The Application of Social Conflict Theory in Kenya's Conflict and Peace Trends

Author: *Samuel A. Nyanchoga*
The Catholic University of Eastern Africa
Corresponding author: *Samuel A. Nyanchoga*

Abstract

Conflict theories are diverse in perspective but this article focuses on a micro analysis of social conflict theory by Karl Marx (1818-1883) based on two fundamental namely dialectical materialism and class struggle (Marx & Engels,1848:35). Marx's analysis of conflicts is hinged on economic factors. Sociologist and political theorist Ludwig Gumplowicz (1838– 1909) and Lester F Ward (1841–1913) introduce an anthropological perspective to conflict and argues that states are organized around the domination of one group by another leading to class, race and ethnic conflict. Wright Mills' view is that unequal distribution of power and resources in the society contribute to conflicts. Alan Sears (2008) perceive that inequality in society produces conflict that can only be overcome through a fundamental transformation of the existing relations in the society. The social conflict theory is applied in this study to understand the nature of conflict in Kenya that range from labour conflict; materially based conflict; power related conflict to ethno-based conflict. The context within which ideas and material conditions contribute to conflict is analyzed. The social conflict theory is applied in this study to interrogate whether Kenya's conflict trend takes a class dimension or an ethno dimension. The social conflict theory postulates that peace is attained through structural and institutional reform in politics, law and economics. It will be critical to understand how the revolutionary class approach will contribute a peaceful society in the Kenyan context. Conflict in Kenya is contextualized on the material, political and social dynamics of society. The social conflict theory explicates the interesectionality between power, resource and conflict. The glaring inequality in society contribute to conflict that can only be overcome through structural transformation of the existing power and economic relations. This study therefore applies the social conflict theory in Kenya's conflict and peace trends. The outcome of this study is that the

causes of conflict and peace trends in Kenya cannot be fully explained in terms of the tenets of the social conflict theory.

Conflict and Types of Conflict

Conflict may be defined in simplistic terms as a situation in which entities are in serious disagreement with each other. Conflict may also refer to a situation in which there is or are opposing ideas or opinions. This may be ideological conflict. For example, the capitalist ideas are the antithesis of communist ideas. Conflict may be defined as a violent situation between two countries that may take the form of armed conflict leading to disruption of peace. The criminal assault on the state sovereignty or raw power struggle between elites may be classified as conflict. Hostile masses, belligerent leaders and inter –ethnic security dilemmas can lead to conflict. There is also class analysis to conflict where the borne of contention is resource allocation. From the above discussion one may classify conflict as follows:

Inter- personal conflict:
Inter personal conflict occurs at inter- personal level. It arises when the ideals and aims of two individuals clash with each other. Varied personalities usually results to incompatible choices and opinions that may degenerate into conflict.

Inter-racial conflict:
Inter-racial conflict is mostly due to the physical differences. Some races consider themselves superior to other races and there are also races which feel that they are inferior to others. The feeling of superiority or inferiority is the root cause of racial conflict. The conflict between the white and black population in the U.S.A. provides an example of inter- racial conflict.

Inter- ethnic and intra- ethnic conflict
Inter-ethnic conflict may occur due to primordial, instrumental and constructivist reasons. Intra ethnic conflict may occur due to the polarization of ethnic group at clan, lineage level or due to competitive situations such as over leadership, succession, or resources.

Political conflict:
Political conflict arises when different political parties with their own ideologies try to achieve their interest. The main cause of this kind of conflict is power which they want to capture. The conflict between different political parties is an example of this type of conflict.

International Conflict:
International conflict occurs among the different nations of the world. It may take place for political, religious, economic or ideological reasons.

Class Conflict:

Class conflict takes place among classes with their differing interests. In the feudal society there was conflict between the landlords and the serfs. The capitalist society is characterized by the bourgeoisie and proletariat conflict.

Intra group conflict is a type of conflict that happens among individuals within a team. The incompatibilities and misunderstandings among these individuals lead to an intra-group conflict. It is arises from interpersonal disagreements or differences in views, ideas, rivalry over resources and boundaries that establishes group identity as a team.

The Social Conflict Theory

Karl Marx theory of social conflict states that conflict is as a result of two factors; material conditions and the social relations of social classes in society. According to Karl Marx, material conditions and conflict over the material conditions is what causes conflict in society.

Karl Marx in *The Das Capital* (1848) opens with a challenging statement; "The history of all hitherto existing societies is the history of class struggle". For Karl Marx the communal mode of production did not produce social classes. However, the feudal mode of production produced two social classes; feudal lords and serfs. The slave mode of production produced the master and the slave. The capitalist mode of production produced the bourgeoisie and proletariat. These social classes were in conflict with each other because of the prevailing social relations that were exploitative. The transitional ties of capitalism link bourgeoisie at the centre with national bourgeoisie at the periphery who perpetuate policies that promote social and economic inequality and disadvantage the workers and peasantry. According to Karl Marx conflict is impeded in the material conditions of society and historical process follows universal or general laws thus ignoring the specificity of historical events. In the context of Karl Marx's scheme of things; peace and order is only achieved when society attains the exploitation free and classless socialist order through the proletariats' revolutionary struggles. Karl Marx's view s that social order and consensus is attributable to those people who unit around common interest.

