THE ROLE OF AFRICAN UNION IN PEACE BUILDING: A CASE STUDY OF KENYA

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Declaration

This thesis project is my original work and has not been presented for a degree award in any other University.

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Dedication

I dedicate this research project to my family who have been my source of inspiration and most especially to Almighty God for His abundant blessing and grace. I also dedicate this work to all who will find time to read and appreciate this thesis project, especially all those who were involved in its development.

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List of Abbreviations and Acronyms

ACDEG: African Charter on Democracy, Elections and Governance

APRM: Africa Peer Review Mechanism

APSA: African Union's Peace and Security Architecture

AU: African Union

CADSP: Common African Defence and Security Policy

CIPEV: Commission of Inquiry into the Post-Election Violence

CSOs: Civil Society Organizations

DDR: Disarmament, Demobilization, and Rehabilitation

DEAU: Democracy and Electoral Assistance Unit

ECK: Electoral Commission of Kenya

ECOWAS: Economic Community of West African States

EPCG: Eminent Persons Contact Group

EU: European Union

GCG: Grand Coalition Government

IDEA: International Institute for Democracy and Electoral Assistance

MOU: Memorandum of Association

NDR: National Dialogue and Reconciliation Accord

NGOs: Non-Governmental Organizations

OAU: Organization of African Union

ODM: Orange Democratic Movement

OECD: Organisation for Economic Co-operation and Development

PCRD: Post-Conflict Reconstruction and Development

PEAP: Panel of Eminent African Personalities

PEV: Post Election Violence

PNU: Party of National Unity

PSC: Peace and Security Commission

PSC: Peace and Security Council

RECs: Regional Economic Community

TJRC: Truth Justice and Reconciliation Commission

UN: United Nations

UNIFEM: United Nations Development Fund for Women

UNSC: United Nations Security Council

Abstract

The role of the African Union in managing Kenya's political crisis has not been adequately investigated, yet it is an excellent example of successful intervention by third party international actors in a domestic conflict. Several studies show that implementation of peace building models developed by third party actors have been unsuccessful, resulting in re-emergence of conflict, Notable failures in Somalia, Rwanda, and Bosnia lead to the perception that the UN action is too little too late, misconceived, poorly resourced, and poorly executed. The following were the specific objectives of this study; To critically examine the role played by African Union in domestic politics, To evaluate the effectiveness of the African Union in peace building in Kenya, and To establish factors behind the success of the African Union in peace building in Kenya. This study was carried out in African Union offices in Kenya as well as the ministry of foreign affairs that were involved in the Kenyan peace agreement. It will involve employees of different departments in the institutions. The study revealed that the field of conflict intervention and by extension conflict management has turned out to be more different and swarmed. Territorial, sub-local and other global associations and non-administrative associations and private people are progressively required in intervention exercises. Facilitate, it was built up that in excessively numerous occasions, clashes have been further disturbed by well-intentioned outsider performing artists who do not have a decent comprehension of intercession and sufficient planning. A strong handle of intercession through intervention is expected to better synchronize discretionary endeavors and oversee desires. To this end, the direction for successful intercession is a valuable asset. Moreover, the study built up that these middle people order nearby authenticity; have top to bottom learning of the general public, its history, and neighborhood strife determination approaches; and frequently host set up contacts with the contention gatherings. Be that as it may, this closeness to the contention and its on-screen characters has its inadequacies. It regularly opens nearby middle people to significant individual dangers; now and again they may likewise be seen as one-sided because of their association with either party. Promote, the study built up that the achievement of a peace understanding relies on upon the dedication of the gatherings; along these lines, assertions ought to dependably address the issues communicated by the gatherings (and the general public) and not those of the go-between. What's more, an effective understanding ought to limit itself to the primary issues of the present clash and leave space for a law based procedure to address all the less problems that are begging to be addressed.

CHAPTER ONE: INTRODUCTION

1.0 Introduction

This study examines the role of African Union in peace building through a case study of Kenya. The AU's all-encompassing target is the growth of "an incorporated, prosperous and quiet Africa, driven by its own particular subjects and speaking to a dynamic compel in the worldwide field." The union's more particular vision for peace making reflects mindfulness that the precondition for accomplishing this overall objective is Africa's security and solidness. The conflict situation that unfolded in Kenya following the disputed presidential elections of 2007 presented an opportunity to gauge the role of the AU in peace building. This chapter provides the problem statement, research objectives, and research questions. The chapter also provides the literature review, the justification of the study, conceptual framework, methodology and finally the structure of the project

1.1 Background

According to Kirsti,[1] achieving sustainable peace through peace-building has had little success more so through international interventions. Richmond[2] explains that peace models of western have been implemented in post conflict nations but with low success. Implementation of peace agreements has been dependent on the presence of third party actors such as the UN whose work is seen to be insufficient. International peace building interventions involving different actors has also been dismissed on allegations that they do not reflect the interests, needs and rights of the local actors what Haider[3]calls "conflict management imperialism". The predominance of donors

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[1]Kirsti, S (2006). 'Post-Conflict Peace-making and Constitution-building' *Chicago Journal of International Law*, 6:2 1-20.

[2] Orfis R. (2001). "Refocusing violence resolution: The joint problematic between "Track I" and "Track II" Journal of Conflict Studies, 21:2 155–61.

[3]Haider, H (2009). Group based Approaches to Peacebuilding in Conflict-influenced and Fragile Contexts, Governance and Social Development Resource Center: (University of Birmingham,). .

and other external actors presents a high chance of neglecting local changes and fail to come up with at sustainable answers. Emstorfer*et.al*[4] argues that such dynamics have led to consideration of indigenous methods to address post-conflict management strategies.

Global intercession in post-struggle circumstances ascended in the mid 1980s when the worldwide group utilized advancement help to advance peace and compromise. In spite of the fact that this approach was endeavored in Cambodia, Uganda, and El Salvador it is just in the middle 1990s that a completely changes as a result of establishments and key records[5].

The AU was established in 2002 on an influx of idealism about future of Africa, and was outfitted with more grounded authoritative components and more prominent forces of mediation in the issues of its part states than its antecedent, the OAU. The production of the AU built up a 15-part PSC so as to mediate for rights of humans and in case of unlawful changes in government.

The AU's entrance to neighborhood information and its status as an African establishment give authenticity on its peace promotion endeavors. In addition, its dedication to give 'African answers for African issues' and the measures it has taken to do as such, give foundation to its contribution in residential issues. The AU has committed uncommon consideration regarding the issues of contention counteractive action, administration and determination inside the mainland, and is always occupied with interventions and different measures to keep the flare-up of contentions. The AU convention on peace built up under the African Peace and Security

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[4]Ernstorfer, A et.al Administration Strategies for Post Conflict Reconstruction, Sustainable Peace and Development (UNDESA GPAB/REGOPA Cluster, 2007).
[5] Uvin, P (2002). 'The Development/Peacebuilding Nexus: A Typology and History of Changing Paradigms' *Journal of Peacebuilding & Development* 1:15-24.

Commission[6] gives enter instruments in the territory of refereeing. Article 14 of the Protocol characterizes its parts which incorporate reclamation of the lead of law, foundation and improvement of fair organizations and the arrangement, association and supervision of decisions, combination of the peace understandings, demilitarization, deactivation, building up political, social and monetary, society and Government establishments, resettlement and reintegration of evacuees and inside uprooted people among others.

The December 2007 Presidential results disputes led to tension which culminated in the violent clash between the supporters of the Kibaki and Raila. The pattern of violence and population displacement revealed many underlying causes of conflict, and stopped only after global intervention by the AU, drove by the Panel of Eminent Personalities[7]. John Kufuor, Ghana's President and by then Chair of the AU made prompt move to guarantee that the savagery in Kenya stopped. With assistance from previous Kofi Annan, UN Secretary-General they amassed a Panel of well-known leaders that helped in the negotiation and reconciliation process, which brokered peace for the Kenyan people.

1.2 Statement of the Research Problem

As a territorial establishment, the AU is commanded to, bury alia; advance peace, security and solidness on Africa. In July 2002, Member States agreed to "The Protocol identifying with the AU Peace and Security Council foundation" which announces that the AU has an essential duty regarding the support of universal peace and security and specifically, in advancement and upkeep of Africa peace and security. It also underlines that advancement and upkeep of peace,

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[6] Ibid

[7] Langer, J (2011). 'leardership to govern: Kenya's Post-Electoral Crisis' *Journal of International Service* 45

security and steadiness are crucial for solid financial and popularity based improvement of Africa.[8]

The role of the AU in managing Kenya's political crisis has not been adequately investigated, yet it is an excellent example of successful intervention by third party international actors in a domestic conflict. Several studies show that implementation of peace building models developed by third party actors have been unsuccessful, resulting in re-emergence of conflict, Notable failures in Somalia, Rwanda, and Bosnia lead to the perception that the UN action is short of what was expected, misinterpreted, inadequately resourced, and clumsy[9] as it didn't have sufficient associations with the universal monetary organizations, through which to successfully control the important political-money related linkages vital for viable post-struggle recuperation.

Other scholars also criticize third party because they often reflect the donors interests or due to corruption accusations and embezzlement of funds for activities supported by the third party actors. The challenges notwithstanding, there are some positive outcomes, as demonstrated by the AU's intervention in Kenya. This study examines the role of the AU in peace building in Kenya's political crisis, the strategies used by its Eminent Persons to restore peace and promote reconciliation after the violence, and the follow up of implementation of structural reforms under agenda 4 of the peace accord.

1.3 Research Questions

The study will be guided by the following research questions;

    i.   What is the role played by the African Union in domestic politics?

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[8]Ibid

[9] Evans G,. and Mohamed S.,(2002) "The Foreign issues," Foreign Affairs 81, no. 6: 100.

i. What is the effectiveness of the African Union in peace building in Kenya?

ii. What are the factors behind the success of the African Union in peace building in Kenya?

1.4 Objectives of the Research

The main objective of this study is to assess the role of African Union in peace building: a case study of Specific objectives

The following were the specific objectives of this study;

ii. To critically examine the role played by African Union in domestic politics.

iii. To evaluate the effectiveness of the African Union in peace building in Kenya.

iv. To establish factors behind the success of the African Union in peace building in Kenya.

1.4 Justification of the Research Problem

Conflict affects the lives of the citizens of a nation leading to economic breakdown, displacement of people, loss of livelihood, and even loss of life. However, the conflict can range on for some time and the opponents maybe unable to reconcile and build the nation again. This calls for international assistance from other nations and other reconciling bodies in the world to assist the nation in reconciling. Mediators parties such as the AU, the EU and UN enable the success of such agendas by implementing the peace-building programs. However not all programs are successful and some nations revert back to the old ways. This research study looks at the role by the AU in peace-building through its engagement in the mediation process of Kenya's 2007/08 crisis, thus, the study will enable better understanding of the role played by third party actors. Therefore, the research will enable growth in literature in the area of peace-building and also pave way for more research in the area. The research will also investigate third party role in peace-building thus addressing knowledge gaps on the causes of failures and also success.

This research study will also benefit and be useful to practitioners of peace-building as it will enable more understanding of reconciliation and prevention of reoccurrence of violence after conflict. It will also benefit the government policy makers through an examination of the best ways to handle domestic conflict and how to sustain peace. The study will also benefit the local unions for instance the AU to understand the conditions under which peace-building programs works in domestic situations.

1.5 Literature review

1.5.1 Introduction

Peace building is dynamic and entails different variable that are still debatable. This literature review looks at the concept of peace-building, actors involved in peace-building, other concepts connected to peace-building, and AU role in controlling domestic conflicts.

1.5.2 The Peace-building concept

Galtung created a considerable lot of the center ideas that keep on being connected in peace building work and definitions today, incorporating into the definition by UN.[10] Center ideas from Galtung's[11] work consist of: positive peace, negative peace, auxiliary savagery, underlying drivers of contention and feasible peace. These for the most part frame the center segments of peacebuilding. Negative peace involves the discontinuance or potentially nonattendance of viciousness. Positive peace involves the nonattendance of auxiliary savagery, the nearness of social equity, the run of law and the conditions that dispense with the reasons for brutality.

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[10]Ibid

[11] Galtung, O (1996). 'Three ways to peace: Peace building, , and Peacemaking in J. Galtung, *Essays in Peace Research,* vol. 2, *Peace, War, and Defense* (Copenhagen, Christian Ejlers,), 282–304.

Auxiliary viciousness includes fundamentally roundabout savagery that is incorporated with structures and appears as unequal power and thusly as unequal life risks and is a basic reason for direct brutality. Main drivers of contention are signs of basic and social brutality originating from basic social issues prompting direct viciousness. Supportable peace includes peace and peace forms that address the main drivers of vicious clash and keep the restart of savagery. This study take a gander settled working from the point of view of Galtung as this view concentrates on particular elements that are likewise harmonious with other created definitions and peace building settings.

Peacebuilding turned into a well known idea inside the UN taking after Boutros-Ghali's statement, Peace Agenda, which characterized peacebuilding as activity to cement peace and evade backslide into struggle. In 2000, the Brahimi Report characterized it as "exercises attempted on the furthest side of contention to reassemble the establishments of peace and give the instruments to expanding on those establishments something that is more than simply the lack of war." [12]

In Kenya, the 2007 post-race brutality gives an immaculate case of the issues above. Universal intervention through the AU in counsel with the United Nations prompted constituting a well known leaders among them Dr. Kofi Annan to intervene the emergency. The intervention group united agents from both the PNU and ODM and both consented to a National Peace Accord and to sharing political power.

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[12] Ibid

Clarke[13] observers that traditionally, peacebuilding concerns many activities and functions connected to political, social, and economic reconstruction designed to help recover relationships. This activities range from: democratic development including electoral reform; rule of law; humanitarian aid; economic reconstruction and reform; human rights protection; security sector reform; justice sector reforms; and reconciliation among others. These reforms enable economic development and prevention of conflict thus healing the nation as exemplified by the Kenyan situation where the mediation process led to birth of a power-sharing government, bringing the war to an end.

The Kenyan intercession group particularly recognized and conceded to four plan things to direct the procedure: i. Plan Item Number 1: Immediate activity to stop viciousness and reestablish principal rights and freedoms. ii. Motivation thing Number 2: prompt measures to address philanthropic emergency, advancement of compromise and mending process. iii. Motivation Item Number 3: Resolving the Political Crisis through power sharing. iv. Motivation thing Number 4: Addressing Long Standing issues and Solutions. Motivation Item 4 recognized six long haul issues that prompt the emission of the brutality, they include: Constitutional, institutional and lawful change; Land change; Poverty, disparity and provincial unevenness; Unemployment, especially youth unemployment; Consolidation of national attachment and solidarity; Transparency, responsibility, exemption. These issues had been feeble the nation for a considerable length of time prompting brutality in various parts of the nation.[14] Africa Peer Review Mechanism (APRM) in its 2006 appraisal of Kenya observed[15], "rivalry for assets and access to them, and the assembly of ethnic personalities in political and financial power battles,

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[13] Clarke, Y., (2013). 'Gender and peacemaking: Conceptual vision' *Africa peace and conflic Journal*, 87-92
[14] Ibid
[15] Ibid

minimization of areas and also local irregular characteristics, in light of the nation's polarization, cautioned that Kenya was probably going to confront genuine difficulties unless it found a way to determine these fundamental issues."

This means peace building is a pre-struggle and in addition a post-strife handle. Galtung[16] clarifies that peacebuilding is hard to characterize and considerably more hard to accomplish by and by. Lambourne[17] characterize post-strife peacebuilding as the procedures intended to advance a safe and stable enduring peace in which the essential people requirements of the populace are met and fierce clashes don't repeat. Peace building consolidates the objectives of both negative peace and positive peace as initially illustrated by Galtung. Be that as it may, as per Univ[18], a urgent issue in the post-struggle motivation identifies with the absence of solid, quality information. Diplomats, help facilitators, and program administrators are confronted with the issue of not recognizing what's "truly" progressing, though the zones of direct worry to them. Questions emerge in such ranges as approaches appropriation and their imaginable results, military and political first class divisions, spending plans or military spending dependability and the perspective of the populace as to this matters.

As per Kieh[19] Peacebuilding is a long haul preparation that happens after the stop of brutality or after vicious clash has died down. Peacebuilding exercises incorporate societal change, limit building, and compromise. Basically, it looks to encourage the foundation of strong peace and works towards anticipation of the backslide of savagery by for the most part tending to the main

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[16]Galtung, J (1969). 'Conflict, and Peace Analysis *Journal of Peace Research*, 167-191.
[17] Ibid
[18] Uvin, P (2002). 'The Peacemaking: History of Changing shifts' *Journal of Peacebuilding & Development,* 1:15-24.

