

Sustainable Transitional Justice Policies in Africa: A Searchlight on Pan African Youth Organizations

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Abstract

The teeming literature on transitional justice policies and peacebuilding suggests that regional organizations are veritable platforms for advancing transitional justice policies for attaining a relatively peaceful and justice-compliant society. The recognition of institutionalized transitional justice processes and the growing emphasis on the role of regional organizations has led to the undervaluation of non-traditional regional organizations. This paper examines the utility of such non-traditional regional bodies such as the Pan African Youth Union and Afrika Youth Movement in promoting effective transitional justice policies that will culminate in the creation of a culture of peace amongst African youth. The study analyzes and compares the history, structure, practices, and projects of these organizations to demonstrate a movement away from traditional liberal institutionalism in peacebuilding processes.

Keywords: Transitional justice, policies, Pan African and Youth Organizations

Introduction

The development of liberal institutionalism, which advocates for the role of international institutions to bring cooperation amongst member states; as seen in the philosophies of Woodrow Wilson (1918); John Mueller (1986); Robert Keohane (1986); and Francis

Fukuyama (1992), have cemented the nexus between the state and its institutions to the ideals and values of liberal democracy. The structures, institutions and principles of such forms of government percolate down to the manner in which governance, economics, society and politics is organized, conceptualized and practiced (Eagles, Holoman & Johnston, 2004). That is how the state, as an institution, is also perceived. It is thus, not states or institutions that are bad but rather, the interests which individuals take to them. This framework of understanding the intersection between individuals and institutions influences practice of peace and justice over the decades as well as the approaches underpinning the use of transitional justice systems in conflict-affected societies in recent times.

Transitional justice refers to the methods in which countries or communities emerging out of conflict and repression, address systemic and historical human rights violations. Popular methods include truth commissions, institutional and societal reforms, as well as reparations. The aim of each method is create a situation in which the mechanisms and dynamics that created, perpetuated or allowed the violations to take place, never happen again.

Today, the ambit of transitional justice is formulated, discussed and operationalized within institutions such as formal judicial systems; international or regional expert committees and international, regional and domestic policies. At the time of its institutional conception, transitional justice was viewed as an element of a process of democratization where it included the idea of the “rule of law” for the transformation of post-conflict societies. Transitional justice included truth commissions; “criminal sanctions, non-criminal sanctions, and treatment and compensation of victims” at the domestic level (Schabas, 2011: 2).

As the idea of transitional justice and liberal institutionalism proliferated, the international arena adopted it into its priority areas, and as a result, defined what it meant as a universal concept. The 2010 Guidance Note on transitional justice issued by Ban Ki-moon, the then Secretary-General of the United Nations, outlines that the normative foundation for transitional justice was to be governed by the Charter of the United Nations, the modern international legal system which includes international human rights law, international humanitarian law, international criminal law and international refugee law (United Nations, 2010:3). It is within these frameworks that the rights and duties about the rights to justice; truth; reparations; and the right to guarantee non-recurrence of violations, acquire centrality in transitional justice (United Nations, 2010: 4)

This progression of recognition for transitional justice led to its adoption across such thematic areas as development which remains a central component of various development agenda from the past Millennium Development Goals as well as today's, Sustainable Development Goals (Aguirre & Pietropaoli, 2008; Carranza, 2008; De Greiff & Duthie, 2009; International Development Law Organization 2014). Recognized internationally, the nexus between development and transitional justice has filtered down to regional organizations, for instance, the African Union and its youth policies (Matlosa, 2015; African Union, 2016). In effect, this has further reinforced the link between development and liberal democracy and ultimately, transitional justice. Opening the 56th Ordinary Session of the African Commission on Human and Peoples' Rights, the Director for Political Affairs of the African Union Commission, Khabele Matlosa affirms that:

One of the five clusters of the African Governance architecture is the Human Rights and Transitional Justice cluster. This cluster provides a unique

opportunity to strengthen capacity and deepen our understanding of issues of human and peoples' rights, democracy and governance, which constitute our African Shared Values (Matlosa, 2015).

