereignty of a nation would not be revered. P35.

¹⁴ ibid

¹⁵ Mathews, Kay 2008. Africa that made it vulnerable for cooperation of the AU in managing conflict in Kenya. Cape Town, Centre for Conflict Resolution.

positive outcome in that the issue that brought about the conflict still continues. The process of mediation in the stricken areas like Sudan and Burundi has been followed by disagreements in the masses and among the coalition governments. The AU was the main mediator in the peace process in Africa especially in post-election related violence. However, the AU has not been effective in resolving the Post-Election violence. A good example is the inability to resolve election conflict in South Sudan.

The many protracted conflict and landscape is among the main distinguishing feature of the African landscape¹⁶. The AU used a weak mechanisms and this has made the relationship in the continent to be disrupted either socially or politically. This in turn brings a negative result including disruption of the resources that may be share amongst the conflicting communities. Thus, conflict management especially by the AU is an issue which has become inseparable with talks on Africa Nations. This is due to conflicts that characterize the African countries. Conflict management has therefore become integral in solving the problem of conflicts in Africa with the AU being at the center of the Conflict resolution.¹⁷

Kenya has experienced electoral conflict/violence throughout its brief history as a nation.¹⁸ The intensity of 2007/2008 post-election violence in Kenya, however, was of a different magnitude. Consequently, this foresaw the then Chairman of the African Union, Kufuor and the then East African Community chairman, Kikwete play critical facilitative roles that paved the way for African personalities who intervened in the Kenyan electoral conflict. It is therefore essential to scrutinize, the role played by external intervention in managing the conflict

¹⁶Jakkie Cilliers and Kathryn Sturman, " Africa that made it vulnerable for cooperation of the AU in managing conflict in Kenya, no. 3 (2002): 28-39.

¹⁷Benedikt Franke, East African Community chairman, Kikwete play critical facilitative roles t: 32-63.

¹⁸Mara Roberts, The intensity of 2007/2008 post-election violence in Kenya.

1.4 Research questions

- i. How did the African Union adopt the responsibility to protect (R2P) principle in managing (2007/2008) Kenya Post-Election violence?
- ii. How effective were the African personalities in intervening in (2007/2008) Kenya Post-Election Violence?
- iii. Did the African Union peace process mechanism in Kenya enhanced the resolution of the (2007/2008) Post-election violence?

1.5 Research objectives

The objective of the study is to assess the intervention measures of AU in the (2007/2008) Kenya's Post-election violence

1.5.1 Specific Objectives

- i. To investigate how the African Union adopted the responsibility to protect (R2P) principle in managing Kenya (2007/2008) post election violence
- ii. To determine the effectiveness of the African personalities in intervening in 2007/2008 post election violence in Kenya
- iii. To examine if the Africa Union peace process mechanisms in Kenya enhanced the resolution of the 2007/2008 Post-election violence

1.6 Literature review

1.6.1 Theoretical Literature Review

Ethno-Conflict Theory

This section reviews literature relating to interventions in peace and conflict in Africa. The social political and economic structure has been incorporated in the ethno-conflict theory, language and folk psychology is also among those incorporated though the source of conflict are

not the conflict sources that identifies variables in a cultural system that could cause conflict with time and contribution of conflict resolution countries¹⁹. The media has effect on the development of conflict and its internationalization; he talks about the CNN factor where events happening in one part of the world are transmitted instantaneously to other parts of the world²⁰. He clearly points out how easy it is for the international community to be informed when a conflict is going on in one place and the severity of the conflict especially where human rights violations are concerned and can prompt demand for action including intervention²¹.

African Regional governments are ideally suited to intervene in conflicts within the continent since they stand to be affected on the security front if they do not intervene²². She further supports the above statement by stating that failed intervention in UNOSOM I & II left a political vacuum in Somalia which led them to suffering under the hands of different factions²³, this shows that the author is in support of intervention, however also believes in African solutions to African problems. She basically means that African constructed policies are better suited to solve the crises in the continent. Michelle Griffin and Jones (2001) evaluate some of the UN peacekeeping operations and with reference to Rwanda and Somalia in the 1990s; they suggest that Africa should empower her regional organizations to keep peace²⁴.

Bounded Rationality Theory

The Bounded Rationality Theory (BRT) also explains the post election violence and interventions. Humanitarian intervention, stating that for human protection purposes it can be

¹⁹ Centre for Conflict Resolution 2010. The media has effect on the development of conflict and its internationalization /3_part3.html.

²⁰ Ibid

²¹ Cox, G. W. (1997). intervention should include a clear structure of how the process will be tackled

²² Ibid

²³ Cox, G. W. (1997). Making Votes Count: authors are touching on intervention at the time. New York, NY: Cambridge University Press.

²⁴ Ibid

regarded as an acceptable breach of International Law. It emphasizes the need for complimenting the short term aim of saving lives with the long term goals of building lasting peace through institutionalization of democratic values and the Rule of Law. Despite his assertion, he also states drawing from the Economic Community of West African States Cease Fire Monitoring Group (ECOMOG) experience that due to lack of an effective humanitarian policy, a coherent political plan and a well thought out peace building and exit strategy the humanitarian goals of ECOMOG mission in Liberia, Sierra Leone and Guinea Bissau were undermined also resulting in a flawed peace process and wayward peace building programs²⁵. Therefore intervention should include a clear structure of how the process will be tackled, and sustainable outcomes. This has pointed out that there needs to be a policy that will ensure sustainability of the solutions arrived at after intervention. Therefore a lot of authors are touching on intervention at the time, but they are not pointing out what happens after the fact when a mission is considered successful, and are also not pointing out what needs to be done when a mission is considered unsuccessful.

Relative Deprivation Theory (RDT)

In discussing the Relative Deprivation Theory (RDT), Hegre, Østby and Raleigh²⁶ Wallensteen argues that peace research is a field of inquiry dealing with social affairs. It seeks to understand causes of the conflict and reduces the causes of violence²⁷. Peace research relies on historical development to examine causes of war (conflict). The understanding of the causes of the conflict depended on what happened after the post-independence period. The Union of Comoros attained independence in 1975 and twenty two years later, conflict erupted because there was need for self-independence not from the colonialist but from the Central Government

²⁵ Ibid

²⁶ Hegre, H., Ostby, G. & C. Raleigh. (2009). The measures used should be peaceful and not coercive which is controversial according to the realist school of thought, 53: 598-623.

²⁷ ibid

that was already independent. There were claims of unequal distribution of resources by the Central Government to Anjouan and Mohali. Traumas experienced are connected with the people's hope²⁸. The needs of the people have to be met as that's the root cause of the conflict. The resolution should also allow for new hope. The measures used should be peaceful and not coercive which is controversial according to the realist school of thought. The realists view the world as anarchic and use the strategy approach. In this case coercive means are used to solve the conflict to protect the interests of the state.

This section reviews literature relating to interventions in Peace and conflict in Africa. The chapter reviews literature on history of AU, the interventions adopted by AU in conflict and violence, sub-regional approaches to peace and role of AU in peace negotiations in Kenya.

1.6.2 Empirical literature review

1.6.2.1 Challenges facing AU in Peace negotiations

AU has also had challenges with regard to its mandate. The mission was unclear, especially how to execute its orders. There was no structure as to how AU would ensure that the conditions conducive for peace and stability in Somalia were created. The mandate has been revised four times, as per the extensions. With emerging threats, the mandate does not articulate how to deal with issues like terrorism. Terrorist acts are interstate, and therefore AU's structures have not been clarified on how to tackle such issues.²⁹ There was also lack of pure coordination in the mission. Dealing with troops from different nationalities, is pretty difficult. Most troops don't know who to take their orders from, whereas essentially it should be from the mission lead. Most troops take orders from their country of origin, and this affects the efficiency of the mission. This also happened during United Nations Mission in Somalia II (UNOSOM II), where

²⁸ Ibid

²⁹ Ibid Salim, 1992. Pp.13.

the American troops took their directives from the United States government, instead of the UN

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These soldiers from different nationalities have also not interacted with each other they therefore bring their own beliefs; which could be detrimental to the mission. Looking at AMISOM, where the troops got in at different times, they each go with a different agenda, from their nations.

These challenges can also be drawn from the fact that AMISOM or the AU has limited experience in peace keeping operations. It is to the detriment of peace keeping that AMISOM lacks the military resources, capacity and funding, as well the institutional capacity to manage operations in Somalia³¹. This is also drawn from Darfur, where the mission was eventually combined with the UN to form a joint peacekeeping mission. The AU is also believed to have lacked the proper training curriculum that could have been given to their staff prior to their deployment (AU, 2011). This also led to the lack of enough troops to bring the mission to proper operational capacity. It also affected the protection of civilians in the country. Civilians were compromised during the intervention, since AU did not apply the proper mechanisms towards civilian protection since their first mandate in 2007.

As a peacekeeping mission AMISOM has to deal with different parties on the ground and also within itself as a unit. Every party has certain objectives to warrant their participation, and it is

³⁰ Salim, A. OAU peacekeeping mission AMISOM has to deal with different parties Pp.11-12.

³¹ Parselelo Kantai 2008, p. 43.

Difficult to determine their intentions which may be at odds with the goals and mission of the operations and often times with each other³². The major challenge the mission is facing is the rise of terrorism and its attempts to completely rid South Sudan bandits in order to restore peace in Somalia are waning. The South Sudan bandits is using the presence of non-Sudanese troops in Sudan as leverage over the mission to create discord from the majority Sudan population and use it as a means of recruiting the youth to gain followers³³.

1.6.2.2 AU interventions in Conflict and violence in Africa

AU has increasingly established itself in the African continent, as the primary providers of basic needs, essential in fragmented societies and various complex emergencies.³⁴ AU have also been involved in cases of state collapse, by taking over security providing functions of the state through food, medical and security provision. Most institutional in the AU mandate and ethos is to provide humanitarian relief to countries that disintegrate as a consequence of wars, they have also extended their function to conflict resolution and human rights issues. Humanitarian relief and politico-military humanitarianism are complimenting each other (Lin, 1990). The role of AU during conflict resolution and peacekeeping has not been clearly defined, leading to a mixture of roles³⁵.

The most popular foundation of AU is by Henri Dunant in 1859, to take care of the wounded during the battle of Solferino. The AU is presently known as the International Committee of the Red Cross (ICRC). AU was formed when some individual or a small group of people with like minded people and with motivation towards fulfilling an identified need

³² Aneme, Girmachew Alemu. 2008.

³⁴ Keohane, R. " The understanding of the causes of the conflict depended on what happened after the post-independence period, 1980:131-162.

³⁵ Killander, Magnus. 2008.

establish an organization to respond to that need. The UN Charter grants AU a consultative status, through Article 71³⁶. AU perform different duties depending on the size and individuals involved. The traditional roles of AU in Africa have included addressing the symptoms of conflicts through providing medical support and food for the victims of war or displaced persons and refugees.³⁷ During Operation Restore Hope, it was estimated that there more than forty AU stationed in the country. Amnesty International an international AU dealing with peace and human rights protection, continued to monitor the human rights situation in Somalia. It uses its direct channels to approach the UN policy makers and governments and to raise public awareness through publishing reports and recommendations. There were the principles of human rights set by the amnesty so that it could set out the peace keeping mechanisms and it was to ensure that UN participated fully in peace keeping and would not be a perceive participant so as to uphold the international law.³⁸

Despite AU offering solutions during conflict they have also been known to perpetuate some conflicts. To some extents they have become aligned, in their process of distribution, by conferring power to some groups and as a consequence disadvantaging the other groups³⁹. In South Sudan the armed militias' competing for control over Darfur fought over aid.

³⁶Cilliers, Jakkie. 2008.

³⁷ Ibid Ayoob, M..2003

³⁹ ibid, pg. 45

The resources were used to enhance their military organizations making the already volatile situation explosive (Murithi, 1998, p. 278). In as much as providing relief and humanitarian assistance is necessary they probably reduce the incentives for the warring sides to negotiate a settlement⁴⁰. The conflict management was to be strengthened by the OAU in collaboration with the CMC and this was the main purpose for the CMC establishment. There were almost a dozen recruited consultants in the center through the projects that are foreign funded with the analytical capacity enhancement⁴¹. For the CMC to work, there was need to establish a mechanism that would establish a continent-wide early warning system. If the system worked, its work would be to give accurate and early warnings and it would give the actors ample time to react to the warning of conflict. The warning in the OAU and those in the sub-regional level had to be brought together and mechanisms established to dealing with the conflict threat. However this should be hastened and made fast so that no conflict threat would catch the bodies unexpected. The coming up with the CMC also brought the creation of a mechanism for funding organisations that relate to the conflict⁴².

5% of the OAU budget makes up the fund, the fund comes from the volunteering member states and some sources that are within Africa. Furthermore the secretary general would accept volunteering fund from outside African and member state but he or she should follow the central organ rule and the body charter that would allow him\her to do that⁴³. There should be a quick study on the peace fund so as to come up with a mobilizing strategy.

⁴⁰ Ayoob, M. % of the OAU budget makes up the fund, the fund comes from the volunteering member states and some sources that are within Africa, 1995.

⁴¹ Ibid Boutros-Ghali,

⁴² ibid

⁴³ Salim, A. the secretary general would accept volunteering fund from outside African, 1992. Pp.15.

Due to the results of any crisis, there should also be a fund to charter for reconstruction and reconciliation process and absentees of conspicuous current peace fund mandate

The united nation and the AU are mandated by the mechanism to cooperate and work close to each other in peace maintenance, the continental stability and security. There has been an offer for the two institution cooperation and coordination. They include the technical instances, exchange of the staff, offices of liaison, mission that are joint, force training and equipment prepositioning⁴⁴. most documents are used in the diplomatic language politely, the AU and the UN have not yet come up with an acceptable and a vision that will show cooperation and coordination to responding to African conflicts the two organs have agreed on the goals of consultation that is improved, information exchange, and joined action coordination, they have not yet agreed on the way of archiving this objective. There should be a lead taken by Africa. It should not expect these things on a clean plate⁴⁵ the regional or sub regional organizations in Africa should be set to taking their role so that the international community could be relieved from more obligations.

