Peace, security and the African Peer Review Mechanism: Are the tools up to the task?

Steven Gruzd*

The African Peer Review Mechanism is a novel system created by Africans to improve governance, promote compliance with global and continental standards and enhance development. Preventing and managing conflict is one of the many objectives of this process. The article examines the connections made between peace, governance and development, and how conflict-related concepts are described and interrogated in the mechanism’s self-assessment questionnaire. It analyses and contrasts how the country review reports from Ghana, Kenya and Rwanda have described and assessed conflict issues in practice. On this basis, it asks whether the APRM is incisive enough to promote peace and stability on the continent.

* Steven Gruzd is deputy manager of the APRM and Governance Programme at the South African Institute of International Affairs (SAIIA), based at the University of the Witwatersrand, Johannesburg, South Africa.
Governance, conflict and development

Sound governance is based upon accountability, transparency, institutional capacity, popular involvement, and adherence to rules. Governance within African countries has, however, frequently demonstrated the opposite: corruption, financial mismanagement, nepotism, ‘big man’ political dominance, patronage and arbitrariness. The African Peer Review Mechanism (APRM) is an ambitious, homegrown attempt to address bad governance, a fundamental cause of conflict. This article explores the nexus between peace, governance and development. It looks critically at how the APRM self-assessment questionnaire covers conflict detection and prevention, and contrasts how the country review reports from Ghana, Kenya and Rwanda have described and assessed conflict issues in practice. On this basis, it asks whether this instrument is incisive enough to make Africa’s people enjoy peace.

Perceived unfairness in allocating power and privilege underlies many African conflicts. Latent or violent armed conflicts – often within rather than between countries – have devastating humanitarian consequences and retard development. War destroys infrastructure, or diverts its use for military purposes. Education and health services suffer. Conflict disrupts normal economic activities and plunders natural resources. African leaders and citizens alike have long blamed their problems on external factors – slavery, colonialism and apartheid, the Cold War, and the unfair structure of international political and economic relations – not without merit. But there has been a growing recognition that how African countries are governed also matters, and that peace and security are critical components of governance that enhance socioeconomic development.

Many contemporary policy documents now acknowledge the link between governance, state security, human security and development – especially since intra-state conflicts have mushroomed. For instance, Africa’s economic development blueprint, the New Partnership for Africa’s Development (Nepad 2001:16), states:

African leaders have learned from their own experiences that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development.

These ideas are developed in the Common African Defence and Security Policy (CADSP) (AU 2004:7), which emphasises ‘the fundamental link and symbiotic relationship … between security, stability, human security, development and cooperation’. The policy stresses ‘respect for democratic principles, human rights, the rule of law and good governance; [and] the promotion of social justice to ensure balanced economic development’. The CADSP lists common internal security threats confronting many African countries, all with a governance dimension, including lack of respect for human life; poor promotion and protection of human rights; assassinations, terrorism and
subversion; poorly managed elections; unequal opportunities that discriminate against women, children and ethnic minorities; poverty; inequitable resource distribution; corruption; political, religious and ethnic extremism; and racism.

The message is clear: peace promotes prosperity, while bad governance engenders conflict, which in turn seriously stifles development. So how does the APRM propose to boost governance and monitor and manage conflict?

**The APRM’s conflict analysis framework: The questionnaire**

An outgrowth of Nepad, the APRM is a voluntary African self-monitoring initiative aimed at improving governance and enhancing development. In acceding states, a National Governing Council that involves civil society, business and government, oversees an extensive research and consultation process to develop a self-assessment report evaluating the country’s governance strengths and weaknesses on a wide range of issues, including conflict prevention, election management and human rights. The country must design a programme of action to address all identified gaps in governance. Then an independent team of African experts visits the country to do its own assessment, and helps to write a country review report along with a Panel of Eminent Persons and the continental secretariat. This report is eventually debated by participating heads of state and then publicly released.

To assess how the APRM can contribute to conflict prevention and management, the starting point is the 88-page self-assessment questionnaire that guides the national process, and the relevance of questions asked.

The first of the questionnaire’s 25 objectives examines measures taken to prevent and manage internal and inter-state conflicts, reinforcing the view that peace underpins development. Under this broad objective, the questionnaire asks specific questions: (1) What are the recent or ongoing conflicts in a country and the sources of these conflicts? (2) What mechanisms exist for preventing, reducing, and managing conflicts in that country or region and how effective are they? (3) To what extent have regional and subregional organisations been involved in conflict resolution affecting that country? Detailed indicators are suggested for each question (APRM Secretariat 2004:18).