The above notwithstanding, the seeming consensus that transitional justice is inherently linked to liberal democracy by academics, governmental organizations and policy makers limits the scope of the concept to specific cases of transitional justice. It additionally, excludes the recognition of power in the analyses of these cases - that is; what are the underlying interests of parties and who does transitional justice serve (Hansen, 2011; Anand, 2016). More specifically, critiques of transitional justice assert, that the operationalization of the concept has manifested itself as new forms of colonialism, where which cases are tried; what reparations are given and who is part of transitional justice mechanisms is seen as intrinsic to the legitimacy of the concept itself and the method employed (Hansen, 2015; Dersso, 2013). All transitional justice institutions (either by states or regional organizations) were thus, created with a historical, political and legal background, where power and interest are central to the operationalization of justice.

Against this background, this paper explores the utility of two non-traditional regional bodies, namely: The *Pan-African Youth Union* (PYU) and *Afrika Youth Movement* (AYM) in promoting effective transitional justice policies towards creating a culture of peace amongst African youth. It draws on the existing literature and the increasing activities of the youth population in stressing the contributory values of these bodies to the evolution of transitional justice policies in Africa. The paper reinforces the stance that the traditional regional organizations are structured and guided by the assumption that the individual gives its rights to the governments which constitute the organizations and through them, the individual's interest are accommodated.

The youth organizations, classified as *non-traditional*, differ from the traditional state created and run institutionalized regional organizations notably, the African Union (AU); East African Community (EAC); Southern African Development Community (SADC); Economic Community of West African States (ECOWAS). These regional entities, comprise of sovereign states, are directly influenced by the politics and structures of their member countries. On the other hand, non-traditional regional bodies could be considered as entities with the potentials of challenging the ‘traditional’ manner in which transitional justice has been conceptualized and practiced in the previous decades. However, the structure, policies and practices of these organizations tend to be top-down in the sense that they are elitist.

Accordingly, the paper considers non-traditional organizations particularly, the Pan-African Youth Union and the Afrika Youth Movement as youth-led organizations or bottom-up organizations with the latent possibilities of evolving into a more inclusive transitional justice practices, given their critical role. In that context, this paper questions the doctrinal acceptance of liberal institutionalism towards the attainment of a more holistic and sustainable transitional practice and system. More broadly, the paper interrogates the role youth play in transitional justice processes? The two youth organizations, Pan-African Youth Union and the Afrika Youth Movement chosen for this analysis represent a spectrum of regional youth organizations on the African continent.

The Pan African Youth Union (PYU) and the Afrika Youth Movement (AYM) as Pivots for Delivering Transitional Justice in Africa

The African Youth Charter considers youth or young people as all those that fall within the ages of 15 to 35 years (African Youth Charter, 2006). This Charter was endorsed on July 2, 2006, by the African Union Heads of States and Governments meeting in Banjul, Gambia but

it entered into force on August 8, 2009. The African Youth Charter is a political and legal document. Indeed, it is a strategic framework for the African States. The Charter gives direction for youth empowerment and development at continental, regional and national levels. Part of its objectives is to strengthen and consolidate efforts to empower young people through meaningful youth participation and equal partnership in driving development agenda for Africa.