After the mechanism of managing conflict was put forward, AU has thought of a wide range of implementation of the mechanism that aims at preventing conflict⁴⁶. An early warning system was included by the AU and a staff that would critically analyze an impending conflict that is about to strike a member state. Furthermore there are many implied situations and strategies that have been applied by the AU envoys to the crisis stricken areas for example Comoros in 1997 etc; just like they have been deployed to places that are stricken or are prone to conflict. There has been limited success of the AU to the

⁴⁴ *ibid*

⁴⁵ J. Richard. most documents are used in the diplomatic language politely 1997:9-21.

⁴⁶ *Ibid* Clever, G. and R. May. (66) 1995: 485-495.

crisis in most parts of Africa due to inadequacies and institutional lack of organisation. In the 1990s the summary of the performance of the organisation, the then secretary general said that people in many times look for the OAU organisation to come in any issue related to conflict and they find that the organisation is not there and when the organ is there , it does not work diligently to its members expectations"⁴⁷.

In the last decades, the African continent has been the theatre of massive human rights abuses, including genocide, war crimes and crimes against humanity, and is still prone to various forms of intra-state violence⁴⁸. The failure of regional and international actors to protect civilian populations against international crimes, most horribly illustrated during the 1994 genocide in Rwanda, has prompted UN members to unanimously adopt the principle of responsibility to protect (R2P)⁴⁹. This commitment provides that states are primarily responsible for protecting their populations from genocide, war crimes, crimes against humanity and ethnic cleansing and should assist each other in fulfilling this responsibility, but also entails that if a state fails to do so, the international community will respond, using peaceful means or, if such means fail, through coercive action.

The principle of R2P has gradually also been introduced at the African level. While the Organisation of African Union (OAU) did not have any power that was legal power to get to any feud n the continent, the organization that came after it the AU had all the right to get into any conflict in the continent⁵⁰. These mandates still hold in the organisation and play the same role as the R2P.

⁴⁷ Salim, A. The principle of R2P has gradually also been introduced at the African level, 1992.

⁴⁸ Breau, Susan C (2006). assist each other in fulfilling this responsibility, but also entails: 429–64.

⁴⁹ Ibid Bazirake, Joseph (2015): 1017–1028.

⁵⁰ Mooney, Erin (2010). " economic cooperation in sub regional level like the ECOWAS and IGAD.

1.6.2.3 Sub-regional approaches to peace and security in Africa

The AU and the OAU has been frustrated in the keeping the records of peacekeeping and efforts of making peace in 1990s, many African organization and actors have taken the responsibility to take the action of peace keeping in their own hands and management of conflict and this mean that the place will be with peace.

There has been challenges and frustration faced by the UN and the OAU had this to a greater extent has led the states affected to come up with different methods in dealing with conflict and enhancing peace hence making it a norm⁵¹. They have gone through their treaties gradually and revised them in that they have offered a clause in peace management and eradication of conflict in regions. The groups like the AU have found a way to deal with conflict systematically⁵². There is a variance anonymously in all the two capacity in playing the same role in security. Thus, this is via a process of acquiring knowledge and the expediency of the global politics, more issues of politics that are controversial have been brought from the field to integration and cooperation. This is the way the integration of the neo-factionalism scholars or researchers have called it the ‘spillover effect’⁵³ sub region approaches however can bring few additional effect to conflict management as noted by some scholars.

The region and the sub region that has the willing and capacity to bring the enough security in to their state cannot do that without the help and intervention of some of the

⁵¹ *ibid*

⁵² Oluborode, J.A. 2008. intervention of some of the global stakeholders (accessed on 15 April 2009)

⁵³ Caporaso, J. " The region and the sub region that has the willing and capacity to bring the enough security:43-82.

global stakeholders.⁵⁴ The formation of the AU was precisely aimed at finding African solutions to engage in intervention. The aggressive AU was begun due to the occurrence of Somalia and Rwanda where Somalia fell as a state and there was Genocide in Rwanda. As a result the leaders in Africa had to improvise and come up with ways that would see such cruel act abolished forever. However, the Côte d'Ivoire and Libya crises showed that the organization is far from being a solution to the problems afflicting Africa the main reason for coming up with AU was to establish ways in which solutions of intervention would be established. The act that occurred in Rwanda and Somalia n that Somalia fell and in Rwanda there was one of the biggest genocide in Africa to happen made the need to come up with a strict AU body that would see this act stopped. The leaders in Africa come up with much sophisticated intervention in the AU body that would protects the human lives that was threaten daily due to conflict. However the body was no effective in the Ivory Coast and Libya sagas which clearly indicated that the body was far away from solution to conflict. The body's performance was weak and dreadful and there were no effect from AU, in the Lybian Case the body seemed marginalized and the United Nation did not offer its support as expected. In both the instances generally the body was weak and did not act accordingly in that if it had done its job, it would have received the enough support it required and it would not have been marginalized by some actors such as the UN⁵⁵. There was confusion among its members and did not speak in one and same voice as it should have, in the many issues concerning its members states⁵⁶.

⁵⁴ Ibid Anning, K. "Peacekeeping.

⁵⁵ Ibid African Union, 2000.

⁵⁶ ibid

1.6.2.4 Role of AU in peace negotiations in Kenya

On January 9, 2008 the AU made attempts to broker negotiations in Kenya in relation to the post-election violence. Despite its attempts the initiatives seemed unsuccessful in that the ODM party was against any negotiations with the PNU leader who was Mwai Kibaki. The reason as to why they were against the negotiations in that they said it would be a side show if no international mediator was involved.⁵⁷ The refusal to participate in the negotiations was a clear indication that they were not ready for any negotiation which would be spearheaded by the chairman of African Union the then Ghanaian president John Kufor. He had arrived for the crisis meeting which was to be held between the two conflicting sides. Further Sierra Leone president Ahmad Tejan Kabbah had also come to broker any mediation to the crisis that had faced Kenya in the 2007-2008 post-election violence.

The continued stalemate in Kenya was a clear indication of the African nation's refusal to accept any intervention in matters concerning internal affairs. This has presented a problem in the application of the doctrine of the responsibility to protect. The negotiators had argued that state sovereignty would not be revered yet most of the African nations are still reluctant on the international involvement⁵⁸.

On the other side there has been a trust and mistrust between the member states and this has bring to the historically no intervention of any kind of conflict that erupted in the states. This might be because of the competition that has been living among the African leaders and as for other state, they have not been cooperative and there has been a hampering

⁵⁷ Porcello Kantai, African-deal; democracy on trial_, Africa report, 16, April/May 2009, p. 31.

⁵⁸ ibid

of the leaders in Africa to the AU⁵⁹. If the Members of the AU had a homogenous preference, the organ would be more effective to combatting the conflict and managing it and this would have been even better if it managed to have more member states. For good managing of conflict, a member state should have a preference that is more homogenous since the organisation would help in helping a status que that is dedicated to maintaining peace through mediation. The reluctance that was experienced in Kenya by the AU to intervene during the 2007-008 violence was due to lack of trust between the member states and for this after a long while there were no progress made by the AU in Kenya⁶⁰.

1.6.2.5 Summary of literature gaps

The literature reviewed in this paper demonstrates that there is AU intervention in election conflict in Africa. The literature exposes gaps effective interventions in strategies to deal with specifically pre and post-election violence especially in Kenya. The researcher therefore seeks to fill these gaps by undertaking a study on the intervention measures of AU in the Kenya's post-election violence in 2007-2008.

1.7 Justification of the Study

1.7.1 Academic justification

The study will provide an understanding on appropriate instruments of conflict management and mechanisms to be employed. Ultimately, this study hopes to provide academic information to students in this field of studies and finally provide a basic foundation for other researchers for further research on any gaps that will be established.

⁵⁹ Mathews, Kay 2008. With the country and conflict of focus being Kenya and the post poll violence in Kenya in 2007/2008 Conflict Resolution.

⁶⁰ Kwamschetsi Makokha and Rosemary AU played much a role in managing the conflict or a lot is left to be desired from its governing, 2009, p. 9.

1.7.2 Policy justification

With the country and conflict of focus being Kenya and the post poll violence in Kenya in 2007/2008, the study will be of essence in bringing out the role played by the AU and to analyze the same, on whether the AU played much a role in managing the conflict or a lot is left to be desired from its governing policies and approach to this particular conflict. The result of this study may help to provide guidance to policy makers on the measures to be undertaken in the wake of conflicts of such magnitude in Africa, and Kenya to be précised.

1.8 Theoretical Framework

1.8.1 Functionalism theory

The study adopted the Functionalism theory to examine the African Union interventions in the Kenyan post-election violence 2007/2008. This theory was developed by Emile Durkheim a sociologist between 1858 and 1917 and popularized by another sociologist Talcott Parsons. The theory was introduced in political science by David Mitrany in 1943⁶¹. David Mitrany's used a working peace system (1943)⁶², where he stressed the need for a functional alternative in the management of international order, to him, world peace could best be promoted if international activities were like welfare and culture would be organized well. The successful performance of these functions by institutions that had taken over specific tasks and authorities from government would bring nations closely together and build common interest for peace. The sovereignty of the nation would not be surrendered in this process to him rather the international peace will be promoted. On organizing this

⁶¹ David Mitrany, successful performance of these functions by institutions that had taken over specific tasks and authorities, 1943).

⁶² *ibid*

processes, Mitrany thought that the economic part and the political parts could not be put differently in their function to the state but could be globalized without losing any of the sovereignty.

The choice of functionalist model as the theoretical framework for this study is predicted on the fact that it deals with the functions of the integral part of a society and applying it to the study that deals with the Kenyan crisis, it was observed two different bodies existed that are charged by the state to carry out some functions otherwise known that the delegated legislature of the state has spelt out their various functions. These bodies failed to work in unison leading to a dysfunction.

1.8.2 Hurting stalemate model

This study utilized the concept of the ripe moment in understanding the reasons for the African Union's intervention in the Kenyan post poll violence in 2007. The essence of the concept is that conflicts are ripe for resolution only when certain circumstances obtain, convincing the parties to negotiate rather than continue fighting.⁶³ The ripe moment concept his study will utilize the concept of the ripe moment in understanding the reasons for the African Union's intervention in the Kenyan post poll violence in 2007. The essence of the concept is that conflicts are ripe for resolution only when certain circumstances obtain, convincing the parties to negotiate rather than continue fighting. The ripe moment concept addresses the issue of when it is appropriate to intervene and when not to intervene. Timing is important in relation to the execution of the intervention process. In addition the process discusses the various types of the interventions in coming up with the solution. The

⁶³ Ibid Chris Argyris, " (1970): 262-74.

process also establishes how the intervention will be done and the sequence it's going to follow. Various interventions can be inappropriate in addressing certain issues that need intervention.

The timing and ripeness literature for intervention falls broadly into four categories. Mitchell⁶⁴ proposes four ripeness paradigms: the hurting stalemate model, the imminent mutual catastrophe model, the entrapment model and enticement model. It is thus necessary for there to be a link between the interveners and the recipient of the decision made during the conflict resolution. The main responsibility is held by the recipients of the conflict intervention where they can have an internalization of the intervention goals. The intervention process involves norm promotion, from the view of both the recipients and the interveners of the intervention.

The timing and ripeness literature for intervention falls broadly into four categories. Mitchell proposes four ripeness paradigms: the hurting stalemate model, the imminent mutual catastrophe model, the entrapment model and enticement model. The study adopted the hurting stalemate model where no party can predict the outcome of their strategies or an end to the conflict. The model makes the assumption that the various actors usually make decisions which are conscious and which they have both reached a state which are hurting before. It is after this that they can come to a common agreement to end the conflict in a unanimous decision. Thus, the moment is ripe for negotiation when a stalemate arises in the conflict. Thus, it is rightful to conclude that the AU's intervention in the Kenyan case

⁶⁴ Christopher Mitchell, "The Right Moment: Notes On Four Models Of "Ripeness"", *Paradigms* 9, no. 2 (2008): 38- 51.

may be influenced by the paradigms of dispute ripeness as explained by the hurting stalemate model.

Thus, the moment is ripe for negotiation when a stalemate arises in the conflict. Thus, it is rightful to conclude that the AU's intervention in the Kenyan case may be influenced by the paradigms of dispute ripeness as explained by the hurting stalemate model.

1.9 Conceptual Framework

The independent variables in the study are the responsibility to protect (R2P) principle, African personalities and African Union peace process. The dependent variable is resolution of Post-election violence in Kenya. Figure 1.1 presents conceptual framework and demonstrates the interaction of variables.