[19] *Ibid*

drivers and impacts of contention. Burton[20] clarifies that contention determination is a political rationality that goes past the minor determination of debate and rather, points further into uniting clashed parties. It likewise concerns exercises expected to bring parties into an encouraged, intelligent circumstance and locations underlying drivers of contention which are characteristically attached to fundamental human needs, for example, nourishment, sanctuary, and access to assets. Karbo and Nelson[21] clarify that peace-building goes for reestablishing the limits of governments and groups to modify and recoup from the assaults of war. Nonetheless, tending to the part of compassionate guide in monetary recuperation in post-strife social orders is basic to peace-building.

As indicated by Spence[22] the procedure of peacebuilding requests for new methodologies and practices. These methodologies and practices must be adaptable, consultative and communitarian and ought to work from a relevant comprehension of the main drivers of contention. Lederach[23] explains that such an approach is transformative in nature and is based on the termination of something undesired which is violence and the building of transformative relationships and establishment of conditions for peace. The approach taken by the panel of actors in the Kenyas PEV can be said to be the most innovative, flexible and transformative in Africa. The mediation and negotiation process take by the panel ensured a stop in violence and establishment of a coalition government. In the negotiations, Kofi Annan met the two Principals and exhorted both principals that the losers of the war were the general population of Kenya.

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[20] Burton, J (1993). violence Resolution Practice*: Integration and utilization* (Manchester, Manchester, University Press.
[21] Karbo, T. &. Nelson, C (2010) . 'War issues: choices for changes' *Africa peace and conflict journal*, 4 14-24
[22]Ibid
[23]Ibid

Also he clarified that more drawn out term issues and quick political issues should have been tended to and that the Principals ought not dismiss Kenya's part in guaranteeing provincial strength. He demanded that the Principals ought to cooperate to convey particular results and give Kenya's kin a feeling of advance. This is additionally the point of view voiced by Ryan that the assignment of peacebuilding mostly includes changing the consideration far from the warriors to the demeanors and financial conditions of the common individuals who bear the heaviness of the contention, accordingly moving far from peacekeeping which is on creating obstructions amongst the fighters to peace-building which tries to assemble connects between the normal individuals[24].

Building peace in nations rising up out of contention is a gigantic, complex undertaking. It includes a bunch of various players. Its exceptionally definition is the subject of lively level headed discussion. Peacebuilders are along these lines confronted each day with the question: how would we manufacture feasible peace? This paper plans to convey some clarity to the viewpoint of the peacebuilder, particularly the AU peacebuilder. It is not a scholastic investigation of peacebuilding, nor does it offer complete answers for its issues. Rather, it contains down to earth direction on the best way to manage the repeating difficulties of arranging, programming, prioritization and assets. To upgrade its down to earth pertinence, the paper contains numerous cases of genuine peacebuilding, its mix-ups and in addition its triumphs. These are lessons shared by the AU group who do peacebuilding in the field. They represent how the standards depicted in this paper connected in real peacebuilding circumstances. From these conclusions can be drawn on the effectiveness or other and even put

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[24] Ryan, S., (1990) Stephen, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth,), pp. 61-2.

forth suggestions on what can be done to enhance the understanding of the AU peace building role and position.

1.5.3 Actors in Peace-building

As indicated by the AU,[25] diverse establishments and Non-state performing artists have been contribution in peace-building including worldwide and local associations, Civil Society Organizations (CSOs) and the private area, likewise casual gatherings, for example, religious groups, informal organizations, and customary powers. NGOs mostly from the west and CSOs look to address the underlying drivers of contention and the remaking of divided connections amongst gatherings and on-screen characters. Common society associations likewise think on workings at administration positions instead of the center range and the grassroots.

Moreover, compelling systems join 'base up' and 'best down' activities clarifies the GPPAC which is a system of a thousand and more common society associations framed in 2005, however nearby proprietorship still stays basic. For instance dismissal of fundamental needs at the neighborhood level including unemployment can conceivably turn into national and even universal brutality and wrongdoing. However this study takes a gander at these methodologies from the point of view of them not enhancing correspondence and foundation of connections between clashing gatherings does not consequently prompt the understanding of end of contention. The suspicion that working with common society at the villages will normally have an impact at the national level need particular results which have turned out to be practical [26].

After the change of the AU from the OAU support of peace and security quickly turned into the essential issue on the AU plan. The new standards and principles set up framed the premise on

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[25] Ibid
[26] Ibid

which the PSC Protocol and the CADSP were to be authorized[27]. The development of the PSC has gone far in encouraging the procedure of peace working in Africa among other peace plans. The AU's Article 4(h) indicates that AU has the privilege to mediate in part states' in such conditions as genocide, violations against humankind and atrocities. Moreover, the AU has the order of reestablishing security in any AU part state in view of the suggestion of the PSC. The PSC has the power to settle on choices with respect to Africa security needs, running from defensive strategy to post-struggle peace building. Be that as it may, in genuine emergency circumstances just the AU gathering can settle on extreme choice with respect to regardless of whether to mediate based upon the PSC's suggestions. More on AU is talked about further under part of AU[28].

In the Kenyan case for instance, the AU Panel of Eminent African Personalities worked first keeping in mind the end goal to secure a peace assention between the two principals. The AU chairs also President of Ghana, perceived the size of the circumstance in Kenya and required a crisis meeting of the AU Commission and counseled African presidents and the UN. With the developing clash Kufuor sent a mission to get ready for his visit, he then met in Ghana with Kofi Annan in and talked about of the path forward. In spite of the fact that Kufuor's visit was not respected, the two identities concurred that Kufuor ought to visit the nation[29]. Subsequent to being welcomed by the then president Kibaki he attempted to discourse with the two principals Kibaki and Raila yet the two standards declined to get into any understandings[30]. Confronted with this circumstance Kufuor set forward a board to be driven by Kofi Annan with Mozambique

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[27] Ibid

[28] Volt V.K and Shanahan, M. K (2005) Building for Peace making: UN involvement with the African Union and ECOWAS Washington, DC

[29] Hansen, T.O. (2013), Kenya's Power-Sharing agreement, International Journal of Human Rights, 17:2, pp. 307-327.

[30] Kufuor J , (2008) letter to Kofi Annan on the Kenyan situation, 11 January.

president Graça Machel and Tanzania President Benjamin Mkapa so as to help with the peace

building procedure and locate a quiet path forward. The board over the long haul empowered

compromise and conveyed a conclusion to the brutality. The understanding was come to after the

board and the standards concurred that a portion of the issues, for example, the constitution,

auxiliary changes and main driver of contention must be managed.

Kirsti[31] clarifies that one of the regions of societal discourse that emerges in UN oversaw

keeping peace is the selection of a common constitution-production. The procedure of

constitution having an awesome effect of nations particularly taking after common war, as it

goes about as a compromise device in this way empowering its move to vote based system. This

is one of the regions that the board utilized as a part of request to secure peace for Kenya. It

gives answers for the divisive or challenged issues that prompted brutality. It can likewise

prompt the majority rule instruction of the populace, start a procedure of mending and

compromise through societal discourse, and fashion another accord vision without bounds of the

state.

1.5.4 Concepts Related To Peace-Building

Because of the scope of work and history under clash and post-strife settings numerous ideas,

terms and vocabularies have risen. This segment gives the refinement between these ideas and

peace building. In any case take note of that open deliberation around the implications and

interrelationships of these ideas is still new and change concerning the setting of contention

influenced territories. What's more, much the same as peace building extraordinary open

deliberation still wait in their definitions. To begin with, Boutros-Ghali contended that for

proactive peacemaking and helpful mediation in his report "the 1992 An Agenda for Peace".

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[31] Kirsti, S (2006) . Constitution-Making' *Chicago Journal of International Law,* 6: 2 1-20.

Real territories of action distinguished included preventive strategy; peacemaking; peacekeeping; and peacebuilding[32]. Preventive strategy includes the determination of debate before they grow into brutality. Tending to contrasts of clashing gatherings as they create empowers the anticipation of any acceleration of question which can prompt clash. Peacemaking looks to elevate a truce and to arrange an assention. McCandless et al.[33] clarifies that it by and large alludes to endeavors to determine or settle brutal question including procedures, such as, strategy, intervention, and arrangement, for example, the one completed by the board of AU. The UN adjusted its definition as a political, strategic, and some of the time military mediations guided at conveying clashing gatherings to understanding. Be that as it may, Peace building goes past the strategic transaction of negative peace to that of supportable peace that is certain peace. Supportable peace plunges further into the main drivers of contention, for example, those pointed out in motivation 4 of the Kenya peace accord. Explaining such issues requires some serious energy and calls for joint responsibility for peace prepare by both the performing artists furthermore the administering parties furthermore other common society bunches[34].

Peacekeeping includes the organization of UN regularly the UN military or potentially police staff furthermore regular citizens. It a one of a kind and element instrument created by the UN and it guarantees that conditions for enduring peace are built up in war torn nations. These missions are no more drawn out conventional which was entirely military in nature and are presently progressively "multidimensional" which includes execution of exhaustive peace

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[32] Boutros Boutros-Ghali (1992), *Peace: Preventive Diplomacy, Peacekeeping*, (New York: United Nations,).
[33] McCandless, E., and N. Tschirgi (2010), strategic plan for Accountability', *Journal of Peacebuilding and Development*, vol. 5, no. 2,.
[34] Ibid.

assentions and early establishments of practical peace. Then again peace-building continues over a more drawn out timeframe contrasted with the peacekeeping exercises[35].

Different ideas identified with peace building incorporate refereeing, strife determination, and struggle counteractive action among others. Fisher et al.[36] clarifies that peace making includes advancing positive practices among clashing gatherings on request to confine and dodge acceleration of future brutality. Then again peace building incorporates the same however goes past the procedures that address behavioral viewpoints. Struggle determination includes and tries to address reasons for strife and take a stab at the foundation of new and enduring connections among the threatening gatherings. Peace expanding then again includes a more extensive scope of exercises including yet not restricted to the connections. Struggle Prevention goes for keeping the episode of viciousness expulsion of basic treacheries that may prompt clash; this approach is significantly more basic in peace building[37.]

The study plans to draw out AU's way to deal with peace-building endeavors in Kenya which mirrors its individuals' inclination for consensual decision-making, both inside the PSC and between hawkish groups—directed out of people in general spotlight. For a significant part of the post–Cold War period, struggle relief activities rotated around a hunt down workable tip top deals as power-sharing understandings.

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[35]Ibid

[36] Fisher, S (2000), *Working with violence: policies for action*, London and Birmingham,)
[37] Ibid

1.5.5 The Context of Peace-building

Evans[38] explains that the idea of peace building is the notion of meeting the needs of people ravaged by war, to ensure the establishment of order and security, provision of a sensible way of life and the acknowledgment of character and worth. The contention determination hypotheses of John Burton expand this concentrate on the fulfillment of human needs. The peace building process calls for practices and states of mind that are new, adaptable, cooperative and consultative and those which work from a relevant comprehension of the underlying drivers of contention. From the point of view of this approach it is straightforward the purposes for the contention and in this way makes the approach transformative principally in light of the fact that it is established on end viciousness which is undesired and foundation of something sought through the change of connections and development of the conditions for peace.[39]

Peace building programs have different activities that are considered important for successful peace building. Peace building programs have grown over the years and become more invasive. Whereas the 'Agenda for Peace' as explained early stressed state sovereignty, the 2004 UN account titled 'A More Secure World'[40] centered of the power of the state as well as on the privileges of the people influenced. This was obviously found in the Kenyan mediation when Benjamin Mkapa entreated the Panel to think about Kenya's kin and set divided requests aside. According to him, each individual is vital, regardless of for whom they voted, and that the legislature was chosen to serve the general population focusing on that the sacredness of life was

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[38] Evans G. (1993) *Peace: The Global Agenda for the 1990s and Beyond*. (Sydney: Allen &Unwin,), p. 39.

[39] Lederach P., (2000) Journey from Resolution to Transformative Peacebuilding in Cynthia Sampson and John Paul Lederach (eds), From the Ground Up: Mennonite Contributions to International Peace building (Oxford/New York: Oxford University Press,),pp. 45-55.

[40] Ibid

being damaged[41]. Peace fabricating along these lines grows to incorporate the insurance of human rights, reconstruction of human identity and establishment of community relationships turning away from the focus on the cessation of hostilities and rebuilding of infrastructure.

Reflection on the view of Galtung[42] the expansion of peace building activities in this direction mirrored a willingness to conceptualize peace not only as negative peace that entails the lack of direct physical aggression as explained earlier in the literature, but also as positive peace which necessitates the absenteeism of structural violence. The protagonists of positive peace reiterate that centering only on negative peace tends to be insufficient, as it disregards the numerous in which individuals may suffer in the middle of conflict. In this regard a focus only on negative peace means that great effort and resources are used in order to reach a cease fire between conflicting groups disregarding the fact that other forms of insecurity, inequalities, and vulnerabilities may be left unaddressed. For example, unequal status of women and children or even domestic sexual violence and rape is not addressed by negative peace. United Nations[43] Brahimi Report on Peacekeeping Reform explained that peace building comprised of activities that provide tools that are more fundamentally build on foundations of something that is more than just the absence of war. Ali and Matthews claim that peace building involves moving from a condition of negative peace to one of positive peace. This indicates that the areas of concern to peace builders have generally expanded to include issues and activities that were formerly considered to be outside its scope.

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[41]Ibid

[42] Galtung J. (1969), Conflict, and Peace study, *Journal of Peace Research*, pp. 167-191.

[43] Ibid

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In a general sense, the AU's peace building assignments can just decrease the most exceedingly awful side effects of progressing outfitted clash. The study plans to build up whether the AU was really ready to determine the basic reasons for the savagery that has done as such much to curse Kenya's advance.

1.5.6 Components and Objectives/Goal of Peace Building

Newman et al.,[44] explain that the components and objectives or goal of peace building are subject to debate and cannot be easily described. However, broad definition of these goals mainly involve; the prevention of re-occurrence of conflict and building up a tough and self-maintaining peace. Furthermore, tending to the hidden wellsprings of contention, thirdly, building or revamping tranquil social foundations and qualities, including regard for human rights and fourthly, building or remaking organizations of administration and the control of law. Such a broad approach to peace building entails a wide range of activities.

1.5.6.1 Reconciling Opponents and Preventing Conflict Restart (Sustainable Peace)

According to Kwuelum[45] peace building currently involves conflict prevention which includes prevention of recurrence of violence, management of conflict opposed to the original context of post conflict recovery efforts which involved promotion of reconciliation and reconstruction. Fagen[46] observes that issues of reconciliation also involve restitution or compensation for losses and will determine whether peace is found or war reoccurs.

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[44] Newman, E., Paris, R., and Richmond, P.O. New dimensions on liberal peace making, (United Nations University Press, 2009)

[45] Kwuelum,C.O (2014): *Discourse as a* peace making *for social integration reconstruction*
: A retrospect of Nigeria

[46] Fagen, P.W. *Peace and IDP issues, report prepared for the Brookings- Bern Project on Internal Displacement*(2007)

Orebiyi et al.,[47] explain that maintainable peace is described by the nonattendance of physical and auxiliary viciousness, the disposal of segregation, prompting self-supportability. Reychler and Langer[48] clarify that the point of practical peace building design is created to for the most part reinforce the collaboration between the diverse peace building endeavors. The creating countries are confronted with rough clashes and lion's share of the world's poorest nations has encountered a savage clash amid the previous decade. This has been an indication that without sustainable development the nations revert back to conflict and the only way to achieve sustainable development is to ensure success in sustainable peace building and in order to achieve this reconciliation efforts must be established, followed through and achieved.

Such programs as disarmament, demobilization, and rehabilitation (DDR) should be designed and implemented to link those of sustainable peace effort. These programs should also include reform in the security sector, and development of socio-economic frameworks that target national government. In addition they should not be put in place without considering the peace building processes. The success of these programs will ensure that the nation does not relapse into conflict.

United Nations Report[49]explains that peace building includes a scope of measures focused to lessen the danger of slipping by or backsliding of contention in nations rising up out of contention. The establishments of reasonable peace and advancement are accomplished by fortifying national limits at all levels and by tending to key reasons for strife. Such measures as

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[47]Orebiyi, T., Orebiyi, A.O. and Fogbonjaiye, S.S. (2013) Preventive peacebuilding and supportable improvement in Africa Journal of Business Administration and Management Sciences Research, 2:8, 178-186
[48]Ibid
[49] United Nations (2000): Human Security and Peacebuilding in Africa: the requirement for a comprehensive approach,United Nations

reforming the security sector, developing institution capacity, electoral reforms, and human rights monitoring facilitate and ensure the success of this process.