Gumplowicz sees conflict as process through which members of society struggle for existence and self development. According to Gumplowicz the origin of human institutions such as the state is in conflict where human groups begin to subjugate each other leading toconflict and development at the same time. He also argues that the history of every nation is one of class conflict in which the strong and the fit survive and dominate the less strong and fit. As each group strives to become the controlling group within the state there are conflicts because the motivation is self-interest. Groups tend to increase their power, territory or resource and eventually leading to ethno or racial conflict. Gumplowicz sees the development of history as unilinear but in actual sense it develops in cyclical phases. Wright Mills; a founder of modern conflict theory argues that conflict are caused by unequal distribution of power and resources in the society.

The Importation of Social Conflict Theory into Kenya Conflict Scenario

The difficult of importing Karl Marx's analysis of conflict to the Kenya context is due to the fragility of Kenya's industrial base; absence of concretized bourgeoisie and proletariat class consciousness to steer the revolution. Karl Marx's explanation of historical events in universal and general terms ignores historical specificities or local context. Nevertheless in the context of the Kenyan situation inequality between social groups and unequal distribution of material resources and power triggers conflict. Gumplowicz interprets the cause of conflict due to dominance of one group over another while Wright situates conflict in an unequal distribution of resources.

Class and Class Consciousness

Due to the fragility of industrial base it is unlikely that Kenya has concretized classes such as bourgeoisie and proletariats as envisaged by Karl Marx. Nevertheless international capitalist system has contributed to the creation of a comprador class or national bourgeoisie and quasi proletariats. The existence of national bourgeoisie, multinational corporations are seen as the key players that maintain and perpetuate exploitation. In the words of Colin Leys the national bourgeoisie in Kenya is product of metropolitan capital. This argument is credible even though disputed by Swainson (2010) who sees the national bourgeoisie as a product of local capital accumulation aided by the corrupt state (Leys,1975 Swainson,2010). Leys argues that the existence of the national bourgeoisie dates back to 1930s and at independence it blossomed because of its access to state power to accumulate resources including land. Some of emerging national bourgeoisie went into distribution and wholesale sector as foreign bourgeoisie such as Brooke bond, Finlay and British American Tobacco entrenched themselves in agricultural and manufacturing sector (Swainson, 2010). The huge presence of multinational corporations in Kenya such as Google, Visa, MasterCard, KFC, Pepsi, Travelport, Dow Chemicals, Bank of China, Bharti Aitel, Blackberry Ltd, Bosch, Cisco Systems, China Central Television, Citibank, Coca Cola, Dago, Eltek, First Solutions, General Electric, Heinken, Hill International, Huawei, IBM, ICAO, Intel Corporation, Kerpersky Ltd, Motorola Solutions, Nokia, Pfizer, Sage Group, Sony, Toyota, Visa Inc, Standard and Chartered Bank demonstrates evidence of intense transnational capitalist activities supported by national comprador class(Kenya ranked second in Africa as investment Hub for global business in www. businessdailyafrica.com accessed 16/3/2015). In the words of Dependency theorists; Raul Presbich (1980) and Andre Gunder Frank (1967) the huge presence of Multinational Corporation works in cahoots with national bourgeoisie class or the comprador class to perpetuate and entrench policies of exploitation of the human and non-human resources. Consequently social and economic inequality and the gap between the rich and poor is widening hence exacerbating tension and conflicts.

While the working class as a category exist because of its position in chain of production but class consciousness among Kenyan workers as a totality of interests that define a particular category is debatable. In the Kenyan context the working class has exhibited strike actions as a way of struggling to end their exploitation both in the public and private sector. They have constantly used workers unions as platforms to aggregate and articulate their interests. The basic dilemma of the

struggling workers is lack of leadership, class consciousness and repressive Leviathan State. It is for these reason that working class struggle is no longer liberating and emancipatory.

Economic Inequality

Karl Marx attributes inequality, resentment and violence to economic discrimination and unequal access to resources. Unequal access to resources, such as land, capital and vast differences in standard of living; growing inequalities and gaps, between the rich and poor, can aggravate intra-state tensions. Research has shown that in Kenya, 10% of the population control 42% of the country's income, 80% of the population control 48% of income; while the bottom 10% of the population control less than 1% (Daily Nation, 23, May 2006:1). The national poverty levels in Kenya since 1992 are as follows 1992 44.8 %; 1994 40.3%; 1997 52.3 % and 2005; 45.9; 2009, 45 % and 2015 51 % (Second report on Poverty in Kenya Vol. 1; Kenya National Bureau of Statistics: Basic report on Well-being in Kenya, 2007; 2015).