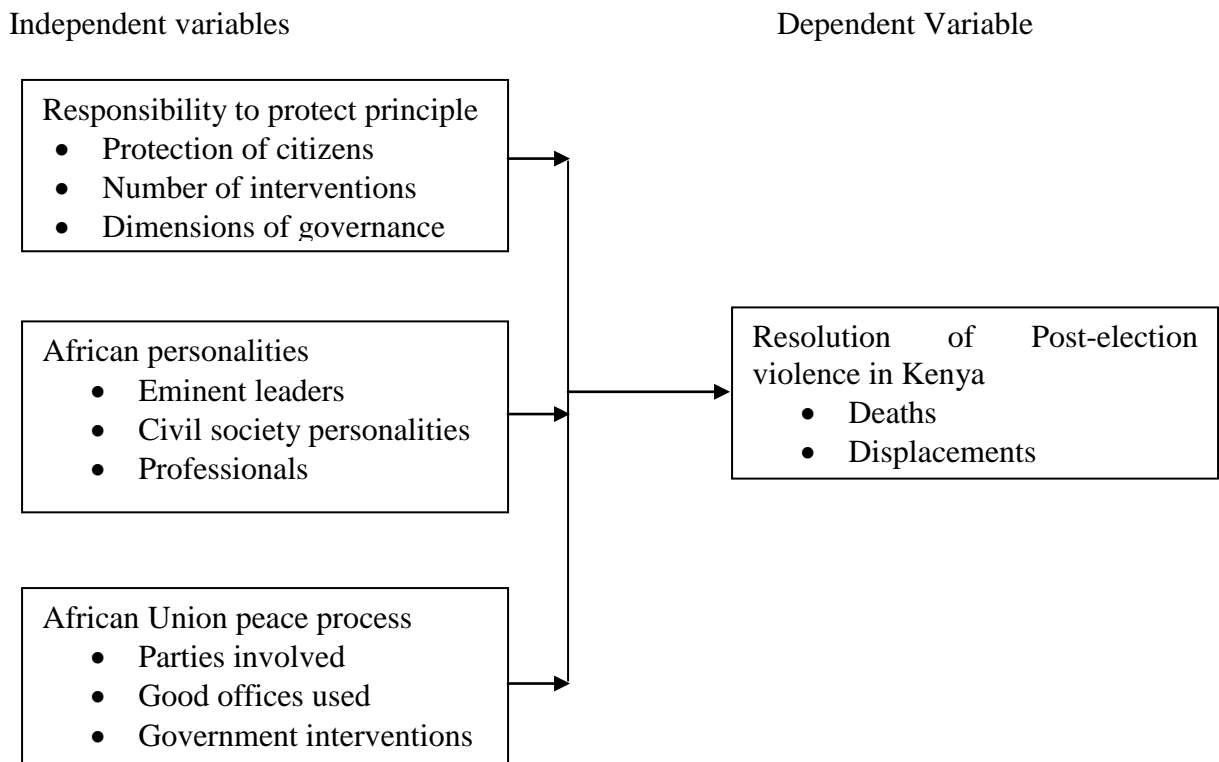


Figure 1.1: Conceptual framework

Source: Researcher, 2018

1.10 Research hypothesis

- i. The African Union has not adopted the responsibility to protect (R2P) principle in managing Post-election violence
- ii. African personalities are not effective in intervening in Post-election violence
- iii. African Union peace process mechanism in Kenya has not enhanced the resolution of the Post-election violence

1.11 Methodology

The research design for this study was a descriptive case study that will be analyzed through both qualitative and quantitative methods. The research has relied on primary data collected through questionnaires and supported by secondary data from documentary sources. This study has relied on quantitative descriptive analysis as a method of analyzing data. However qualitative analysis has been done for the qualitative data from the questionnaires.

1.10.1 Research Design

The study adopted a descriptive research design. The design is relevant in that the study seeks to establish the interventions adopted by AU and how they affect the resolution of the post-election conflict in Kenya.

1.10.2 Target Population

The study targeted the following institutions: Amnesty international, Kenya National Human Rights Commission and non-government organizations. The study also targeted officials in the ministry of interior, ministry of foreign affairs and the AU offices in Kenya.

1.10.3 Sampling procedure

Purposive sampling technique was applied in this research. The procedure of purposive is adequate when the informants have a same kind of awareness or style needed in the study. In selection of key informants from the institution, purposive procedure was utilized.

1.10.4 Data Collection Instruments

The study was based on both primary and secondary data. Primary data was collected from officials in the ministry of interior, ministry of foreign affairs and the AU offices in Kenya. The data was collected using a semi-structured questionnaire. The questionnaire had both open and closed ended questions that will guide the responses.

Secondary data was collected from reports and other sources such as Journals, articles, textbooks and internet materials that dealt on issues of AU intervention in the post-election violence in Kenya-2007/2008. The data was collected using desk research. The desk research involved review of publications on post-election violence in Kenya-2007/2008.

1.10.5 Data Collection Procedure

The data was collected by involving 2 research assistants. The research assistants reviewed reports and scholarly articles relating to AU interventions and post-election violence in Kenya-2007/2008. This was done by use of the internet in order to easily review the reports and articles. The material was compiled based on the objectives of the study. The assistants also administered questionnaires to the sampled population. The interviews were done by the researcher herself at a place convenient for the researcher and the interviewee.

1.10.6. Validity and Reliability

The research carried out a pilot study to ensure reliability and validity of data collection instruments. The pilot study involved 8 respondents and the data collected was excluded in the final analysis.

1.10.7 Data Analysis

The qualitative and quantitative data was collected in this research. Descriptive statistics was used to analyze the quantitative data like the mean abbreviated as M, the standard deviation abbreviated as the SD, frequencies abbreviated as f and the percentage %. Statistical Package for Social Sciences (SPSS) was used to code and analyze the Quantitative data. Presentation of data was via the tables, graphs and pie charts so that the findings can be viewed clear at a glance. Content analysis was used in analyzing the Qualitative data. Its presentation was via prose.

1.10.8 Ethical considerations

The following ethical procedures were observed: information was provided with utmost confidentiality due to sensitivity of some information collected, the treatment of all information was provided with utmost confidentiality since the researcher holds a moral obligation to treat all information provided with utmost confidentiality. The researcher ensured that bias or self- deception is avoided or minimized during data analysis, and data interpretation. By giving proper acknowledgement or credit for all contributions to this study, respect for intellectual property was guaranteed.

1.10.9 Scope and Limitations of the Study

The study was based on AU interventions in the Kenya's post-election violence 2007/2008. The generalization of the study is limited to Kenya and AU. The study findings

may not be generalized to all countries because of differences in level of development and capacity of institutions that resolve conflict.

1.10 Chapter Outline

The study consisted of five chapters. On the first chapter in the introduction consist: the background of the study, statement of the research problem, objectives of the study, research questions, justification of the study, literature review, theoretical framework, conceptual framework, scope and limitation and the research methodology. Chapter Two covered conflict interventions, chapter three will involve African Union's Intervention in Kenya, chapter Four will give study findings on the AU'S success and failure in resolving post-election violence in Kenya. Chapter five gave the summary, conclusions and recommendations.

CHAPTER TWO

THE AFRICAN UNION AND THE RESPONSIBILITY TO PROTECT (R2P) PRINCIPLE IN MANAGING KENYA (2007/2008) POST ELECTION VIOLENCE

2.1 Introduction

This literature will focus on three areas: general conceptual discourse on R2P, the theoretical accommodation of R2P within the AU, and the practical implementation thereof as demonstrated during the AU intervention in the Kenya's (2007-2008) post-election violence.

General conceptual discourse on R2P

A report known as The Responsibility to Protect that was published by ICISS in 2001 is one of the main references that will be used in this study. The UN Secretary-General Kofi Annan contributed to the outlining of this report because of the central tenets of R2P challenge. Annan insisted to the international community to come up with solutions on humanitarian intervention as this had become an international challenge that needed some strategies to be implemented.⁶⁵

Three responsibilities were comprised to be contained in the R2P 2001 ICSS report which are; prevention, reaction and rebuilding. The most crucial responsibility was that of prevention as an R2P dimension. It involves pointing out early warning, solving the main causes and eventually finding ways to prevent it. Some principals were used to determine

⁶⁵ Annan, K. 2000.

how the process of reaction was compromised. Reaction was sometimes accompanied by use of authority from UNSC. And finally, rebuilding involved the process used to heal, reconstructing from the conflict that were witnessed.⁶⁶ Efforts of rebuilding are cited by security, justice and reconciliation aspects as the focal areas that help in its development.⁶⁷ This thus shows that sovereignty was determined by aspects of responsibility representing R2P.

R2P is studied by use of some factors that include; philosophical antecedents, theoretical framework and conceptual strengths, tensions and inconsistencies which are analytical concepts in the literature that exists on R2P. The UN has made great use of the R2P aspect through projects with the purpose of codifying and transforming international doctrine so that there values can be understood clearly.⁶⁸

A gap between the ‘Scylla of indifference’ to victims and the ‘Charybdis of intervention’ is created by R2P concept in which it is analytical in states domestic affairs as observed by Thakur ⁶⁹. This concept clearly outlines the fundamentals, foundations, elements, priorities and criteria that operationalize the R2P concept of the fore-mentioned in 2001 report of ICSS.

Scholars and practitioners have raised different debates on the implementation of R2P. Proponents of R2P are identified by two schools of thought as per Alex Bellamy.⁷⁰ The first school argues that R2P is centred on prevention. Bellamy is in the group that believes that R2P is involved in the responsibility debate of humanitarian intervention and the post-

⁶⁶ Ibid (ICISS). 2001..

⁶⁷ Ibid

⁶⁸ Thakur, R. 2012. ‘.

⁶⁹ Ibid

⁷⁰ Bellamy, A.J. 2009.

Kosovo debate as their foundation aspects. The other group focus that R2P involves questions around military intervention,⁷¹ which includes Gareth Evans as a contributor.

The debate on implementation of was clarified by the report of UN Secretary-General Ban's 2009 called the 'Implementing the Responsibility to Protect' that provided more understanding and an acting ground of focus. He was responsible for ensuring that the evolution of R2P was done and not just speculated. This was done through highlighting of the 2005 WSOD report in paragraph 138 of the report that explained the R2P mass atrocity of crimes. There was also a proposal of the strategy to respond to the crimes through three pillars by the report; pillar one is on the states responsibility of protection; two is the pillar of international assistance and building of capacity while three time and decisions on their response.⁷²

Anne Orford wrote a book about R2P where she diverted its concept from analytical to an action of the UN in claim of international authority which is called International Authority and the Responsibility to Protect (2011). She changed the whole analytical concept from R2P aspect of changing deeds to action but indicates that it's about changing promises to actions, but it's the other way round where the international authority changes actions into mere words.⁷³ This book consists of all actions that the UN has undertaken since 1945 where they are clearly shown and how it's executive rule works and its role in protection of lives.⁷⁴

Opponents are available in every R2P's ardent proponent. Crimes are being solved and ended through the R2P advocates who are using the utopian project to mostly address

⁷¹ Sharma, S. K. 2010.. 121-138.

⁷² Ban, K-M. 2009.

⁷³ Orford, A. 2011.

⁷⁴ Ibid

atrocities as argued by David Rieff. The international community faces lots of challenges involving addressing of the crimes but they have turned to using normative internalization and narrow institutionalism notions.⁷⁵ David Chandler also criticizes this aspect in that he accuses the powerful states use the opportunity to impose liberal peace following the link that exists between realpolitik and morality. He continues to argue that power is used to implicate morality despite the fact that the relationship between the two has not been clearly tested.⁷⁶

2.2 Accommodation of R2P within the AU

The AU's CA had been enshrined by the African leaders through intervention rights in the years 2000. The right of intervention by the AU was described by Alpha Oumar Konaré who is the commission as way to maintain peace, security and stability.⁷⁷ In cases where violence has been experienced is where intervention powers are practiced according to Article 4(h) of R2P's doctrine and intervention from the international community. The AU's CA provides the UN Charter intervention as pointed out by Tieku.⁷⁸ Atrocities have been the grounds under which the CA intervened in member states internal affairs with the goal of intervention and solving. The doctrine only aims at intervention where their main target is to ensure that the population's lives are protected. Two main ways are used to ensure

⁷⁵ Rieff, D. 2011

⁷⁶ Chandler, D. 2004.

⁷⁷ Mwanasali, M. 2008.

⁷⁸ Tieku, T.K. 2007.

that the goals UN has are attained and that is through appeal according to Article 4 (h) and through initiative Article (4j) by the assembly and AU's PSC recommendation.⁷⁹

The AU's 7th extraordinary session IS also known as The Common African Position which was on a UN proposed reform where the acceptance was reiterated in March 2005 by the Executive Council. They found that the executives were mostly far from the exact places where violence and conflict take place in Africa thus do not fully appreciate their extents. This then made UN to empower the organizations that were closer to the conflict zones and the UN's executive was only involved when the cases were agent or went to extreme grounds which sometimes were solved ex post facto.⁸⁰ The aspect of R2P has been embraced by most African leaders' aim that it was effective in solving of the atrocity crimes in Africa. President of Rwanda Paul Kagame embraced the R2P in 2005 World Summit where he stated⁸¹;

R2P has also been adopted and embraced by other AU institutions together with the AU Executive Council. This concept has been a success to most parts of Africa which strengthen the protection responsibility in November 2007 by the African Commission on Human and Peoples' Rights (ACHPR). The most crucial responsibility was that of prevention as an R2P dimension. It involves pointing out early warning, solving the main causes and eventually finding ways to prevent it. Some principals were used to determine how the process of reaction was compromised. Reaction was sometimes accompanied by use of authority from UNSC.⁸²

⁷⁹ Kioko, B. 2003.

⁸⁰ African Union (AU). 2005 (a).

⁸¹ Rwanda, Republic of. 2005.

⁸² Ibid (ACHPR). 2007.

The AU's PSC realized the machinery of the Article 4(h) and R2P congruence. The Continental Early Warning System (CEWS), the Panel of the Wise, the African Standby Force (ASF) and the special African Peace Fund work together with AU to restore and sustain peace and security through the council and other bodies according to interventionist framework concern.⁸³ Promotion of peace, security and stability is ensured by PCS together with preventing and managing conflicts.⁸⁴ Africa's conflict situation was responsible for the foetation of the bodies according to Article 12 of the PSC Protocol of CEWS. Maintenance of peace and solving of security matters is ensured buy African personalities through The Panel of the Wise who are advised by PCS and the commission's chairperson.⁸⁵ These protocols are also responsible of the operations that are carried out by the AU through the Peace Fund and Article 21 of the PSC Protocol. They are made up of contributions made, donations and the AU's budget of funds in Africa.⁸⁶

Internalization of R2P within APSA sheds light to the security culture and localization of norms according to Williams.⁸⁷ He indicated that security is the protection of lives and values by ensuring that they have freedom in undertaking all their daily activities without any kind of interference.⁸⁸ This then shows how security aspect can be dealt with in terms of its challenges, its roots and how to sustain peace. Williams continues to elaborate that security consists of beliefs that result to norms regards to the AU.

⁸³ Ibid 2011

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ Ibid

⁸⁷ Williams, P.D. 2007.

⁸⁸ Puley, G. 2005.