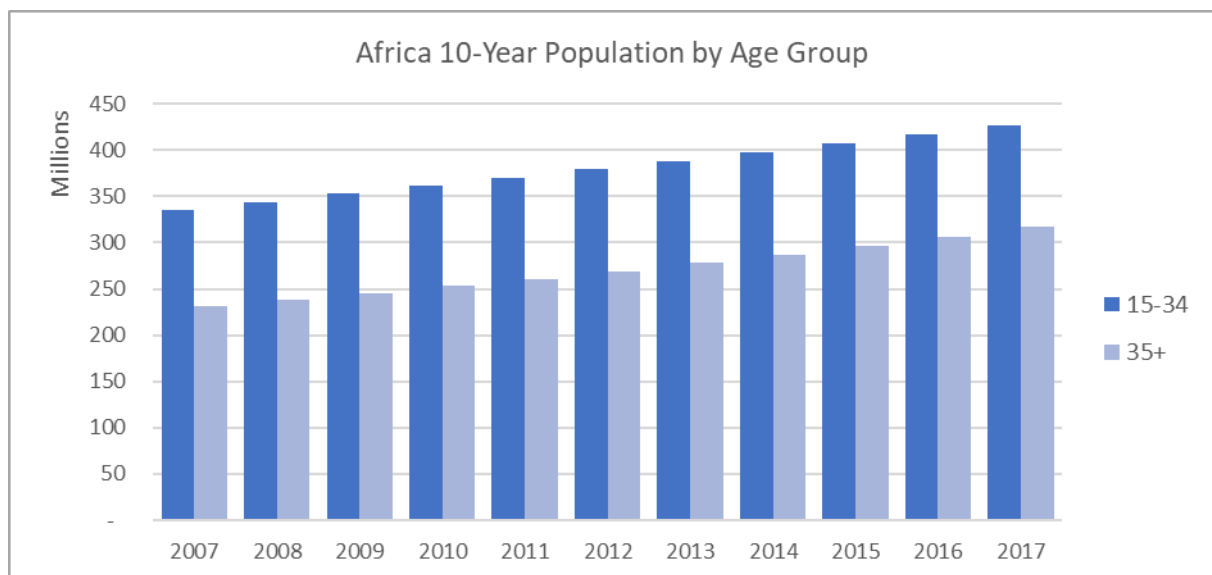
As stated in the preamble of the African Youth Charter, Africa's greatest resource is its youthful population with whose active and full participation, the continent will be able to overcome the difficulties that lie ahead of it (African Youth Charter, 2006). The youth constitutes a significant proportion of Africa's population. ("Youth Demographics Analysis - African Institute for Development Policy" 2018) stated that nearly 19% are between 15-24 years old. Their collective voice and actions under auspices of various bodies such as the Pan African Youth Movement and the Afrika Youth Movement, is critical to the continent's shared position to the world on various issues affecting the entire continent. The contributory value of the activities of these bodies to the society they represent is therefore, capacious enough to shift transitional justice processes away from the dogmatic or routine acceptance of liberal institutionalism as an instrument for the attainment of a more holistic and sustainable transitional justice practice and system.

Historically, the African youth have played a central role in struggles against oppression, injustice, violence and governance. Kwame Nkrumah, by the age of 37 was planning the 1945 Pan-African Congress; Abdul Gamel Nasser was 38 when he became President of Egypt; Nelson Mandela and Patrice Lumumba were all in their youth when they led

movements against colonialism (Lopes, 2013). Nonetheless, the African youth are presently, marginalized economically, socially and politically (Lopes, 2013). In South Africa, the youth were an intrinsic part of the struggle against apartheid (“The Youth Struggle” 2015), and therefore they were a vital asset and target population in the country’s Truth and Reconciliation process. Education was hence an important strategy that the government employed to reverse the effects of years of violence and marginalization (“Youth and Transitional Justice: The Power of Education” 2014). However, the youth were not part of decision-making processes despite playing an active role throughout the apartheid era.

Over the past century, Africa has experienced rapid population growth. The continent has the most significant percentage of the young population (Zinkina & Korotaye, 2014; Alhendawi, 2017:7). Half of the population in most African countries are under 25 and life expectancy is not beyond 50 years in some states (Zinkina & Korotaye, 2014; United Nations, 2015). The graph below demonstrates that youth in Africa ranging from 15-34 years of age are consistently over ten years a larger population than that of 35+ years. This means that the collective activities of these youth under the auspices of various international fora or bodies remain critical to the future growth of the continent as a whole. This underlies as well as reinforces the often-cited dictum that “the youth of today are the leaders of tomorrow”. What this implies is that the future of nations or Africa lies in the youth. In that regard, what African youth represents or stands for and their collective experiences and activities remain crucial to the peaceful co-existence of nations, continents and the world at large.

