

## Responsibility to Protect in Kenyan and Darfur Crises: A Critical Deconstruction of the Ideology of AfSol in the Lens of R2P, Normative International Relations Theory, and the Jetliners-Rigs Approach for Peacebuilding and Conflict Resolution

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### Abstract

Morality, trust, social ties, shared institutions, and social capital are in short supply after ethnic wars: ethnic identity is prominent; attachment to collective myths and symbols offensive to other groups is strong; avoidance is legitimate; minority returnees are not welcome; and disputants harbour deep-seated grievances. How can peace and culture of tolerance be nurtured in such a social milieu? (Oberschall, 2007:231).

The statement above represents the challenge of this research. Studies indicate that African conflicts are rooted in complex constructions and conjectures of the continent's political economies, social identities, and cultural ecologies, each of which is derived from local, national, and regional historical experiences and patterns of engagement with an ever changing world system (Nhema and Zeleza, 2008). These conflicts threaten regional stability, destroy human lives as well as social and physical infrastructure, and place at risk minorities' fundamental freedoms and human rights. Such a precarious state of events calls for timely and informed interventions to mitigate conflict protraction and virulence. Studies indicate that a civic culture of tolerance and respect for minorities is not conceivable without truth and justice in human affairs (Oberschall, 2007). Therefore, the proliferation of intrastate conflicts around the world has led to the emergence of transitional justice mechanisms which respond to legacies of collective violence and systematic human rights violations in a bid to establish the truth about the past, determine accountability, and offer some form of redress (Van Der Merwe, et al., 2009).

This study investigates the perception and/or experiences of the respondents about ethno-political violence, transitional justice, and peacebuilding in Kenya. Kenyan ethno-political challenge led to the formation of the Truth Justice and Reconciliation Commission of Kenya (TJRC) and the intervention of the International Criminal

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Court (ICC) both of which are highly critiqued by a section of Kenyans for their inadequacy to address the Kenyan problem (Rugene, 2010; Barasa, 2009; Omtata, 2010). Indigenous approaches to peacebuilding, which are thought to be complimentary forces to the ICC and TJRC have their merits and demerits too. This study indicates that neither the dualistic model of TJRC and the ICC nor the Tripartite Hybridity of TJRC, ICC, and indigenous approaches to peacebuilding is adequate enough in facilitating transitional justice in Kenya.

To complement the gaps of the dualistic and tripartite approaches, this study has come up with an experience-based grounded model for transitional justice, peacebuilding and conflict resolution in Kenya informed by the expressed needs and the recommendations of the study participants. Apart from having the tripartite hybridity of TJRC, ICC, and indigenous approaches to peacebuilding, the new model emphasizes the importance of implementing institutional and policy frameworks that would address historical injustices and structural violence ingrained in the Kenyan system in order to mitigate ethno-political violence in the future. If well implemented, the new Kenyan model namely The JET LINERS-RIGS Grounded Approach for peacebuilding and conflict resolution is expected to nurture sustainable peacebuilding, conflict resolution, and transitional justice in Kenya.

Keywords: Responsibility to Protect, Kenyan, Darfur, International Relations Theory

## **Introduction**

The failure of the principle of humanitarian intervention in Darfur, Rwanda, Kosovo, Iraq and other regions of the world in terms of political manipulation and application of double standards, indicates the need for a comprehensive re-evaluation of intervention as an approach for human protection. The failure prompted Canada and other like-minded actors to endorse the International Commission on Intervention and State Sovereignty (ICISS) in the UN General assembly of September 2000 (ICISS, 2001). This marked the emergence of the norm of the responsibility to protect (R2P), dedicated to finding some new common grounds on military intervention for the purpose of human protection. To help understand R2P, an overview of the principle of sovereignty and that of humanitarian intervention is essential.

Sovereignty as a Westphalian norm entails the autonomy of every state to run its internal affairs without external interference as entrenched in Article 2.1 of the UN Charter. Sovereignty is the foundation for self-determination of states and their people in relation to their own way of life and their relationship with foreign nations. However, the Westphalian concept of sovereignty attaches more importance to state security than to human security often resulting in mass atrocities and violations of human rights. This was the basis of the critique and re-evaluation of the principle of sovereignty by Canada and other like-minded actors in the General Assembly of September 2000 that eventually led to the establishment of the International Commission on Intervention and State Sovereignty. It became apparent that particular states were either perpetrators, unwilling or unable to offer human protection to their citizens. The failure of such states to offer human security warranted external intervention to facilitate human protection and marked the emergence of the principle of humanitarian intervention. More so, the end of the cold war and the collapse of the Soviet Union in 1991 saw an increase in ethnic and intrastate conflicts arising from structural factors such as ethnic geography, weak states, intrastate insecurity; political factors such as intergroup politics, discriminatory political institutions, elite politics and exclusionary ideologies; socio-economic factors such as discriminatory economic structures; and cultural/perceptual factors such as ethnic and cultural discrimination (Dodd, 2014). This further justified the need for humanitarian intervention as a core value for human security and protection. However, humanitarian intervention has been applied on double standards and lacked impartiality as witnessed in the case of Rwandan genocide and Darfur crisis. This led to the emergence of the norm of the R2P aimed at bridging the gaps prevalent in the principle of humanitarian intervention.

This study analyses the 2008 Kenyan crisis and the Darfur crisis (2003-2010) in the lens of R2P. I argue that R2P has not succeeded in its original goal of human protection. Instead, R2P, like the principle of sovereignty and humanitarian intervention, has largely been compromised by strategic, political, and economic interests of the international community such as military cooperation, fight against terrorism, democratisation, financial investments, and access to natural resources. First, I will introduce the principle of sovereignty, humanitarian intervention, and R2P. Then I will discuss and analyse the Darfur and the Kenyan crises in the lens of R2P showing that the implementation of R2P is influenced by the actors' strategic interests rather than human protection. Third, I will analyse R2P in the lens of

normative international relations theory. Here, I will show that R2P falls short of quality norm. Fourth, I will deconstruct the ideology of AfSol in the Lens of R2P and the Normative International Relations Theory to justify the need for AfSol's reconstruction in order to effectively address the African problem. Finally, I will introduce and discuss the Jetliners-Rigs Approach for Peacebuilding and Conflict Resolution indicating how it can complement and bridge the gaps of the AfSol's ideology of shared values, commitment, and ownership and the zeal for African identity. This discussion will end with some reflective discussion and conclusions.

## **Sovereignty**

All members of the United Nations have an interest in maintaining an order of sovereign, self-reliant, responsible, yet interdependent states. In most situations, this interest is best served if all states, large and small, abstain from intervening or interfering in the domestic affairs of other states...The non-interference rule not only protects states and governments, it also protects peoples and cultures, enabling societies to maintain the religious, ethnic, and civilisational differences that they cherish (ICISS, 2001).

The above quotation illustrates the great importance attached to the principle of sovereignty. Sovereignty constitutes the legal identity of a state in the international law to execute overall jurisdiction within its territorial borders guided by its constitution and without external interference as entrenched in Article 2.7 of the UN Charter. Sovereignty as a responsibility has three implications:

First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible and accountable for their acts of commission and omission (ICISS, 2001).

However, in many parts of the world the structures of national authority have abused sovereignty and used it as an instrument for self-aggrandizement. Sovereignty has been used to mask gross violation of human rights around the world (Crocker, et al., 2007). It is important to note that the legitimacy of state sovereignty is derived from the sovereignty of the people; a state loses its sovereignty when it violates the sovereignty of its people. Sovereignty means responsibility for the citizens' welfare. It is a social contract. The violation of citizen's rights by a state dishonours

this contract. Failure of the principle of sovereignty and the principle of human rights and human security constitute the only foundations for the protection of vulnerable populations (Marten, 2005: 37). The UN Security Council (UNSC) has a mandate to maintain and restore international peace and security through recommendations and decisive measures in case of threat to peace, breach of peace or act of aggression as entrenched in Articles 39-51 of UN Charter. Therefore, the principle of the humanitarian intervention comes in handy to bridge the gaps exhibited in the principle of sovereignty (ICISS, 2001).