Inequality in the distribution of national resources, poverty and poor governance exacerbates conflict. According to a report by Development Policy Management Forum (2015) 90 percent of Kenya workforce earns less KES. 15000; 9% earn between ksh.1500 to ksh.100000 while 1% earn more than ksh.100000. The huge inequality in wages is reflected in the ostentatious life style of ruling elite and those of everybody else. Given this scenario inequality and poverty contributes to crime and insecurity. Political violence is rooted in the favoritisms of state practice based on ethnic alliances and political patronage (Nyanchoga, 2014; Brown, Cote Sean & Miller; 1997).

Non violent means

Karl Marx focuses on the conflicts as the catalyst that brings about change in society. The theory ignores non-violent or non-forceful means of resolving conflict. Contemporary society tends to focus on non-forceful means such as diplomacy, arbitration and mediation in resolving conflict with remarkable success.

Non-economic causes of conflict

Karl Marx also focuses on economic factors while numerous factors such as ethnicity, gender, race and political inequality contribute to conflict. The Marxist analysis of conflict fails to capture negative ethnicity as one of the triggers of conflict hence human historical processes including conflict cannot be interpreted in general and universal laws without considering specific local conditions (Nyanchoga,2014; Brown, Cote Sean & Miller 1997:102).

Ethno-based conflict

Gumplowicz interprets the cause of conflict due to dominance of one group over another. In the context of the Kenyan society ethnicity is a concrete reality that defines identity and access to resources (Nyanchoga, 2014). Ethnic clashes in Rift Valley of Kenya in 1992, 2007 and 2008 were interpreted in terms of political competition for power and resources. For instance the Kalenjin community perceived Agĩkũyũ of habouring imperialistic and proprietary tendencies as they settled in the traditional homeland of the Kalenjin and Maasai; in Laikipia, Nyahururu, Njoro,

Molo, and Likia, after the withdrawal of the colonial rule. The Kenyatta regime allegedly aided Agikuyu community through land buying companies to appropriate these vast lands (Nyanchoga, 2014; Brown, Cote Sean & Miller 1997:102).

The Kenya's North eastern region has been the epi-centre of conflict due to resource competition. Gumplowicz and Lester's analysis of the causes of conflict on the basis of ethnicity and resource competition provides a rational explanation of the nature of conflict in the northern Kenya. The region has large ethnic Somali population who for a long time exhibited secessionist tendencies due to marginalization by the state as other communities were in conflict with each other due limited resources. Pastoralist communities in the region use guns to secure the grazing land, water resources and stealing livestock from their neighbours as warlords use the weapons to conduct large scale raids for commercial purposes (Daily Nation, June 24, 2006). Similarly the secessionist activities of the Mombasa Republican Council are explained in terms of marginalization of the coastal communities by successive governments in Kenya leading to a dispossessed lot (Nyanchoga, 2014). But Gumplowicz argument that conflict has the capacity to propel society to higher levels of development evokes mixed reactions. Contextualizing this assertion in Kenya conflict scenario of 2007 and 2008 brought economic set back as economic growth slowed down but on the other hand the constitutional development of 2010 and subsequent political development was a necessary outcome. Linking this to development discourse one may argue that the process does not imply simultaneous benefit or progress for all. The cardinal issue is that Kenya's conflict situation is driven by class and ethnic politics. This is because there is a lot of intersectionality between ethnicity and class politics and political elites concretize around ethnicity in their search for power.

The Applicability of Social Conflict Theory to Peace Trends in Kenya

According to Karl Marx peace is achieved through the revolutionary struggles of the proletariats. The applicability of this thesis in the Kenyan situation is debatable given the fragility of working class and massive operations of multinational national corporations supported by corrupt political elite. Karl Marx situates the ultimate peace in the establishment of the socialist society by vanquishing the exploitative tendencies of bourgeoisie class through the proletariat revolution. The very fact that the revolutionary proletariats did not achieve this in the so called socialist orientated countries makes the Marxist peace process delusionary and even more problematic to situate it in a country that has a fragile industrial base and with no class consciousness.

While Karl Marx identifies inequality as the catalyst for conflict; equality in the distribution of material wealth is a precursor for peaceful societies. Many of the societies such as Austria, Hungary, Norway, Sweden and Finland that strive to maintain equality are rarely in conflictual situations while some of the most unequal societies such as Central African Republic, Mozambique, Zambia, Haiti, Sierra Leone, and Republic of South Africa are embroiled in conflict (http://www. businessinsider.com/most-unequal-countries-in-the-world-2011- 10#at-least-the -us

-is-creative-40; accessed on 13/3/2015). In the context of Kenya; inequality in the distribution of resources such as land, job opportunities and political power portend serious conflict.