Graph 1: Youth Population versus Adult Population Distribution in Africa, 2006-2017



Source: Adapted and updated from United Nations World Population Prospect. DESA/Population Division. Retrieved from <https://esa.un.org/unpd/wpp/DataQuery/> on August, 4, 2017.

Notwithstanding of the rising impact of the youth population and the establishment of the African Youth Charter recognizing the importance of youth in society, youth participation in the public sphere and key decision-making institutions remain limited (Wamucii, 2012). Thus far; youth projects and policies have been predominately dominated by the state and adult population both the governmental and civil society level (Wamucii, 2012). As a result, young people resort to alternative spaces and institutions to embark on societal re-engineering and policy changes. The Pan African Youth Union and Afrika Youth Movement are two of such organizational areas youth leverages on to articulate their position in public affairs.

This is not to enunciate that governments are total gatekeepers against youth involvement in governance or public affair. There is an increasing consciousness of the importance of youth participation in public affairs among nations and international organizations. The youth constitute an integral part of the United Nations (UN) focus, such that every aspect of its operations now pays attention to the youth issues. One evidence in that direction is that the United Nations for the first time, held the UN Economic and Social Council (ECOSOC)

Youth Forum which brought together youth Ministers from 129 members states (Alhendawi, 2017: 6). The forum is the first of its kinds to offer space to facilitate dialogue as well as a platform to assemble, set norms and rouse one another to do more.

Similarly, about 60 indicators out of the total 230 in the Sustainable Development Goals (SDGs) pertains to youth development (Alhendawi, 2017: 7). The reason is that there is significant input from young people in the processes leading to the SDGs, which not in the Millennium Development Goals (MDGs). The Human Rights Council has also, for the first time, adopted a Security Council Resolution 2250 on youth peace and security. This resolution urges member states to increase youth representation, to give the youth a greater voice in decision-making at the local, national, regional and international levels (UN Security Council, 2015).

Issues of youth policy and development have also become critical areas of attention on the agenda of important conferences and meetings at the level of the national governmental and international organizations. As such, there is today a fund for youth peacebuilding set up by the Peacebuilding Commission (United Nation, 2016). At the national governmental levels, states are beginning to resort to affirmative actions towards adequate youth representation. In Kenya, for example, twelve parliamentary seats are special interests reserved for youth, among other representatives to be nominated by political parties, which Article 100 of the 2010 Kenyan Constitution give effect to (Kenya, 2010; Kuwonu, 2017: 8).

Other examples youth affirmative action includes in Morocco where the electoral law reserved 30 elective seats for candidates below forty years; Rwandese where the National Youth Council is entitled to have two elected representatives in the Chamber of Deputies;

while in Uganda, 5 seats are reserved in its parliament for youth (Kuwonu, 2017: 9). In Nigeria, President Muhammadu Buhari's has signed to law the "Not-too-young-to-run Bill, 2017" which was passed concurrently by the House and Senate of the National Assembly in 2017. The new law Act amends sections 65, 106, 131 and 177 of the Nigerian 1999 Constitution by reducing the age qualification for running for the office of the Senate from 35 to 30; House of Representatives 30 to 25; President from 40 to 35; Governor 35 to 30; and State House of Assembly 30 to 25 respectively (Onwughalu & Obiorah, 2018:6). In essence, the new parliamentary Act is a youth-inclusive legal framework that is fundamental in galvanizing the process of mainstreaming the youth in the political processes.

Together, all these initiative points out the importance of young people in contemporary society. The adoption of the African Youth Charter by member states of the African Union and declaring 2009 to 2018 as the "Africa Youth Decade" all demonstrate the importance the continent attaches to her young people. Nevertheless, much of what African states consider as youth development initiatives are about the provision of employment and quality education, instead of active participation in representative politics, governance and the policy decision-making processes.