### **Humanitarian Intervention**

The post-World War II (WWII) era has achieved great landmarks in the development of international human rights. Article 1.3 of the UN Charter is dedicated to promoting and encouraging the respect for human rights and fundamental freedoms for all without distinctions such as race, sex, language or religion. In 1948, the UN adopted the Universal Declaration of Human Rights (UDHR) to promote human dignity and freedom of mankind. This was followed closely by the establishment of the International Covenant on Economic Social and Cultural Rights in 1966. These principles proclaimed human rights as basic and fundamental for all human beings.

With the failure of conventional sovereignty, human rights became the template of states' conduct in the fight against impunity. The rule of law is best conducted by independent judicial systems of sovereign states unless the national systems of justice are unable to address crimes against humanity thereby inviting universal jurisdiction (ICISS, 2001). The principle of human rights goes hand in hand with the principle of human security. Human security bridges the gaps in the Westphalian state centred security by focusing on people's physical safety, economic and social well-being, respect for dignity and worth as human beings, and the protection of their human and fundamental rights and freedoms (Ibid). However, humanitarian intervention has of late been critiqued by human rights activists for its double standards and political manipulation. The failure of humanitarian intervention as a tool for human protection led to the emergence of the R2P as a new norm aimed at improving human protection in crisis situations.

## **Responsibility to Protect**

Sovereignty entails responsibilities as well as rights. States have the primary responsibility for their citizens, but in circumstances where states commit war crimes against their own citizens, the international community has an obligation and a duty to those citizens – a “responsibility to protect” (ICISS, 2001). The responsibility to protect is a new liberal peace initiative for military interventions meant for human protection and peacebuilding. R2P ensues when “major harm to civilians is occurring and the state in question is unable or unwilling to end the harm, or is itself the perpetrator” (ICISS, 2001:16).

Military intervention for the purpose of human protection is entrenched in various legal frameworks including: the fundamental natural law principles, human rights provisions of the UN Charter, UDHR, Geneva Conventions and additional protocols on international humanitarian law, and Statute of the International Criminal Court (Ibid). The R2P is based on the following principles: one, it decentralizes the intervention from the point of view of the affected communities rather than the interveners; two, it gives the primary responsibility to the target state and it is only when such a state is unable, unwilling, or is itself the perpetrator that the International community intervenes; three, R2P goes beyond the ‘responsibility to react’, it shoulders the burden of the “responsibility to prevent” and the “responsibility to rebuild” (ICISS, 2001:16-17).

R2P has six criteria for military interventions namely: right authority, just cause, right intention, last resort, proportional means and reasonable prospects (Ibid: 32). These criteria stipulate clear rules and legitimacy for military intervention with minimal human costs or institutional damage, and better prospects for sustainable peace (ICISS, 2001:11).

### **The Darfur Crisis**

The Darfur crisis (2003-2010) was characterised by massive atrocities and violations of human rights (UN Mission, Sudan, 2005). In the course of this crisis, about 100,000 people were killed, more than 200,000 sought refuge in other countries, approximately 2,000,000 people were internally displaced persons (IDPs), and approximately 3,000,000 people, half of Darfur’s entire population, were in dire need of humanitarian assistance (UN Mission, Sudan, 2005). Other accounts

indicate that the actual statistics could be much higher than indicated considering the unaccounted cases in areas controlled by the government funded Janjaweed Militias (Coebergh, 2005).

While the Government of Sudan (GoS) has failed in its primary responsibility to protect, the international community has also turned a blind eye to the Darfur crisis (International Crisis Group (ICG), 2005). The Darfur crisis emanates from the exclusion of Darfur from the Comprehensive Peace Agreement (CPA) between Khartoum and Southern Sudan, competition for scarce resources between the farmers and pastoralists, racism between the Arabs and the Africans, proliferation of small arms, and marginalisation and vulnerability of the peripheral communities in Sudan (Human Rights Watch (HRW), 2004). This has led to the struggle for power and the emergence of militias including the Justice and Equality Movement (JEM) and Sudanese Liberation Movement/Army (SLM/A) (ICG, 2005). The Janjaweed has indiscriminately used superior weapons supplied by Russia and China for blanket bombing of unarmed civilians in Darfur resulting in gross human rights violations (De Waal, 2004). The 2005 Report of the International Commission of Inquiry on Darfur (ICID) describes the Darfur crisis as genocide and the GoS as having an intention to commit genocide. According to the Institute for Security Studies (ISS), 2005) and HRW (2003), the hope for Sudanese peace has been the CPA which strives to address the distribution of resources, institutional reforms, and power sharing between the North and the South. However, at the centre of CPA are strategic interests of the powerful states which have compromised the R2P in Darfur (USAID, 2004).

### **The Darfur Crisis in the Lens of R2P**

While the GoS, the Janjaweed and other affiliate militias have committed atrocities and failed to protect the people of Darfur, the international community has a moral duty to act by exerting political pressure on the GoS, protecting the civilians, providing humanitarian relief to the victims of atrocities, and rebuilding of the tattered sources of livelihood (UN, 2004). The silence of the international community is the greatest inefficiency in collective security and a great test for R2P in Darfur (Slim, 2004). While impartiality is the central pillar for human protection and while such should be executed efficiently and timely, the Darfur crisis has remained at the mercy of political, strategic, and economic interests of powerful nations while the victims continue to suffer (Ibid). Reports indicate that

despite early warnings by the UN Office for the Coordination of Humanitarian Affairs (UN-OCHA), Amnesty International (AI), ICG, and Médecins Sans Frontières (MSF) about the inevitable crisis in Darfur, the international community maintained the conspiracy of not to see (AI, 2003). The entry of the international community and the international news media in Darfur occurred after a forced displacement of approximately one million people (ICG, 2005). The GoS media propaganda simplified the actual situation in Darfur by denying human rights activists, journalists and humanitarian agencies access to Darfur (Slim, 2004). Other impediments to R2P in Darfur include poor infrastructure, insecurity, harsh weather, bureaucracy, funding constraints, logistical challenges, poor coordination of humanitarian agencies, and the curfew by the UN Department of Safety and Security (UNDSS) for the safety of UN workers (IASC, 2005). While most of these impediments could be addressed by the GoS and the international community, none took that responsibility; instead, the focus was on their strategic interests such as dominance in oil concessions and exploration. The deployment of humanitarian staff in Darfur has also been inefficient and slow; while it took two months for humanitarian agencies to deploy ten staff in Darfur, the same agencies were able to deploy a hundred people to cater for Tsunami victims in two weeks (IASC, 2005). This discrepancy indicates the failure of the principle of humanitarian intervention due to double standards applied by the international community in its implementation.