Gumplowicz and Lester's assertion that peace is a necessary outcome of conflict situation may bear credence in the Kenyan conflict situational analysis. Looking at Kenya conflict trends and in particular the 2007 and 2008 post-election conflict scenario and thereafter the 2010 constitutional framework and the various institutional reforms in order to address the root causes of conflict. The devolved system of governance; the reduction of executive powers, reforms in the security sector and the judiciary may be viewed as an attempt towards the realization of structural and procedural peace. However the challenge is that the proponents of the status quo negate this process of attaining a peaceful society.

Consequently the social conflict theory is not in consonance with the current methods of achieving peace and peace building. The theory ignores nonviolent or non-forceful means of resolving conflict which may involve prosecution, negotiation, mediation, arbitration, diplomacy, and creative peace building. These methods are perceived to be nonviolent and contrary to the social conflict theory peace process as discussed below.

Non Violent Approaches to Peace Trends in Kenya

The following approaches to peace do not fall with the social conflict theory analysis of peace. For instance the prosecution of criminals, ordinarily, aims at preventing criminals from perpetuating or repeating the crimes. Courts have been used to prosecute criminals and war lords, who have committed war crimes and crimes against humanity (Saturday Nation, September 14, 2007: 10; Nyanchoga, 2007).

The armed forces, like the police, GSU or the army, are used to impose curfew and instill discipline in localized conflicts. This has been witnessed in places like Mt. Elgon, Mathare slum, in Nairobi; Laikipia, Likia and Molo regions, of Kenya. The rationale is that conflict can be neutralized before they turn violent and widespread. The police are expected to provide appropriate intervention to reduce violence and criminality. However, armed forces have, more often than not, been accused of human rights abuse that range from rape, extorting money from their victims and taking sides when it comes to inter-ethnic conflicts. The Kenyan Police, for instance, have been accused of extra judicial killings of the adherents of the *Mungiki* Sect. Use of military against the MRC and Kenya's Military incursion into Somalia may resolve the conflict in the short run but there are long term implications (Nyanchoga, 2014).

In some cases, education is used as a tool for confidence building and to sensitize the people of the need to observe peace and co-existence. But lack of involvement of the local experts, religious leaders and elders, often derail the process. Where the medium of communication is a language that the local people do not understand, this often jeopardizes the achievement of objectives. When

the government takes charge of the process, people feel alienated and detach themselves from the process (Brown, Cote Sean & Miller; 1997).

Power sharing has been used as measures of confidence building. The power sharing arrangement between Emilio Mwai Kibaki and Raila Amolo Odinga in Kenya prevented the escalation of violent conflict over the 2007 disputed presidential elections (Thompson, 2012).

Amnesty is the offer of immunity from prosecution on condition that the belligerents cease unlawful activities. It transcends punishment and retribution, for the sake of the common good; particularly in situations like Rwanda and South Africa, where the civil war and nationalist struggles left bitter memories of human rights abuse and a divided people. Critics argue that amnesty has limitations, because those have been involved in killings, looting of public funds and massive corruption, may seek amnesty in order to evade prosecution. It may also be seen as unjust when the state initiates amnesty, to exempt the perpetrators from prosecution; without consultation, or by sacrificing the rights of the victims. This may be seen as overriding the rights of the victims. The victims may feel that the state has used amnesty to protect politically connected personalities (Thompson, 2012).

This is a tool that is used to prevent destructive competition through persuasion, dialogue, mutual trust, and genuine collaboration. Diplomacy is tied to the politics of secrecy, which may turn to be counter-productive; when it is used to hide the malpractices of corruption, arms trade and the looting of public funds. Diplomacy was successfully applied in Kenya's conflict situation in 2007/08 (Thompson, 2012).

Mediation builds on negotiations; and involves a third party intervention, in the conflict. It aims at arriving at a settlement that is acceptable to those involved: one that they could not have achieved on their own. The mediators' role is to reduce tension and endless bargains, for the sake of peace. The choice of mediators is important for they must be acceptable to the parties involved. The objectives to be achieved, and procedures to be followed must be communicated to the parties concerned in advance; in order to facilitate a proper involvement. Koffi Anan proved successful as a mediator Kenya's post-election violence in 2007/28 (Thompson, 2012).

The traditional peace building strategies are embedded in community cultural practices. They involve early warning system; collection of sensitive intelligence information concerning security and external threats. Other methods include the use of military as a last resort; the principle of common humanity that encourage sharing hence reducing warfare and conflict. The principle of reciprocity emphasized the ethics of sharing and a sense of collective security. The most important in conflict resolution were the councils of elders**.** These were often composed of men, many of them aged and experienced in the art of governance. These methods of conflict resolution are culture specific and have proved effective in pastoral conflict areas in northern Kenya. From the foregoing discussion the social conflict theory falls short interrogating contemporary peace trends in Kenya.