African youths are still under-represented in various spheres of public life. Many African youths have had unique experiences of the effects of human rights violations (International Centre for Transitional and justice- ICTJ, 2014). A lot of youth have suffered first-hand abuse, for example, forced recruitment, torture, displacement or sexual assault leading to severe physical and psychological harm without having the opportunities of being exposed to appropriate transitional justice delivery mechanisms. Some have also lost their guardians

through killings, unlawful detention or disappearances, while others have suffered the trauma of separation and loss of support without receiving commensurate redress for their suffering.

The mechanisms for most transitional justice implementation processes are ill-designed and as such, not best-fitted for dealing with the scenarios previously highlighted (Bercovitch & Jackson, 2009). Occasionally, the approaches in use are perceived as being alien and, in most cases, non-representative of all that have suffered victimization. The approaches to transitional justice are usually: externally motivated, influenced and financed; conceptually and theoretically faulty; politically constrained; ethically problematic; not bottom-up and as such lacking the principal elements crucial to their successful implementation (Bercovitch & Jackson, 2009; 161-164). These challenges typified many transitional justice processes in Africa including the experiences in South Africa (1996); Liberia (2005-2015); Togo (2009); Uganda (1984-1994); Sierra Leone (2002-2004); Nigeria (1999); and Kenya (2008), to mention a few (International Centre for Transitional and justice- ICTJ, 2017).

In particular, transitional justice policies have been criticized for lack of legitimacy because they were not developed by African states and therefore to not take into account the cultural dynamics specific to the African context (Hansen, 2015). This criticism prompted the need to create an African transitional justice policy. Transitional justice efforts in Africa are therefore, guided by the African Union Transitional Justice Policy Framework. It consolidates different practices, lessons, and norms on transitional justice mechanisms. The framework highlights main priority areas; impunity, human rights violations and injustices in countries which emerge from conflict. It additionally, recognizes the importance of the youth as a vulnerable population but does not mention them as critical players in transitional justice

program and policy formation. This underscores the imperative for examining the potential of youth organizations in promoting effective transitional justice systems in Africa.

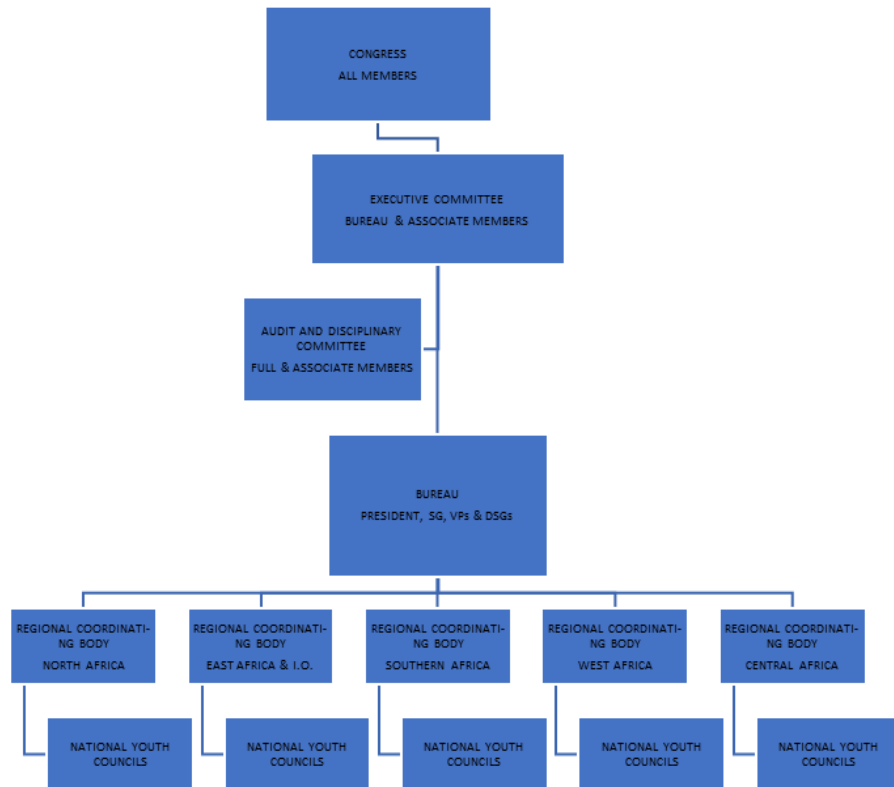
To start with, the *Pan African Youth Movement* was established at the Pan African Youth Conference on April 26th, 1962 in Conakry, Guinea (Bahru, 2010: 29). Its aim was the mobilization of youth in Africa to take part in the liberation movements that were happening across Africa. It was a continental organization comprised of the youth branches of political parties and liberation movements. The headquarters were held in Conakry up until 1967 until it was moved to Algiers, Algeria (Shillington 2005: 1186). As a body of coordinating youth activities, the Pan African Youth Movement organized “youth festivals, leadership training seminars, and voluntary services”(Ewumbue-Monono, 2009: 169).