The implementation of R2P was also hindered by GoS manipulation of the principle of sovereignty. While the UN High Commissioner for Refugees (UNHCR) has a direct responsibility to cater for the Darfur refugees outside Sudan, the GoS (perpetrator) evoked the principle of sovereignty to claim responsibility over the IDPs. The mission of R2P in Darfur has also been impeded by mislabelling. A variety of labels such as “humanitarian crisis” or “humanitarian emergency” has contributed to the diversion of attention from the root causes of the crisis such as resources, governance, and land (Straw and Benn, 2004). The Darfur crisis is not only humanitarian but also a political crisis which calls for a more focused and defined political intervention; it requires the political will of the GoS and continued pressure from the international community (Egeland, 2005). The failure of R2P in Darfur could also be attributed to the prioritisation of the North-South CPA agenda over Darfur (Slim, 2004). Again, this prioritisation is based on strategic interests. The international actors believed that the success of CPA would result in

power sharing, good governance, sharing of resources, and institutional reforms becoming a gate-way to the international actors' interests in Sudan's vast mineral deposits. They feared that putting pressure on Khartoum over Darfur could lead to the collapse of the CPA hence jeopardizing the actors' strategic interests. Precisely, the CPA is too important to the west than the Darfur crisis which compromises the R2P. Evoking sovereignty, Khartoum has strongly opposed foreign military intervention and instead endorsed the African Union (AU) terming Darfur crisis as a domestic matter (Reuters, 2005).

Khartoum's refusal of foreign military intervention is strongly backed by African countries under the banner of "African solutions for African problems" (AU Summit, 2004). This banner is defeatist in nature because the crisis in Sudan, like other crises that have occurred in Rwanda, Egypt, Libya, Burundi, Nigeria (Boko Haram), Southern Sudan, Kenya, Democratic Republic of Congo, Sierra Leone, and Liberia, to mention but a few, has both domestic and international causes and implications. While AfSol's banner seems to prevent international interventionism in African problems, it is hard to believe that there is a problem that can be entirely African in our contemporary globalized world. The R2P transcends Africanisation of solutions; it is about co-operative responsibility for human protection. To facilitate sustainable conflict transformation in Darfur, both the African states and the west must be involved actively. Despite the 'Africanisation' of Darfur crisis and the endorsement of the role of AU in the crisis by UNSC through resolutions 1556 and 1564 of 2004, the international community should be allowed to provide technical, financial, and logistical support to the AU Mission which is key in pressurising Khartoum to adopt a ceasefire (AU, 2004; DFID, 2005). The interests of the West in Darfur crisis are also embedded in the war against terror; with al-Shabaab in neighbouring Somalia; it is largely feared that a failed Sudan would become a haven for terrorists, therefore, compromising the strategic interests of the west (Congressional Research Service (CRS), 2005). This discussion shows that R2P in Darfur is affected by a multiplicity of actors' interests and hence its success depends on collaborative action between all actors including the international community, rebels, AU, GoS, and most importantly, the people of Sudan. However, the required solidarity among various actors in Darfur crisis is elusive; for example, while the AU appealed for 6,000 soldiers for the peace mission in Darfur, only less than a third were deployed (UNSC, 2004). The vast mineral resources and especially oil has been the springboard for action or inaction by various actors

in the Darfur crisis. China and Russia continue arming the Janjaweed Militias in order to aggravate Darfur crisis and hence continue controlling the oil concessions and the arms market. Multi-national companies such as China National Petroleum Cooperation (China), Elf, Total, and Fina (Belgian and French), and Chevron (USA), have heavily invested in Sudan (Washington Post, 2004). The scramble for restructuring of Sudan oil concessions by the international community in the event of successful CPA is a challenge to the commitment to R2P.

As a result of the economic and strategic interests of the USA, Russia, China, Belgium, French and other actors in Sudan, the UNSC has had challenges with internal divisions, power brokerage, and vetoing over the Darfur crisis. It was not until 2004 that the UNSC succeeded in pushing for resolutions 1556 and 1564 under Chapter VII of the UN Charter declaring the Darfur crisis a threat to international peace and security and recommending the disarming of the Janjaweed, arms embargo, economic and diplomatic sanctions, and military action in the case of non-compliance (UNSC, 2005). Most of the international actors with strategic interests in Sudan, led by China and Russia, vetoed or abstained against these resolutions. The report of the International Commission of Inquiry on Darfur (ICID) describes this as a failure in the cooperative spirit of R2P (2005). The conflict between R2P and strategic interests of the international community has emboldened the GoS and the Janjaweed militias to continue the massacres of the people of Darfur (HRW, 2004). This calls for the UNSC to redefine the Darfur Mission and address strategic interests that have compromised R2P. All actors must monitor the compliance of the GoS and unite in the implementation of the agreed sanctions. Strategic interests in Sudan have led to divisions in the UNSC on recommendation by ICID to refer the case to the International Criminal Court. Actors in the Darfur crisis must shelve their strategic interests and invest in shared responsibilities in order to nurture the R2P (UN, 2004).

### **The 2008 Kenyan Ethno-political Violence and the Responsibility to Protect**

US has a strong interest in the political stability of Kenya. Kenya is too important to fail. It is not me saying this; this is shared by the highest level of my Government, America's ambassador to Kenya, Michael Rannerberger, 2009

The statement above indicates a change of language. In the case of Darfur, the international community assumed the conspiracy of not to see; in the Kenyan

situation the language changes to that of “too important to fail.” This reminds us of George Orwell’s satire in his *Animal Farm* (1946) thus, “All animals are equal, but some animals are more equal than others...Four legs good, two legs better!” This lack of impartiality is a challenge to the ethics of R2P. Kenya has a history of ethnic violence (Anderson, 2002:531). Bloody ethnic clashes occurred in 1992, 2001, and 2008 (Mueller, 2008). But, it was after the 2008 disputed presidential elections that the violence almost spread into genocide with 1,500 people killed, 500,000 displaced, extensive pillaging and crimes against humanity committed (Karari, 2014). However, the speed at which the international community intervened in the Kenyan crisis differs with the reluctance to intervene witnessed in Rwanda and Darfur. To illustrate how “important” Kenya is, in only less than two months into post-election violence, more than thirty eminent people from all over the world flew to Kenya for mediation.

The international community led by USA, EU, UN, and AU literally camped in Kenya reiterating that the country’s stability was an asset to regional and global importance and that the world would not watch as it sank. This indicates a lack of impartiality in the execution of R2P; that R2P has been compromised by political, strategic and economic interests of the international community. Kenya is referred to as “America’s indispensable partner”; her economic, political and strategic importance is equalled to that of Egypt to the north, South Africa to the South and Nigeria to the west (Nation Newspapers (DN), 2010). Kenya is the base for the US war against terror in the Horn of Africa and part of Middle East. With multiple failed states in East, Central and the Horn of Africa, Kenya is important in the West’s war against terror. The failure of Kenya could open a new haven for terrorism, which is a threat to strategic and political interests of the West (Joel, 2004). The US Air Force is permitted to land military aircraft on Kenyan airports within 24 hours’ notice while the Kenyan ports along the Indian Ocean harbours the US Navy (DN 2010). In return, Kenya enjoys economic and military aid from the USA. The failure of Kenya would thus jeopardize American interests in the East and the Horn of Africa.

Having been among the most stable democracies and a haven of peace in East, Central, and the Horn of Africa, Kenya has been instrumental in brokering peace in the surrounding conflict laden countries such as DRC, Uganda, Somalia, and Sudan. The country is a home to over a million refugees from around Africa including Sudanese, Ethiopians, Ugandans, Somalis, Burundians, Rwandese, and

Congolese, among others (UNHCR, 2010). Kenya's failure would thus endanger the lives of hundreds of thousand refugees living in various camps in the country resulting in a regional humanitarian crisis. Kenya's access to the Indian Ocean makes the country the gateway to East and Central Africa's landlocked countries such as Uganda, Rwanda, Burundi, DRC and South Sudan. The 2008 Kenyan violence severed humanitarian supplies, communication and trade with these countries, leading to a regional crisis especially in consumable goods and petroleum. It is popularly said that when Kenya sneezes, East Africa catches a cold (DN, 2010). Kenya is the regional economic hub and centre for major transnational road and railway routes. The annual US aid to Kenya is \$1 billion out of a total of \$5.6 billion to the entire African continent (Ibid). Kenya has a fibre-optic cable system "The East African Marine Systems" that extends from the United Arab Emirates, linking the country to the entire African region and benefiting the rest of Africa with access to fast internet (The Free Library, 2010). The Kenyan economy is so integrated to the larger Africa and the globe that any negative effect snowballs to the rest of the world. Kenya is considered as one of the "anchor states of Africa" – all the world major powers have robust diplomatic missions in Nairobi (DN, 2010). The largest US embassy in sub-Saharan Africa is in Nairobi. Alongside Vienna, New York, Rome, and Geneva, Kenya hosts the UN headquarters in Nairobi. Nairobi is the home to the UN-Habitat, UNEP, and a multiple other UN agencies accounting for Kenya's twenty per cent foreign exchange. Kenya is also the African home of Bretton Woods institutions and a multiple other multi-national corporations, INGOs and NGOs. Conclusively, strategic interests formed the basis for selective intervention for human protection in Kenya indicating a lack of impartiality in the R2P. To what extent then does R2P qualify as a norm?