2.3 Doctrine of the ‘Responsibility To Protect’ (R2p)

2.3.1 Kenya’s post-election violence

On 27th December 2007 Kenya held its fourth multi party general elections. The presidential elections were controversial and hotly contested pitting three candidates’ incumbent president Mwai Kibaki vying on the Party of National Unity PNU, Raila Odinga of Orange Democratic movement and Kalonzo Musyoka of the Orange Democratic Movement – Kenya ODM – K. Although there were three leading candidates there was stiff competition between Mwai Kibaki PNU and Raila Odinga of ODM. During tallying, early returns showed the ODM candidate opening a wide margin but which suddenly narrowed as results from perceived Kibaki strongholds were announced. This led to claims of rigging by the Opposition candidate Raila Odinga and tension that engulfed the country at the moment increased. Amidst the confusion the Electoral Commission of Kenya (ECK) declared Mwai Kibaki winner with 4.58 million votes against Raila’s 4.35 million votes. A swearing in ceremony was hurriedly conducted as physical violence began in most parts of the country.⁸⁹

The opposition ODM swiftly rejected the results and called for mass protests countrywide. This led to unprecedented violence never seen in the country since independence which left at least 1500 people dead and another 300, 000 displaced. The refusal of the two parties to talk to each other and each claiming a win as the country degenerated into violence and lawlessness led to a flurry of efforts by the international community to resolve the conflict.⁹⁰

⁸⁹ Gareth Evans and Mohamed Kenya had previously registered electoral violence in 1992 and 1997.

⁹⁰ Hohfeld, W. (1946)

The violence experienced towards the end of 2007 and beginning of 2008 was the worst the country has ever experienced because it almost brought the country's economy on its knees. The violence was reported at the coast, Rift valley, Central and Nairobi provinces. Kenya had previously registered electoral violence in 1992 and 1997. This violence was mostly felt before voting begun but once the results were announced it fizzled out.⁹¹

2.3.2 The Relevance of the doctrine of R2P to Kenya's post-election violence

After Kenya conducted the elections and the results announced, the world took to congratulate them and urged them to respect the results. Few days later the rigging grounds became clear and this caused violence that was out of control where the world leaders had to put pressure on the leaders to solve their differences and restore peace.⁹² In the case of the conflict in Kenya, whereas there was a regional concern to end the conflict, several mediators made failed attempts because the parties did not agree on them mediating the conflict.

The South African Archbishop Desmond Tutu was the first to arrive but he is believed to have failed because he came at the wrong time when each party felt it could get what it wanted. Cyril Ramaphosa was the second mediator to arrive in the country to try and find a solution to the conflict. Ramaphosa was rejected by PNU on grounds that he was a business partner to one of the ODM leaders. The former African Union head and former Ghanaian president also tried to make Kibaki and Raila agree on a way forward but he also did not get them to talk or meet after he held separate meetings with the both leaders. It is Kufuor who fronted the idea of sending Kofi Annan the former United Nations General

⁹¹Makumi Mwangi. 2008.

⁹² Hohfeld, W. (1946)

Secretary to Kenya to mediate in the conflict. Kofi was respected by both ODM and PNU and was agreed to be the right candidate to mediate in the conflict. It was agreed therefore Kofi should be helped by the committee of African eminent persons.⁹³

Annan, was to negotiate on how the two leaders would come up with a solution to restore peace in the country; how they would address the crisis and ensure that reconciliation was promoted; Kibaki and Odinga's problem needed to be solved and ending the violence by finding out the root causes and addressing them. The world supported the steps and gave their full attention on ensuring that the issues were solved. Jendayi Frazer for example who was the Assistant Secretary of State for African Affairs came to Kenya immediately to ensure that he was part of finding a solution to the problems. The international bodies used Annan, US Secretary of State Rice and AU Chairperson Jakaya Kikwete pushed for a settlement to be arrived at by stalling negotiations through the Security Council. The US provided financial help and publicly announced that they had given it to Kenya.⁹⁴

The peace settlement was signed by both parties President Kibaki and Raila Odinga followed by a press conference on an Agreement on the Principles of Partnership of the Coalition Government on the 28th of February. The prime minister issue was part of the agreement and the parliamentary seats were matched as per the election results. Both parties also appointed their own Deputy prime Ministers that making two of them.⁹⁵ It was only through a vote of no confidence that the prime minister could be removed from the seat by the parliament. This agreement was only supposed to be active for the five years and then the agreement would be declared void soon after the next general elections. The parliament

⁹³ www.conflicterisis.org

⁹⁴ Gavin, —Policy Options Paper-Kenya.

⁹⁵ BBC, —Q&A: Kenya Peace Deal, BBC, <http://news.bbc.co.uk/2/hi/africa/7165962.stm>.

finally accepted on the agreement and legalized the grand coalition and began its power soon after and the violence came to an end⁹⁶.

The R2P concept has well been demonstrated in Kenya as it has been successful. There was fast response from the international bodies after they realised that there was a humanitarian catastrophe. They mostly focused on finding a solution to the conflict that had been experienced in the country and thus offered much support to the country. The UN sent Annan to go and offer help in mediation between the two conflicting parties both regional and internationally. The international bodies stated that financial aid had been offered to ensure that the process was successful and the violence was ended. Advance of interest used by the parties when they shook hands after mediation. During the mediation, Kibaki insisted that he had been duly elected by the people of Kenya and that the conflict needed to be solved internally. Odinga on the other hand continued to use mass action which resulted to violence. He indicated that he either wanted fresh elections to be done or formation of a coalition government. Kibaki then responded by telling them that his party would not form a coalition government with them as they were responsible for violence and that they should present their complains to the court of law. The first step was to stop the violence that was going on immediate effect; to ensure that reconciliation, healing and restoration was promoted as per the humanitarian laws; to ensure that the political crisis was overcome; to address poverty, inequality, unemployment, confront impunity, tackle land reform, and consolidate national cohesion, and transparency⁹⁷ and find solutions to the issues.

⁹⁶ Saadia Touval and I. William Zartman,.

⁹⁷ Kofi Annan, 2008.

2.3.3 The Debates on the doctrine of R2P

Somalia, Bosnia, Herzegovina, Rwanda, Kosovo and Sudan have advantaged from the R2P as the countries have been protected from mass destruction that results from. In a report titled report A More Secure World: Our Shared Responsibility‘ the high level panel on threats, challenges and change stated that there is a growing acceptance that while sovereign Governments have the primary responsibility to protect their own citizens from such catastrophes, when they are unable or unwilling to do so that responsibility should be taken up by the wider international community-with it spanning a continuum involving prevention, response to violence, if necessary, and rebuilding shattered societies.⁹⁸ The high level panel further spoke of an emerging norm of a collective international responsibility to protect encompassing not only the right to intervene‘ of any State but the responsibility to protect of every state when it comes to people suffering from avoidable catastrophes.⁹⁹

According to Bellamy, responsibility to protect continues to be a controversial concept within the international system, both because of its normative status and how it is viewed.

The two parties appointed each a negotiating team that presented them in the negotiations instead of themselves which was a challenge in promoting peace as noted by Lindenmayer and Kaye. Annan had completed his timeline which he presented to the public so as to build momentum where he indicated that; in seven times the violence would have been ended, he indicated that the issues that were long term would be solved in one year

⁹⁸ 138A More Secure World: (2004)

⁹⁹ Ibid

while the short term issue would be solved within a month. The media was the strategy he used to maintain momentum throughout the negotiations. He also used the media to bring the two parties together which would help in fastening the negotiations. Due to the pressure that the two parties had on violence; the issue was solved almost immediately. The two parties had the same role to play in ensuring the violence was ended. This was because the two parties had to create a peaceful environment where they would negotiate without pressure from other people to end the violence. This also created confidence to the two parties while tabling there complains and suggestions.¹⁰⁰

Internalization of R2P within APSA sheds light to the security culture and localization of norms according to Williams. He indicated that security is the protection of lives and values by ensuring that they have freedom in undertaking all their daily activities without any kind of interference.¹⁰¹ This then shows how security aspect can be dealt with in terms of its challenges, its roots and how to sustain peace.¹⁰²Williams continues to elaborate that security consists of beliefs that result to norms regards to the AU.

¹⁰⁰ Ibid

¹⁰¹ Puley, G. 2005.

¹⁰² Ibid

CHAPTER THREE

EFFECTIVENESS OF THE AFRICAN PERSONALITIES IN INTERVENING IN 2007/2008 POST ELECTION VIOLENCE IN KENYA

3.1. Introduction

This chapter aims will dwell on the effectiveness of the African personalities in intervening in 2007/2008 post election violence in Kenya. Kenya has long been considered a haven of peace and stability in a violence prone continent. Due to this stability, it has hosted numerous initiatives to resolve several conflicts within the continent including Southern Sudan, Sudan and Somalia and has been a hosting ground for humanitarian operations within the continent¹⁰³. The East African Nation has therefore been perceived as an island of political and economic stability and an essential hub for international activity. On the 27th December 2007, Kenya went into the polls wherein the elections appeared free and fair at the initial stage. Election observers witnessed signs of manipulation within forty eight hours of the closing of the voting stations. On December 31st 2007, despite allegations of voter irregularities and fraud, the Electoral Commission of Kenya (ECK) announced that the incumbent, Mwai Kibaki had won the elections¹⁰⁴.

Consequently, within minutes of the announcement violence broke out in several parts of Kenya. While some of the violence was spontaneous, it was observed that in some areas, opposition parties and local elders planned and organized ethnic based violence in

¹⁰³ Griffiths, Martin, May 9, 2008,

¹⁰⁴ Bernard Namunane, "January 28, 2008.

opposition based areas. The violence perpetrated by the opposition specifically targeted members of the Kikuyu ethnic group who came from President Kibaki's constituency. Consequently, Kikuyu militias committed revenge attacks against members of the largely supporters of the opposition leader Raila Odinga¹⁰⁵. The next two months following the eruption of violence, witnessed ethnically motivated massacres, sexual violence and police brutality resulting in at least 1000 deaths and 500,000 Kenyans displaced Kalenjin and Luo ethnic groups who were largely supporters of the opposition leader Raila Odinga. The next two months following the eruption of violence, witnessed ethnically motivated massacres, sexual violence and police brutality resulting in at least 1000 deaths and 500,000 Kenyans displaced.

3.2. Origin of the Kenyan Crises

East Africa is known to be prone to violence, but despite this fact, Kenya has on the other hand been well known to be a peace haven. Countries such as Somalia and Sudan have had their peaceful resolving initiatives hosted in Kenya due to this peace stability and other humanitarian operations which has also helped in booming of tourism.¹⁰⁶ The United States is also a big ally to Kenya. Kenya has also got problems despite its well-known bastion of peace. Kenya is diverse mostly due to its hosting of 42 tribes. Kenya was colonized by the British, and this also politicized its ethnic diversity. This was due to the method of divide and

¹⁰⁵ Elisabeth Lindenmayer and Josie Lianna Kaye, "2009

¹⁰⁶ Ibid

rule that was left by the British after Kenya gained its independence in 1963 which made the ethnic divisions even greater.

Every electoral process since then is controlled by political parties where they use their ethnic groups to control the country and state by their popularity. All the three presidents Kenya has had been elected through the popularity that comes with their ethnic groups that favored their regions. These then has contributed to the numerous violence and electoral irregularities that accompanied it since the first electoral contest in 1992.¹⁰⁷ This though has continued to improve with every electoral process as violence has reduced and fraud issues have also gone down. The whole world especially the East African Community predicted together with Kenyans that the 2007 general elections would be conducted in fairness, justice and peace. The country had trust upon Kibaki, Odinga and the ECK to lead the process in a peaceful manner according to Joel Barkan who was an observer in the 2007 elections.

3.3 The International Community Intervention in Kenya PEV

The elections were followed by violence that lasted longer than it was anticipated where the intervention of great African figures came to Kenya and try to put an end to the ongoing violence. People such as Archbishop Desmond Tutu, Affairs Jendayi Frazer, AU Chair John Kufour, Benjamin Mkapa, Mozambique's Joaquim Chissano, Botswana's Katumile Masire and Zambia's Kenneth Kaunda tried to bring the two parties to negotiate

¹⁰⁷ Ibid

without avail.¹⁰⁸ Raila Odinga insisted that the elections had been rigged and indicated that he wanted the elections to be redone. Mwai Kibaki on the other hand indicated that it was impossible for the elections to be redone and that Raila Odinga and his party should file a case against their accusation.

After all the efforts the parties had made and no changes had been made, Kofi Annan, Graca Machel and Ben Mkapa assisted and chaired a AU mandated mediation asked by John Kufour was done. The decision was made on the 10th of January 2008 by Kufour after Annan accepted. Annan got unwell on the day he was expected to fly in to Kenya on 16th of January. While in hospital, he mobilized the international community to support him on the issue.¹⁰⁹ He was able to convince the international community to speak with one voice and thus the issue gained more parties and more support. The mediation process was conducted by heads of state from Africa, Europe and the U.S and supported by the whole international community. The delay due to Annan's hospitalization made it easier to bring together all the parties which also made the meditation stronger and 'riper'.

3.2.1. Koffi Annan role in PEV in Kenya

Mediations by Annan were begun on January 24th in Nairobi. The two parties had remained entrenched to their stands but they accepted to meet with Annan's request. The venue was Nairobi Serena Hotel as it was found to be appropriate, this was chosen rather than the State house which Odinga thought would legitimize Kibaki¹¹⁰. Kibaki had appointed its

¹⁰⁸ Bernard Namunane, "January 28, 2008.

¹⁰⁹ United Nations, January 31, 2008.

¹¹⁰ United Nations, January 31, 2008.

cabinet a week before of which Annan was not aware. Kibaki arrived at the meeting with his whole cabinet which seemed awkward to both Odinga and Annan. Annan indicated that that picture appeared as though Odinga had come to join in Kibaki's cabinet.

Advance of interest used by the parties when they shook hands after mediation. During the mediation, Kibaki insisted that he had been duly elected by the people of Kenya and that the conflict needed to be solved internally. Odinga on the other hand continued to use mass action which resulted to violence¹¹¹. He indicated that he either wanted fresh elections to be done or formation of a coalition government. Kibaki then responded by telling them that his party would not form a coalition government with them as they were responsible for violence and that they should present their complains to the court of law.