According to Heemskerk[50] durable peace needs a "culture of prevention" and a "culture of peace". This is achieved from both top down and bottom up. This also demands that the state focuses of its citizens, provides and also protects its population. Therefore for sustainable peace to exist all actors must work together. Such third actors as the AU, EU, UN and others, regional organizations, governments and civil society must be involved. Therefore, ensuring that the needed changes and therefore achievement of sustainable peace.

1.5.6.2 Addressing underlying structures (structural violence)

According to Schirch[51] structural violence alludes to the incapacities, variations, and even passings that are experienced by a gathering of individuals coming about because of frameworks, establishments, or strategies that address the issues of one group of people to the expense of others. This could be experienced ethically, religiously, in terms of class age language and even gender. These experiences can lead to violence as when state are unable to or unwilling to give basic necessities to the citizens might lead to war. The exclusion of people in such states encourage economic and social disparity and lack of full involvement in public life and decision-making leading to suffering of individual groups which turns to violence as this groups fight for their denied rights.

Adebajo[52]observes that structural violence should be a problem that is given priority in to be peace building. Therefore, peace building should involves development of programs that

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[50]Heemskerk R.,(2007) The UN Peacebuilding Commission and Civil Society Engagement. (Demilitarization Forum,No. 2,)

[51]Schirch, L.,(2008) Key Peacebuilding: State of the Field, Peace Prints, South Asian Journal of Peacebuilding,1:1

[52]Adebajo,A.: Peacebuilding, Power, and Politics in Africa.Ohio University Press • Athens

encourage inclusivity to the marginalized groups thus giving access to resources and institutions, that empower these groups and ending discrimination against the disadvantaged groups, encouraging redistribution of income and dealing with land ownership issues.

According to Johan Galtung[53] Structural war comprise of marginalization and poverty and not only physical violence. Galtung asserts that lack of addressing underlying structural violence after conflict makes it difficult to achieve peace. Peace building is an action where the state and international community works towards developing 'structures of peace'[54]. If people needs are met it's difficult for them to turn to violence or become hostile towards the state. Thus reduction poverty and inequality are important and this however can only be achieved by development and establishment of better structures[55]

1.5.6.3 Addressing underlying social issues (root cause of conflict)

Diamond's[56]view is that conflict resolution lays emphasis on the intervention of gifted yet frail outsiders who work informally with the clashed unions to encourage new cooperations, new opinions and new connections that will empower recuperation of a country, steadiness and peace. Strife determination is accomplished through meeting and this can best be tended to by the recognizable proof of fundamental underlying drivers of the contention in this way empowering the improvement of effective procedures of contention determination[57] .

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[53]Galtung, J. 'Brutality, peace and peace explore,' Journal of Peace Research, 6:3 (1969)167–191..
[54]Connolly,L. Equity and peace working in post-struggle circumstances: A contention for incorporating sex investigation in another post-strife model(Occasional Paper Series, Issue 1, 2012)
[55]Agwanda,T. and Harris,G (2010) People-to-individuals peacemaking and peace constructing: An audit of the work of the New Sudan Council of Churches.(Institute for Security Studies)
[56]Diamond, L (1994) The worldwide goal: constructing a popularity based world request. Current History. Vol. 93, no. 1, pp. 1-7.
[57]Omoyefa,S (2014) Post-politically-sanctioned racial segregation South Africa: A Need for Genuine Conflict Transformation ,Journal of Conflict ology, 5: 1 89-90

Stewart[58] set up that the significant underlying drivers incorporate political, financial, social disparities, extraordinary destitution, monetary stagnation, poor taxpayer driven organizations, high unemployment, ecological corruption, and absence of monetary motivations. The comprehend and tending to of such underlying drivers of rough and struggle advance peaceful systems, minimizing brutality, and encouraging structures that meet essential human needs and in this way boosting open cooperation which thusly prompts soundness and peace.

The UNIFEM characterizes peace working as a transformative procedure that endeavors to build up a sturdy peace by tending to the underlying drivers of contention. What's more this incorporates the compromise of human connections, foundation building and the advancing of comprehensive and impartial social, political and financial frameworks[59]. Baksh and Munro[60] view is that peace building is seen as tending to both physical and auxiliary brutality and endeavoring to kill all types of separation

Kieh[61] watches that DR Congo has yet to conquer security issue in spite of endeavors to restore state organizations, national solidarity, and compose races what's more the instance of Mozambique talked about in section to portrays the outcomes of not managing main drivers of contention as even after the foundation of the establishments the natives still have uncertain issues that influence the advancement of popular government in the nation. The principal reason for this is the powerlessness to address the main drivers of the contention in the nation. The inability to address these issues is expected to some extent to the overarching process of building peace that depends on past ideologies, which concentrates on the top administration and full

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[58] Stewart,F (2002) Education and verbal confrontation: Root sources of vicious clash in creating nations, Development Studies, (Queen Elizabeth House, Oxford OX1 3LA)
[59]Ibid
[60]Baksh,R. furthermore, Munro,T, (2009) Learning to Live Together: utilizing separation instruction for group peacebuilding (Commonwealth of Learning, Vancouver,)
[61] *Ibid*

scale level while overlooking most of the populace and small scale level clash change and connections.

As indicated by Kuwali[62] killing interruptions to development empowers accomplishment of peace and support of peace and security however this must be completely acknowledged by address the underlying drivers of contention and along these lines manufacture serene social orders. As Neufeldt[63] put it, peace building is utilized to allude to exercises that are gone for enhancing connections and tending to underlying drivers of contention with a specific end goal to keep, lessen or recuperate from brutal clash.

1.5.6.4 The AU and Peacebuilding

Herbst and Mills[64] explain that the marking and endorsement by 50 presidents and AU Constitutive Act of the which occurred in capital city of Zambia, changed the OAU into the mainland AU. The constitutive demonstration of the AU licenses for obstruction in the inside issues of part nations in instances of illegal governments changes, genocide, and clashes that debilitate local strength. What's more, the Act additionally gives an Economic and Cultural Commission, the support of African common society performing artists, and sets up a Pan-African Parliament. The AU received the PSC in Durban, South Africa which now serves as the mainland's aggregate security and early-cautioning instrument. The United Nations[65] clarifies that its targets incorporate suspecting and averting strife, and peace building and peacemaking capacities for the determination of contentions and its capacities incorporate early cautioning, preventive tact, and peacemaking using great workplaces, intervention, mollification and

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[62]Ibid

[63]Neufeldt,R.C., Exploring issues in Peace examination, (Berghof Research Center for Constructive Conflict Management - First launch August 2007)

[64]Herbst, J and Mills, G (2003) The fate of Africa: another request in sight? Oxford/New York.Adelphi Paper 361

[65]United Nations (1992), *Handbook on the Peaceful Settlement of Disputes between States*, New York: United Nations, , pp.33-45

enquiry. For example, the Kenyan mediation included diverse identities from both the AU and the UN, furthermore different identities from Africa, the procedure guaranteed rapid stop of the savagery and compromise of adversaries.

Kimokoti et al.[66] clarifies that the AU works on PCRD created in 2006 which is an apparatus produced for the combination of peace and counteractive action of backslide of brutality, tending to the main drivers of contention, the optimizing of arranging and execution of remaking exercises, and the improvement of coordination between different on-screen characters occupied with PCRD forms. The Management of the mainland's vicious clashes effectively, was the fundamental purpose behind setting up the AU. The PSC, which is made pretty much along the UN Security Council model is in charge of undertaking peace-production and peace building capacities for the determination of contentions[67].

1.6 Theoretical Framework

In order to succeed in peace building the third party actors must consider the components of peace building which incorporate negative peace, positive peace, feasible peace, basic savagery and main driver of contention. These segments shape the center calculated hypothesis of peace created by Galtung and accordingly frame the hypothetical system of this study. The theory sets that the fundamental point is that peace is a connection, between at least two gatherings. The gatherings might be inside a man, a state or country, an area or progress, pulling in various bearings. Peace is not a property of one gathering alone, but rather a property of the connection between gatherings. Saying that in no sense puts down the essentialness of the gathering's

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[66] Kimokoti Susan N., Matanga Frank, and Ododa Harry (2014) A Review of the Integrated Post-Conflict Management Strategies in Kenya' *International Journal of Managerial Studies and Research* (IJMSR) Volume 2, Issue 4, May, PP 68-75
[67] Ibid

expectation and ability to assemble quiet relations. In any case, similar to a marriage, it is not the entirety of the abilities of the gatherings.

The bases of the role of the third party actors in post conflict peace building, in this case the AU is thus based of these components. In order to have a successful peace building process the third party actors has to accomplish these components. This research study will look into role played by the third party in peace building in accordance with these peace building components. The study will concentrate of three components which include reconciling opponents (Sustainable peace), addressing the underlying structures (Structural violence) and addressing the underlying social issues (root cause of conflict). Which form the base of the study objectives which are: to find out the role of AU as a third party Intervener and to establish if the AU has been doing a follow-up on the peace Agreements made in the NARA(Agenda 4 items).

Sustainable peace entails the reconciliation of opponents and thus prevention of reoccurrence of conflict and violence. In order for the third party actors in this case the AU to be successful in peace building they must consider this variables. The reconciliation of opponents after conflicts enables understanding of the opponents' needs and grievances therefore giving room for negotiations and eventually reconciliation. This is reorganized by the development of agenda 1 to 3 in the peace agreement. Prevention of re-occurrence of conflict can be achieved by ensuring justice and equity is achieved among the reconciling parties this enables development of structures that ensure sustainable peace.

Agenda 4 of the peace agreement forms addresses the structural violence and the root cause of conflict. In regards to the above, structural violence is another role that should be taken up by the third party actors to ensure successful post conflict peace building. This mainly involves

addressing the underlying structures that will ensure sustainable peace. This role involves the establishment of government structures, justice institutions, and security apparatus among others. Thus, this ensures the the rule of law is empowered thus enabling justice and peace in the country.

The root cause of conflict must also be addressed by the third party actors in order to ensure success in peace building. This entails addressing underling social issues that may have been or contribute to violence. These issues may stem from resource deprivation, political orientations, ethnic grouping, poverty, injustices and so on. Lack of addressing such issues highly affect the peace building efforts and may lead to reoccurrence of conflict and violence.

1.7 Hypotheses

The study proposes the following hypotheses:

H_{0i}: Sustainable peace underpins the African Union's involvement in domestic politics.

H_{0ii}: The AU has been effective in peace building in Kenya.

H_{0iii}: The**re are governance** factors behind the success of the African Union in peace building in Kenya**.**

1.8 Methodology of the Research

According to Barney[68] research design alludes to the course of action of conditions for accumulation and investigation of information in a way that means to consolidate pertinence to the research process. Cooper and Schindler[69] explain that research design is the blueprint for fulfilling objectives and answering the research questions. Kothari[70] notes that descriptive

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[68]Ibid

[69]Cooper, D. and Schindler, D., (2008) *Business Research Methods* (USA,McGraw Hill. Ltd,).

[70] Kothari, C. R. (2007) *Research Methodology – Methods and Techniques* (New Delhi India: New Age International Publishers,).

research determines and reports things as they are and attempts to illustrate things for instance possible behavior, values, attitudes and characteristics. According to Barney[71] the descriptive design is a set of methods and procedures which describe variables. Descriptive variables answer the questions who, what and how. This study will use descriptive design in order determine the role played by AU in peace building.

There are two kinds of data that is primary and secondary data. Primary data is that which is used directly and scientifically for the research for example collection of specimen, observation.[72]Contrary secondary data is data that are compilations and interpretations of the primary data mainly acquired from libraries, reports or publications[73].The study used both qualitative and quantitative data analysis thus both secondary and primary data will be used in the analysis. Descriptive materials that will be used in the study will include extracts from in-depth interviews, conversations, and documents. Secondary analysis will be sourced from archives including government reports and autobiographies.

An administered questionnaire was used as the primary data collection tool. The questionnaire will be administered to different institutions that were involved in the peace building process. These methods of data collection and analysis have mainly been selected in order to effectively answer the research objectives. As the first objective involves the mediation/intervention process data from the process can effectively be sourced from secondary material due to the qualitative nature of the process. On the other hand the second objective (the effectiveness of the African

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[71] Barney, J. (1997) Gaining and Sustaining Competitive Advantage (USA, Addison, Wesley,).
[72]Anderson, S. W. (1995) A framework for Assessing Cost Management System Changes: The Case of Activity Based Costing Implementation at General Motors, 1986-1993'. *Journal of Management Accounting Research* , 1-51.
[73]Ibid

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Union in peace building in Kenya) is more quantitative thus calling for a primary approach to the collection and analysis of data.

Mugenda and Mugenda[74] explain that population is the whole group of persons, events or objects with a familiar observable attributes. The total population of this study will be 30 of employees in different institutions). The sample selection for this study will be according to the departments in the African Union offices in Kenya as well as the ministry of foreign affairs.

1.9 Scope and Limitations of the research

This study was carried out in African Union offices in Kenya as well as the ministry of foreign affairs that were involved in the Kenyan peace agreement. It will involve employees of different departments in the institutions. Some of the limitations that may be experienced include:

One of the major limitations of this study will be access to the third parties. This will be mitigated by the use of reports written by the third parties who may be accessible through their websites and archives.

During data collection there is a probability that some respondents may not give factual data and this can be a limitation since it might affect the variables of this study. The researcher will depend on help from opinion leaders in the organization to sensitize the respondents on the significance of giving factual data to the researcher.

1.10 Chapter Outline

This chapter introduces the topic of the research study which is the role of African Union in peace building, a case study of Kenya. The chapter then looks at the statement of the problem, objectives of the research, justification, literature review, the concept of peace building and

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[74]Ibid

dynamic factors involved in peace building, the theoretical framework, hypotheses, the methodology of the study and finally the scope and the limitations of the research.

CHAPTER TWO

THE AFRICAN UNION AND DOMESTIC POLITICS

2.1 Introduction

The AU's all-encompassing goal is the rise of "an incorporated, prosperous and serene Africa, driven by its own residents and speaking to a dynamic compel in the worldwide field[75]." The union's more particular vision for peace promotion mirrors a mindfulness that the precondition for accomplishing this set out in different lawful overall objective is security and steadiness Africa. The AU's vision records and deciphered and actualized by an arrangement of interrelated foundations that constitute there is nothing if not yearning, especially when contrasted with, peace and security in Africa, the OAU. It sets up an extensive rundown of errands identified with the counteractive action, administration, and determination of contention crosswise over Africa.

The vital components of the goal are supported OAU's organ, and 54 African presidents. Be that as it may, the get together just meets twice every year, making it unsuited to regulate everyday peace promotion. Subsequently the PSC, a fifteen-part chose gathering, oversees vital and all operational choices. The Constitutive Act of the AU, which went into compel in 2001 May, plots the association's vision of peace promotion. It confers AU individuals to quicken political and financial reconciliation of the mainland, on the improvement of a typical African security;, regional honesty, and autonomy of its part states; to advance peace, security, and to empower fair standards of good administration, human rights, and feasible advancement.

The AU goal has numerous components of coherence with the former OAU. The AU holds its forerunner's accentuation on the sovereign equity of individuals; keeps confidence with the legitimate regulation of uti possidetis, which in this setting stipulates that pilgrim regulatory

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[75] AU (2012) Commission, Strategic Plan 2009

limits would get to be worldwide limits when the political unit being referred to accomplished autonomy; keeps up the mainland's solid hostile to settler customs and subsequently underpins African answers for clashes wherever conceivable; maintains its inclination for nonuse of constrain and serene settlement of debate; and keeps up the general duty to noninterference in the issues of its part states[76]. However the AU refers to two progressively critical special cases to its general inclination for neutrality. To begin with, the union has over and over affirmed that it won't endure "illegal government changes." Second, it guarantees another privilege of helpful mediation under Constitutive Act Article 4(h).

2.2 Unconstitutional Government changes

Since the late 1990s the wrongness of unlawful government changes has risen as a focal principle of the AU's way to deal with peace promotion, a noteworthy break with convention. For the initial thirty years of the OAU's presence, the association was unconcerned with how African administrations accepted power. Albeit especially fierce dictators every so often produced feedback inside the OAU, it was not until the late 1990s that the OAU ostensibly censured upsets in Sierra Leone and Burundi proclaiming the juntas ill-conceived and supporting reclamation of established government. These occasions made another African standard delegitimizing military overthrows as a method for expecting power. Since 2003, the AU has reliably denounced each fruitful overthrow in Africa. It is likewise now typical for the AU to put forth open expressions for vote based administration, and the union has unequivocally connected "dictator" administration structures and emergency episode. Obviously, this approach has its own difficulties.