### **R2P in the Lens of the Normative International Relation Theory**

The above discussion indicates that R2P has two faces; it is a norm and a policy agenda. As Viotti and Kauppi (2009) put it, norms prescribe what the world should be and what ought to be the right conduct, requiring people and states to act against their self-interests. Norms are socially embedded prescriptions that guide individual conduct and behaviour. Conformity to norms is influenced by internal motivations and sanctions. However a myriad of uncertainties surround the institution of norms. These include the emergence and internalisation of norms, the forces that influence conformity to norms, the process of enforcement of norms in social relations, and the sustainability of norms over time. These

issues are central to analysing R2P as a norm in international relations (IR). While the emergence of R2P was influenced by the need to protect human beings from acts of genocide and catalysed by the failure of the principles of sovereignty and humanitarian intervention, its failure lies in strategic interests of actors (Slim, 2008). The lack of definitive sanctions against the international actors for their inaction, non-conformity or non-compliance discredits the quality of R2P as a norm. Various theories critique the qualification of R2P as a norm. While norms are shared expectations for appropriate behaviour among actors with a given identity (Finnemore and Sikkink, 1988); not all actors have shared expectations related to Darfur. Actors in Darfur are motivated by self-interests and this disqualifies R2P as a norm. R2P was disqualified as a norm when the international community united to rescue Kenya from the brink of collapse but failed in the case of Darfur. However, a norm should be consistent in its social functions (Evans, 2007). The International Court of Justice (2007) indicates that the practice of R2P in Darfur deviates from the international frameworks of shared expectations. The main challenges of R2P as a norm are indeterminacy, the lack of definite criteria for action, and uncertainty of expectations. While the R2P clearly stipulates the role of state in the protection of citizens, that of the international community lacks specificity and clarity (Franck, 1990).

The determinacy of a norm is directly proportional to compliance pull. The stronger the compliance pull, the greater the motivation for the international community to act in solidarity towards the accomplishment of common goals (Mephram, 2006). The indeterminacy of the international community's role in the case of Darfur reduces the compliance pull and hence increases the challenge in the implementation of R2P (Feinstein, 2007). The clear determinacy in the case of Kenya enhanced the compliance pull and nurtured the political will among the Kenyan leaders and the international actors. The question, however, is whether the Kenyan success can be attributed entirely to R2P or if it was a smokescreen by the international actors to guard their strategic interests. If the international community had no strategic interests in Kenya, it is doubtful if the Kenyan case could have been treated any differently from that of Darfur and Rwanda (Bellamy and Williams, 2009). Precisely, the question still lingers whether R2P is a norm or just another policy tool for the superpowers to guard their interests in the world (Barbour and Gorlick, 2008). However, this discussion has shown that the compliance of actors within the framework of R2P is motivated by self-interests.

This conflicts with the original goal that led to the emergence of R2P and discredits its quality and reliability (Symons, 2007). Conclusively, R2P requires restructuring to enhance its compliance pull and hence its performance. There is a need to explore other ideologies that could complement R2P. Such an ideology is AfSol. The following discussion analyses the relevance of AfSol in facilitating African-centred solutions for peace, security, and governance.

### **AfSol in the Lens of R2P, Normative International Relations Theory, and the Jetliners-Rigs Approach for Peacebuilding and Conflict Resolution**

The formation of African Union (AU) in 2002 mandated the African Union Peace and Security Council with an obligation to define and find African-centred solutions for peace, security, and governance in the continent (Institute for Peace and Security Studies (IPSS), 2014). The Tripoli Declaration on the “Elimination of Conflicts in Africa and the Promotion of Sustainable Peace” adopted by African Union Heads of State and Governments in 2009 recognized peace and security as an “intellectual challenge” (Ibid).

This was followed by a Memorandum of Understanding between the IPSS and the AU Peace and Security Department, in which the former “committed to train, research and promote African ownership by developing approaches better adapted to African realities” (IPSS, 2014). Based on the Tripoli Declaration, IPSS brought together a group of experts for a workshop on African-Centred Solutions to African Peace and Security Problems (AfSol) from 26<sup>th</sup> to 27<sup>th</sup> September 2014 with an objective of redefining and refining “the concept of AfSol through presentations and in-depth discussions and debates” (Ibid). Following this workshop, the experts came up with a common understanding in which the ideals of ownership, commitment, and shared values were seen as foundational in nurturing African-centred solutions in peace and security. However, the big question is whether the AfSol ideology is realistic, achievable, and/or implementable amidst socio-economic, political, and strategic interests and complex and diversified ethno-political and ethno-cultural identities.

***Critical Deconstruction of AfSol’s Ideology:*** As we have seen in this discussion, the effectiveness of R2P has been compromised by strategic, economic, and political factors including the impartiality of the UNSC, the scramble for natural resources, war on terrorism, military investments, and media, among others. As

we proceed to nurture the ideology of AfSol, a major challenge would be how the three Pillars of AfSol namely; Commitment, Ownership, and Shared Values will overcome the aforementioned strategic, political, and economic forces that influence R2P. While the effectiveness of R2P could benefit from the ideology of AfSol, the challenge is how to ensure conformity and sustainability of compliance to AfSol's Pillars amidst a myriad of strategic, economic, and political interests by African countries. Towards the deconstruction of AfSol, it is important to note that shared values, commitment, and ownership cannot be nurtured on a shaky foundation, instead, these principles require a fertile ground characterized by integrity, good leadership and governance, democracy, human rights, rule of law, socioeconomic empowerment, security, and peace, among others. Unfortunately, the reality on the ground indicates that Africa is embroiled in negative ethnicity, corruption, impunity, dictatorship, poverty, and dependency on foreign aid. The report by Transparency International indicates that nine out of the twenty most corrupt countries in the world are in Africa; all African countries, except four, have scored less than 50 in a scale of 0 to 100 as per the Corruption Perceptions Index of 2014 (IPSS, 2014). Further reports indicate that 80% of African Peace and Security Architecture (APSA) of AU budget comes from external funding (Ibid). How then is AfSol's dream of nurturing African identities and realities possible while we continue being dependent on foreign funding? Can "African Solutions" thrive under dependency? Remember, "He who pays the piper calls the tune." The success of AfSol's ideology requires sustainable socio-economic independence (UN, 2004).