In the first week the negotiations took place, very little progress was noted. The two parties stood on their grounds before the mediation panel. The two parties had at first refused to attend the negotiations and later on bringing them together in the same table was a great achievement by the panel. A strategy was drawn from the information that the two parties presented by Annan. Odinga tried to gain support from international bodies where he galvanized them with his presentation. Kibaki on the other hand indicated that he would only negotiate if only Odinga would accept that the presidency was not a topic to be discussed. The first week was used to address on how to make a road map of the negotiations. The first step was to stop the violence that was going on immediate effect; to ensure that reconciliation, healing and restoration was promoted as per the humanitarian laws; to ensure that the political crisis was overcome; to address poverty, inequality, unemployment,

¹¹¹ Karyl Gay Stolberg and Jeffrey Gettleman, 2008.

confront impunity, tackle land reform, and consolidate national cohesion, and transparency¹¹² and find solutions to the issues.

The two parties appointed each a negotiating team that presented them in the negotiations instead of themselves which was a challenge in promoting peace as noted by Lindenmayer and Kaye. Annan had completed his timeline which he presented to the public so as to build momentum where he indicated that; in seven times the violence would have been ended; he indicated that the issues that were long term would be solved in one year while the short term issue would be solved within a month. The media was the strategy he used to maintain momentum throughout the negotiations. He also used the media to bring the two parties together which would help in fastening the negotiations. Due to the pressure that the two parties had on violence; the issue was solved almost immediately. The two parties had the same role to play in ensuring the violence was ended. This was because the two parties had to create a peaceful environment where they would negotiate without pressure from other people to end the violence. This also created confidence to the two parties while tabling there complains and suggestions.

Solving of the violence and addressing the human rights situation had been addressed by the 4th of February by the two parties. Pressure both locally and internationally played a significant role in ensuring that the issue was solved quickly as per Lindenmayer and Kaye. U.N. Secretary General Ban Ki Moon encouraged the two parties to solve the conflict they had through respect and dialogue in an AU Summit in Addis Ababa in January 2008¹¹³. He

¹¹² Kofi Annan, February 26, 2008

¹¹³ Kofi Annan, February 26, 2008.

encouraged two parties to consider the people's peace and stability rather than their own interests. The U.S also played a role in convincing the two parties to end the violence by using vague and threatening statements that more forces would be used on the parties if they didn't come to an agreement. The process moved forward faster due to the pressure that was inserted on the two parties and despite some using threatening sentiments, it was all worth it as argued by Lindenmayer and Kaye¹¹⁴.

Several weeks and no achievements had been made; this resulted to the Kenya media reporting to the public that no gain had come out of the talks. Annan later on briefed the public through parliament on the steps they had made. Annan encouraged the media and the public to exercise patience as change was not just an event but a process that required a lot of involvement and patience. The media was then escorted out and then the parliamentarians had a session with the mediators. The parliamentarians had different reactions; some were on the emphasis that peace had to be restored and others just heaped insults at each other stating that they needed to know who had won the elections¹¹⁵. Annan informed the MPs on the strategy that had not yet been agreed upon on implementing the grand coalition. He indicated that that was his perspective and he had the hope that would be embraced by both parties as it would fasten the process.

A decision was made to take the negotiations away from Nairobi where there was a more conducive environment. He did not disclose to the press where the negotiations were being moved to rather he told them that they were being moved from Nairobi to undisclosed

¹¹⁴ Elizabeth Linden Mayer and Josie Liana Kaye, , August, 2009.

¹¹⁵ Gareth Evans, 2010

place. The negotiations were taken to south-eastern part of Kenya in Kilaguni lodge that is on the savannah; this atmosphere changed the shape of the mediation greatly. Issues were discussed more easily as both parties seemed to be more at ease. The media was kept away from the negotiations and this step also made the negotiations to have a positive direction in solving of the political crisis¹¹⁶.

In the Savannah, Annan took the advantage to put more pressure on the parties to ensure that he convinced the two parties to embrace the coalition strategy. He used Gernot Erler, the Minister of State of Germany to convince the two parties on the advantages and his experiences on a coalition government. He convinced the two parties that the strategy only required them to have trust and cooperation with each other to solve the issue ahead of them. The parties raised their own responses where PNU indicated that the two countries were different and that the move would weaken the government, ODM on the other hand indicated that they were questioning the other party's motives¹¹⁷. The discussions soon came to a standstill which meant that the idea of taking the discussions in savannah had played a positive role. Two days later, no agreements had been drawn from the two parties and this forced Annan to put more pressure to the parties. He ensured that the panel would not go back to Nairobi without an agreement where he came to realize that some people were being mobilized so that the negotiations would not succeed¹¹⁸.

¹¹⁶ Gareth Evans, , 2010

¹¹⁷ Jacob Bercovitch, Theodore Anagnosnn Donnette L Wille, 1998.

¹¹⁸ Karuti Kanyinga and Sophie Walker, , 2010

The standstill was to be solved on the last day as Annan insisted that they had to resolve it before they left. This made some of the party members to indicate that he was putting much pressure and thus was a dictator. Compromises were made by the parties as they felt the pressure was too much. An Independent Review Committee was agreed upon by both parties as they believed that the conflict on the elections would be solved¹¹⁹. They also agreed those constitutional reforms, electoral reforms, judicial reforms and the creation of a truth and reconciliation commission to be the first issues that needed to be discussed. After they came back, Annan told the press that creation of a coalition government were underway despite the fact that both Kibaki and Odinga had not agreed upon it. The statement that Annan made pressured Kibaki where he had no choice but to come up with compromise after the talks backfired. Annan had earlier on said that he would withdraw from the talks but after this step he indicated that he would until the two parties reached an agreement. The two parties were showed how they would be at fault if the talks bore no fruits¹²⁰.

The strategy of power sharing gained more support especially from the international bodies. In the same period, US President Bush made a tour to Africa where he encouraged the two parties to embrace the coalition aspect. Secretary Rice also threatened the two parties that the country would not be supported in any way by the US if they didn't embrace the aspect in her visit Nairobi. The pressure forced the two parties to agree with forming of a coalition government where they were expected to share power¹²¹. Kibaki's side resisted

¹¹⁹ Marieke Kleiber, 1996

¹²⁰ Elisabeth Lindenmayer and Josie Lianna Kaye, August 2009

¹²¹ Marieke Kleiber, 1996

having a prime minister to share power with the president. They argued that the position would make their government weaker and ineffective. They however accepted but resisted that the president's power would not be undercut. They also said that if a prime minister was appointed, then the constitution would have to be amended¹²².

3.2.2. President Mkapa and President Kikwete

Annan, Tanzania's President Kikwete and President Mkapa met and tried to finalize the agreement on resolving the conflict that had resulted from political crisis despite the pressure they received from the international community. The most difficult issue to solve was that of the powers that were to be assigned to the prime minister.¹²³ The ODM and PNU parties had conflicting sentiments on the prime minister issue with ODM supporting it while PNU was against in that there was no need of two parties of power. Raila Odinga then suggested that the position to have less powers than those of the president and should also be supervised from time to time. This suggestion was convincing to President Kibaki and he accepted the proposal where the prime minister was to be supervised by the executive authority.

The most difficult issue had now been solved by the two parties but still the technicality issue was still pending. Soon after lawyers from both parties were brought into the room where they discussed and advised the two parties on the constitutional aspect of having a prime minister, this was done despite the fact that Anna had wanted the dialogue to

¹²² International Crisis Group, February 21, 2008, 9.

¹²³ Jeremy Horowitz. 2008, 2.

be strictly between the mediators. The session was later brought to a close when both parties and the lawyers agreed that the prime minister issue needed to be put into the constitution.¹²⁴

The peace settlement was signed by both parties President Kibaki and Raila Odinga followed by a press conference on an Agreement on the Principles of Partnership of the Coalition Government on the 28th of February. The prime minister issue was part of the agreement and the parliamentary seats were matched as per the election results. Both parties also appointed their own Deputy prime Ministers that making two of them. It was only through a vote of no confidence that the prime minister could be removed from the seat by the parliament. This agreement was only supposed to be active for the five years and then the agreement would be declared void soon after the next general elections. The parliament finally accepted on the agreement and legalized the grand coalition and began its power soon after and the violence came to an end¹²⁵.

3.2.3. Success of the Mediation by the African Personalities

The 2008 agreement that was to end the current violence that was going bore fruits through Annan's intervention where he was able to prevent Kenya from advancing to an ending conflict and war, the roots of the conflict though were not uprooted and this has brought problems every time Kenya goes to elections. This issue brought lots of discussion all over the world as there were doubts on whether the same conflict would recur after the 2012 general elections. As argued by Bercovitch transformation of behavior, achievement of results and the changes brought about are the measurements that determine the success of a

¹²⁴ Joel Barkan, (2008): 148.

¹²⁵ Saadia Touval and I. William Zartman, 1985)

mediation. The mediation done in Kenya was thus determined by how the mediation panel agreed of changing how the future of Kenya's elections will be¹²⁶. The coalition government was put on accord immediately the mediation panel left for their countries. The coalition had to come together to ensure that they came up with effective ministers. The main concern was on the key ministries of Finance, Internal Security, and Public Service. President Kibaki and his party refused to share the ministries and conflict broke once again which resulted to Annan being called back.

Kenya's National Accord had set up the three-review committee by end of 2008 as they had finished their work. A report as made and published by the Independent Review Committee which had been charged with the election fraud in September 2008. Implementations were made on Kenya's Electoral Commission as they stood grounds that a recount of the ballot papers of the 2007 elections would be difficult to done¹²⁷. The report consisted of a list of people they accused of being responsible for the post-election violence in the Waki commission report on October 2008. This led to the formation of the Truth Justice and Reconciliation Committee which played a significant role in investigating abuse of human rights since Kenya gained its independence.

The reports were published but the Kenyan leaders had different reactions to the report after the reviewer of Independent Review Committee and "Waki" commission. The government has at some instances been paralyzed by the decision of power sharing.¹²⁸ Most

¹²⁶ Jeremy Horowitz. 2008

¹²⁷ Marieke Kleiboer, (1996): 362.

¹²⁸ Jeffrey Gettleman, January 27, 2008.

of the leaders were in support that the government was in the risk of collapsing due to the creation of a coalition government. If a government collapsed, there was possible risk of the country going back to violence and the country's developed being affected too.

3.3. Conclusions

Kenya taught the world two main lessons. First, they taught the world that international mediators were better than other types of mediators according to the violence involved. Most of the crisis that has been experienced has been resolved through the international community. Quantity is less than quality¹²⁹. One voice and support should be heard from all aspects of solving a conflict, this agreement brings moral and leverage authority together on the table. Kenya also taught the world on respect to the timing issue. Late interventions were also found to be important as they brought all parties together and their suggestions heard step by step before an agreement is made. Annan's mediation was of this type and its results were convincing and brought both parties to an agreement as per Lindenmayer and Kaye argument. It explains why the violence was stopped for the specific time as both parties had enough time to heal¹³⁰.

The success of every mediation was also revealed by the experience Kenya had. Despite the fact that violence was ended in 2008 due to the agreement, and the issue resolved, it was not clear whether there was a possibility that this violence would recur in other elections. Changes need to be done on cracking down impunity, bringing justice to the perpetrators of violence, poor leadership and increasing transparency so as to ensure that

¹²⁹ Jacob Bercovitch, J. Theodore Anagnoson, Donnette L. Wille, 78, no. 1 (1991): 8

¹³⁰ Jacob Bercovitch, (2006): 296

violence will not recur in future. These ways will be able to show that Annan's mediation was effective and should be used by other nations.

Conflicts are easily and effectively solved by the power of mediation. Ensuring that a conflict is resolved permanently takes time as agreements only solve conflict temporarily and not for future. Change is the result that shows the success of mediation according to Bercovitch. Despite the different kinds of problem that still exist in Kenya, the mediation Annan led was successful as helped end violence immediately, changed the leaders behavior and led to Kenya trying to find root cause of violence and how it can be avoided in future¹³¹.

¹³¹ Jacob Bercovitch, J. Theodore Anagnoson, Donnette L. Wille, 78, no. 1 (1991): 8

CHAPTER FOUR

AFRICA UNION PEACE PROCESS MECHANISMS AND THE RESOLUTION OF THE 2007/2008 POST-ELECTION VIOLENCE IN KENYA

4.1. Introduction

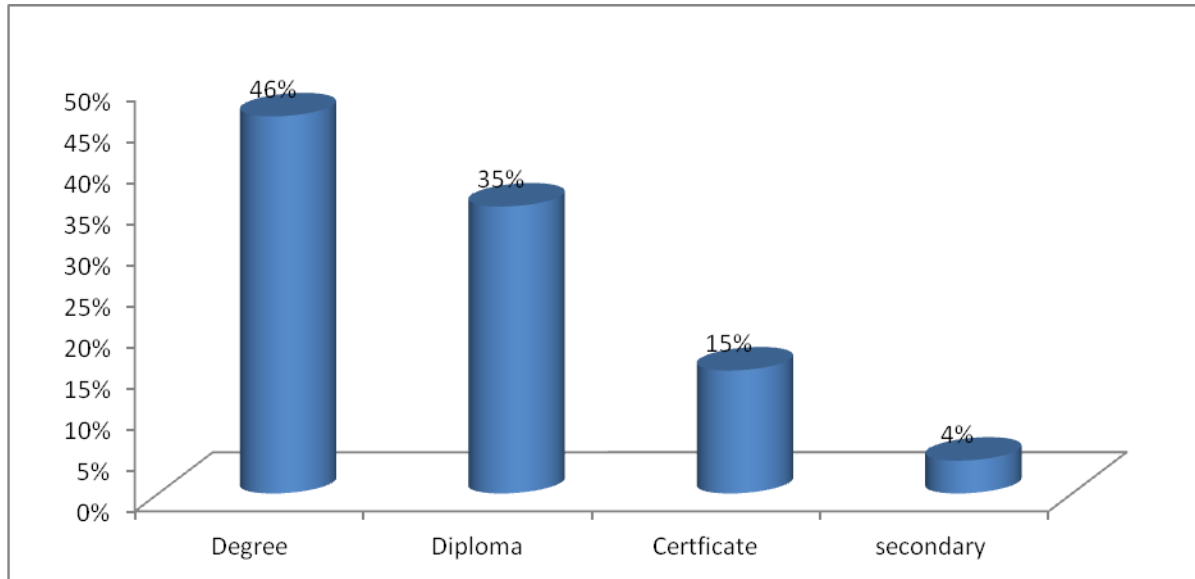
This chapter basically ties the knot by linking the three chapters discussed earlier on and provides an analytical perception to the thesis. The theoretical framework of the ripe moment is the analytical tool that forms the basis for determining the relevance of the hypothesis with a view to meeting the objectives of this thesis while presenting the findings. Through narratives in the previous chapters, the study had the ability to include the analysis details of different events and simplifying reality in historically determining the elements and accounts with attention worthiness and the one that are not significant should be deleted. This chapter therefore seeks to establish how the Africa Union peace processes mechanisms and the resolution of the 2007/2008 post-election violence in Kenya. The chapter will further discuss on how the adoption of good offices by the AU played a significant role in managing Kenya's electoral conflict.