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[76] Ibid

In 2002, the AU Assembly received a wide meaning of "unlawful government changes" to incorporate the oust of an equitably chose government by its military, hired fighters, or equipped revolts and additionally the refusal of an occupant government to give up power subsequent to losing a free and reasonable decision. Hazardously, however decisions turned out to be progressively normal in numerous African states post–Cold War, restriction triumphs were still unequivocally uncommon. In late 2009, after a drawn out level headed discussion in the PSC over a more extensive meaning of unlawful changes, the PSC at last received a wide understanding of "illegal changes" that incorporated the utilization of illicit intends to look after power.

The other significant takeoff from the OAU way to deal with peace promotion is conceding the AU meeting the privilege to intercede in a part state "in regard of grave conditions, in particular: atrocities, genocide and violations against humankind." The correct wording in Article 4(h) came about because of a fairly odd juncture of components. In the late 1990s, Libya started campaigning for a more grounded AU with forces to on the whole activate against outer animosity, creating an arrangement of open deliberations about the state of the new union; at around similar time, the ethical catalyst to stop mass barbarities was developing in remarkable quality, especially after the discharge in May 2000 of the OAU's provide details regarding the worldwide inability to keep Rwanda's 1994 genocide. Once the Libyans had put the issue of mediation on the move plan, other African states—quite Egypt, South Africa, and Nigeria—viably seized the motivation, molding the wording of Article 4(h) to make a restricted right of African intercession in circumstances where monstrosities were being dedicated[77].

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[77] Ibid

And also flagging a noteworthy social move at the AU, Article 4(h) raised some prickly political and legitimate issues. Initially, "mediate" in Article 4(h) infers that the AU meeting could approve military constrain for helpful assurance intention devoid of the host government's agree or before an UNSC determination—in conceivable disagreement to Article 53 of the UN Charter. Though there exists open deliberation on the issue, the heaviness of worldwide lawful supposition sees compassionate mediation approved outside the UNSC as illicit. Likely in acknowledgment of this issue, by 2005 the Roadmap for the Operationalization of the African Standby Force expressly expressed: "The AU will look for UN Security Council approval of its authorizations activities. Thus, the [regional monetary communities] will look for AU approval of their intercessions[78]." A second issue is the sketchy responsibility of numerous AU part states to the possibility of humanitarian intervention. At least three factors explain the AU's reluctance: first, the strength of the host state; second, the residual power of the principles of noninterference and anti-imperialism within the African society of states; and third, and the AU's lack of practical military capacity for humanitarian intervention. Therefore, even if the assembly wanted to invoke Article 4(h) it would struggle to quickly marshal the necessary military capabilities, except against the smallest and weakest AU member states. The AU's unwillingness to support UNSC intrusion to defend Libya citizens in 2011 merely reinforces this point.

2.3 The AU as a political arena

Territorial establishments, for example, the AU are not just on-screen characters; they are additionally political fields in which different performing artists cooperate and where thoughts, qualities, and strategies go after predominance. As the support of the APSA, the PSC functions as two interrelated political arenas. In one sense, the PSC is a forum for debating how

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[78] Ibid

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transnational and potentially globalizing norms interact with conditions in Africa. Through discussion in the PSC, AU members reconcile and adapt these foreign norms to local situations and identities.[79] The PSC thus mediates between the AU's approach to conflict administration and the prospect of "outsiders". The PSC's roles in promoting democracy in Africa and mass atrocity response have provoked the greatest controversy.

In another sense, the AU is a political arena where its member states interact alongside a transnational bureaucracy, in this case the bureaucrats within the AU Commission and in particular the DPS. All the players in this arena are "insiders" but tensions surround member states' willingness to cede autonomous power to the commission. Particularly in its first few years it was commonly argued that the commission's bureaucrats "gained boundless and overpowering force" and assumed the main part in "setting the PSC timetable, proposing its plan, setting up its draft reports, and drafting dispatches, which are typically given just minutes before the meeting for thought and reception."[80]

The advancement of law based standards and establishments, prevalent interest and great administration is one of the goals of the AU. In 2007, AU part states received the Elections and Governance and African Charter on Democracy. As of late, the AU has over and over denounced overthrows d'état and encouraged its part states to regard protected administer as a method for advancing security, steadiness and peace in Africa. Initially roused by the (constrained) desire to avoid upsets in Africa, the AU has continuously built up a more extensive regulating environment for African constitutions and, specifically, the methodical sacred exchange of force.

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[79] Adesina O (2012) Monitoring and observing Nigeria's 2011 elections, *Journal of African Elections*, 11, 1, , p. 154.
[80] Ibid, p28

This study indicates to reveal insight into the regularizing structure and also on the act of the AU, specifically its PSC, in managing unlawful government changes, with an emphasis on the PSC arrangement of requiring an arrival to protected request as a solution for illegal government changes. In opposition to the foundation of this communicated AU faith in the estimation of established run, this article gives careful consideration to the ascent of force sharing concurrences in Africa. Such arranged settlements are much of the time depended on, with AU support, as between time and additionally afterwards reactions to circumstances of unlawful seizure of force, inside equipped clash and post-discretionary brutality. Control sharing plans are, nonetheless, often inconsistent with winning protected standards about how political power is agreed to, exchanged or potentially kept up. They regularly require fleeting protected modifications while likewise advancing all the more long haul established change forms

2.3.1 The African Union's Architecture for Democratic Development

Keeping in mind the end goal to advance the improvement of law based values in Africa; the AU built up certain institutional structures and standards. Such standards incorporate the revelation on the structure for the AU's reaction to unlawful government changes, the announcement representing popularity based races in Africa, and the affirmation on watching and checking races. As for unlawful government changes, the Assembly of Heads of State and Government conceded to the accompanying meaning of circumstances that could be thought to be illegal government changes, indicated in the Lomé Declaration.[81] Armed forces rebellion against an equitably chose government; involvement by soldiers of fortune to supplant a justly chose government; substitution of fairly chose governments by outfitted nonconformist gatherings and revolt developments; and denial by an government officeholder to surrender..

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[81] AU (2007), African Charter on Democracy, Election and Governance (ACDEG). Addis Ababa: AU, , Article 25.

through the (ACDEG) the definition was extended to incorporate a fifth thing, in particular 'control of constitutions and legitimate instruments for prolongation of residency of office by (an) occupant administration[82]'. The consideration of residency prolongation, also called the third term plan, as a constituent of unlawful government changes was justifiable. Residency lengthening had, at that specific time, get to be alluring to African pioneers[83]. Somewhere around 1990 and 2005, 18 Africa presidents had achieved the finishing of two terms and were naturally banished from looking for a third. Out of these, nine opposed the allurement of a 3rd period, while the others endeavored it[84].

Standing up to the difficulties of unlawful government changes was not debatable, given its substantial tolls on maintainable vote based system and improvement on the mainland. Unlawful government changes are symptomatic of popularity based unsteadiness which, thus, impedes remote direct venture, monetary development and opportunity. Also, unlawful changes in government 'build up tyrannies, subvert majority rule administration, block the practice of the privileges of individuals to constitute or change their legislature, and prompt gross infringement of human rights'[85]. The AU perceives this reality when it pronounces in the prelude of the Lomé Declaration that 'the wonder of overthrow has brought about blatant infringement of the essential standards of our AU and the UN requiring a stern loyalty to 'standards of good administration, straightforwardness and human rights', and the 'reinforcing of majority rule foundations.

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[82] Omotola J.,S (2011), Third term politics and the de-institutionalization of power in Africa, *Africa Review*, 3, 2, , pp. 123–140.

[83] Ibid, p42
[84] Ibid
[85]Ibid p43

Sub-provincial and national instruments have been conceived to manage any of these issues or a blend of them[86]. At the provincial level, for instance, the AU Constitutive Act gives among its foundational standards measures to advance vote based qualities, including judgment of unlawful government changes. Article 4 of the Act expresses that the Union might work as per: Respect for majority rule standards, human rights, the lead of law and great administration; Respect for the holiness of human life, judgment and dismissal of exemption and political death, demonstrations of psychological oppression and subversive exercises; and Condemnation and dismissal of unlawful government changes [87]. The inconvenience of authorizations as suspension of any legislature that expects control through additional sacred means might be viewed as a showing of the AU's dedication to this arrangement.

The AU also builds up a companion weight instrument via the EPCG to be assembled at the occasion of the AU chair. Firmly adjusted to the prior dealings is the development of the guideline of non-apathy, rather than the age-long rule of non-obstruction in the residential issues of part states. The lawful establishments of non-lack of interest notwithstanding its accentuation on sovereign balance of part states, regard for fringes existing on achievement of autonomy and non-impedance, conceives in its Article 4(h) an association that can mediate in the household issues of part states 'in regard of grave conditions, in particular: atrocities, genocide and violations against mankind and additionally a genuine danger to an authentic request to reestablish peace and steadiness' (accentuation included). What's more, Article 4(j) of similar Act ensures the privileges of part states to demand mediation to reestablish peace and security. It is unnecessary to include that in every one of its repercussions, illegal government changes, as

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[86] Ndinga-Muvumba A & T Murithi (2008) (eds), African Union and its Institutions. Johannesburg: Centre for Conflict Resolution,.

[87] Article 30 of the Constitutive Act of the AU.

characterized by the Lomé Declaration, constitute a genuine risk to a true blue request. The PSC instrumentality was set up in 2002 for the usage of the principle of non-aloofness[88].

The PSC might take activities and activities it considers suitable with respect to circumstances of possible clashes, and in addition to those that have effectively formed into out and out clashes. [89] The PSC might likewise take dealings that are needed so as to keep a contention for which a decision has as of now been come to from raising. PSC might utilize its prudence to influence passage, whether through the aggregate mediation of the board the chair or the Panel of the Wise as a team with territorial instruments. Besides, Article 7(g) engages the PSC to 'foundation sanctions at whatever point an unlawful change of government happens in part states, as accommodated by the Lomé affirmation'.

This arrangement was injected with new life by the ACDEG, when it gave the accompanying corrective procedures in instances of illegal change: Non-cooperation of the culprits of the unlawful decisions changes held for the arrival to the protected request and the prohibition on them from possessing senior positions in the political organizations of the express. The ACDEG accommodates the endorsing of any state party that incites and backings an illegal change of government in another country; denial by the state gatherings to get or concede haven to the culprits of unlawful government changes; consenting to of respective arrangements; and the appropriation of lawful tools on removal and common lawful help.

Keeping in mind the end goal to add teeth to these instruments, the PSC at last settled the advisory group on authorizations in congruity with the arrangements of Article 8(5) of the PSC convention on 13 March 2009. Aside from these territorial structures, there are additionally sub-

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[88] Ibid
[89] Ibid, p45

local systems against unlawful government changes in Africa. In the ECOWAS, every increase to control should be via free, reasonable and straightforward races; nil resistance for power got or kept up by unlawful means; accepted cooperation in basic leadership, stern adherence to law based standards and decentralization of force at all levels of administration; The military must be objective and below the order of lawfully made political power; no working individual from the military may try to keep running for politics.

Article 9 of similar convention gives that 'the gathering or potentially applicant who loses the decisions might surrender thrashing to the political party or competitor at long last proclaimed the champ, taking after the rules and inside the due date stipulated by law. At long last, national systems against unlawful government changes additionally possess large amounts of numerous Africa nations. This is generally done through protected arrangements that preclude whimsical methods for catching force, particularly military overthrows. In Nigeria, for instance, segment 14 (1–2) of the constitution indicates, as a component of the basic goals and mandate standards of state approach, that 'Nigeria should be a state in view of the standards of vote based system and social equity'. Subsequently, 'sway has a place with the general population of Nigeria from whom government through this constitution infers every one of its forces and power'. Lamentably, the implementation of this protected arrangement, profitable as it might show up, can't be completely predicated on legitimateness, yet requires a more prominent arrangement of political will with respect to the chiefs of the framework.

At a more particular level, in any case, areas 217 (1–3) and 218 (1–4) detail the arrangements in regards to the foundation, reason and control of the Nigeria military. Two applicable matters emerge from these arrangements. To begin with, the military are not permitted any thoughtful related obligations, just simply military obligations, most outstandingly safeguarding the power

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and regional honesty of the nation on any type of hostility. Second, all military foundations and officers are unavoidably subjected to common powers. In particular, the president with energy to designate all administration boss and the ability to delegate, advance and train all individuals from the military of the league. Clearly certain administrative standards and standards are progressively being classified into the vote based system and administration design of Africa; the essential point of which is to discourage any type of unlawful government changes over the mainland. These standards and standards exist at national, provincial and local levels, and are, without a doubt, interrelated; for example, local and sub-local systems just accept the drive of law inside a national ward when sanctioned by the influenced nation. What stays to be seen, be that as it may, is the level of systematization of these administrative standards and standards; at the end of the day, the difficulties of avoiding unlawful government changes in Africa just start with the order of these standards and standards. Be that as it may, the more noteworthy difficulties lie in the level of regard for, and stern observance to such standards.

The law in principle is, all things considered, not basically the same by and by. ACDEG was received by the AU amid the eighth Ordinary Session of the presidents and Government met in Addis Ababa. The sanction has six substantive areas, each dedicated to particular components of decisions, vote based system and additionally administration; for instance, the principal addresses the matters to do with rights of human and the administrator of law in a fair society. The second fortifies the longstanding conviction that vote-based system is not achievable, not to mention economical, without peace, accentuating the indistinguishable relationship amid themselves. The sanction additionally expresses the centrality of practical and powerful institutional establishments of majority rule government, for example, the presence of free, proficient and fair-minded race administration bodies for the union of vote based system.

Though as an impression of the weight connected to the issue of illegal government changes by African pioneers, area five of the contract additionally addresses the components for fighting the test of unlawful government changes on the mainland. At last, the sanction underscores the critical point that popular government can't be confined just to the political circles. Or maybe, it must suit the social and financial bases of administration, where satisfactory consideration is likewise dedicated to the welfare needs of the general population, not just to the development of the political space for gathering and constituent governmental issues. Race observing has come to be all around acknowledged as an essential segment of race administration and fair advancement.

Baradei characterizes 'election monitoring' as the way toward 'taking after and watching the decision procedure, guaranteeing that it is without any infringement, is as per overseeing laws and controls, then taking supply of any infringement and reporting them, while keeping up objectivity as a spectator or screen'[90]. It is 'a procedure through which race is examined and assessed for motivations behind deciding its unprejudiced nature as far as association and organization'[91]. In a more intricate definition the IDEA characterizes it as takes after: the intentional social occasion of data with respect to a decision procedure and the making of educated judgments on the direct of such a procedure on the premise of the data gathered by people who are not characteristically approved to intercede all the while, and whose contribution in intercession or specialized help exercises ought not be, for example, to endanger their primary perception obligations'[92].

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[90] Ibid
[91] Ibid, p49
[92] Ibid

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Comprehensively, election checking envelops, or ought to incorporate, the three principle phases of the constituent cycle, in particular some time recently, amid and after the decisions. The pre-decision stage may include 'assorted exercises, for example, following up on media scope of races, observing races spending, and checking voter records, in addition to preparing volunteers on the checking procedure'. 'On race day,' as Baradei[93] contends, 'the screens beware of all parts of the surveying procedure and report all points of interest related thereto, whether the accessibility of voting material, the protection issue, the security accessible and the weight applied, assuming any. They may moreover direct fast parallel tallies of voters utilizing inspecting procedures to approve the later reported government comes about'. Amid the post-decisions period, race checking 'may take part in other related exercises, for example, teaching nationals and campaigning for change of the races procedure.'

This incompletely clarifies why Baker[94] likens decision checking to an examination procedure which is currently 'a surely knew method whereby several assessors speaking to many self-named "examination sheets", both residential and outer, investigate the survey and purport their decisions'. The import of the prior is that the writing on the connections between race observing and vote based improvement is challenged.

Past this, consideration has additionally been attracted to the more major vote based essentialness of race observing, particularly when surveyed utilizing the yield, result and effect viewpoints for decision checking[95]. In such a circumstance substantial yield would incorporate the checking reports delivered and dispersed, the volunteers prepared, and the mindfulness sessions directed.

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[93]Ibid, p49
[94]Ibid, p49
[95]Omotola JS (2006) The limits of election monitoring: The 2003 Nigerian general election, Representation: A Journal of Representative Democracy, 42, 2, , pp. 57–67.

The long haul results would incorporate race framework changed, the political mindfulness level raised, the enhanced checking directions received and the observing code of morals held fast to. The long haul results would be the general transcendence of a more law based administration and culture, coming full circle in the change of the race framework and advancement of a majority rule culture in the public arena. A few researchers have contended despite what might be expected, underscoring alternate sides of decision observing.