While AfSol is committed to nurture approaches that are adapted to African realities, studies indicate that in the age of globalisation, social, economic, political, and technological interconnectedness cannot allow pure isolationism and/or independence (Cochrane and Pain, 2004). While Pan-Africanism ideology was a front against colonialism as a common enemy (Mazrui, 2008), do we have a common enemy or a common ground for unity and action facing neo-colonial Africa that warrants the ideology of AfSol? While AfSol's principles emphasize on African identity and values, do we have identities and values universal to the entire African continent? And is the concept of having universal African values practical, possible, and/or feasible? Were African values not adversely eroded by colonial ideologies of divide and rule and later by neo-colonialism, modernism and globalisation? If the nation states of Africa themselves are embroiled in ethno-

nationalism rather than national identity, how is African identity even possible? Has AfSol swallowed more than it can chew? Is it not more feasible to start by addressing ethno-nationalism, nurturing national identities, and then moving on to African identity? Is the clamour for “African-solutions” not a smokescreen, a face-saving phrase, or a deviatory tactic used by African elites to cover impunity, evade prosecution, and sustain their selfish political interests? Instead of the narrative of “African Solutions” that seems to be misplaced and embroiled in myriad uncertainties, why don’t we embrace best practices (Yimer, 2015) that have worked elsewhere in the world and tailor them to our African context? But even then how can such best practices be nurtured without being compromised by selfish political elites?

AfSol also emphasizes on the embracement of home-grown approaches or African Traditional Methods (ATMs) indicating that the owners of local conflicts know best their solutions. While such an assertion could be true, studies indicate that indigenous mechanisms have been compromised by globalisation and modern superstructures (Karari, 2014). For example, the widely acclaimed Gacaca courts have been critiqued for violating the rights of the accused; politicisation and interference of the court process by the ruling regime; victimisation of political opponents by the ruling regime; destruction of evidence implicating supporters of the ruling regime; forced participation in the Gacaca process; and lack of official representation of the accused (Ibid).

AfSol’s Try Africa First initiative (IPSS, 2014) which seeks to encourage Africans to prevent and manage African conflicts by themselves is a great idea but what if it fails? Is there a Plan B amidst the clamour for isolationism and independence? If Try Africa First fails, will Africa revert to international interventionism or will it persevere to collapse under the banner of African Solutions. Is the framework for Africa to address its own challenges without resorting to external interventionism implementable, realistic, or even conceivable in our globalized world where the action or inaction of one party anywhere in the world affects the rest of the world? Will the international community sit and watch their citizens get affected by the inaction emanating from the call for African solutions?

The value of ownership proposed by AfSol is also a great idea but not without a few critiques. One would ask ownership for what? And how is this ownership going to be nurtured, sustained in Africa’s diversified value system? Ownership

would require active participation and involvement of all people and institutions at all levels but so far AfSol remains at the experts' and AU levels. How is the AfSol "brand" going to trickle down to involve the people at the grassroots so that ownership can be nurtured? When the experts propose inclusiveness and accommodation of African diversity as a means of nurturing African identity, how do they plan to marry multiple diversities, identities, and value systems that characterise the continent? Are all African states interested in the proposed African identity? And even if the nation states may be interested, do the people that make these states care about an African identity? And how do we measure whether people are interested? By conducting a continental referendum? How many African states can even claim to have a national identity? Is it, therefore, not more practical to nurture national identities before moving on to continental identity? At the grassroots level, all that common citizens care about is the basic survival for their families (Karari, 2014). Will an African identity add value to the life of the commoners? For the AfSol brand to succeed, it needs to resonate with the expressed needs of the target groups.

From the aforementioned, AfSol's greatest challenge remains to market and sell the AfSol brand and at the same time nurture a common ground that accommodates multiple identities and diversities that characterize the African nation states and the African people. AfSol experts argue that shared values between African Nation states would in the long run nurture a continental identity (IPSS, 2014). But what are those values that are shared between African nation states and would they be enough to nurture a compliance-pull towards an African identity? Do we also have some values that are not shared within the African nation states? If so, what are those values? If opposing or non-complimentary values exist, will they not impede the compliance-pull towards achieving an African identity? And how does AfSol plan to address non-complementarity of values and its effect on the compliance-pull? AfSol experts argue that shared history and geography constitute the basis of shared values (Ibid). But are we talking about pre-colonial or post-colonial shared history and geography? Was pre-colonial African geography not dismantled by colonial divide and rule? And if we are talking about post-colonial geography, what geography is this and how will it influence our shared values? While colonialism constitutes an example of Africa's shared history, does it really nurture the compliance-pull towards African identity? Can AfSol bank its hope on shared geography and history as the background of nurturing African identity?

Africa might have shared history and geography, but times have changed, different African countries and people have their own priorities, expressed needs, ways of life, structure of leadership and governance. Therefore, shared history and geography do not guarantee African identity. If we find the answer to the how of nurturing a common African identity amidst the existing multiple diversities, priorities, needs, and complexities, then AfSol could be a great ideology.

*AfSol in the Lens of Normative International Relations Theory:* At this point, it is critical to evaluate AfSol as a norm based on Normative International Relations Theory. Norms are socially embedded prescriptions that guide individual conduct and behaviour (Viotti and Kauppi, 2009). Conformity to norms is influenced by internal motivations and sanctions. Therefore, AfSol prescriptions while not seen as sanctions should facilitate motivation to ensure active participation, commitment, and ownership of the AfSol brand by the target groups. AfSol must cope with the uncertainties exhibited in the institution of norms. For example, how will AfSol reinforce the internalisation of its values? How will AfSol influence conformity to its values, the enforcement, and sustainability of the same? How does AfSol address inaction, non-conformity or non-compliance to its values?

Studies indicate that norms are shared expectations of appropriate behaviour for actors with a given identity (Finnemore and Sikkink, 1988). However, the reality is that all African nation states do not have shared expectations and/or identities. How then do AfSol's three values qualify as a norm? How will AfSol facilitate compliance-pull to ensure shared values amidst the diversities of Africa nation states? If the embracement of AfSol's values is compromised by socio-economic, political, and strategic interests, who will be answerable for it? In other words, where does the bulk stop? Who is responsible for implementing AfSol values? The main challenges of AfSol ideology as a norm are lack of a common ground, indeterminacy, lack of a definite criteria for action, lack of clarity, and uncertainty of expectations. AfSol's implementation process and the roles of nation states, institutions, and the people at all levels lack specificity and clarity, an aspect that will definitely compromise compliance-pull. The determinacy of a norm is directly proportional to compliance-pull; the stronger the compliance-pull, the greater the motivation for action, commitment, ownership, and sustainability (Mepham, 2006; Feinstein, 2007). In the case of AfSol, what will motivate compliance-pull at governmental, institutional, civil society, and citizenry levels? Is AfSol yet another policy tool for African bureaucrats to further their political agendas, evade

prosecution, and avoid international interventionism? With all these uncertainties, how can AfSol nurture a common language, a collective African value system, a common ground and identity, cooperate compliance and rebranding that is acceptable to the African people and governments?

From the foregoing, the AfSol initiative requires rebranding in order to bridge the inherent gaps and uncertainties. Towards the rebranding of the AfSol initiative, this study proposes the integration of the Jetliners-Rigs Approach for Peacebuilding and Conflict Resolution (Jetliners Approach). The discussion below will apply the Jetliner concept to real situations and more so explain how the Jetliner idea can be made practical within the framework of AfSol.

### **Rebranding AfSol in the Lens of the Jetliners-Rigs Approach for Peacebuilding and Conflict Resolution**

The Jetliners Approach is a holistic, integrative, and experience-based model for transitional justice, peacebuilding and conflict resolution derived from a 2012 study carried out in Kenya. Since violence and conflicts are complex, this model offers a grounded initiative that focuses on local dynamics and interventionism. This is in respect to the fact that our communities are central to the solution of their problems and hence the need to invest in cultural knowledge (Hurlbert and Mulvale, 2011; Lederach, 2005). To nurture African solutions for African problems, the following elements of the Jetliners approach need to be embraced: justice, equity, equality, and fairness; socio-economic empowerment; Truth Justice and Reconciliation Commissions; land policy; indigenous approaches to peacebuilding and conflict resolution; national ideology and identity; formal, informal and civic education; non-violent revolution/renaissance; security, safety and the rule of law; institutional and constitutional reforms; the International Criminal Court; good leadership and governance; and cross-community interactions, dialogue, and sharing.