4.2. Demographic Information

4.2.1. Respondents Level of Education

There was a request to the respondents with their specific level of education. The results are postulated in the figure below.

Figure 4.2. Respondents Level of Education

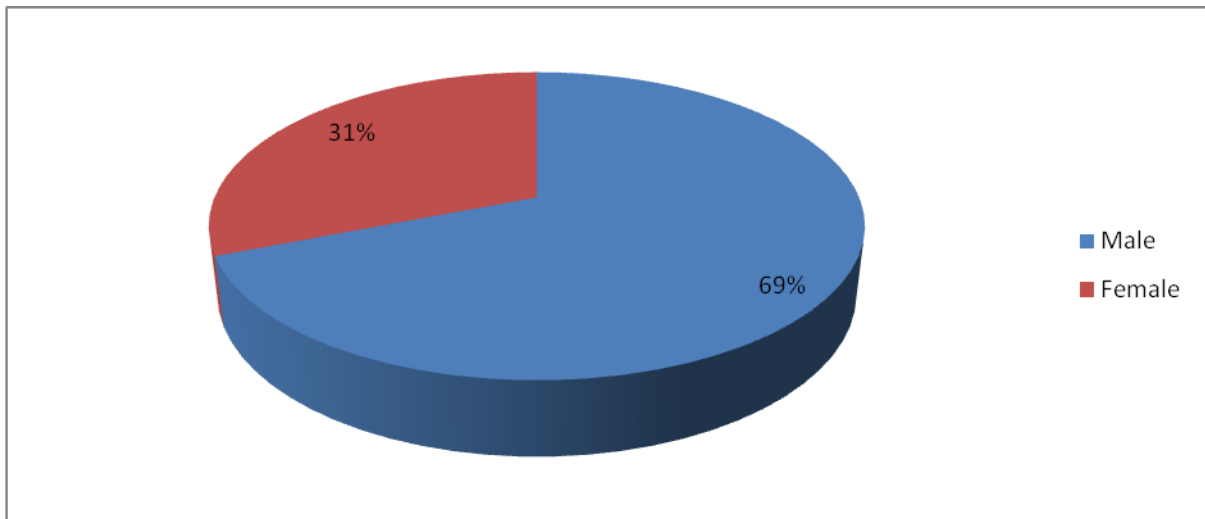


From the findings most (46%) of the respondents indicated they had degree level of education, 35% indicated they had diploma level of education, 15% indicated certificate level of education, while 4% indicated secondary level of education. This depicts that majority of the respondents were learned and thus could offer quality information in regard to the subject of the study. This was significant to the study as it offered a good platform through the respondents could explain the Africa Union peace process mechanisms and the resolution of the 2007/2008 post-election violence in Kenya.

4.2.2. Gender of the Respondents

There was a request to the respondents with their specific level of Gender. The results are postulated in the figure below

Figure 4.3. Gender of the Respondents

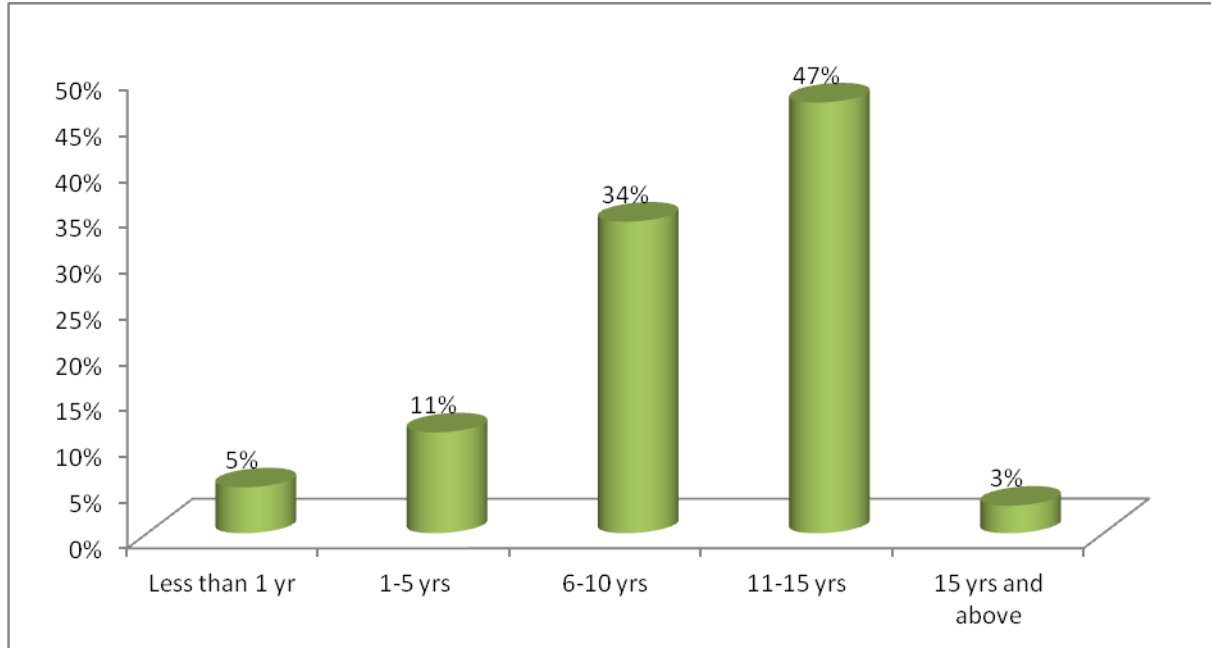


From the findings majority (61%) of the respondents were males while 31% were females. This depicts that majority of the respondents emanated from males indicating a gender imbalance in relation to the participation in the study. This was significant as it informed the researcher the gender that was well aware and participated in the African union peace process mechanism. This would put the respondents in a position to provide information that would be important for the current study.

4.2.3. Length of Time in the Organization

The respondents were asked to state the length of time they have been in the organization. The findings are as shown in the figure below

Figure 4.4. Length of Time in the Organization



From the findings most (47%) of the respondents indicated they had been in the organization for a duration between 11-15 years, 34% indicated 6-10 years, 11% indicated 1-5 years, 5% indicated less than 1 year, while 3% indicated more than 15 years. This depicts that the respondents had stayed in the organization for a reasonable amount of time and thus were well familiar with the AU Responsibility to Protect (R2P) principle.

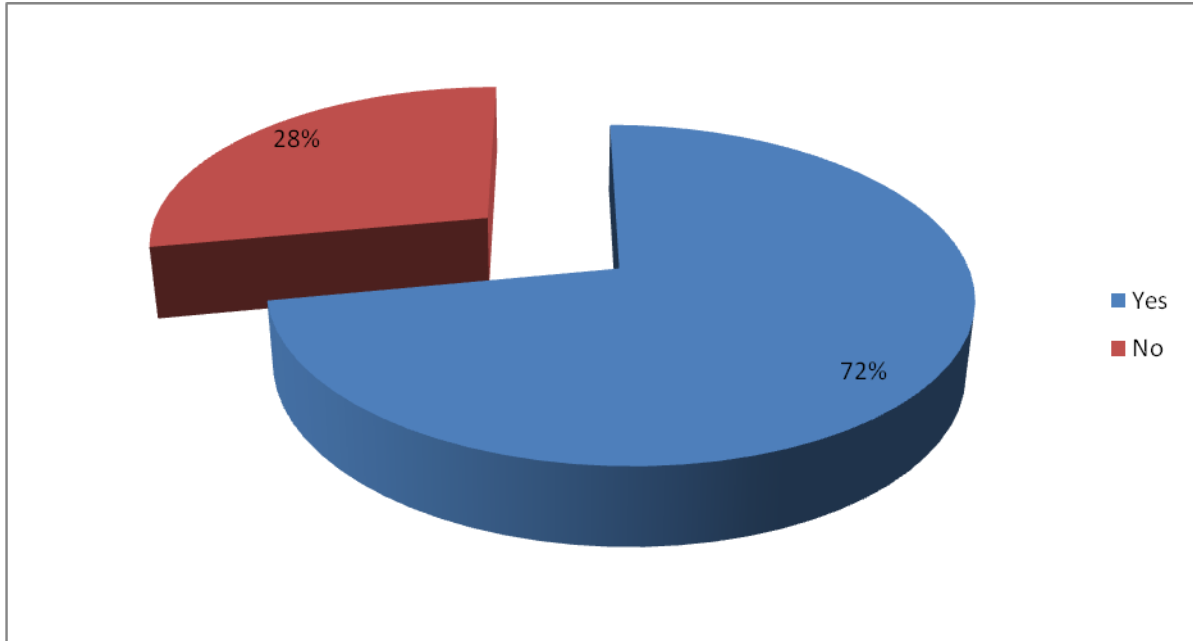
4.3. Responsibility to Protect (R2P) principle

This section presents the findings on Responsibility to Protect (R2P) principle. The findings are presented in the subsequent section.

4.3.1. Adoption of Responsibility to Protect (R2P) principle

The respondents were requested to indicate whether the AU had adopted the responsibility to protect in the interventions after the 2007/2008 election violence. The findings are as shown in the figure below

Figure 4.5. Adoption of Responsibility to Protect (R2P) principle

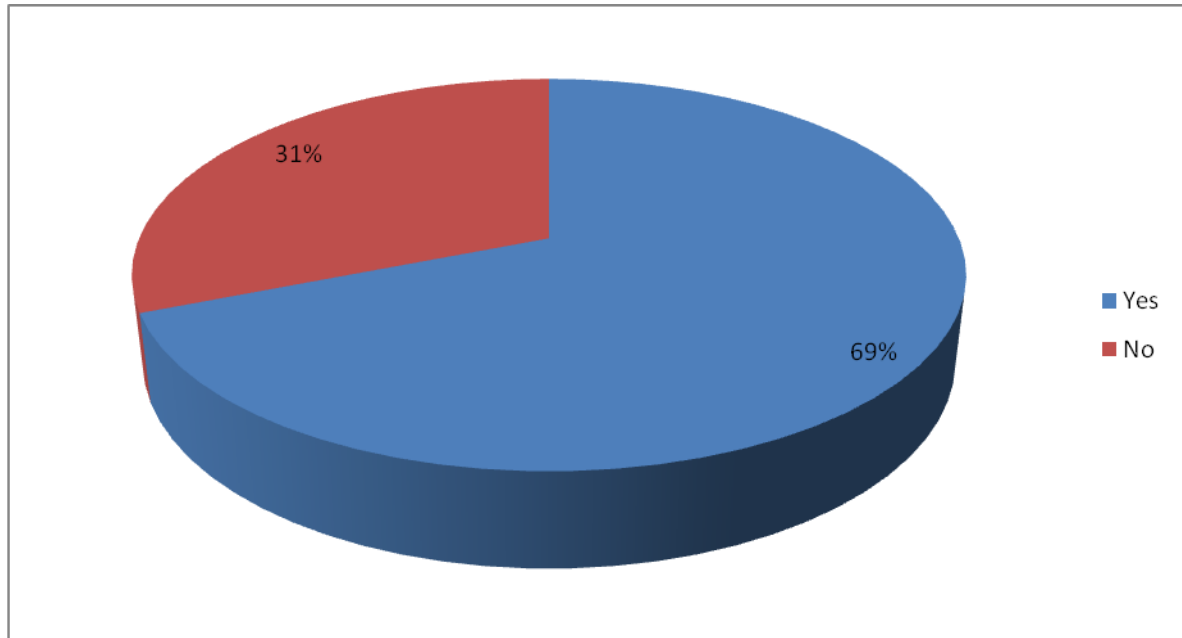


From the findings majority (72%) of the respondents indicated that AU had had adopted the responsibility to protect in the interventions after the 2007/2008 election violence while 28% indicated the AU had not had adopted the responsibility to protect in the interventions after the 2007/2008 election violence. This depicts that the AU had adopted the responsibility to protect in the interventions after the 2007/2008 election violence. There has been 4 main contributions made by the principles of R2P: turning the debate from humanitarian to people affected by the conflict and help the people trapped here; new sovereignty development in places where citizens are not controlled by their countries but rather protected by the nation; criteria set for R2P, its more than the intervention of the military in clarification. There must be a conceived action seen and it must be legitimate and legal. The sovereignty has indeed made the knowledge of human security being of valid.

4.3.2. R2P role in resolving post-election violence 2007/2008

The respondents were requested to indicate whether the R2P mattered in resolving post-election violence 2007/2008. The findings are as shown in the figure below

Figure 4.6. R2P role in resolving post-election violence 2007/2008



From the findings majority (69%) of the respondents indicated that R2P mattered in resolving post-election violence 2007/2008 while 31% indicated it did not matter. This depicts that R2P mattered in resolving post-election violence 2007/2008. The Kenyan political elite had to be demonstrated by the invoked R2P caring of the international community more of the Kenyan crisis and end the violence cycle. There was a solution of diplomacy offered by R2P and this was instead of the brutal killings in clashes and displacements of people. Annan said that it's good to mediate faster in case of any clashes and if this is not done immediately, the results are not good.