Baker[96], ideologies, making experiences from the checking of the Zimbabwe decision in 2002, contends that 'the present arrangement of race observing needs satisfactory support, is helpless against being hoodwinked, is a vague science, and now and again seems to take after scripts pre-composed by their patrons'. Drawing on similar 2002 races in Zimbabwe, Dorman[97] likewise stresses the expanding politicization of universal race observing which, as indicated by him, do not have to do on viciousness or of discretionary misrepresentation but on Mugabe government's rough assaults on white ranchers and logical encounters with European benefactors'.

Kohnert[98]likewise fights that 'the developing polished methodology' regularly ascribed to decision checking 'did not really prompt less one-sided perception comes about'. It is, in this way, barely astounding to see Carothers[99] additionally watching that global race perception is given what he calls the 'unavoidable confinements of watching', including inadequate consideration regarding further political capacities and settings of races, slippery measures, and the prejudice of a few eyewitnesses.

[96] Ibid, p50
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[98] Ibid
[99] Carothers T, 'The rise of election monitoring: The observers observed', Journal of Democracy, 8, 3. 1997, pp. 21–26.

In spite of the progressing discuss over the vote based utility of race checking, there is by all accounts some measure of accord in the writing that if all around oversaw, race observing could be a suitable procedure for enhancing the respectability of races around the world. Therefore, the AU has given generous consideration and assets to cultivating law based improvement in Africa through decision observing. The AU has been doing this through the formation of institutional standards, most outstandingly the DEAU built up inside the AU and DPA, whose center duty is the perception of races, as well as the usage of the AU's program for the advancement of vote based system and fair races in Africa.

Drawing basically on the outdated OAU, for instance, the AU sets rules for its constituent perception and observing missions. The standards, which were embraced by presidents express the accompanying, entomb alia: 62 Democratic decisions are the premise of the power of any illustrative government . . . what's more, must be directed a) uninhibitedly and decently; b) under just constitutions and in consistence with steady lawful instruments; c) under an arrangement of partition of forces that guarantees specifically, the freedom of the legal; d) at standard interims, as accommodated in National Constitutions; e) by fair, comprehensive able responsible constituent establishments staffed by very much prepared faculty and outfitted with satisfactory logistics.

The standards likewise order all part states to hold fast entirely to these arrangements as per their protected procedures. All things considered, the archive illuminates the criteria for deciding the nature and extension, orders, rights and duties, and sets of accepted rules for AU eyewitnesses and screens; for instance, one vital standard is the way that the AU can just watch or screen races in any nation on the off chance that it gets a formal welcome from the nation sorting out the races through the fitting government foundation, for example, the constituent body. Nonetheless,

an official welcome is not an adequate reason for the organization of screens. It must be upheld by a cautious evaluation of the accessibility of assets to the AU, most outstandingly the accessibility of lead-time for arrangements, fundamental arranging data, proficient mastery and monetary assets, among others.

These are notwithstanding a preparatory assessment of the host nation's common social, financial, political and sacred plans. On the off chance that a choice is taken to send eyewitnesses or screens, the mission is qualified for flexibility of development inside the host nation; non-separation in the accreditation procedure; opportunity to speak with all contending parties, applicants, other political associations, common society associations, electorate, the media and decision heads; and ought to have access to other institutional framework that may help its task.

Likewise of vital significance is that the quantity of long haul spectator groups is normally an element of the quantity of appointive units the nation over; the foundation and geology of the nation; tricky or 'problem area' regions that are probably going to be challenged; human and money related assets; and the sending of other national and worldwide onlookers. Once conveyed, AU spectators and screens are ordered to agree to every single national law and directions; keep up strict unbiasedness and nonpartisanship; oppose all weights, including offers of blessings, favors or affectations from any competitor, gathering or association required in the race.

While it might be hard to find out the particular impact of the AU's observing of races in Africa, considering the shortage of quantifiable information, it can even now be contended that checking African decisions has been one of the significant courses through which the AU takes an interest in African legislative issues.

CHAPTER THREE : NEXUS BETWEEN AFRICAN UNION PEACE BUILDING AND THE SITUATION IN KENYA

3.0 Introduction

After the 2007 elections, Kenya plunged into unprecedented war that reportedly left 1,300 and over dead and displaced more than 500,000.[100] The intervention of various actors for example the African Union, Sub-Regional bodies, UN, individual nations, other international actors and civil society led to a negotiation on 28February 2009. The agreement, the National Dialogue and Reconciliation Accord (NDR) created a Grand Coalition Government (GCG) consisting of the two major parties – PNU and ODM, chaired Kibaki and Raila respectively.

Apart from a specific agreement on the establishment of a TFRC, and the creation of a Commission of Inquiry to probe the PEV that eventually specified the founding of a Special Tribunal to put on trial key criminals, the NDR process also produced an agreement on 'long term issues and solutions' – essentially a blueprint for transitional justice broadly.[101] This agreement is popularly known as Agenda Item Four of the NDR.[102]

As a result of the NDR, the government is currently implementing a number of reform measures. Application of a new constitution by popular referendum was done on 27August 2010. Institutional reforms touching on the judiciary, police, civil service, parliament and land are currently underway. Despite numerous problems, measures relating to establishing accountability for past human rights violations are also being addressed by both national and international institutions. While the ICC has indicted six individuals considered to bear the

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[100] Legislature of Kenya, Report of the Commission on Post Electoral Violence(2008) [CIPEV Report].
[101] Musila Godfrey (2009) Options for transitional equity in Kenya: Autonomy and the test of outer medicines' International Journal of Transitional Justice Vol.3, Issue 3 445-464.

[102] NDR Agenda Item Number 4.

greatest responsibility, the TJRC is investigating human rights violations from December 12th 1963 and February 28th 2008. Since the signing of the National Accord, AU-appointed Panel members of Eminent African Personalities (PEAP) that includes the Chief Mediator Kofi Annan, Graca Machel, Benjamin Mkapa and Joachim Chissano have remained engaged with the implementation process through the NDR Monitoring Project, conducted by South Consulting, a local firm.[103]

 In reflecting on the role of the AU, the contribution describes in some detail what has been, or could have been the role of the AU in the Kenyan crisis, focusing on the TJ mechanisms outlined below. The roles of other actors such as sub regional intergovernmental bodies, the international community and civil society are also extensively discussed. As a matter of introduction, it is possible to conclude, as the contribution does, that the evidence supports the view that despite its belated entry, the intervention by the AU in Kenya is perhaps one of its most successful since the organization transitioned from the OAU a few years ago. The intervention managed, in the short term, to bring the violence to an end by brokering a power sharing agreement and in the long term, to lay a foundation for a broad based TJ project that will have far reaching ramifications in relation to how the country evolves and is governed in future. It is not accurate to suggest that this success is due only to the AU. To the contrary, it is suggested that it would not have been possible without the crucial roles played by a range of other players.

3.1. Kenya: The Making of A Crisis

While the aggregate of factors that produced the 2007-2008 PEV has a longer history,[104] it could be argued that the 'first shot' of the violence was fired in 2005when Kenyans voted in a hotly

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[103] ibid

[104] Ibid

contested and divisive constitutional referendum. At the referendum, a draft constitution attributed to the President and a section of government was rejected. It is perhaps more accurate to attribute the trouble to an earlier event in 2003 when the NARC government coalition collapsed following President Kibaki's failure to honour pre-election MOU with a key coalition partner, led by Raila Odinga who was to later contest the 2007 ill-fated election against the incumbent President Kibaki.. Although the fallout may have been triggered by the alleged rigging of the Presidential election, the manner in which the ensuing violence manifested both in geographic spread and those involved suggest that the root causes lie elsewhere.

The result was exclusion of large sections of the population. The inequalities that resulted from exclusion had bred inter-ethnic tensions that were to play out violently during the crisis. Second, years of centralization of power, corruption, cronyism and other machinations to capture and hold onto power had resulted in weakened institutions of governance. The incompetence, ineffectiveness and illegitimacy of the existing electoral institutions and inappropriateness of systems were a major trigger of the PEV. This had manifested in previous election cycles.[105]

The inability of the electoral commission to establish a clear winner and the outright refusal by the Orange Democratic Party (ODM Party) to challenge the endorsement by the now disbanded the electoral body of President Kibaki as duly elected speaks for how institutions were regarded. Third, although inter-ethnic hatred has been reported to have played a dominant role in the PEV,[106] scarce resources, dispossession and social economic disparities, marginalization of certain communities and regions and the politics of exclusion provided fertile

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[105] Odhiambo A., (2006) Hegemonic issues and tools of existence: ethnicity and democracy in Kenya *African studies* (2003) as cited in *In the quest for a culture of peace in the IGADregion: the role of intellectuals and scholars* 30

[106] International crisis group, Africa report No. 137, 21 February 2008

soil for the conflict. In the Rift Valley province, which was widely regarded the 'epicentre of the violence, competing claims relating to land features centrally in explanations for the violence. The alleged rigged ballot served only as a trigger.[107] Lastly, the general context of weak rule of law in which impunity appeared to be the norm and the rule of law largely absent served as an ideal backdrop for the tragic violence that shook the social, political and economic foundations of the country.

3.2 The African Union and the Kenyan Crisis

3.2.1 Legal Basis for AU Intervention

For many decades since the wars of liberation in the 1950s and 1960s, the African continent has been afflicted with countless ills, ranging from military coups, civil wars, gross violations of human rights and various forms of suppression of popular will. These were often done behind the cloak of sovereignty. A continent still smarting from the deprivations suffered under colonial rule condoned these ills partly by adopting an absolutist stance on non-intervention in the internal affairs of sovereign nations. In part informed by excesses of dictatorships around the continent, the horrors of civil wars and changes on the global scene, there has been a radical shift in orientation in the regional bloc.[108]

By adopting AU Constitutive Act in the year 2000, the regional bloc has been repositioned – normatively at least – to one favourable of constructive engagement and intervention in conflict situations and post conflict situation. Despite numerous challenges, including meagre resources, the AU is more open today to intervening in such situations in various ways: preventive action and diplomacy; peacemaking, peace keeping and peace enforcement. There are at least two

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[107] Ibid

[108] Ibid

major instruments, and a host of other fringe instruments that anchor such action as well as a number of institutional arrangements to give effect to those commitments. The PSC Protocol is the other important instrument. The Protocol interalia identifies implementation and promotion of peace-building and post conflict reconstruction activities as one of its core objectives. It underscores the need for development of strong democratic culture, following rule of law and human rights, implementation of programs on post conflict revival and sustainable development policies as vital prerequisites for security, peace and stability. Under article 2(2), the PSC is to be held up by the AU Commission (secretariat), a Continental Early Warning System, an African Standby Force a Panel of the Wise, and a unique Fund.

These institutions, together with arrangements at the Regional Economic Community (RECs) level, jointly constitute what is commonly known to as the APSA. The commitments of AU's in relation to democracy and good governance have now been codified in detailed fashion in the Elections, ACDG. It is against this institutional background that this contribution undertakes a critical analysis of the function of the AU in the unfolding transitional justice process in Kenya beginning with the mediation process to the specific TJ mechanisms adopted currently unfolding in Kenya.

3.3 The Mediation Process

Although as noted the discourse on TJ in Kenya dates as far back as 1992, the mediation process provided a forum through which several TJ issues could be considered in a broad unified framework. Previous engagement with any set of TJ issues was either in isolation – for instance constitutional reforms considered separately from accountability for human rights violations issues – or had long been abandoned by political players for want of will to carry the process through. As noted for instance, the idea of a TJRC had been expediently jettisoned in 2003

before it was revived by the NDR process. For many actors therefore, while the crisis emerged from a specific set of circumstances, a disputed presidential poll, the mediation process provided an opportunity to place on the agenda a broader set of concerns beyond the narrow electoral conflict. It has already been noted that the AU involvement in the mediation of the Kenyan crisis was almost fortuitous. This is in the sense that it was not evident from the start of the crisis that the continental body possessed both the right tools and will to intervene as it eventually did. A set of factors combined to ensure that the AU would emerge as a hesitant, perhaps late entrant to the process: its historical posture on non-intervention and the multiplicity of actors (including UN, key western governments and sub-regional bodies) who could espouse different reasons of their own to intervene. As the violence escalated soon after the contentious announcement of Kibaki as elected president on 31 December 2007, the extent of violence widely reported by the media (both local and international and later, largely international media after a reporting ban was imposed on local media by the Internal Security Minister) had called attention of a number of international personalities to the need for intervention. Desmond Tutu of South African was the first international figure to land in Nairobi on 3 January 2008 at the invitation of Citizens for Peace (CCP) members. CCP was an outfit formed by five well-known Kenyan civil society peace activists and mediators on 31 December 2009.

 Tutu with Ms Brigalia Bam soon departed when it became evident that there was no room or appetite for intervention at that stage. He however managed to meet PNU's Kibaki and ODM's Odinga and urged them to embrace dialogue.[109] Although the possibility of a Tutu-led mediation was immediately dashed with the PNU side's rejection of any role for outsiders and their assertion that there was no conflict to be mediated anyway, it opened the doors for other

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[109] Embrace Peace and Dialogue', Urges Tutu, All Africa Conference of Churches, Nairobi, January 2008

potential mediators. Jendayi Frazier the US Assistant Secretary of State for African Affairs, came afterwards after 4th January, then on 8th January four former heads of state: president of Mozambique, Tanzania, Zambia and Botswana. They visited camps of those displaced in Eldoret, one of the main centres of violence, and jointly called for an end to violence and mediated solution.[110]

Their visit coincided with that of John Kuffuor, AU Chairman and Ghanaian President, who arrived at the invitation of President Kibaki. Kuffuor's attempts to broker a mediation process between PNU and ODM hit a snag when the two factions refused to meet each other. However, was to return to Nairobi second time once the protagonists realized that to unlock the crisis mediation was inevitable. For his part, president of Yoweri Museveni came on a 2 official visit on 22nd January, offering to mediate, even openly declaring his preference in the contest.[111]

After much dithering, PNU and ODM leaders eventually agreed to invite the AU to mediate the Kenyan crisis. President Kuffuor made a second visit to Nairobi. It was jointly agreed that the mediation will be headed by former UN Secretary-GeneralKofi Annan, heading a PEAP comprising of Benjamin Mkapa and Graca Machel. Upon Annan's request, President Jakaya Kikwete of Tanzania, who had assumed the chairmanship of the AU, joined the mediation team in the final stages of negotiation. The mediation was announced on 10th January 2008.The talks began on 29 January 2008 (with a one week delay), only to end five weeks later with the signing of the National Accord.[112]

However, the delay provided an opportunity to build a firm foundation for the process and for the mediation team to consult key constituencies. During that period, negotiation teams for both

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[110] Ibid
[111] Elizabeth Lindenmayer and Josie L Kaye,
[112] Ibid

sides were constituted while a secretariat to support the mediation team was set up. The secretariat immediately embarked, with input from the members of the negotiation teams. According to Lindenmayer and Kaye, since part of the Chief Mediator's strategy was to have a comprehensive and clear mediation process. By the time the talks began, the four item agenda for the mediation process was more or less settled. Although there were to be many starts and stops during the talks, the public announcement by the Chief mediator of the timeline, and the separation of short term and short term issues, 'offered the peace talks impetus by offering the parties with matters they to be agreed on then moving more controversial issues. In terms of the timeline, violence was to be ended in seven days. As the talks stalled on Agenda Item 3 (power sharing), a combination of pressure from various actors includes EU, Canada, the US (who jointly threatened to impose travel bans) and AU and the threat of escalating violence pushed the talks towards conclusion. Supported by action by other key actors, the AU was to intervene further on a number of occasions. The arrival of President Kikwete towards the end with a yet-to-be divulged message from President Bush seemed to magically secure the signature of the leaders on the National Accord.

When the President and Prime Minister were unable to agree on a joint cabinet, and appeared to dither on the implementation of the Accord, the AU spoke again.[113] It is noteworthy that this process was not devoid of support from the international community. In particular, the UN volunteered technical support. This was marked by a visit to Kenya of the UN Secretary General Mr. Ban Kimoon who held a consultative meeting with the leaders of the two factions and the mediation team. He further underscored UN's support for the process in his address to the AU summit on 31 January 2008.