Using the Jetliners approach, I argue that: (a) AfSol's values cannot be nurtured in a vacuum, they need a fertile ground on which they can grow, develop, and get owned up by the African people; (b) AfSol's values cannot exist alone, they need to link with the institutions of governance and embrace the expressed needs of target groups at all levels; (c) AfSol's values cannot be nurtured within the corrosive environment characterised by impunity, corruption, bad leadership, ethnicity, poverty, and dependency. The Jetliners Approach looks at Africa as a

jetliner and AfSol's principles of Commitment, Shared values, and Ownership as the three wheels of a jetliner. I argue that the effectiveness of AfSol's principles of Commitment, Shared values, and Ownership needs to address historical and structural injustices through reinforcing the principles of the Jetliners approach. I also argue that the effectiveness of AfSol's principles of Commitment, Shared values, and Ownership requires addressing the heavy chains of corruption, impunity, ethnicity, poverty, dependency, bad leadership and governance that continue to bedevil Africa. This Jet (Africa) does not only require the three wheels (the AfSol values) i.e. Shared values, Ownership, and Commitment to take off, but also other inputs including the pilot (good leadership and governance); the engine (socio-economic empowerment); aircraft servicing (institutional/constitutional reforms); flight attendants (cross-community interactions); safety demonstration (security, safety, rule of law and civic education), among other things.

The success of AfSol's initiative requires networking and interdependence between African nations. The Multi-Track Diplomacy emphasizes the importance of intra-systemic relationships in determining pathways of communication, sharing of resources, and opportunities for mutual enrichment (Diamond and McDonald, 1996: 156). Intra-systemic action would nurture social and political spaces for a safe flight to target destination i.e. African Identity. The Jetliners is a grounded peacebuilding model based on the belief that our communities are central to the solution of their conflicts. AfSol's dream of nurturing African identity, therefore, requires the involvement of target groups, using their value systems to inform the solution, as well as looking at their problems as opportunities (Hurlbert and Mulvale, 2011; Weinstein, et al, 2010). Below is a discussion of various components of the Jetliners approach indicating on how they inform AfSol's values and the vision of African identity.

### **Justice, Equity, Equality, and Fairness**

African identity must be based on justice, equity, equality, and fairness. However, in many African countries, justice is skewed and it is influenced by power and exists for the highest bidder favouring those at the centre and marginalizing those at the peripheries (Hurlbert, 2011). Therefore, AfSol's dream for an African identity should target to address historical and structural injustices that characterise its people. The jetliners model does not conceive the target groups as "passive passengers" but as "active passengers" able to productively engage the cabin crew

(leadership) on affirmative action that accommodates the dynamics and expressed needs of the African people.

### **Socio-economic Empowerment**

Nurturing an African identity that embraces the AfSol's ideology of shared values, ownership, and commitment requires reaching out to the marginalized groups, protecting life opportunities for future generations, and preserving the natural systems on which all life depends (Hurlbert and Mulvale, 2011). Neither AfSol's dream of an African identity nor the principles of shared value, commitment, and ownership can be nurtured under deprivation (Ahere, 2012; Mkangi and Githaiga, 2012). Studies indicate that violence occurs when people's human needs are denied or frustrated (Schirch, 2004: 22). To facilitate a compliance-pull towards African identity, the AfSol initiative and African governments must invest on socio-economic empowerment of the peripheral groups by liberalizing access to political power, basic services, and opportunities based on sound economic policies that accommodate complex diversities and differential development (MacGinty, 2008; Dayton and Kriesberg, 2009).

### **Truth Justice and Reconciliation Commissions**

In Africa, the process of establishing truth about historical injustices is often compromised by political influences, repression, and subordination (Hinton, 2011). The top-down facilitation of this form of restorative justice disempowers the target beneficiaries and compromises trust-building, ownership, and legitimacy of the process (Woolford, 2009). African identity cannot be achieved when large sections of African population thrive under transgenerational trauma and injustices (Wilson, 2001). African identity and the embedded AfSol values should be founded on healing and reconciliation of the African continent and its people. AfSol in conjunction with the African governments, need to nurture spaces in which victims of historical injustices can tell their stories and obtain justice (Schirch, 2004). African identity requires accommodation of local experiences and priorities and restorative justice process that addresses historical and structural inequalities (Woolford, 2009).

### **Land Policy**

The colonial displacement and post-colonial disproportionate land allocation and

distribution dispossessed huge sections of African population of their greatest source of identity—land (Ahere, 2012: 27-40). Conflicts relating to land are potentially explosive because they are non-negotiable and zero-sum (McGarry and O’Leary, 1993: 16). AfSol, in collaboration with African leaders should address land grievances through restitution, harmonisation of laws and policy on land tenure and ownership (Ndung’u, 2006). Restitution should not create a new wave of dispossession, rewarding some while depriving others; it must be balanced and committed to bringing satisfaction to both the victims and perpetrators of land appropriation.

### **Indigenous approaches to Peacebuilding and Conflict Resolution**

Indigenous approaches to peacebuilding as forms of transitional justice should be central to AfSol’s initiative because they are community-based, ritualistic, value-based, sustainable, and able to promote local ownership and hence identity. AfSol and African government need to invest in Alternative Dispute Resolution mechanism entrenched in track two (unofficial diplomacy) of the Multi-Track Diplomacy which have gained importance in peacebuilding due to the complexity and intractability of intra-state conflicts (Diamond and McDonald, 1996: 3-4). To nurture indigenous approaches, AfSol’s initiative should empower the community and invest in local innovation in addressing protracted conflicts. AfSol’s dream of African identity must be rooted in social knowledge, which is central to peacebuilding and conflict resolution (Lederach, 1995: 120).

### **National Ideology and Identity**

In Africa, ethno-nationalism has compromised state-nationalism and identity (Wamwere, 2008). This indicates the challenge of even achieving AfSol’s dream of African identity. Ethno-nationalism is sustained by the benefits derived from being a member of a group which provides psychological distinctiveness for the in-groups and out-groups (Oberschall, 2007:4). Therefore, the embracement of a continental identity requires that steady supply of common benefits are maintained and sustained in order to nurture a sense of belongingness. In a critical perspective, however, Kimenyi (1997:41) observes that, “any idea that one can make a diversity of people into a nation by suppressing their identities and affiliations to which they attach their highest significance is simply a nonstarter.” National loyalty cannot instantaneously supplant ethnic loyalty; it has to be built on top of ethnic

loyalty by creating a system in which all the ethnic groups feel that there is room for self-expression (Ibid). Therefore, AfSol's push for African identity should not supplant ethnic or national identity; it should endear and engage ethnic groups and nation states to embrace both local and continental values. Ethnic groups will share collective goods if they have similar tastes and preferences for such collective goods. AfSol's initiative for African identity should invest in African collective symbols such as celebration of holidays, naming of streets, public monuments, AU flag, common currency, African passport and representative decision making processes (Oberschall, 2007: 6). Identity is not static; it is dynamic and under constant definition and redefinition. Therefore, transition from ethnic and national identities into African identity requires the capacity to understand and respect the role of identity framing as a means of protecting a sense of peoplehood and deeply felt demands across Africa (Lederach, 2003: 55).