However, due to Cold War politics at the time, the organization’s congresses were branded as socialist propaganda. Therefore, there was little formalized activity of the organization until 1963 when the Organization for African Unity was established and the Pan African Youth Movement was adopted as a specialized agency. When the Organization for African Unity later changed to the African Union in 2002, the Pan African Youth Movement was replaced in November 2003 by the Pan African Youth Union. The organization’s headquarters are currently in Khartoum, Sudan.

The Pan African Youth Union holds a special status within the African Union as the organization which is accountable for National Youth Councils all over the continent. It receives financial support from members of the African Union as stated in the 2011 Malabo Declaration (African Union 2011: 6). The Statute of the Pan African Youth Union amended and adopted by the 2nd Congress in Brazzaville, Congo from July 29 to August 1st, 2008,

outlines the legal and political framework for the organization. It notes that youth have always contributed to the emancipation and development processes of society and is therefore central to the struggle for “Peace, Democracy, and the sustained Development of Africa” (Pan African Youth Union Statute, 2008: 2). The Mission of the Pan African Youth Union is to foster “Unity, Peace, Democracy, Sustained Development and African Integration” (Pan African Youth Union Statute, 2008: 3).

Structure of the Pan African Youth Union



Source: Adapted from the Revitalization Process of the Pan-African Youth Union, Progress Report, 2013.

The work of the Union has predominately been that of coordinating the work of National Youth Councils across Africa. For instance, the National Youth Council of Nigeria has organized several projects on transitional justice. These include; sensitization workshops on

peacebuilding, conflict resolution and voter education and a radio program called “Peace Flight” to address peacebuilding in Borno State.

The roles of the National Youth Councils, which are part of the government machinery, are the organs of the Pan African Youth Union which carry out projects around the overall objectives of the organization. The reliance on state-sponsored and annexed organizations means that the National Youth Councils and consequently, the Pan African Youth Union are susceptible and reliant on domestic politics to carry out its regional mandate. As such; there are some National Youth Councils which are more active than others, depending on the political environment and resources of the specific countries.

The *Afrika Youth Movement* is a Pan-Africanist social movement “that strives for the development, active participation and Leadership of African youth in the fight for social justice” (Afrika Youth Movement, 2017). It is “not an NGO that implements projects; we are a movement that provides the support, mentorship, networks and empowerment of ideas and solutions” (Ruano, 2017). It began on July 14, 2014, as a Facebook Group by Tunisian blogger and activist Aya Chebbi. Today the movement has over 5,000 active young Africans from 40 countries. Membership is on an individual basis rather than organizational.

The movement aims to collectively change the reality of Africa by using tools such as social media (Afrika Youth Movement, 2017) and grassroots oriented projects to build a community-based youth movement that is actively engaged in the political, social and economic advancement of Africa. It is comprised of 7 Committees centered around, education; employment; entrepreneurship; gender; environment; sustainable development; governance; transparency; agriculture; peace and security (Ruano, 2017). They have

organized and coordinated advocacy campaigns tagged, such as, #AfricaSmile which was a campaign to celebrate the diversity and positive stories of Africans around the continent and the #ILoveMyContinent which was launched by the Peace and Security committee to reaffirm commitment to peace.