Annan spend 40 days in Kenya trying to convince the two parties that each one needed the other to running the country and without the other, the conflict would still continue. Finally there was a conclusion by Annan that when individual talk of peace keeping, they only think about military. In R2P there is another way that is different from enforcing military force. The first mechanism that can be applied is political intervention and the diplomatic intervention too, and this applied in the Kenyan context.

Indeed, with the birth of the principle of responsibility to protect and consequently its observation by the AU in the Kenyan electoral conflict saw the watering down of the non-interference principle hence enhancing the capacity of the regional body in conflict intervention.

4.3.3. Extent of Agreement on Statements Relating to R2P

The respondents were requested to indicate the extent of agreement on the statement relating to Responsibility to protect (R2P) principle. The findings are as shown in the table below

Table 4.1. Extent of Agreement on Statements Relating to R2P

| Statements Relating to R2P | Mean | Std. Dev |
|--|-------------|-----------------|
| African union turned focusing on humanitarian to help individual in conflict | 3.99 | 0.2235 |
| AU developed an understanding of sovereignty where nations do not control people rather protects them | 3.89 | 0.2109 |
| AU resolution of post-election violence in Kenya consisted of much more than just military interventions | 3.56 | 0.2702 |
| AU found its moral ground to intervene in the Kenyan electoral | 3.76 | 0.2119 |

| | | |
|--|------|--------|
| conflict which was bound to engulf many of its innocent citizens | | |
| R2P provided a diplomatic solution in 2007/2008 | 3.72 | 0.2874 |
| Political interventions were used in resolving post-election violence 2007/2008 | 3.69 | 0.1982 |
| Diplomatic interventions were used in resolving post-election violence 2007/2008 | 3.55 | 0.3001 |
| Kenya has unresolved questions about its future political direction | 3.50 | 0.1872 |
| Responsibility to Protect imposes the duty to halt mass violence like the 2007/2008 post-election violence in Kenya | 4.12 | 0.2198 |
| If the state does not take action in international violence, it brings about the intervention of international community | 3.75 | 0.2653 |
| Nation should take measure of occurrence of international tension | 3.61 | 0.2335 |
| Good governance should be provided by the state | 3.58 | 0.2187 |

From the findings majority of the respondents agreed that Responsibility to Protect imposes the duty to halt mass violence like the 2007/2008 post-election violence in Kenya (mean=4.12). In addition the respondents agreed to Kenya has unresolved questions about its future political direction (mean=3.50). From the findings in the table above it can be concluded that majority of the respondents agreed on the statements with regard to the Responsibility to protect (R2P) principle by the AU. First R2P should be prevented responsibility in that a nation needs to know about any tension that may escalate. There are also certain dimension that should be provided by state on good governance for example the rule of law and order with transparency, participation on broad and the development of

economy. It is on this ground that ha AU found its moral ground to intervene in the Kenyan electoral conflict which was bound to engulf many of its innocent citizens. It did so under the auspices of its panel of the wise and the then AU chairperson John Kufuor. There was provision of outside engagement in Kenya by Mr. Annan in the aftermath of the violence of the 2007-2008 election and he saw this as result portrayed by R2P.

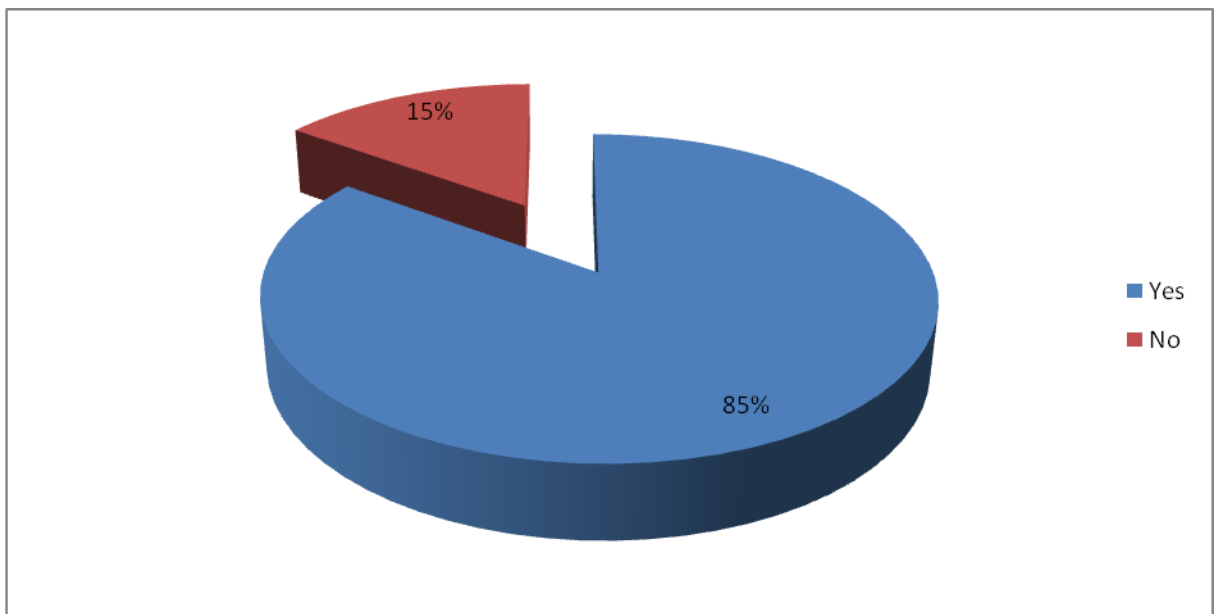
4.4. African Personalities in Intervening in Violence

This section presents findings on African personality’s role in intervening in Violence in Kenya. The findings are as shown in the subsequent sections

4.4.1. Role Played by African Personalities in 2007/2008 PEV

The respondents were requested to indicate whether African personalities played a role in resolving post-election violence in Kenya 2007/2008. The findings are as shown in the figure below

Figure 4.7. Role Played by African Personalities in 2007/2008 PEV



From the findings majority (85%) of the respondents indicated that African personalities played a role in resolving the after election violence of 2007- 2008, while 15% indicated they did not. This depicts that African personalities played a role in resolving the after election violence of 2007- 2008. The intervention by the African Union personalities consisted of the use of chairman Kufuor's good offices, and the support of the mediation that was conducted by Kofi Annan. Good offices are a way in which a third party parry intervenes in order to try and avoid a conflict escalating, facilitating the parties' movement towards negotiations, or the use of any other peaceful means to manage the conflict. Good offices can be undertaken by the parties 'invitation or the third party can undertake the task without such an invitation. Whatever the case, the person using good offices should be accepted by the parties in conflict, otherwise it would be impossible for the good offices to yield positive results. President Kufuor Spent three days in Kenya, and his good offices exercise ended on 10 January 2008. President Kufuor's good offices were intended facilitate negotiations between the two parties. Its success would have been most publicly gauged by a meeting between Kibaki and Raila at the end of Kufuor's facilitation. At the end of Kufuor's facilitation, the parties had not agreed on a framework for negotiation. They both blamed each other for this: the Kibaki team accused the Raila group of being unresponsive; while the ODM accused president Kibaki of failing to honour the mediation

4.4.2. Extent of Agreement on the Role of African personalities on Conflict Resolution

The respondents were requested to indicate the extent of agreement on the role of African personalities in conflict resolution. The findings are as shown in the figure below

Table 4.2. Extent of Agreement on the Role of African personalities on Conflict Resolution

| | Mean | Std. Dev |
|---|-------------|-----------------|
| AU interventions in Kenya after election violence of 2007- 2008 was led by Eminent African Personalities | 3.80 | 0.7490 |
| Personalities help the parties to the conflict to agree and prevent escalation of the crisis | 3.79 | 0.7023 |
| African personalities ensure that a sustainable peace was seized as soon as possible in the violence of 2007-2008 | 4.24 | 0.6902 |
| The international community played a key role in resolving post-election violence 2007/2008 | 3.99 | 0.6657 |
| Personalities from civil society were involved in resolving post-election violence in Kenya | 3.52 | 0.7345 |
| Community of professionals and business people called for a negotiated settlement | 3.63 | 0.7123 |
| African personalities hurried the peace process and made rash interventions | 3.60 | 06897 |
| A peace process is largely a matter of cooperation and partnership between different actors | 3.50 | 0.7723 |

From the findings in the table above majority of the respondents agreed that African personalities ensure that a sustainable peace was seized as soon as possible in the 2007/2008 violence (mean=4.24). The respondents also agreed that the international community played

a key role in resolving the after election violence of 2007- 2008 (mean=3.99). In addition from the findings the respondents agreed with most of the statements that African personalities had in one way or the other intervened in the Kenyan situation of post election violence. The after-election violence of 2007- 2008 that erupted in Kenya in 2007/ 2008 not only occasioned the loss of lives and displacement of population but was catastrophic in respect of the scale of the social and economic destruction. A plethora of international actors were keen and prompt in intervening by applying various Legal Principles of International law to end the conflict which included an international sanctioned mediation and the application of the Principle of Responsibility to Protect (R2P) vis a vis the concept of State sovereignty. The members of international community noted the need for a mediation process to end the Kenyan crisis and the need for the process to be an African led effort with international backing. It is noteworthy that the leadership of the African union, UN's involvement and support of the AU led mediation process and the appointing Kofi who was a respected member through the panel of people with good reputation and it increased the legitimacy of the whole process of mediation. The donors that existed were and participants were applied to gather with other actors so that they could respond to any crisis by applying the reforms and changes in the dispensations of the 200 Kenyan constitution.

4.5. Africa Union Peace Process Mechanisms

This section presents findings on Africa Union peace process mechanisms. The findings are presented in the subsequent sections

4.5.1. Extent of Adoption of the Peace Process Mechanism

The respondents were requested to indicate the extent to which Africa Union adopted various peace mechanisms. The findings are as shown in the table below

Table 4.3. Extent of Adoption of the Peace Process Mechanism

| Peace Process Mechanism | Mean | Std. Dev |
|--------------------------------|-------------|-----------------|
| Litigation | 3.67 | 0.3126 |
| Arbitration | 3.59 | 0.3222 |
| Negotiation | 4.28 | 0.3008 |
| Mediation | 4.32 | 0.3189 |
| Facilitation | 4.01 | 0.3482 |

From the findings the respondents agreed that AU had adopted mediation as the main peace process mechanism (mean=4.32). This was followed by negotiation (mean=4.28), facilitation (mean=4.01), litigation (mean=3.67), and arbitration (mean=3.59). This depicts that AU had adopted mediation as the main peace process mechanism. The Constitutive Act of the African Union regulates matters of intervention by the AU. The preamble of the Act rehearses the AU's determination in promotion of peace, security and stability; in consolidation of democratic institutions and ensuring that there is good governance with the rule of law. Two of the objectives of the AU which are directly related to its intervention in the Kenyan electoral conflict are promoting stability in the African continent and peace with good governance is also manifested in the same. Some of the principles of the AU directly related to its intervention are the right for request of UN intervention by the member state so that there can be restoration of peace, security and order in place of respect of principles of

democracy, the rights of man, law and good guidance, condemnation and being rejected as constitution changes of the government. There is demonstration by the peace keeping mission by the AU that where it has the main hand on the actors who are externally and their ability in trusting the outer forces to conflicting violence mainly involving governments who do not agree with the interference from the outside world. This trust of the AU to parties has enabled it to convincing the parties like in the situation in Darfur in agreeing with talks.

4.5.2. Extent of Agreement with Statements on African Peace Process Mechanisms

The respondents were requested to indicate their extent of agreement on the African union peace mechanisms. The findings are as shown in the table below

Table 4.4. Extent of Agreement with Statements on African Peace Process Mechanisms

| Statements | Mean | Std. dev |
|--|-------------|-----------------|
| AU worked with international organizations in peace resolution | 3.51 | 0.1267 |
| AU worked alongside the Kenyan government in its interventions | 3.55 | 0.1145 |
| Individuals undertook informal mediations for the AU in Kenya post-election violence | 3.88 | 0.1409 |
| Mediation has proved to be the most popular method of peaceful management of conflicts by the AU | 3.85 | 0.1334 |
| The AU maintains relations that are peaceful while addressing the issues. | 3.62 | 0.1987 |
| Humanitarian interventions requires enough political-economic back-up power | 3.58 | 0.1605 |

| | | |
|--|------|--------|
| AU interventions need a reason of legitimacy in efforts for prevention | 3.68 | 0.1293 |
| AU supported the mediation that was conducted by Kofi Anna | 3.77 | 0.1492 |
| AU used good offices by the chairman of the African union | 3.70 | 0.1652 |

From the findings majority of the respondents agreed that Individuals undertook informal mediations for the AU in Kenya post-election violence (mean=3.88), and that Mediation has proved to be the most popular method of peaceful management of conflicts by the AU (mean=3.85). In addition the findings indicate that the respondents were in agreement with all the statements regarding African union peace mechanisms and the Responsibility to protect (R2P) which show that the mechanisms were effective in resolving the dilemma that existed in Kenya as a result of post election violence. Responsibility to protect is an international security and human rights norm to address the international community's past failure to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity. It is not aimed at every conflict but in situations where the violence reaches the levels of crimes against humanity that demands and requires international response. R2P is widely accredited with having helped diplomatic efforts to stave off the escalation violence in Kenya after the 2007/2008 elections by galvanizing the international actors to end the crisis. The Kenyan situation provided a platform for exhibiting the extent to which R2P has capacity to generate the compliance pull in international society and help the local actors in ending the conflict within the state. The R2P application in Kenya was neither challenged nor marked with any kind of sanction or military intervention, enabling the UN secretary general to invoke the principle as a solution without the authorization of the UN Security Council.

The applicability of the principle to the Kenyan conflict exhibited do not only focus on stability and responsibility but also help in rising fallen states to their feet.