Conclusion

The article has demonstrated that conflict exist in Kenya today in several variants. The intensity of conflicts in many parts of Kenya is because of fragility of states, skewed resource distribution, weak nationhood structures and role of the international capitalist system that spread the exploitative ideology. The application of the social conflict theory to Kenya's conflict and peace trends focuses on general laws thus ignoring the traditional or homegrown methods that have also proven effective.

References

Brown,M.B, Cote, S. & Miller S. (1997) *Nationalism and Ethnic Conflict*. Boston: MIT Press.

Gumplowicz, L. (1885). *The Outlines of Sociology*. New York: Paine-Whitman.

Gunder, A. F. (1967) *Capitalism and Underdevelopment in Latin America*. Monthly Review Press

Lester F W. (1906). *Applied Sociology; a Treatise on the Conscious Improvement of Society by Society,* Boston, New York Ginn & Company.

Ley, C. (1975). *Underdevelopment in Kenya*. Nairobi: East African Publishers

Marx, K. and Engels, F. (1848). *Manifesto of the Communist Party*. Moscow: Progress Publishers.

Mills, C.W. (1956).*The Power Elite*. Oxford : Oxford University Press.

Nyanchoga ,S.A;Muchoki,F.M.;Wanyoyi,K, and Mwangi,S.W. (2008*). Constitutionalism and Democratization in Kenya:1945-2007*.Narobi: CUEA Press

Nyanchoga, S.A. (2014). *Ethnicity, Citizenship and politics of Belonging in Kenya*. Nairobi: CUEA Press

Prebisch, R. (1980) the Origins of the Doctrine of Unequal Exchange in Latin Am*erican Research Review* Vol. 15, No. 3, pp. 45-72

Sears, A. (2008). *A Good Book, In Theory: A Guide to Theoretical Thinking*. North York: Higher Education University of Toronto Press.

Swainson, N. (2010). The Rise of National Bourgeoisie in Kenya in www.roape.org/pdf/804.pdf. *accessed on 18/3/2015.*

Thompson, A (2012). *Introduction to African Politics*. London: Taylor and Francis Group

United Nations Organization Stabilization Mission in the Democratic Republic of Congo and United Nations Human Rights Office of the High Commissioner (May 2013). Report of the United Nations Joint Human Rights Office on Human Rights Violations perpetrated by soldiers of the Congolese Armed Forces and Combatants of the M23 in Goma and Sake, North Kivu Province and In and Around Minova, South Kivu Province, from 15 November to 2 December 2012. Retrieved February 27, 2015, from http://monusco.unmissions.org/LinkClick. aspx?fileticket=Pj7jOWjAxWo%3d&tabid=10662&language=en-US

SCR Resolution 1925 (2010) of 28 May 2010 had an initial authorization for MONUSCO of: 22,016 total uniformed personnel, 19,815 military personnel, 760 military observers, 391 police, 1,050 personnel of formed police units and appropriate civilian, judiciary and correction component. Retrieved February

23, 2015 from http://www.un.org/en/ga/search/view_doc. asp?symbol=S/RES/1925%282010%29. On 28 March 2013, SCR 2098 (re-confirmed by Resolution 2147 of 28 March 2014) decided that MONUSCO would, for an initial period of one year and within the authorized troop ceiling of 19,815, include an "Intervention Brigade" consisting inter alia of three infantry battalions, one artillery and one Special force and Reconnaissance company. Retrieved February 23, 2015 from http://www. un.org/en/peacekeeping/missions/monusco/facts.shtml

See Safety and Security. Retrieved February 25, 2015, from http://www.etu.org.za/toolbox/docs/government/ safety.html

ISS. Roba D Sharamo and Chrysantus Ayangafac (Eds). (2011). The State of Human Security in Africa: An Assessment of Institutional Preparedness. ISS Monogragh 185.

Human Security Now (New York, 2003). Karim Hussein, Donata Gnisci and Julia Wanjiru. December 2004. Security and Human Security: An overview of Concepts and initiatives – What implications for West Africa? Issue Paper SAH/D(2004)547. p 14. Retrieved February 27, 2015 from http://www.oecd.org/swac/ publications/38826090.pdf

Ibid

Ibid

Aide-Mémoire for the Consideration of Issues Pertaining to the Protection of Civilians in Africa. Draft of June 2013 (Restricted) and UN Department of Peacekeeping Operations and UN Department of Field Support, United Nations Peacekeeping Operations: Principles and Guidelines. 2008 p 26. Retrieved July 28, 2014, from http://effectivepeacekeeping.org/sites/ effectivepeacekeeping.org/files/04/DPKO-DFS_ Capstone%20Document.pdf

African Union. 2010. *Draft Guidelines on the Protection of Civilians in African Union Peace Support Operations. Op Cit*.