### **Formal, Informal and Civic Education**

AfSol and AU must invest in Track five of the multi-track diplomacy which indicates that research, training and education in peacebuilding and conflict resolution is key in policy formulation and action plans (Diamond and McDonald, 1996:70). Colonial and post-colonial preferential formal education policies created differential socio-economic development across ethno-political divide, giving some ethnic groups a head start while leaving others behind. Affirmative action should be embraced in education policies to ensure that peripheral groups are given opportunities to participate in education. Indigenous education is key in nurturing traditional values that hold the communities together (Lederach, 1995: 111). AfSol's initiative must invest in elicitive rather than prescriptive models; elicitive education nurtures cultural knowledge that addresses expressed needs of the local contexts (Lederach, 1995: 55).

### **Non-violent Systemic Revolution/Renaissance**

AfSol's hope for African identity cannot be nurtured when large sections of the continent thrive under dictatorship and oppression. Track six of the Multi-track diplomacy – Activism – is key in changing institutions and policies through political action (Diamond and McDonald, 1996:87). Grassroots action and leadership are critical in opposing actions and policies that are oppressive and detrimental to peace and justice (Ibid). While a non-violent systemic revolution is

vital for transitional justice, peacebuilding, and conflict resolution in Africa, it is hard to achieve when the oppressive regime remains in power and in control of key resources. Therefore, effective non-violent systemic revolution in Africa requires AfSol to push for institutional reforms in order to guarantee spaces, safety and security for civil activists. “Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed” (Schirch, 2004: 67).

### **Security, Safety and the Rule of Law**

African continent continues being under security dilemma. The security dilemma approach holds that violence thrives due to insecurity, threat to group identity, and deprivation (Toft, 2003:8; Rothman, 1992: 38). The AfSol initiative for African identity and values should nurture the conditions and guarantee for peace including security, dignity, rule of law, access to basic needs and an inclusive and democratic process across Africa (Wolff, 2006: 166). AfSol and AU should assess the expressed needs for safety and security and recommend enactment of policies that address such needs across different African nation states.

### **Institutional and Constitutional Reforms**

Intra-state violence in Africa partly thrives because post-independence African regimes neither nurtured institutional arrangements that define relationships between ethnic groups nor developed social contracts that advance liberty and freedom (Kimenyi, 1997: 45). The choice of appropriate democratic institutions – forms of devolution or autonomy, electoral system design, legislative bodies, and judicial structures designed and developed through fair and democratic processes are vital ingredients in peacebuilding (Gimode, 2007:227). Institutional guarantees require constitutional and institutional reforms. AfSol’s philosophy must be founded on the realisation that dignity and social justice across Africa depends on recognising and protecting human rights and fundamental freedoms (Nasong’o and Murunga 2007: 52-53).

### **The International Criminal Court**

While the ICC is applauded for its role complementarity and deterrence, it is also dismissed as an instrument of neo-colonialism and neo-imperialism and as being embedded in the western ideal of the rule of law (Marten, 2005: 37). ICC is seen as a colonial or imperial court and a tool of western democratisation

meant to nurture economic, political and strategic interests of the west (Gosnell, 2008). The ICC is also discredited for retroactive application of norms, political manipulations, selective and delayed justice, its inability to facilitate sustainable reconciliation and peacebuilding, and for violating the Westphalian principle of sovereignty often evoked to challenge the indictment of African leaders (Freeman and Gibran, 2004). However, the proponents of the court evoke the principle of the responsibility to protect and the complementarity principle that supplements weak judicial systems, therefore, nurturing human rights and security (Chataway, 2007). Therefore, the court cannot overly be dismissed; the AfSol initiative and AU need to facilitate extensive civic education about the meaning, mandate, process, selection criteria, and jurisdiction of the ICC. AfSol and the AU should liaise with the court to engage with opinion leaders, empower local tribunals, and embrace grassroots reconciliation and expressed needs, hopes and fears of the affected people. To fast-track African identity, AfSol and the AU should hasten the establishment of the African Criminal Court of Justice (ACCJ), African Security Council, and a Pan African Emergency Force dedicated to building a Pax Africana (Mazrui, 2008: 48). However, the fear is that Pax Africana could be a smokescreen to hide impunity, pardon dictators, and perpetuate human rights atrocities. While Pax Africa could be an option, ICC should be strengthened by addressing the grievances of member countries concerning its mandate and jurisdiction.

### **Good Leadership and Governance**

In order to control African populations, the colonial regime used indirect rule rather than direct or participatory rule, therefore, encouraging ethno-social identities (Rothchild, 1997:7). The post-colonial regimes saw the emergence of African bourgeoisies who used the colonial ethnic card to benefit themselves while marginalizing the ethnic others (Ibid: 9). African democratisation requires restructuring and decentralisation of the institutions of leadership and governance (Nasong'o and Murunga, 2007:1). Central to AfSol, therefore, is to engage the AU and other stakeholder in addressing leadership and governance issues towards satisfaction of collective needs and embracement of geo-ethnicity and territorial identity (Danziger, 2005:113).

### **Cross-community Interactions, Dialogue, and Sharing (S)**

While inter-group violence arises from social processes relating to structural

and historical injustices, cross-community relationships facilitate the discovery of commonalities, reconciliation, and rehumanisation of the 'enemy others' and the reduction of inter-group bias (Fisher, 2005; 2007). The creation of the insiders and outsiders has nurtured what has been referred to as the most dangerous four-letter word in the English language— THEM, one that has caused indefinable suffering and death of millions of people globally (Karari, 2014). Through research, education, and training, AfSol should invest in fighting THEMification. This can be done by applying the principle of the 4Cs (Ibid): being Conscious about ethnic prejudice, labels, and stereotypes; being Curious about the stories of other people; being Compassionate about breaking the cycle of the otherness; and Challenging the foundations of THEMification (Karari, 2014). The AfSol initiative should engage with the AU to encourage dialogue between disputants and retelling of stories in a bid to create a new understanding of the grounded realities, demystification of myths and stereotypes, and positive change that leads to de-THEMification (Schirch, 2004: 50). AfSol and other stakeholders can encourage de-THEMification through: cross-community tours, businesses, games and sports; exchange programmes; participatory theatre techniques and folklore projects; peace villages; peace caravans; integrative education system; common language; integrative housing policies; and outlawing discrimination (McGarry and O'Leary, 1993: 17). De-THEMification creates spaces for recovery, healing, and empowerment of the humiliated others which nurtures ownership, identity, and responsibility to community relationships. De-THEMification could be a great background for the take-off of AfSol initiative for African identity and values. AfSol initiative should embrace multi-track diplomacy which nurtures intra-systemic relationships and opportunities for collaborative action (Diamond and McDonald, 1996:156).

From the foregoing, therefore, African identity entails the cultivation and tolerance to that very elusive trait— the ability to accept diversity (Mazrui, 2008: 41). We must deviate from Afro-pessimism and Afro-phobia and simplistic stereotypes concerning the tractability of African conflicts by embracing the fact that such conflicts have complex histories; they exhibit multiple and multi-dimensional causes, courses, and consequences (Nhema and Zeleza, 2008: 2). The Jetliners model can inform policies in African nation states towards transitional justice, peacebuilding, and conflict resolution including the embracement of African values and an African identity. While the Jetliners model could provide a solution

for Africa, how will it be afforded, sustained, and maintained? This will be achieved through five main pillars namely: formulation of key policy frameworks to guide its institutionalisation, implementation, and sustenance (MacGinty, 2008: 92); cultivation of political will by investing in civic education at all levels, voting for leaders of integrity, embracement of the rule of law, addressing impunity and corruption, and ensuring that leaders take responsibility for their political decisions (Wolff, 2006: 173); coordination and networking that define cooperate peacebuilding values, relational skills, analytical skills, analytical tools, and processes (Schirch, 2004:83); funding to contribute to the exploration of critical areas of knowledge and action; and civic education that would nurture ownership of African values and identity (Diamond and McDonald, 1996:108).