4.5.3. Success of the Peace Process Mechanism

There have been both the successes and failures as per the key informants. This can be agreed since there can never be a peaceful situation in a straightforward idea. The diversity and disunity that has been around has been a situation challenging this format. It should be noted however that peace and unity has not only been the main objective or goal of the AU but also it has been the main goal to be reached by the Organization of African Unity and this has been persistence for more than 20 years. In fact the name originated in the sense that there was existence of Unity even before. The origin of the organization and its main purpose was for the guardianship of unity and peace in Africa. In spite of these ideas, the founding fathers of the program were still enrolled and encroached in war and conflict amongst each other. But their solidarity went on by promoting peace and unity among African countries. A commission of mediation was established it was reinforced by mediation and arbitration. Due to different challenges that the commission faced, the launching of these peace keeping mission had be put to practice 30 years later. There has been a continuous and virtually dormancy of this pact since the time it was developed. The mechanism for peace keeping mission was started in the year 1993 with the main aim of managing conflict in African nations. This showed that Africa was ready to handle its own conflict and resolve it by working together towards a common mission of maintaining peace and prosperity.

Since 2002 there has been more influence from the AU in showing up in any eruption of conflict since it was established. There was interference of the external affair as postulated by its constitution as it was applied to its members due to issues like war and genocide crimes.

There was a right to demand intervention of the union to a conflict stricken member state in the way of making peace and restoring order to the state. There was change in perception of each member state after the introduction of intervention from prevention. There may be attaining of the organization orientation in the prevention process; but there can be expectation of the differences in the presence of prevention oriented organizations.

4.6. Conclusion

The violence that broke out in Kenya in 2007/2008 affected at least, one out of three Kenyans which encompassed the volatile outcome of a combination of factors including, historical, economic and political factors. Old grievances and emotive issues such as land disputes became entangled in the outbreak of electoral violence. In this regard, chances of being a victim of violence were higher in areas with land conflicts and where political gangs operated. Institutional failures at the macro level regarding the electoral commission, police and judiciary system contributed to the conflict and led to the deterioration of trust in institutions that would have helped in resolving the conflict. The international intervention was instrumental in ending the political impasse created by the Kenyan post-election violence of 2007/2008. Their swift action was a key element that contributed to halting the ethically motivated mass violence. The rapid strategic collaboration was replicated with funding efforts particularly for the international sanctioned mediation. Tragedies that occurred to families and friends who lost their members, dear ones and friends cannot be reversed, but the impact of the conflict and violence would have spread to far more depth, the conflict could have gone out of hand and move further from Kenya to other parts of the region, with painful results for the whole African continent. Mediation that took place in

Kenya clearly proved that the union has one goal and it is still on its course to maintaining the goal and ensuring that it is reached.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

This chapter presents summary, conclusion, and recommendations on how the Africa Union peace processes mechanisms and the resolution of the 2007/2008 post-election violence in Kenya

5.2. Summary

The field of conflict intervention and by extension conflict management has become more diverse and crowded. Mediation activities have improved in many organization, government or non government, local regional and sub regional, they all have been involved in mediation one way or the other. The actors have been leading in mediation activities in different regions, they have the same and common goal to achieve. They have ensured that they are dedicated to archiving the same goal with maximum effort put up in the different levels of the whole process. Competition and disagreement at its worst over the strategies have given parties permission to put up the forum shop hence ensuring there is maintenance of peace.

The study found that that the AU had adopted the responsibility to protect in the interventions of the violence in Kenya 2007/2008 after election. There are 4 contribution made by the R2P to the debate of conflict intervention .i.e. turning the humanitarian focus to the protection of the wellbeing of individuals, understanding of sovereignty should be developed afresh I that the nation does not control its citizens, show and let people

understand the importance of R2P and its main work, and lastly ensure that the R2P must be legitimate and legal so as to see the necessity of the coercive action.

The study found that African personalities played a role in resolving post-election violence in Kenya 2007/2008. The intervention by the African Union personalities consisted of the use of chairman Kufuor's good offices, and the support of the mediation that was conducted by Kofi Annan. Good offices are a way in which a third party parry intervenes in order to try and avoid a conflict escalating, facilitating the parties' movement towards negotiations, or the use of any other peaceful means to manage the conflict. The study also found that majority of the respondents agreed that African personalities ensure that a sustainable peace was seized as soon as possible in the 2007/2008 violence.

The study found that that AU had adopted mediation as the main peace process mechanism. The Constitutive Act of the African Union regulates matters of intervention by the AU The preamble of the Act rehearses the AU's determination to promote peace, security and stability; to consolidate democratic institutions and ensure good governance and the rule of law. In addition the study established that Individuals undertook informal mediations for the AU in Kenya post-election violence. Responsibility to protect is an international security and human rights norm to address the international community's past failure to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity

5.3. Conclusion

The study concluded that AU had adopted the responsibility to protect in the interventions of post-election violence in Kenya 2007/2008. There has been four different contribution made to the R2P in the intervention of conflict debate: turn the responsibility from humanitarian to that which protect the interest of the people in conflict stricken areas; understand sovereignty in a different way in that the nation do not control its citizen but act on behalf of their interest; developing a new R2P criteria so as to understand its meaning and not only about the intervention of military; there must be a legal and legitimate coerciveness.

The study further concluded that R2P mattered in resolving post-election violence 2007/2008. the elite of the Kenyan politics had to be invoked with the R2P in that the international community organs had an interest in the feud going on in Kenya and their mandate was to stop the violence experienced then. Rather than people being displaced, the R2P had another option that was through diplomatic and peace talks. Kofi Annan said that if a nation does not accept mediation quickly in times of violence, there is a situation that is hopeless. Further the study established that the respondents agreed that Responsibility to Protect imposes the duty to halt mass violence like the 2007/2008 post-election violence in Kenya

The study also concluded that the international community's commitment to democratic electoral outcome is patently less clear. Annan's focus on power sharing during the mediation process in Kenya was never questioned and the issue of determining who really won or holding fresh election to produce a clear winner according to democratic principles was abandoned. Instead the formation of grand coalition was accepted as a win- win situation

for both parties. The 2008 Kenyan crisis alongside the concurrent case of Zimbabwe produced a very dangerous precedent in respect of democracy for other countries in the continent. An incumbent government or an opposition party unwilling to accept that it actually lost an election can promote enough violence to ensure that with the blessings of international community it can retain or obtain a power share deal. This is without the penalty for nay abuses committed during the electoral campaign or for any fraudulent practices related to the tallying of votes. In the event that this elite pact model holds, the donor's overreaching desire for stability will trump the basic tenets of democracy.

5.4. Recommendations

Based on the study findings the following recommendations are made:

There is need to avert the actions and inactions of perpetrators causing electoral violence in Kenya in the last two decades. The time for Kenya to exercise some level of integrity in its electoral process is long overdue. First and foremost Anti-corruption measures must be implemented to ensure accountability and transparency in the electoral process. Corrupt public officers must be prosecuted to serve as a deterrent to others. There is need for pragmatic electoral reforms and good governance since the underlying problem of political instability in society is substantially the lack of good governance. It is vital to have an independent and Electoral Commission in Kenya that is equipped with all the capabilities to guarantee free and fair elections. Electoral reforms must include mass education to the public which basically encompasses public awareness campaign.

There was an emphasis on pragmatism that overcame political differences during the mediation process. If a bigger picture is looked upon rather than looking at political affiliations will help the process of mediation to take effect and parties are able to gather and talk with a common goal of peace and conflict resolution using experts in Kenya was seen as the best way in employing the process and making it effective to the parties. The technical experts were critical in positioning the parties to a problem solving framework rather than remaining within the position of adversarial situation.

The international community focused intensely for at least two years post crisis on state building in Kenya. This suggests the need for persistent engagement by the international community in long term structural state building issues to address the deep rooted causes of conflicts that make political settlements fragile. Indeed continued engagement in state building issues after every election would establish a strong foundation for sustainable peace and democratic governance. The Kenyan mediation presented the notion that there is need for the international community to ensure that a sustained follow up takes place after a political settlement has been attained. This responsibility has to be in partnership with the local elites to enable them guarantee co-existence and security to achieve nation building.

Finally, it is recommended in these studies that there should be mediators who are also in support of the professional and their assessment, there should be a good and well plan and monitoring so as the chances of success can be in maximum hence minimizing conflict issues in mediation and its error. There is an underscore of the support from the emphasis put by the external forces with the aim of cooperation amongst the entities that are fighting for peace in the mediation process. Even though all these ways are tried and passed or failed, they all totally rely with what the conflicting parties will decide. It is up to the parties to decide

whether to receive the mediation message peacefully or not. If the parties want to use the negotiation way the mediation may come as an invaluable process played.

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APPENDICES

Appendix I: Letter of introduction

SONIA NJOKI KARONGO

R50 /88288/2016

RE: DATA COLLECTION

I, Sonia Njoki Karongo, is pursuing Master's degree at the Institute of Diplomacy and International Studies, University of Nairobi. In this regard, I am conducting research on ***THE INTERVENTION MEASURES OF AU IN THE KENYA'S POST ELECTION VIOLENCE IN 2007-2008***. I request your assistance in filling the questionnaire. All the information provided will be kept confidential and used only for academic purpose.

Yours Sincerely,

Sonia

R50 /88288/2016

Appendix II: Questionnaire

Section I: Demographics

1. What is your age?

2. What is your highest level of education?

Degree ()

Diploma ()

College certificate ()

Secondary certificate ()

3. What is your gender?

Male () Female ()

4. How long have you been in your organization?

Less than 1 year () 1-5 years () 6-10 years () 11-15 years ()

More than 15 years ()

Section II: Responsibility to protect (R2P) principle

5. Did the AU adopt the R2P in the interventions of post-election violence in Kenya 2007/2008? Yes () No ()

6. Do you think the R2P mattered in resolving post-election violence 2007/2008?

Yes () No ()

7. To what extent do you agree on the following statements relating to Responsibility to protect (R2P) principle? Where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent.

| | | | | | |
|--|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|

| | | | | | |
|--|--|--|--|--|--|
| African union turned the focus of the debate from humanitarian intervention to a responsibility to protect people trapped in conflict situations | | | | | |
| AU developed a new understanding of sovereignty where the state does not control but primarily protects its citizens | | | | | |
| AU resolution of post-election violence in Kenya consisted of much more than just military interventions | | | | | |
| AU found its moral ground to intervene in the Kenyan electoral conflict which was bound to engulf many of its innocent citizens | | | | | |
| R2P provided a diplomatic solution in 2007/2008 | | | | | |
| Political interventions were used in resolving post-election violence 2007/2008 | | | | | |
| Diplomatic interventions were used in resolving post-election violence 2007/2008 | | | | | |
| Kenya has unresolved questions about its future political direction | | | | | |
| Responsibility to Protect imposes the duty to halt mass violence like the 2007/2008 post-election violence in Kenya | | | | | |
| Failure by states to take action when mass violence occurs results in a transfer of responsibility to the international community | | | | | |

| | | | | | |
|--|--|--|--|--|--|
| States have a responsibility to ensure that domestic tensions are addressed before they escalate | | | | | |
| States have to provide certain dimensions of good governance | | | | | |

8. What do you think should be done to ensure the application of R2P in resolving future violence in Kenya?

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Section III: African personalities in intervening in Violence

9. Do you think African personalities played a role in resolving post-election violence in Kenya 2007/2008? Yes () No ()

10. If yes, what role do African personalities play in conflict resolution?

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11. To what extent do you agree on the following statements relating to African personalities and conflict resolution? Where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent.

| | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|
| AU interventions in Kenya post-election violence 2007/2008 was led by Eminent African Personalities | | | | | |

| | | | | | |
|--|--|--|--|--|--|
| Personalities help the parties to the conflict to agree and prevent escalation of the crisis | | | | | |
| African personalities ensure that a sustainable peace was seized as soon as possible in the 2007/2008 violence | | | | | |
| The international community played a key role in resolving post-election violence 2007/2008 | | | | | |
| Personalities from civil society were involved in resolving post-election violence in Kenya | | | | | |
| Community of professionals and business people called for a negotiated settlement | | | | | |
| African personalities hurried the peace process and made rash interventions | | | | | |
| A peace process is largely a matter of cooperation and partnership between different actors | | | | | |

12. What do you think should be done in order to resolve post-election violence through personalities?

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Section IV: Africa Union peace process mechanisms

13. What mechanisms were adopted by the AU in the peace process?

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14. To what extent did the Africa Union adopt the following peace process mechanisms?

Where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent.

| | 1 | 2 | 3 | 4 | 5 |
|--------------|---|---|---|---|---|
| Litigation | | | | | |
| Arbitration | | | | | |
| Negotiation | | | | | |
| Mediation | | | | | |
| Facilitation | | | | | |

15. To what extent do you agree on the following statements relating to African peace

process mechanisms? Where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent.

| | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|
| AU worked with international organizations in peace resolution | | | | | |
| AU worked alongside the Kenyan government in its interventions | | | | | |
| Individuals undertook informal mediations for the AU in Kenya post-election violence | | | | | |

| | | | | | |
|--|--|--|--|--|--|
| Mediation has proved to be the most popular method of peaceful management of conflicts by the AU | | | | | |
| The AU maintains peaceful relations among states, but also addresses conflicts within states | | | | | |
| Humanitarian interventions need sufficient political and economic but also military power as a back-up | | | | | |
| AU interventions need the perception that it is a legitimate prevention effort | | | | | |
| AU supported the mediation that was conducted by Kofi Anna | | | | | |
| AU used good offices by the chairman of the African union | | | | | |

16. What other mechanisms do you think should be adopted in the peace process?

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Thank You

Appendix: Interview Guide

1. What is your age?
2. What is your education level?
3. How long have you worked with your current institution?
4. Have you been involved in resolution of post-election violence in Kenya?
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5. Did the AU use the R2P principle in its interventions in post-election violence?
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6. How successful was the R2P principle in the resolution of the Kenyan post election violence 2007/2008?
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7. Do you think African personalities played a role in the resolution of Post-election violence in Kenya 2007/2008? Explain
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8. How effective are personalities in election violence resolution?

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9. What peace process mechanisms did the AU use in the Kenya's 2007/2008 post-election violence?

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10. Do you think AU was successful in its interventions in the post-election violence 2007/2008?

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11. What do you think AU should have done better to resolve the Kenya's post-election violence 2007/2008?

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Thank you