See Gusstavo De Carvalho and Andreas Øien Stensland. *The Protection of Civilians in Peacekeeping in Africa: Context and Evolution*. Conflict Trends, Issue 2 (2012)

pp.3-10. African Centre for the Constructive Resolution of Disputes (ACCORD). Retrieved February 19, 2915 from http://www.isn.ethz.ch/Digital-Library/ Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=146585

Shabelle Media Network in Mogadishu. (15 August 2014). 'AU Battle with Warlord's Militia for Disarmament in

Mogadishu'. Retrieved February 11, 2015, from http:// allafrica.com/stories/201408160001.html

Traditional peacekeeping operations involved authorized military operations undertaken with the consent of the major parties to a dispute that were designed to monitor and facilitate implementation of peace agreements e.g. a ceasefire, truce etc. Peacekeeping was also aimed at supporting diplomatic efforts to reach long-term political settlements. Second generation peacekeeping operations are more complex and multidimensional where in addition to traditional military functions, police and civilian components are an integral part of the operation. The three components are tasked with different assignments that contributes towards sustainable settlement of the factors giving rise to conflict including the facilitation of the: protection of civilian populations; observance of Human Rights; security and management of refugee issues; disarmament, demobilization, and reintegration (DDR) programs; security sector reforms; election monitoring; conflict resolution efforts; restoration and practice of the Rule of Law among others. Second generation peacekeeping operations are also often referred to as Peace Support

Operations (PSOs). (See Haidi Willmot and Scott Sheeran.2014.'the protection of Civilians mandate in UN peacekeeping operations: reconciling protection concepts and practices'. *International Review of the Red Cross* (2013). 95 (891/892), 517-538. Multinational Operations and the law. Dol:10.1017/ S1816383114000095)

See Willmot and Sheeran (2014). *Op Cit*.

SCR 1270 (22 October 1999). para. 14 (ECOMOG stands for the Economic Community of West African States Monitoring Group).

The African peacekeeping missions with direct mandate for PoC include: MONUC (Democratic Republic of the Congo) protection of civilians language was added to the mandate in SC Res. 1291, 24 February 2000, operative para. 8; UNMIL (Liberia): SC Res. 1509, 19 September 2003, operative para. 3(j); UNOCI (Côte d'Ivoire): SC Res. 1528, 27 February 2004, operative para. 6(i); MINUSTAH (Haiti): SC Res. 1542, 30 April 2004, operative para. 7(I)(f); ONUB (Burundi): SC Res. 1545, 21 May 2004, operative para. 5; UNMIS (Sudan): SC Res. 1590, 24 March 2005, operative para. 16(i); UNIFIL (Lebanon) protection of civilians language was added to the mandate in SC Res. 1701, 11 August 2006, operative para. 12; UNAMID (Darfur) protection of civilians language was in the original mandate, SC Res. 1769, 31 July 2007, operative para. 15(a)(2); MINURCAT (Chad and Central African Republic) protection of civilians language was added to the mandate in SC Res. 1861, 14 January 2009, operative para. 7(a)(i); MONUSCO (Democratic Republic of the Congo) protection of civilians language was in the original mandate, SC Res. 1925, 28 May 2010, operative paras. 11 and 12(a); UNISFA (Abyei), SC Res. 1990, 27 June 2011, operative para. 3(d); UNMISS (South Sudan): SC Res. 1996. 8 July 2011, operative para. 3(b); MINUMSA (Mali): SC Res. 2100, 25 April 2013, operative para. 16(c)(i). (See Willmot and Sheeran. 2014. *Op Cit)*.

Security Council in Resolutions 1325 (2000) and 1889 (2009) on Women, Peace and Security, Security Council Resolutions; 1612 (2005) and 1882 (2009) on Children and Armed Conflict; and specifically on Sexual and Gender-based Violence in Resolutions 1820 and 1888 (2008). Available at: http://www.un.org

See: SC Res. 1270, 22 October 1999, operative para. Retrieved February 17, 2015 from http://users.ox.ac. uk/~some2297/jp/UN%20SC%20Res%201270%20 %281999%29%20%28re%20Sierra%20Leone%29.pdf

Hanns Seidel Foundation (HSF), Konrad-Adenauer-Stiftung (KAS), Institute for Security Studies (ISS) and South African Institute of International Affairs (SAIIA). 2012.The Responsibility to Protect – From Evasive to Reluctant Action?: The Role of Global Middle Powers. Retrieved February 20, 2015, from http://www.issafrica. org/uploads/Book2012R2P.pdf

Major General OB Akwa. The Diminishing Influence of the Nation-State: The African challenge and policy responses'. *African Defense/September 2014.* P. 7

African Union, Peace Support Operations Harmonized Doctrine (2006)