Both the *Pan African Youth Union* and the *Afrika Youth Movement* participated in international forums such as the 34th session of the Human Rights Council; ‘First session of the Forum on Human Rights, Democracy and the Rule of Law’ held in Geneva from the 21st to 22nd November 2016 with the theme “Widening the democratic space: the role of youth in public decision-making”. The Pan African Youth Union, represented by its President Francine Muyumba and the Afrika Youth Movement represented by its founder Aya Chebbi. The forum highlighted the importance of youth development as an indisputable fact and further noted that they seldom engage in transitional justice activities at the diplomatic or policy level. Hence, youths are, often viewed as perpetrators or victims of violence but not as peacemakers or peacebuilders. There is thus, a gap and a clear need to consider youths as being crucial to the pursuit of transitional justice and ultimately, peace, security and development.

Regarding transitional justice, the forum recommends that:

States should establish mechanisms for the sustainable, effective and meaningful participation of youth in peace negotiations, peacebuilding and transitional justice initiatives and processes. Special attention should be given to groups that are often disproportionately affected by conflict, such as young people with disabilities, internally displaced youth and refugees and young women and girls, to ensure their participation in peace negotiations and peacebuilding initiatives, including by creating safe spaces to raise their specific concerns. Youth-led initiatives that have proven to contribute to peacebuilding should be recognized, promoted and supported. The media should promote the positive role of young people in peace-

related initiatives, as well as disseminate successful stories of youth-led initiatives at the local level. (A/HRC/34/46, 2017: 14).

Towards Grassroot Youth Mobilization for Transitional Justice

Though these non-traditional regional bodies incorporate international membership, membership is optional for countries, even those within the same geographical contiguity. They also differ with the traditional regional bodies in terms of political and financial autonomy which they relatively lack but traditional regional bodies do enjoy. These non-traditional regional bodies are not standalone bodies but work in varying degrees as partners to conventional regional organizations. For instance, the Pan African Youth Union enjoys special status within the African Union and is currently supported by the African Union Youth Program; as well as serving as an advisory agency for the Youth Commission of the African Union (YouthPolicy.org, 2016).

The above notwithstanding, they play bottom-up roles that are vital to international relations particularly, at the continental level. If explored, they could partly, facilitate the development and promotion of effective transitional justice policies that will be useful in creating a culture of peace amongst African youth. As peace movements, they serve as bodies and mechanisms for coordinating national youth activities at continental, regional and national levels by contributing to peacebuilding in Africa through bottom-up or grassroots-based approaches. Their actions, though highly within international relations spectrum, are thus, more communal-based and nationalistic in orientation and character, giving that national youth activities of various nations are what constitute their very initial foundation and focal point.

Viewed from the prism of Pan Africanism, non-traditional bodies or peace movements, regardless of their nationalistic and yet international outlook, have mutual collective feelings

in the significance of a continent seeking independence for its diverse cultures, traditions, civilizations and peace that holds it together. This can be articulated as a political ideology involving individuals and respective states identifying with one another and becoming more attached to their continent. Drawing from Clement Adibe's reflections on the Economic Community of West African States (ECOWAS), *nationalism* or *continentalism* in these continent-wide peace movements is characterized by a sense of collective identity that has been created and promoted by a common historical and ideological experience (Adibe, 2001: 17).

Both the Pan African Youth Union and the Afrika Youth Movement draw attention to the importance of creating a community of youth that responds to issues of injustice and which make statements of support to those that's rights are violated. They also construct a narrative that situates the youth at the center of thematic areas that are linked to transitional justice. Furthermore, the foundational philosophy of Pan Africanism advocates for the creation of African solutions to African problems. More importantly, Pan Africanism also promotes the need refocus policies on reintroducing the youth as important actors in transitional justice processes.

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