### **Discussion and Conclusion**

The Darfur crisis exhibits a failure to protect by both the GoS and the international community. This is partly because R2P as a new norm lacks determinacy, impartiality and a well-defined legal foundation. Precisely, the buck stops at no definite actor. The concept of “we have a moral duty to act” does not define the “we” and consequently R2P becomes a responsibility of no body. Despite the conflict between the principle of sovereignty and that of R2P, the 2004 UN Security Council resolution 1556/1564 on Darfur constituted enough reason for military action against Khartoum. Precisely, the international community dwelled on the conspiracy of not to see and focused on strategic interests. On the other hand, the GoS used ‘sovereignty’ as a smokescreen to cover the mass atrocities and human rights violations in Darfur. The UN High Level Panel report on “Threats, Challenges, and Change” indicates that the principle of sovereignty cannot be used to protect genocidal activities considered to be a threat to international security (2004). The inability of the UNSC to implement and guard the norm of R2P in Darfur threatens its credibility and gives a leeway for independent action which may be prone to abuse or driven by self-aggrandizement. The UNSC should thus be restructured to effectively cope with the challenges that hinder the implementation of R2P. The R2P failed in Darfur, but it was a success story in Kenya (Badescu and Bergholm 2009). While this study indicates that a multiplicity of factors contributes to the success or failure of R2P, it is the strategic interests that largely take the lead. The major powers feared that the intervention in Darfur could derail the 2005 CPA between SPLM and GoS (Bellamy and Williams, 2005). The failure of R2P in Darfur could thus be attributed to the conflict between the

original mission and the strategic interests of international actors. This affected the compliance-pull for action.

In contrast, the international response after the 2008 Kenya post-election crisis was overwhelming, harmonious, timely and well-coordinated making it the best success story of R2P in history (Steinberg, 2009). The Kenyan case demonstrated that R2P is not about military intervention but unfatigued commitment, involvement, participation and determination of the international community (Cohen, 2008). Ironically, the Kenya and Darfur stories indicate that the international community does not implement the R2P impartially. Instead R2P is driven by strategic interests. Consequently, those regions of the world that have less importance to international actors are neglected. This revelation discredits the norm of R2P as lacking independence and as a tool for manipulation to further the interests of its proponents. The UN Secretary General indicates that the success of the Kenyan case was due to timely, persistent and continuous pressure from the international community (AU 2008). The international community pressurized the Kenyan leaders using all means of threats, appeals, incentives, and reminders of their responsibilities. A major catalyst to the Kenyan success story could be explained by the fact that unlike Darfur, there were no disputes among the various actors during the mediation process. The international actors spoke the same language in addressing the Kenyan crisis. There were no dissenting voices as in the case of Darfur. The Copenhagen School theories indicate that common language is pivotal in facilitating R2P in terms of influencing compliance of actors (Stamnes 2009). The Kenyan case indicates that the host country's cooperation and flexibility in conflict transformation, resolution and peacebuilding, are central to the success of R2P. Khartoum's lack of political will and the dissenting voices of international actors is the undoing of R2P in Darfur. While R2P should be applied impartially throughout the world, this study indicates that the norm is applied selectively.

The strategic position of Kenya as a gateway to East and central Africa, a regional economic hub, a host of the UN offices, a home for major diplomatic missions in the world, a peace broker in the East, Central and Horn of Africa, a base for the West's fight against terrorism and a military base for the USA, singles out its "importance" to the world. The selective nature in which R2P is applied in crisis areas around the world poses critical questions about its practicability as a norm. Theories recommend that the restructuring of R2P should address its three pillars namely: the primary responsibility of states to protect their own populations from the four

crimes— genocide, war crimes, ethnic cleansing, and crimes against humanity, as well as from their incitement; the international community's responsibility to assist in the fulfilment of this mandate; and the international community's responsibility to take timely and decisive action, in accordance with the UN Charter, in cases where the state has manifestly failed to protect its population from one or more of the four crimes (Harff 2003; Holt and Taylor, 2009). Key to these pillars is timely response to early warning signs (Heidenrich, 2001) because salvaging a country from collapse after violent conflicts as in the case of Kenya is a rare case (Saxer, 2008). If we revisit the six criteria for military intervention: the right authority, just cause, right intention, last resort, proportional means, and reasonable prospects, Darfur crisis qualifies for military intervention. However, the conflict between indeterminacy of R2P and the actors' strategic interests has obscured such hope. The UNSC which has the right authority and primary responsibility for the maintenance of international peace and security as entrenched in Article 24 of the Charter of the UN has failed to authorize military intervention. While the Darfur crisis has led to gross human rights violations and atrocities and while all the less forceful alternatives as stipulated in Article 41 of the UN Charter have failed, the UN and the international community have also failed in the authority to implement the R2P. The Darfur crisis also qualifies as a just cause for military intervention. According to ICISS (2001), the just cause for military intervention should endeavour to halt or avert large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or to halt or avert large scale "ethnic cleansing," actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape. Despite this clarity, the Darfur case has remained neglected as the main actors invest in strategic interests.

The right intention has also been compromised. The principle of the right intention is related to the primary purpose of military intervention, i.e, human protection. According to ICISS, the right intention can be achieved by inclusive or collaborative rather than unilateral interventions, support from the intended beneficiaries and support from other countries in the region (2001). In contrast, the case of Darfur has been compromised by unilateral strategic interests, lack of political will from the GoS and lack of support from the international community. The principle of last resort has also failed to be honoured. ICISS (2001) observes that the principle of last resort takes charge when every diplomatic and non-

military avenue for the prevention or peaceful resolution of humanitarian crisis has failed. In Darfur, a variety of diplomatic avenues, embargos and negotiations have been exhausted but the international community and the UNSC have failed to act. Military intervention in Darfur has high probability of reasonable prospects because Khartoum cannot withhold the military might of international actors in Sudan such as USA, China, UK, Belgium and France. Military action can only be justified if it stands a reasonable chance of success, that is, halting or averting the atrocities or suffering that triggered the intervention in the first place (ICISS, 2001). If there was compliance-pull and determinacy among international actors, military action in Sudan would succeed. From the foregoing, several observations can be made. The case studies of Darfur and Kenyan crises indicate that R2P lacks impartiality and that its selective application is based on strategic interests of the international actors rather than the original goal of human protection and security. This study has also shown that while the emergence of R2P was meant to bridge the gaps within the principles of sovereignty and humanitarian intervention, this goal has been compromised by strategic interests of the international actors. It has further indicated that the success of R2P depends on multiple factors. In the case of Kenya and Darfur, such factors include natural resources, terrorism, regional politics, political will, militias, infrastructure, military investments, media, and economic reasons, among others. This means that a holistic and inclusive approach is required for successful implementation of R2P.

This study has also demonstrated that R2P falls short of a norm and is more of a policy agenda to further the interests of the west. R2P lacks consistency, determinacy, and impartiality and has failed to enforce sanction for non-compliance or violations. R2P has also failed in the implementation of its mandate in line with its foundational pillars and the six criteria of military intervention for human protection.

The paper has also critically deconstructed AfSol's new brand of ownership, shared values, and commitment in the lens of the Jetliners approach for peacebuilding and conflict resolution. It has been indicated that AfSol's initiative needs to be nurtured on fertile ground. For AfSol to be effective, this research recommends an integrative-cum-holistic approach in which active participation and involvement of the African people, civil society, institutions, and governments is embraced. The success of AfSol's philosophy requires a grounded approach that embraces local dynamics, cultural knowledge, and the expressed needs of people and institutions

at all levels. The success of AfSol requires addressing the heavy chains of historical, structural, socio-economic, cultural, and political injustices that continue to bedevil our continent. AfSol's brand must endeavour to bring everyone to the centre and address their expressed needs in order to nurture ownership, commitment, and shared values.

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