The Concept of R2P emerged in 2005 from recommendations by the UN International Commission on Intervention and State Sovereignty (ICISS) in view of the setbacks with the full realization of the PoC concept in violent conflicts experienced in the 1990s e.g. in Liberia, Somalia, Rwanda, Sierra Leone, Burundi, the DRC, Sudan among others. The R2P Concept applies in situations atrocious crimes e.g. genocide, crimes against humanity, war crimes, ethnic cleansing are systematic and planed as part of the war strategy. The R2P is conceived under three pillars: (1) The responsibility to prevent: to address both

the root causes and direct causes of internal conflict and other man-made crises putting populations at risk; (2) The responsibility to react: to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention; and, (3) The responsibility to rebuild: to provide, particularly after a military intervention, full assistance with recovery, reconstruction and reconciliation, addressing the causes of the harm the intervention was designed to halt or avert (See Hanns Seidel Foundation (HSF), Konrad-Adenauer-Stiftung (KAS), Institute for Security Studies (ISS) and South African Institute of International Affairs (SAIIA). 2012.The Responsibility to Protect – From Evasive to Reluctant Action?: The Role of Global Middle Powers. Retrieved February 20, 2015, from http://www.issafrica.org/uploads/Book2012R2P.pdf)

Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda, S/1999/1257, 16 December 1999, paras. 50-52

Current peace operations seek to address the root cause of conflict through peacebuilding activities, including electoral assistance, promotion of human rights, disarmament, demobilization and reintegration of combatants, security sector reform, rule of law among others.

African Union. 2010. *Draft Guidelines on PoC. Op Cit.*

Ibid.

African Union. 2011. Press Statement of the 279th Meeting of the Peace and Security Council. PSC/PR/ BR.CCLXXIX). 18 May.

See Willmot and Sheeran. 2014. Op Cit. and African Union. 2010. Draft Guidelines on Po*C. Op Cit.*

Draft DPKO/DFS Operational Concept on PoC. *Op Cit.*

Broadly defined, Small Arms those weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew (See 1997 'Report of the Panel of Governmental Experts on Small Arms'. *General and Complete Disarmament: The UN* Secretary-General Note: A/52/298 (III), p.
11.New York: United Nations General Assembly. 27 August 1997. http://www.un.org/Depts/ddar/Firstcom/ SGreport52/a52298.html).

Muhereza, E. F., Francis Wairagu and John M. Kimani. (2011). Disarmament Experiences in RECSA Region with Particular Reference to Ethiopia, Sudan, Kenya and Uganda: a Regional Synthesis, Regional Centre on Small Arms (RECSA) Nairobi, RECSA.

Annan, Kofi. (2000). United Nations. 'We the Peoples
- The Role of the United Nations in the 21st Century. Secretary General's Report to the Special Session of the Fifty-Fifth Session of the UN General Assembly (6 – 8 September 2000). Retrieved July 18, 2014 from http://www.un.org/en/events/pastevents/pdfs/We_The_ Peoples.pdf

Muhereza; Wairagu & Kimani. (2011). *Op Cit.*

Protocol relating to the Establishment of the Peace and Security Council of the African Union

African Union. Action Plan for The Implementation of the African Union Strategy on the Control of Illicit

Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. Retrieved July 25, 2014 from Http://Www.Peaceau.Org/Uploads/Action-Plan-En.Pdf

Fusato, Massimo. (2003). "Disarmament, Demobilization, and Reintegration of Ex-Combatants." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Retrieved August 13, 2014 from http://www.beyondintractability.org/essay/demobilization

African Union. (2000). Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, 1 December 2000. Retrieved July 30, 2014 from www.peaceau.org/uploads/bamako-declaration. pdf

United Nations. **Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,** UN Document A/CONF.192/15. Retrieved July 30, 2014 from http://www.poa-iss.org/PoA/poahtml.aspx

Binding protocols and conventions on SALW on the continent include: the SADC Protocol on The Control of Firearms, Ammunition and Other Related Materials, 2001; the Nairobi Protocol on the Control, Prevention and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States, 2004; the Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunitions and Other Related Materials, 2006; and the Central Africa Convention for the Control of SALW, their Ammunition and Parts and Components that can be used for their Manufacture, Repair or Assembly, 2010 (African Union. Action Plan for The Implementation of the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. Retrieved July 25, 2014 from Http://Www.Peaceau.Org/ Uploads/Action-Plan-En.Pdf

African Union, Solemn Declaration on A Common African Defence and Security Policy. Retrieved July 25, 2014 From http://www.peaceau.org/uploads/ declaration-cadsp-en.pdf

The PCRD policy was adopted in Banjul, The Gambia, in July 2006 vide the Executive Council Decision (EX. CL/Dec.302 (ix) 25 June-2 July 2006 and provides for the development of AU operational guidance on DDR

Para 58, p.17 APSA Roadmap 2011 quoted in African Union Disarmament, Demobilization and Reintegration Capacity Program (AU DDRCP). Project Document and Funding Proposal, October 2012 p. 14. Retrieved July 24, 2014 from http://www.peaceau.org/uploads/auddrcp-final-project-document.october-2012. signature.pdf

African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. Retrieved July 30, 2014 from www. peaceau.org/uploads/au-**strategy**-en.pdf

African Union. Retrieved July 30, 2014 from www. peaceau.org/uploads/action-plan-en.pdf

Inter-Agency Standing Committee (IASC, 1999) (The definition was adopted by the ICRC and the IASC in 1999 following several workshops hosted by the ICRC and attended by representatives of both the human rights and humanitarian communities).