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[113] Ibid

Pressure from several other sources kept the process on course. For instance, the European Union, the US and Canada repeatedly issued threats of travel bans to those who attempted to obstruct the mediation process. The instrumental role played by the CSOs and the media cannot be ignored. While the CSOs created a favourable environment for the negotiations, directly and indirectly enriched the mediation agenda at the formative stages and applied pressure on both the parties and the mediation team,[114] the media ensured that Kenyans were informed on various aspects of the process and that the message of peace prevailed in time of rancour and conflict.[115]

3.4 Constitutional Review and Institutional Reforms

Once it was clear to the parties and the mediators that a disputed presidential election was merely a trigger of the violence and that the real causes lay elsewhere in longstanding historical issues, the mediation process could not limit itself to garnering a power sharing arrangement (Agenda Item 3). The NDR therefore agreed that the following long standing issues at the root of the crisis needed to be addressed: legal and institutional reforms; constitutional; land reforms; inequality, poverty, and imbalances of regional development; youth unemployment; national unity and unity consolidation; and accountability, clearness and impunity. As part of the effort to tackle long term issues, a number of key institutions were agreed upon during the course of talks. First, the NDR agreed on 11 February 2008, on the establishment of Kriegler Commission to look into all facets of the 2007 elections and make recommendations for future reforms. IREC was to submit a report recommending far reaching electoral reforms.[116]

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[114] Ibid
[115] Wachira G.,, Thomas Rendshorst and Simon M Charles, 29-33; Elizabeth Lindenmayer and Kaye, 7-8.
[116] Government of Kenya, A document of the assessment Commission, 2008 [IREC Report

As a result, the Electoral Commission of Kenya that oversaw a flawed election was disbanded. Secondly, the NDR agreed to the formation of a PEV commission.[117] CIPEV was established by the government after the national peace accord.[118] CIPEV was later to submit a report recommending the establishment of a Special Tribunal and reserving a role for the ICC. Thirdly, on 2008 February, the NDR adopted formed TJRC, to account for post-crisis Kenya.[119] One o the main agreements to come from the NDR, as part of Agenda item 4,relates to the need for comprehensive constitutional reforms, which anchors broader institutional reforms touching on parliament, the civil service, police and the security forces as well as the judiciary. As later discussion shows, significant progress has been made, with some external input, in implementing constitutional and institutional reforms.[120]

4.5 Impunity and the Accountability Debate

Beyond the fairly easy decision to establish a TJRC and the CIPEV, accountability for past crimes and past human rights violations has predictably been one of the most contentious aspects of the NDR. The international community and the Chief Mediator had pushed constantly for prosecutions either in Kenya or at the ICC, arguing that prosecutions would help abate the deep rooted culture of impunity and begin to address victims' demands for justice, the government's position has vacillated between lukewarm endorsements to subtle opposition.[121]

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[117] NDR Process, Agreement on CIPEV (2008) 1
[118] Kenya Gazette Notice No. 4473 vol. cx-no.4 of 23 May 2008.
[119] Agreement on agenda item three: How to resolve the political crisis KNDRC (2008) 3
[120] Ibid, p70
[121] Musila G (2008) issues for Justice in Kenya: The Special sitting for Kenya, The Truth, Justice And Reconciliation Commission, and the International Criminal Court' South African Yearbook Of International Affairs: 143-153

Despite averments to the contrary, coalition government politics have shaped the debate on the fight against impunity[122] and the contestation within the coalition government has been such that there is no clear government position on any mechanism of accountability, be it the ICC, Special Tribunal or the TJRC.

Espousal of support for any of these mechanisms even at the highest level of government appears more as an individual view than a government position. This is best exemplified in the failure by the Principals – President Kibaki and PM Odinga – to agree to refer the post PEV violence for investigation by the ICC, as well as the fallout relating to the pursuit of deferral and admissibility challenge. It appears that while one side of government has supported ICC investigations, the other has fought doggedly to stop or slow the process. Once the CIPEV suggested the formation of the Special Tribunal, various actors – including the Chief Mediator Kofi Annan – applied pressure for the government to act decisively. However, wrangling and subtle opposition from within the GCG ensured that the tribunal would not be established, culminating in several unsuccessful efforts to pass a Special Tribunal law.

 The US, UK and EU had been at the forefront of those advocating for action on impunity, urging government to form a 'valid, autonomous, naturally secured tribunal to end the exemption by culprits of the post-survey viciousness inside the concurred time span'. After much prevaricating and with pressure mounting, Cabinet resolved on 30July 2009[123] to abandon the Special Tribunal and deploy ordinary criminal courts instead, together with the Truth

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[122] Ibid
[123] Cabinet's Memorandum on the Establishment of a Special Tribunal , supra n 73

Commission, which had been created on 22 July 2009with the naming of nine commissioners in terms of the TJRC promulgated in December 2008.[124]

Having failed to persuade the government to reverse its stand, which many interpreted as an attempt to evade justice, the Chief mediator finally handed over the list of names of alleged perpetrators prepared by CIPEV to the Prosecutor of the ICC. The handover elicited but muted response from government, which once again failed to act locally on its own. As at publication, the ICC is planning confirmation hearings in respect of charges facing the six Kenyans named above.

For its part, the TJRC has been mired in controversy around its chair, Ambassador Bethuel Kiplagat, whose integrity to lead the Commission has been questioned. Reports have cited episodes of past human rights violations in which he is likely to be a witness, a situation that if true would render his membership of the Commission problematic. His initial refusal to resign, and the failure of government to activate the judicial mechanism within the law to resolve the matter in timely fashion had caused concern in many quarters, with the Chief Mediator at one time urging government to resolve the challenges facing the TJRC. What is clear is that the Commission had little to show for its first year of existence. It appears that the Kiplagat controversy had obscured much deeper problems facing the TJRC, with commissioners accusing government in early 2010 of usurping its independence, financial sabotage and in frustrating its work.[125]

It is vital to know that since the arrival of the CEO and Secretary to the Commission, and later, the recruitment of key staff in July 2010, the Commission had become much more visible. Its

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[124] Truth Justice and Reconciliation Act no 6 of 2008.
[125] Ibid

work plan and rules were published. The public face of its work started with the launch of the national drive of statement taking in September 2010. The TJRC public hearings commenced on March 2011. These developments notwithstanding, the government's commitment to fighting impunity in general has remained questionable. The politics within the GCG continues to be responsible for lack of clarity on the accountability project as a whole: while some have supported the fight against impunity generally and the ICC and the TJRC particularly, others appear less committal or are opposed outright. Lack of attention to accountability issues may be attributed to the fact that perhaps too much is happening at once. With the implementation of the constitution in full swing, accountability issues have received but fleeting consideration. Perhaps rightly, many regard the new constitution implementation as the centerpiece of the transitional justice project.

3.5 Gender Justice

In their seminal article on feminism and transitional justice, Christine Bell and Catherine O'Rourke[126] consider current approaches by feminists in transitional justice discourse. They find that current feminist approaches that attempt to introduce or fit a feminist understanding of justice in TJ frameworks are unhelpful in securing 'goods' for women. They suggest, as an alternative trajectory for feminist theory on TJ. Of relevance to arguments the author makes in this part, Bell and O'Rourke identify two major problems that have hindered beneficial approaches for women during transition: 1) the absence/exclusion of women from forums; 2) the absence of gender in TJ, in other words, the absence, at conceptual level, of gender considerations in TJ processes.

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[126] Bell and Rouke (2007) 'Does Feminism Need a Theory of Transitional Justice? An Introductory Essay' *The International Journal of Transitional Justice* , Vol 1,: 23-44.

Before assessing the question of gender justice within the Kenyan TJ process on the basis of the two criteria, this contribution briefly reviews Kenya's 'gender report card' and outlines circumstances that make it necessary for women's concerns to be placed on the front burner in the transition. While Kenya has continued to make important strides in matters of gender and the rights of women, women and girls have continued to bear the brunt of oppression and human rights violations including systemic discrimination, harmful cultural practices and marginalization in various spheres.

Within the specific context of the PEV, a number of reports have documented that gender based violence took a particularly brutal dimension. Citing a number of reports, the ICC's Pre-Trial Chamber II decision authorizing formal investigations into crimes on humanity in Kenya records high rapes cases in six affected Provinces, the general outlook is glum: 876 rape cases and1984 cases of defilement were reported in Kenya throughout 2007; 443 mostly rape and defilement cases between 27December 2007 and 29 February 2008 and; the Nairobi Women's Hospital and other hospitals got at least 900 sexual and gender based violence cases between January and March 2008. Evidently, gender issues require specific focus through both accountability mechanisms and broader TJ measures.[127] one way of beginning to ensure that women's concerns are addressed during transitions is by *adding women* to forums where TJ mechanisms are agreed upon and designed.[128] Like many TJ mechanisms, the TJ mechanisms proposed in Kenya emerged – directly or indirectly – as a effect of dialogue between warring parties and mediators

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[127] Ibid, p76
[128] Ibid, p76.

aimed at ending conflict. Harriet Martin writes that both protagonists and mediators have tended to be overwhelmingly male.[129]

In Kenya, both PNU and ODM) were represented by only one woman each during the NDR(Martha Karua and Dr. Sally Kosgey respectively). One out of five mediators was a woman (Graca Machel). However, there is no evidence to suggest that the input made by the women representatives went beyond ending violence and power sharing – the main issues framed by the mediators for resolution. Bell and O'Rourke[130] suggest that advocacy for representation of women in forums where TJ mechanisms are agreed upon and designed is underpinned by the hope that changes will bring about different changes. However, since representation, however important and indispensable, does not necessarily deliver goods for women – as the Kenyan case shows – perhaps the best way of addressing exclusion of women in TJ is through reforms of legal standards and processes of TJ: by *adding gender* to both answerability instruments and the broader negotiation process.

With respect o accountability at the international level, adding gender has entailed: recognizing sexual and gender based violence as international crimes; prosecuting this violence as crimes and; instituting victim-friendly courtroom procedures to prevent re-victimization of sexual victims.[131] Two important inferences – that later inform specific recommendations at the end – can be made with respect to the role of the AU and Sub-Regional bodies in enhancing gender justice. First, just as the role of the AU mediators was limited insetting the agenda for the NDR, especially on matters of accountability, so was their ability to influence on who would represent the protagonists in the talks. The selection of Graca Machel by the AU as a member of the PEAP

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[129] Harriet M.(2006): Pawns of War: The Untold Story of Peace-making (London and New York: Continuum,), xi noting that 99% of those who negotiate peace are male.
[130] Ibid p74
[131] Ibid

does not seem to be influenced by the fact that she was a woman (and would thus champion women's issues) but rather that she is an influential African personality. Second, the NDR produced only broad agreement on the establishment of the TJRC and the need toaddress a number of long-term issues (Agenda Item 4). The failure to place gender-specific concerns on the NDR agenda has left much leeway to those implementing the TJ project.[132]

3.6 Monitoring and Evaluation

Monitoring and evaluation is essential to the implementation of any project, especially one that is long term, involves numerous actors and is multifaceted in scope. It is clear that the NDR articulated a fairly clear agenda involving items to be put into practice temporarily and long term: ending the violence; addressing the humanitarian crisis and; finding a solution to the political impasse arising from disputed presidential elections; constitutional and institutional reform; tackling destitution and disparity, and additionally battling provincial advancement inequity; tackling joblessness, especially among the adolescent; merging national cohesion and solidarity and; tending to straightforwardness, responsibility and exemption.

In their judgment, the Chief Mediator and the PEAP took the view that the implementation of the national accord, in particular elements of Agenda Item 4 of needed constant follow up. The mediators decided to retain the services of South Consulting, a consultancy firm based in Nairobi to lead on the NDR Monitoring Project. The NDR Monitoring project is modelled on the AU's APRM, only on as smaller scale and lower profile. The decision to appoint a private consultancy firm was largely dictated the fact that the AU lacks an appropriate mechanism to perform this function. As part of its brief, South Consulting was required to review progress on specific aspects of the NDR and to submit period (quarterly) reports to the Chief Mediator and PEAP.

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South Consulting's mandate was to: avail objective data on the progress in the implementation of the National Accord; provide data to inform interventions; and provide information on emerging socio-political issues/challenges that impact on the implementation of the National Accord. Since their appointment, the monitor has submitted several quarterly reports to the PEAP.

3.7 Chapter outline

This chapter provides a description of the events that led to the culmination of conflict in Kenya eventually leading to the need for the AU to step in for the peace building process. The following chapter provides the analysis of the data collected in order to establish the role of AU in peace building in Kenya.

CHAPTER FOUR

A CRITICAL ANALYSIS OF THE AU'S INTERVENTION IN KENYA'S ELECTORAL VIOLENCE

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.[133] Through narratives in the previous chapters, the study has been ready to incorporate itemized examination of different occasions and in addition to rearrange the truth by deciding the components of the authentic records that are striking and deserving of consideration, and those that are irrelevant and require excluding.

Kenya has been filled with viciousness all through. The 2007 postelection viciousness in Kenya, be that as it may, was of an alternate size. The greatness of the injury and basic viciousness that occurred in Kenya after the fourth presidential elections took everyone unsuspecting.[134] The violence took 59 days. All things considered, the brutality that happened couldn't just have been anticipated; it could in all likelihood have been forestalled. One of the establishments of this contention examination is that what occurred amid the Kenyan 2007 decisions had its underlying foundations in a feeble national constitution that logically needed solid balanced governance framework inside the government branches. In three decades, constitution alterations were made to deliberately dissolve these parities for fortifying presidential forces.[135] This chapter therefore seeks to establish how the principle of responsibility to protect having been adopted in 2005 and

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[133] Tim (2002). Taking Temporality Seriously: Modeling History and the Use of Narratives as EvidenceThe American Political Science Review, 96(3): 481-493. Maupeu, H. (2008). 53
[134] Ibid
[135] Ibid, p75

embraced by both international and regional organizations such as the AU has changed this state of affairs in respect to conflict intervention and management. 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. This is in the respect of the objectives derived and hypotheses postulated in the earlier chapter of this study.

4.2 AU's Intervention in Kenya and it's Responsibility to Protect (R2P)

The Kenya PEV prompted carnage and uprooting on a huge scale. Past the gloom and indignation regarding destitution, defilement, and the requirement for political change notwithstanding a deceitful decision, the mobs additionally uncovered the hidden pressures between ethnic gatherings that had been filled by the presidential battle. These strains finished in a conflict between of Raila followers and Kibaki followers. The war brought about more than 1,000 passings, because of security strengths and in rough ethnic conflicts, and in addition around 600,000 IDPs.[136] UN SG Ban Ki-moon described the post-race ethnic conflicts in Kenya as an issue worried of the R2P, a moderately new rule that forces the obligation to end mass savagery. Mr. Boycott found a way to address the viciousness by empowering intervention endeavors by previous UNSG Kofi Annan.

The standard of R2P has made four fundamental commitments to the contention mediation banter about: (1) turning the center of the verbal confrontation from helpful intercession to an obligation to ensure individuals caught in strife circumstances; (2) building up another comprehension of sway where the state does not control but rather principally secures its natives; (3) setting up clear criteria of what the R2P, by and by, ought to mean, illuminating that it comprises of a great deal more than simply military mediation; and (4) commanding that if

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[136] Ibid

coercive activity is viewed as essential, it must be lawful and genuine.[137] In reality, there was

trust that the polarity amongst power and intercession has been overcome by recognizing human

security and the non-eliteness of state sovereignty.[138]

For quite a while, the global group guaranteed to offer need to early activity and the

improvement of the political limit for a viable reaction to a contention inclined circumstance. At

the point when the ICISS distributed its investigate the Responsibility to Protect in December

2001, three columns were created: forestall, respond, and rebuild.[139] These three mainstays of

R2P must be considered as a total arrangement of methodologies framing a toolbox to handle net

philanthropic crises, especially genocide, atrocities, ethnic purging, and violations against

mankind. The duty to keep, the principal R2P column, depends on the possibility that states have

an obligation to guarantee that local pressures are tended to before they heighten. States

additionally need to give certain measurements of good administration (like straightforwardness

and the run of law), wellbeing, wide support, and monetary improvement. It is on this ground ha

AU discovered its ethical ground to intercede in the Kenyan constituent clash which will

undoubtedly inundate a considerable lot of its honest residents. It did as such under the

sponsorship of its board of the savvy and the then AU director John Kufuor. Disappointment by

states to make a move when mass viciousness happens brings about an exchange of obligation to

the universal group. UNSG Ban portrayed the post-race ethnic conflicts in Kenya as a R2P

circumstance and found a way to address the brutality in mid 2008. In opposition to the gracious

strategic dialect utilized by UN authorities, Mr. Boycott was limit amid a visit in Nairobi in

February 2008: —The individuals and pioneers of Kenya, especially political pioneers, have the

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137 Ibid
138 Newman (2009) Humanitarian Intervention: Confronting the Contradictions (New York: Columbia University Press,), 190–191.
139 Ibid

obligation, and the duty, to wake up and switch this shocking way before it grows into the abhorrence of mass killings and decimation we have seen in late history[140]. The worldwide group was lucky that Kenyan powers acknowledged local (AU) and global inclusion; thus the intercession in sovereign undertakings was not tested—an issue typically challenged with R2P cynics. Also, R2P's application to the Kenyan emergency did not include any sort of assents or military intercessions, which implied that the UNSG could abstain from politicizing the level headed discussion by conjuring R2P as an answer even without the approval of the UNSC, which would have effortlessly politicized the civil argument [141]. In Kenya, Mr. Annan demonstrated the estimation of outside engagement when he prevailing with regards to keeping an acceleration of post-decision viciousness, a result that he saw as a fruitful case of R2P in real life [142]. The achievement accomplished by Mr. Annan demonstrates that a joint undertaking by the UN and other multilateral and provincial associations can be effective. Without the joint exertion, the gatherings would not have felt the weight to get together and work out an understanding. Conjuring R2P was critical to show to the Kenyan political tip top that the global group thinks about the emergency in Kenya and stop the cycle of savagery. Rather than severe conflicts and constrained dislodging, R2P mattered in light of the fact that it gave a strategic arrangement. Mr. Annan himself said —when you have ethnic brutality, on the off chance that you don't intercede rapidly, you get a miserable circumstance. It took Mr. Annan somewhere in the range of 40 days to persuade both sides that there was no chance either side could run the nation without the other and that without an understanding the nation would be in a political gridlock. At long last, Mr. Annan finished up gladly —when we discuss intercession, individuals think about the military. In any case, under R2P, compel is a final resort. Political and discretionary mediation is the main

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[140] Ibid
[141] Thakur R., (2010) Law, Legitimacy and United Nations," Melbourne Journal of International Law 11, no. 1
[142] Ibid

instrument. What's more, I think we've seen an effective case of its application [in Kenya].[143] 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 AU's Intervention and the use of Good offices

The violent electoral conflict in Kenya raised issues regarding the intervention in the conflict by international, regional and sub-regional organizations. Both the use of good offices by the chairman of the African Union, and the later visit of the secretary general of the United Nations underline the salience of intervention by such organizations. Intervention in this context means various actions by external third parties aimed at influencing the direction of events in a sovereign state. There are various degrees of intervention by third parties, in which military intervention is the sharp end.