UNAMID. Darfur Peace Agreement – Final Security Arrangements. Retrieved February 18, 2015 from http://unamid.unmissions.org/Default. aspx?tabid=11740&language=en-US

UNAMID. DOHA DOCUMENT FOR PEACE IN DARFUR (DDPD). Retrieved February 18, 2015 from http://unamid.unmissions.org/Portals/UNAMID/ DDPD%20English.pdf

The concept of Practical Disarmament can be traced to as far back as 1995, through the UN's "Supplement to an Agenda for Peace" that, for the first time, recognized and acknowledged the phenomenon of armed non-state actors; and, called for practical disarmament measures, different from the regulations and

sanctions applicable to nation-states. The call by the UN was for comprehensive measures that would address the issue of illicit SALWs in post-conflict situations and in doing so, would create the necessary conditions for sustainable peace and development (see United Nations. (January 3, 1995). Supplement to an Agenda for Peace: Position paper of the Secretary General on the occasion of the 50th Anniversary of the UN. A/50/60/S/1995/1, par. 60).

RECSA. (2011). Best Practice Guidelines on Practical Disarmament for the Great Lakes Region, the Horn of Africa and Bordering States. Nairobi: RECSA.

Muhereza, Frank Emannuel. (2011). An Analysis of Disarmament Experiences in Uganda. Regional Centre on Small Arms (RECSA) Nairobi, RECSA.

Organisation for Security and Cooperation in Europe (OSCE). (2003, Chapter 8). Best Practice Guide on Small Arms and Light Weapons (SALWs) in DDR Processes. Handbook of Best Practices on Small Arms and Light Weapons. Vienna: OSCE Secretariat.

RECSA. (2011). Best Practice Guidelines on Practical Disarmament for the Great Lakes Region, the Horn of Africa and Bordering States. Nairobi: RECSA.

The UN defines combatants as persons who are members of a national army or an irregular military organization; or who are actively participating in military activities and hostilities; or who are involved in recruiting or training military personnel; or who holds a command or decision-making position within a national army or an armed organization; or who arrived in a host country carrying arms or in military uniform or as part of a military structure; or who having arrived in a host country as an ordinary civilian, thereafter assumes, or shows determination to assume, any of the above attributes. Ex-combatants are defined as persons who have assumed any of the responsibilities or carried out any of the activities mentioned in the definition of 'combatants', and have laid down or surrendered his/ her arms with a view to entering a DDR process (See Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards, United Nations, 2010: 24, available at: http://unddr.org/iddrs. aspx and United Nations Disarmament, Demobilisation and Reintegration Resource Centre available at: http://www.unddr.org/whatisddr.php)

The UN Secretary General defines the rule of law to refer to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (See United Nations Security Council, *The rule of law and transitional justice in conflict and post-conflict societies,* report of the Secretary General, UN doc. S/2004/616 (23 August 2004), para 6).

Security Sector Reform (SSR) refers to a dynamic concept involving the design and implementation of a strategy for the management of security functions in a democratically accountable, efficient and effective manner to initiate and support reform of the national security infra- structure. The national security infrastructure includes appropriate national ministries, civil authorities, judicial systems, the armed forces, paramilitary forces, police, intelligence services, private–military companies (PMCs), correctional services and civil society (See United Nations, *Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS)*, 1 August 2006. www.unddr.org).

In 2007, a UN Secretary-General's Policy Committee agreed on a conceptual basis for peacebuilding to inform UN practice: "Peacebuilding involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development". Peacebuilding strategies must be coherent and tailored to specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives" (See UN Peacebuilding: an Orientation. September 2010. Retrieved July 29, 2014, from http://www.un.org/en/peacebuilding/pbso/pdf/ peacebuilding_orientation.pdf

See the example of the Security Council Resolution 1894 (2009) that expressed itself on the need for peacekeeping missions to develop indicators not only to measure the progress with the implementation of mandates but also on their protection strategies.

About author

Samuel A. Nyanchoga is a professor of history and peace studies. He is the current dean of the faculty of arts and social sciences at the Catholic University of Eastern Africa. He has also served as the director of the Institute for Regional Integration and Development at the same university. He is also a recipient of many local and international research awards. He has consulted for organizations such as International Labour Organisation; Institute of Social Studies; Kenya Parliamentary Women Association; National Cohesion and Integration Commission; The Commission for University Education; Kenyan Human Rights Commission and AMISOM. He is also an external examiner for Kenyatta University; Mount Kenya University; University of Nairobi and Masinde Muliro University.