In the Kenyan case, the degrees of intervention did not reach the high coercion level of military invasion, although some Kenyan parties had called for it, and the US assistant secretary of state speaking in Addis Ababa had come very close to suggesting that limited military action could be an option to the west's response to the electoral conflict in Kenya. By and large, western intervention in this conflict was restricted to the diplomatic (for example speeches, and support for one of the parties), economic (for example threatening to cut aid off), and social (for example using immigration laws to target individuals). The intervention by the AU Union 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

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[143] Ibid, p79

any other peaceful means to manage the conflict.[144] 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.

The Constitutive Act of the AU directs matters of intercession by the AU The introduction of the Act practices the AU's assurance to advance peace, security and soundness; to solidify fair foundations and guarantee great administration and the control of law. Two of the goals of the AU which are specifically identified with its intercession in the Kenyan discretionary clash are advancing peace, security and steadiness on the continent[145], and advancing majority rule standards and organizations, prevalent support and great administration[146]. A portion of the standards of the AU specifically identified with its mediation are the tight of part states to demand intercession from the Union so as to reestablish peace and security the regard for vote based standards, human tights, the run of law and great administration, and judgment and dismissal of illegal government changes.[147]

The conflict in Kenya after the 2007 elections gave rise to violence and a humanitarian crisis including, the problem of DDPs. These issues fall under the philosophy, aims of the AU. Besides this, the assembly of the AU's role is to authorize and to deliberate on, and act on situations such as those that obtained in Kenya. Although the principle of non-interference in the internal affairs of a member state is enshrined in article 4 (g) of the Constitutive Act, its interpretation in contemporary international law and diplomacy does not support its strict interpretation in cases of violations of human rights. In contemporary international law, grave violations of human

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[144] Handbook on the Peaceful Settlement of Disputes between States (NewYork; United Nations, 1992). 60
[145] Article 3(f) of the Constitutive Act of the African Union.
[146] Article 3(g) of the Constitutive Act of the African Union.
[147] Article 4(j), (m) and (p) of the Constitutive Act of the African Union.

rights cannot be overlooked as internal affairs of a state. Clearly, the good offices role of the AU in this conflict was in order. It was justified on the grounds of international of law and of current African diplomacy. The AUs's good offices 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 bad 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.[148] The issues that led to the deadlock were the ones that each party had provided as conditions, and although they had both publicly professed a wish to see Kufor's mission succeed, they were still divided by the issues. The issues for Kibaki were that he needed the ODM to remember him as being authentically chosen, to acknowledge that there was an administration set up, convey a conclusion to the savagery, and consider the conceivable making of the position of non-official PM. Then again, the ODM requests were that president Kibaki ought to acknowledge that he was misguidedly in office, that ODM had won the decisions, that there ought to be a re-counting of the presidential votes, and a re-keep running of the presidential race highlighting just Kibaki and Raila, and a coalition government with ODM getting an official head administrator's position.[149] The idea of power sharing is one that Raila Odinga hinted at during the whole process. In an interview with a Germany's ARD television he hinted that president Kibaki could remain in power, while the opposition could put up a prime minister; and that all pentagon members were

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[148] Daily Nation, 11 January 2008, p.1.
[149] Ibid, p82

ready and willing to take up positions within the cabinet if the deal was sealed.[150] However, he insisted that Kibaki first implement constitutional reforms to enhance the independence of the judiciary and give stronger roles parliament, and the executive.[151]

Both Kibaki and Raila were later to deny that the prime minister's post had either been offered, or accepted as an issue for negotiations, resident Kibaki refined any claims that he had offered Raila such a post, which did not exist in Kenya's constitution. Kibaki stated in a press release that he had not offered the prime minister's position to Raila Odinga, that the issue of prime minister was a constitutional matter, and that in the Kenya constitution, there was no provision for the post of prime minister.[152] Raila Odinga on the other hand stated that he had never said he was considering taking up the position of prime minister, under Kibaki. He argued that he was not ready to join president Kibaki's administration as prime minister, and the only option to resolving the dispute was for president Kibaki to resign from office.[153] These demands by the ODM were said by a commentator to be attractive, but not constitutionally viable. The reasons for this were that for there to be a re-run, it must have been pursuant to the constitution or a court order; and under the Kenya constitution, a re-run can only occur if the winner of the presidential election in terms of the highest vote could not garner 25% of votes cast in five of eight provinces, or if a court so orders.

It was also argued that there was no legal basis for limiting the re-run to a contest between Kibaki and Raila since the conflict was about the disputed presidential tally, there are no constitutional provisions for a re-run. Even if there were to be a renm, president Kibaki could in all probability not participate as he would have served his second term, and would have agreed to

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[150] Kenya Times, 24 January, 2008, p.1.
[151] The People Daily (Nairobi), 24 January,2008, p.2.
[152] The People on Sunday (Nairobi), 27 January, 2008, p.24. 63
[153] The People on Sunday, 27 January, 2008, p.24.

a re-rim in a manner not provided for by the constitution.[154] The issue of Kibaki naming a part cabinet before Kufuor's good offices began, raised protests, especially by the US, Jendayi Frazer called on Kibakj at state house on January 2008, the day Kufuor was beginning his role.[155] Kibaki's response to this was contained in a statement. It stated that the government must keep on functioning; that the Partial bureau would guarantee that the administration runs the nation as required by the constitution and that when the legislature turned out to be completely constituted following the conflict, it would be broad based, and the appointment of the partial cabinet did not rule out that process.[156] The reason the US and western communities complained about the naming of the cabinet is _that right from the outset, they had decided that the only Solution would be one that included ODM in government.[157]

President Kibaki's naming of a partial cabinet at this stage was either an inspired move in the political chess game that bad begun to evolve, or poor strategic thinking While reasons of law and the need for continued government functioning were reasonable explanations for the move, the chicken later came home to roost after the idea of a grand coalition was agreed. At that later point; the ODM insisted that he had already named half of his share in the cabinet. They argued that the size of the cabinet should be thirty four ministries, half of whom he had already appointed. President Kufuor announced that the meditation would be carried out by previous UN secretary general Kofi Annan, as leader of a group of prominent people. Kufuor summed up his accomplishment just like that the gatherings had concurred that there ought to be a conclusion to the viciousness, that there ought to be discourse, which ought to be about peace, the gatherings had consented to cooperate with a board of famous African identities headed by Kofi Annan, and

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[154] The Sunday Standard (Nairobi), 13 January 2008, p.13.
[155] Daily Nation. 10 January 2008, p.1,2. 64
[156] Ibid, p83
[157] Ibid, p83

that every single exceptional issue including protected and appointive changes would be addressed.[158]

In his statement, President Kufuor gave an interesting inkling about what his tasks had been in Nairobi. He stated that in the hectic two days, ―we have launched the talks.[159]This suggests, that he saw his task as being to engage the parties in the pre-negotiations stages of the process, while other third parties would continue the process through the negotiation stage. In this engagement therefore, Kufuor dearly intended to play the diplomatic role of using his good offices as the chairman of the AU Good offices as a method is not intended to conclude negotiations between parties, but to create the environment and agreement that negotiation would take place subsequently In this reading of Kufuor's role, dearly he can be said to have succeeded in using his good offices This interpretation is strengthened because in an issue as sensitive as this, it was unlikely that two days would have been sufficient to complete a full-blown negotiation process that addressed all the issues on the agenda. From reports received, president Kufuor had in any case not seen his mission in Nairobi as being to conduct a full-scale negotiation between the parties. It was a more modest one of getting Kibaki and Raila Odinga to publicly meet; after which the proper mediation would be left to the group of eminent African persons.[160] Thus, together with his team they exhausted their capacity and played a facilitative role through the good offices which saw the belligerent partis come to the table.

4.4 Successes and Failures of the AU in Conflict Intervention

There have in fact been victories and disappointments. This is exceptionally justifiable, since unity 'can never be only a basic, direct perfect. It is constantly tested and confused by the

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[158] Daily Nation. 11 January, 2008. P.2. 65
[159] Ibid, p84
[160] The East African, January 14-20, 2008, p.1. 66

substances of differences and disunity. In any case it ought to be noticed that solidarity, and especially African solidarity, has been the principle perfect of the AU more than one decade, as well as of its antecedent, the OAU, over right around four decades. Truth be told, the name of the first Organization broadcasted the conviction that the solidarity as of now existed. The Organization was not set up as one trying for or towards unity, however as one depended with guardianship of peace. Regardless of such hopeful vision, in any case, the Founding Fathers were extremely sensible about marvels and premonitions of disunity. They headed their rundown of purposes with advancing solidarity and solidarity, and organizing collaboration[161], yet they likewise settled a Commission of Mediation, Conciliation and Arbitration[162]. For the most part because of recognition of the guideline of non-obstruction in interior issues[163], in any case, it must be conceded thirty years after the fact that _the Commission has been for all intents and purposes torpid since its foundation '. At that point, in 1993, the Mechanism for Conflict Prevention, Management and Resolution was set up. This flagged _Africa's assurance to fathom its own problems and its dedication _to cooperate towards the serene and rapid determination of all contentions on the continent[164].

From its foundation in 2002, the AU appeared to have more clout to mediate when strife undermined or happened. In its Constitutive Act the rule of non-obstruction in interior undertakings was connected to part states among themselves, yet the promptly taking after standard was the right of Member States to demand mediation from the Union with a specific end goal to reestablish peace and security.' similar standards were embraced in the Protocol for the foundation of the Peace and Security Council of the AU. The move of center from

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[161] Ibid
[162] OAU 1963. OAU Charter. Addis Ababa, OAU. Article. XIX. Available from:
[163] Ibid
[164] Ibid

anticipation to intercession unavoidably achieved an adjustment in the responses from part states. In a counteractive action situated association adequate accord may generally be accomplished; however in an intercession engaged union, contrasts of conclusion or potentially responsibility can frequently be normal.

The AU's intercession and peace-production endeavors exhibit that a range where the AU has a noteworthy near favorable position over outer performing artists is its capacity to accumulate the trust of gatherings to a savage clash, especially of governments which for the most part protest outside obstruction. The AU has possessed the capacity to utilize this trust to persuade the gatherings, as in the Darfur circumstance, to concede to transactions and to secure bargain. An interesting but quite biased - analysis of the success for Kufuor's good office's and to a greater extent the AU's role was offered by a commentator. The commentator argued that the mediation did succeed because the Mediator in the capacity of AU chairman; _ emerges as a middle person with a fractional position and certified enthusiasm for peace and security in Kenya, the weight of the universal group (western world basically), which will coordinate _the prepare, the changing local geopolitical and monetary circumstances (for instance, the postponement of products touching base into the landlocked nations of the district) in east, focal and Horn of Africa may influence the outcome of the process.[165] The commentator also argued that there were factors that could lead to the failure of Kufuor's good office: no sincerity by Kibaki to seek a negotiated resolution because of his belief that the conflict was an internal Kenyan matter and that _all was well,' his naming of a cabinet before the mediation could begin; and Kibaki's exhibiting of _authority' by calling the 0DM and religious leaders to a peace in quest of meeting. The commentator argued that ODM's readiness to have an external third party was genuine since

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[165] Ibid, p86

they had always persisted on an international arbitrator, and that Kibaki had named a cabinet that did not include MPs from some group of people (which would hence delay the reconciliation). This commentary, though interesting, was founded on the wrong premises. Its reading of Kufuor's role as a mediator was misinformed, and did not take into account important aspects of third party roles in the diplomacy of conflict management. President Kufour was not a mediator and had not considered himself to be one. He indeed played the classic role of good offices in conflict management diplomacy: It was however true that the government's insistence that the Kenyan conflict was a domestic matter was ill-informed, given that the conflict had already become internationalized. Indeed, the entry, and role of Kufuor was ample illustration of the already internationalized basis of the electoral conflict in Kenya.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

The field of conflict intervention and by extension conflict management has turned out to be more various and swarmed. Provincial, sub-territorial and other worldwide associations and also non-administrative associations and private people are progressively required in intercession exercises. Getting it done, intervening on-screen characters have mixed behind a lead middle person, served a typical procedure, and utilized their relative preferences to most extreme impact working at various levels of the procedure. Best case scenario, rivalry and difference over system and subsidizing host allowed gatherings to discussion shop, in this manner hampering peace endeavors [166].

In an excessive number of examples, clashes have been further exasperated by good natured outsider performers who do not have a decent comprehension of intervention and sufficient readiness. A strong handle of intercession through intervention is expected to better synchronize political endeavors and oversee desires. To this end, the direction for viable intercession is a valuable asset. The nearness of different outsider performing artists can bolster compelling intercession where their endeavors are correlative and composed. In any case, clashing methodologies and parallel procedures can likewise work to undermine the adequacy of intervention endeavors. For sure, at times, the outside procedures may themselves turn into a noteworthy part of the issue. It is in this manner critical that outsider go betweens look to participate and cooperate. On the off chance that this is impractical, systems and procedures must address this as a need, to guarantee in any event that intervention choices and procedures depend

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[166] Mason (2009),, Insider Mediators: Exploring Their Key Role in Informal Peace Processes, Bergh of Foundation for Peace Support, Mediation Support Project

on evaluated dangers. Contingent upon the conditions there is a practically vast scope of contemplations in deciding how best to participate and organize among outsider on-screen characters. There is developing acknowledgment that intervention is not the restrictive domain of outside intercession performing artists. Nearby middle people who originate from the contention nation can conveniently lead neighborhood intercession endeavors or supplement local or global initiatives[167].

These go betweens order neighborhood authenticity; have top to bottom information of the general public, its history, and nearby clash determination approaches; and frequently host built up contacts with the contention gatherings. Be that as it may, this closeness to the contention and its performing artists has its deficiencies. It frequently opens nearby middle people to impressive individual dangers; now and again they may likewise be seen as one-sided because of their association with either party. Additionally, they frequently have less money related assets available to them and need access to specialized skill. All things considered, neighborhood middle people have played an assortment of intervening parts, for instance in Zimbabwe and Kenya. Enabling nearby go betweens, where proper, can be a viable means for building national responsibility for peace handle.

A functional thought in such manner could be the foundation of AU local mediation focuses in nations near different clash circumstances which every single significant partner can feel good making a trip to or connecting with. These focuses can likewise enhance the coordination abilities of the AU, while in the meantime serving to assemble the limit of nearby on-screen characters, be it the sub-provincial associations, NGOs or Member States. Regardless, when there are numerous on-screen characters required in similar intercession prepare, a collaboration

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[167] Ibid, p89

of endeavors is required, either through coordination by the AU or by means of the supremacy of no less than one of these on-screen characters, with a specific end goal to keep away from the undesirable results of rivalry, duplication and confliction which may prompt inadvertent damage to the procedure and to every others' endeavors. For struggle intercession activities to be esteemed effective any assertion came to must be sensible, implementable and acknowledged by the gatherings. Every peace understanding is sui generis, in view of the unique situation and the interests of the gatherings to a contention. In this way, we can't name subjects which must be incorporated into an assertion, with the exception of security: a nation rising up out of a rough clash will undoubtedly confront a prompt, testing circumstance as far as security.

In a first stage, a peace understanding needs to indicate how security is to be given in the fleeting so as to ensure regular folks and re-set up typical living. Moreover, an assertion ought to likewise involve some preparatory choices on the way toward rebuilding and improving the security segment. Clashes are dynamic, and main drivers are regularly taken cover behind new conflict issues. Given the dynamic way of contentions, the grievances and sharpness of the gatherings and their conflicting positions, far reaching accords may when all is said in done not be a definitive answer for existing divisions in social orders. Additionally, encounter has demonstrated that even the most far reaching understandings can't illuminate all the clashing issues between the gatherings included. Hence, concurs tending to the most problems that need to be addressed are critical, and they are to be comprehended as beginning stages in a more drawn out process as opposed to final products.

The achievement of a peace assertion relies on upon the dedication of the gatherings; along these lines, understandings ought to dependably address the issues communicated by the gatherings (and the general public) and not those of the middle people. Also, a fruitful assertion ought to

keep itself to the primary issues of the present clash and leave space for a popularity based procedure to address all the less problems that need to be addressed. In the event that vital, procedures and strategies ought to be intended to address the unsolved issues in the stage after the consenting to of the peace arrangement. Usage must be consulted inside the transaction procedure. Along these lines, all accords need to incorporate organizations and procedures equipped for observing the usage and determining clashes that develop amid the execution stage.

At long last, it this study prescribes the requirement for middle people to have ability and expert support and perceives the requirement for watchful appraisal, appropriate arranging and standard observing and assessment keeping in mind the end goal to upgrade the odds for achievement and minimize struggle management and specifically intercession blunder. The significance of a steady outside environment for the intercession procedure is underscored, with accentuation put on the requirement for collaboration among substances required in intervention. While every one of these variables are essential, the achievement or disappointment of a contention intercession handle at last relies on upon whether the contention parties acknowledge intervention and are focused on achieving an assertion. In the event that the gatherings are really eager to investigate an arranged arrangement, middle people can assume a significant part.

BIBILIOGRAPHY

Adebajo,A.: Peacebuilding, Power, and Politics in Africa. Ohio University Press • Athens

Adedeji, Adebayo, ed. 1999. Comprehending and mastering African conflicts. London: Zed Books.

Africa Peer Review Mechanism (2006), Country Review Report of the Republic of Kenya, Durban: NEPAD.

African Union (2002a). The protocol relating to the establishment of the Peace and Security Council of the African Union. Available from: http://www.africaunion. org/root/au/ Documents/Treaties/Text/Protocol_peace%20and%20security.pdf

African Union (AU) (2006) Draft Policy Framework for Post-Conflict Reconstruction and Development (PCRD).http://www.africa-union.org/root/au/Conferences/ accessed on 20th October 2010.

Amnesty International. (1998). *Human rights integral to regional security*. http://www.amnesty.org/en/library/asset/IOR64/001/1998/en/dom-IOR640011998en.pdf.

Anderson, S. W. 'A framework for Assessing Cost Management System Changes: The Case of Activity Based Costing Implementation at General Motors, 1986-1993'. *Journal of Management Accounting Research* , (1995) 1-51.

Andy Knight'Linking DDR and SSR in post conflict peace-building in Africa: An overview',*African Journal of Political Science and International Relations*, 4:1(2010) 029-054

AU (African Union) 2010a. Cross-border cooperation: tool for peace, regional integration and development. Second Conference of African Ministers in Charge of Border Issues, Preparatory Meeting of Experts, Addis Ababa

AU *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, Addis Ababa (AU Secretariat, 2002)

Barney, J., *Gaining and Sustaining Competitive Advantage.* (USA, Addison , Wesley, 1997).

Bekerman, Z., 'Complex Contexts and Ideologies: Bilingual education in conflict-ridden areas', *Journal of Language, Identity and Education*, vol. 4, no. 1, 2005, pp. 1–20.

Benn Eifert, Edward Miguel, and Daniel N. Posner, "Political Competition and Ethnic Identification in Africa," *American Journal of Political Science* 54, no. 2 (2010)

Beswick D. Peacekeeping, regime security and 'African solutions to African problems': exploring motivations for Rwanda's involvement in Darfur. Third World Quarterly 31(5) (2010)739–754.

Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping*, (New York: United Nations, 1992).

Burton, J. *Conflict Resolution Theory and Practice: Integration and Application* (Manchester, Manchester, University Press 1993).

Chandran, E. *Research methods: A quantitative Approach* (Nairobi, Starbright Services Ltd, 2004).

Clarke, Y. 'Gender and peace building in Africa: Seeking Conceptual clarity' *Africa peace and conflic Journal*, (2013) 87-92.

Cole, E. A., *Teaching the Violent Past: History education and reconciliation*, Rowman and Littlefield Publishers, Plymouth, United Kingdom, (2007)

Conteh-Morgan, E. (2004). *Collective political violence: An introduction the theories and cases of violent conflicts*. New York, NY: Routledge.

[1]Cooper, D. and Schindler, D.,*Business Research Methods* (USA,McGraw Hill. Ltd, 2008).

Coordination and Liaison Office of the Panel of Eminent African Personalities:*Back from the Brink 'The 2008 Mediation Process and Reforms in Kenya'* African Union

Council of the European Union (2005b). Council common position concerning conflict prevention, management and resolution in Africa and repealing common position 2004/85/CFSP, 6759/05.

Diehl, P. F. (1994). *International peacekeeping*. Baltimore: Johns Hopkins University Press.

Dinan, D. (2003). How Did We Get Here? In *The European Union: How does it work?* Alexander Stubb and Elizabeth Bomberg (eds). London, England: Oxford University Press.

Dobbins, J. (2005). NATO peacekeepers need a partner. *RAND Corporation*. http://www.rand.org/commentary/2005/09/30/IHT.html

Ernstorfer, A et.al Governance Strategies for Post Conflict Reconstruction, Sustainable Peace and Development (UNDESA GPAB/REGOPA Cluster, 2007).

European Union, A secure Europe in a Better World: European Security Strategy, Brussels: Council of the EU (2003)

Fagen, P.W. *Peace Process and IDP Solutions, report prepared for the Brookings- Bern Project on Internal Displacement*(2007)

Fisher, S., et al., *Working with Conflict: Skills and strategies for action*, Zed Books and Responding to Conflict (London and Birmingham, 2000)

Galtung, J. 'Violence, peace and peace research,' *Journal of Peace Research*, 6:3 (1969)167–191.

Galtung, J. 'Violence, Peace and Peace Research' *Journal of Peace Research*, (1969) 167-191.

Galtung, O. 'Three approaches to peace: Peacekeeping, peacemaking, and peacebuilding' in J. Galtung, *Essays in Peace Research,* vol. 2, *Peace, War, and Defense* (Copenhagen, Christian Ejlers, 1996), 282–304.

Gareth Evans and Mohamed Sahnoun, "The Responsibility to Protect," Foreign Affairs 81, no. 6 (2002): 100.

Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond*. (Sydney: Allen &Unwin, 1993), p. 39.

George Klay Kieh 'The Hegemonic Presidency' and Post-Conflict Peacebuilding in Liberia' Africa Peace and Conflict Journal (2012) 15-17

Goulding, M. (1993). The evolution of United Nations peacekeeping. *International Affairs 69*(3). 451-464.

Government of Kenya [GOK] *National Accord and Reconciliation Act*, 2008a

Haider, H. Community-based Approaches to Peacebuilding in Conflict-affected and Fragile Contexts, Governance and Social Development Resource Centre: (University of Birmingham, 2009). .

Hansen, T.O. (2013), "Kenya's Power-Sharing Arrangement and Its Implications for Transitional Justice", International Journal of Human Rights, 17:2, pp. 307-327.

Herbst, J and Mills, G 'The future of Africa: A new order in sight? Oxford/New York'.Adelphi (2003) Paper 361

Hugh Miall, *Conflict Transformation: A Multi-Dimensional Task*, Berghof Research Center for Constructive Conflict Management, 12, *available at* http://www.berghof-handbook.net/articles/miall_handbook.pdf (last visited Dec. 17, 2007).

Jacqueline M. Klopp, Patrick Githinji, and KeffaKaruoya 'Internal Displacement and Local Peace building in Kenya' (United States Institute of Peace, special Repot,2010)

Jacqueline M. Klopp, Patrick Githinji, and KeffaKaruoya, "Internal Displacement and Local Peacebuilding in Kenya: Challenges and Innovations," *United States Institute of Peace Special Report #251* (September 2010): 5.

Johan Galtung, "Violence, Peace and Peace Research", *Journal of Peace Research*, (1969), pp. 167-191.

John Kufuor, letter to Kofi Annan on the Kenyan situation, 11 January 2008.

John Paul Lederach, "Journey from Resolution to Transformative Peacebuilding" in Cynthia Sampson & John Paul Lederach (eds), From the Ground Up: Mennonite Contributions to International Peacebuilding (Oxford/New York: Oxford University Press, 2000), pp. 45-55.

John Paul Lederach, "Journey from Resolution to Transformative Peacebuilding" in Cynthia Sampson & John Paul Lederach (eds), *From the Ground Up: Mennonite Contributions to International Peace building* (Oxford/New York: Oxford University Press, 2000), pp. 45-55.

Karbo, T. &. Nelson, C. 'War Economies: Issues and Options for Transformation' *Africa peace and conflict journal*, 4 (2010) 14-24

Kieh, G. K., Mukenge, I. R., & NetLibrary, I. (2002). *Zones of conflict in Africa [electronic resource] : Theories and cases*. Westport, Conn.: Praeger.

Kirsti, S. 'Post-Conflict Peace-Building and Constitution-Making' *Chicago Journal of International Law*, 6:2 (2006) 1-20.

Kirsti, S. 'Post-Conflict Peace-Building and Constitution-Making' *Chicago Journal of International Law,* 6: 2 (2006) 1-20.

Kothari, C. R. *Research Methodology – Methods and Techniques* (New Delhi India: New Age International Publishers, 2007).

Kwuelum,C.O.: *Dialogue as a Peacebuilding Panacea for social cohesion and national reconstruction in conflict-affected context: A retrospect of Nigeria* (2014)

Lambourne, W. 'Post-Conflict Peacebuilding' *Peace, Conflict and Development Journal Meeting Human Needs for Justice and Reconciliation*, (2004) 11-24.

Langer, J. 'The Responsibility to Protect: Kenya's Post-Electoral Crisis' *Journal of International Service* (2011) 45.

Lederach, J. P., 'Preparing for Peace: Conflict transformation across cultures', Syracuse

Louis Fawcett, *Security Dialogue on Globalization: Regional Governance Architecture and Security Policy*, (Berlin: Briefing Papers of Fried Ebert Stiftung, February 2006), 1-8. http://library.fes.de/pdf-files/iez/global/50187.pdf

McCandless, E., and N. Tschirgi, 'Strategic Frameworks that Embrace Mutual Accountability for Peacebuilding: Emerging lessons in PBC and non-PBC countries', *Journal ofPeacebuilding and Development*, vol. 5, no. 2, 2010.

Minutes of the Kenya National Dialogue and Reconciliation, Twenty first Session, 11 March 2008.

Murray, R. (2001). Preventing conflicts in Africa: The need for a wider perspective. *Journal of African Law*. *45*(1), 13-24.

Mwaura, C 'Kenya and Uganda Pastoral Conflict Case Study. Human Development Report', New York (Oxford University Press:,2005)

Newman, E., Paris, R., and Richmond, P.O. New perspectives on liberal peacebuilding, (United Nations University Press, 2009)

NYU Center on International Cooperation and the International l Peace Institute, April 2008, "*Taking Stock, Looking Forward: A Strategic Review of the Peacebuilding Commission*"p1.

Orebiyi, T., Orebiyi, A.O. and Fogbonjaiye, S.S.'Preventive peacebuilding and sustainable development in Africa'*Journal of Business Administration and Management Sciences Research*, 2:8, (2013)178-186

Polgreen, Lydia. (2006). "Janjaweed, and peace, are elusive in Darfur". *International Herald Tribune*. http://www.iht.com/articles/2006/06/12/news/darfur.php .

Rebecca Spence, "Post-Conflict Peacebuilding", p. 145.

Renske Heemskerk, The UN Peacebuilding Commission and Civil Society Engagement. (Disarmament Forum, No. 2,2007)

Report of the High-Level Panel on Threats,Challenges and Change, 2004. *A More Secure World: Our Shared Responsibility,* New York, United Nations.

Reychler,L. and Langer,A., Researching Peace Building Architecture, (Leuven Centre for Peace Research and Strategic Studies 2006)

Richmond O. "Rethinking conflict resolution: The linkage problematic between "Track I" and "Track II" Journal of Conflict Studies, 21:2 (2001) 155–61.

Richmond O. "Rethinking conflict resolution: The linkage problematic between "Track I" and "Track II". *Journal of Conflict Studies* Vol 21 No.2 (2001) 155–61.

Richmond, O. P. (2002). *Maintaining order, making peace*. New York, NY: Palgrave.

Roberta Cohen, "Reconciling R2P with IDP Protection," *Global Responsibility to Protect* 2, no. 1–2 (2010): 33.

Samuels, K. (2005). Sustainability and peace-building: A key challenge. *Development in Practice*. *15*(6), 728-736.

Schirch, L.: 'Strategic Peacebuilding: State of the Field, Peace Prints', South Asian Journal of Peacebuilding,1:1 2008

Schoultz, L. (1998). Beneath the United States: A history of U.S. policy toward Latin America. Cambridge, MA: Harvard University Press.

Shimizu, H. and T. Sandler. (2002). Peacekeeping and Burden-Sharing, 1994-2000. *Journal of Peace Research 39*(6), 651-668.

Solana, J. (1999). NATO's success in Kosovo. *Foreign Affairs, 78*(6). 114-120.

Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth, 1990), pp. 61-2.

Susan N. Kimokoti, Frank Matanga, and Harry Ododa 'A Review of the Integrated Post-Conflict Management Strategies in Kenya' *International Journal of Managerial Studies and Research* (IJMSR) Volume 2, Issue 4, May 2014, PP 68-75.

United Nations (UN). (2008b). *United Nations peacekeeping*. Department of Peace Operations homepage. http://www.un.org/Depts/dpko/dpko/

United Nations (UN). (2008d). *United Nations Assistance Mission for Rwanda (UNMIR)*. http://www.un.org/Depts/dpko/dpko/co_mission/unamir.htm

United Nations Children's Fund '*The Role of Education in Peacebuilding: Literature Review* (New York, United Nations Children's Fund, 2011).

United Nations Children's Fund, *The Role of Education in Peacebuilding: Literature Review*. (United Nations Children's Fund New York 2011).

United Nations Department of Peacekeeping Operations, *Handbook on United Nations Multidimensional Peacekeeping Operations*, (New York: DPKO, 2003), p.1.

United Nations Peacebuilding Support Office, *UN Peacebuilding: An orientation*, UN, New York, 2010.

United Nations Report:Human Security and Peacebuilding in Africa: the need for an inclusive approach,United Nations (New York, NY 2006)

United Nations Secretary-General, "An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-keeping", 17 June 1992, para 20–23. http://www.smallarmssurvey.org/files/portal/issueareas/measures/Measur_pdf/i_measur_ pdf/UN_doc/o_UN_doc/se/A_47_277.pdf.

United Nations, *Handbook on the Peaceful Settlement of Disputes between States*, New York: United Nations, 1992, pp.33-45

United Nations, *More Secure World. report (2004)*

United Nations, *Report of the Panel on United Nations Peace Operations* (Brahimi Report,2000).

University Press, Syracuse, New York, 1997

Uvin, P. 'The Development/Peacebuilding Nexus: A Typology and History of Changing Paradigms' *Journal of Peacebuilding & Development* 1:1(2002) 5-24.

Uvin, P. 'The Development/Peacebuilding Nexus: A Typology and History of Changing Paradigms' *Journal of Peacebuilding & Development,* 1:1(2002) 5-24.

Volt V.K and Shanahan, M. K "African Capacity Building for Peace Operations: UN Collaboration with the African Union and ECOWAS" Washington, DC (*The Henry L. Stinison Center*, 2005)

Youngs, R. (2003). European approaches to security in the Mediterranean. *Middle East Journal, 57*(3), 414-431.