Several other APRM objectives relate to human and state security, such as constitutional democracy and the rule of law, women’s roles in preventing and resolving conflict, and children’s involvement in conflict. The questionnaire also seeks evidence that countries have signed, ratified, domesticated and implemented many global and African standards aimed at promoting peace.¹
However, a key weakness of the questionnaire is that it asks countries to describe laws, institutions or practices, without explicitly requiring them to evaluate or assess performance and delivery. Most countries possess good laws and policies on paper, and they can easily note these in responses, but rigorous assessment is necessary to evaluate whether they really work.

Ross Herbert and Terence Corrigan, researchers at the South African Institute of International Affairs (SAIIA), have thoroughly analysed the entire questionnaire, attempting to produce a more user-friendly version. They note that the word ‘conflict’ is often narrowly viewed as open violence, suggesting that the first question should guide countries to anticipate societal tensions, rather than just react once crises erupt. They recommend inserting a descriptive sentence explaining why each indicator explicitly mentioned can lead to conflict (drug trafficking; organised crime; economic inequality and wealth distribution; illicit arms trade; ethnic, religious and other diversities; and refugees and internally displaced persons). They highlight other key conflict-inducing factors: electoral disputes, unfair or repressive political systems, land and previous unresolved conflicts (Herbert & Corrigan 2006:2–3). The questionnaire’s wording suggests that specialised laws and bodies are needed to ‘manage diversities’, but this downplays the need for ordinary institutions of state, such as parliaments and courts, to function effectively. The questionnaire also makes it difficult to discuss issues comprehensively by the way it splits subjects. For instance, refugees are mentioned in the first indicator, but countries concentrate their analyses of the refugee situation under Objective 9 dealing with vulnerable groups.

Despite these limitations, the questionnaire still provides enough space for countries to reasonably assess themselves in terms of promoting peace within and across their borders. How then were conflict issues tackled in the first three APRM country review reports, from Ghana, Kenya and Rwanda?

**From theory to practice: Conflict management in the APRM reports on Ghana, Kenya and Rwanda**

**Ghana**

Ghana, the first country to undergo peer review, presented few challenges in terms of its conflict management and prevention policies and practices. Despite the turbulence of four coups d’état between 1957 and 1981, the country has experienced neither civil conflict nor interstate war. The country review report emphasises that Ghana is ‘seen as an oasis in an otherwise volatile sub-region’ and observes that regional tensions with Benin, Burkina Faso and Togo have largely dissipated under President John Kufuor’s ‘good neighbourliness’ policy (APR Panel 2005a:17). Ghana is commended for
contributing troops for peace missions, including to Côte d’Ivoire, Liberia and Sierra Leone recently, its active role in the ECOWAS (Economic Community of West African States) Monitoring Group (ECOMOG), and hosting regional peace summits (APR Panel 2005a). Nonetheless, the report highlights latent and manifest tensions, centring on land and chieftaincy, including issues of inheritance and succession, and election-related disputes.

The report tends to praise new and untested conflict prevention arrangements as ‘well-established’ and ‘well-defined’, and it names the State Security Services, the National Security Council and Regional and District Security Councils, without describing their functions, or evaluating their effectiveness. The report calls the recently introduced alternative dispute resolution system to complement the courts ‘innovative, appropriately structured and cost-effective’ (APR Panel 2005a:19).

The report acknowledges that despite the entrenched role of a variety of traditional chieftaincy institutions in conflict management, performance in practice has been weak, frequently fuelling conflict in northern Ghana. Chieftaincy issues are thorny, with the traditional legal, cultural and economic role of chiefs clashing with the requirements of a modern, democratic state. Regional Houses of Chiefs seem to lack sufficient legal resources, and hold meetings too infrequently. The report further notes divided opinions over whether chiefs should actively play a policy advice and consultation role at regional and district levels, or whether this would embroil them in ‘partisan politics and compromise their cultural position as “fathers” of their people’ (APR Panel 2005a:18–19).

Because the questionnaire fails to treat all conflict-related issues in one place, discussion of related issues appears in other sections. Deep socioeconomic tensions between the relatively prosperous south and less developed north of Ghana appear over 100 pages later:

From a perspective of socio-political stability … regional inequities appear to warrant the most immediate attention. Northerners with obvious influence and stature were very vocal about the fact that the three Northern regions have the highest percentage of persons below the poverty line and the highest unemployment, as well as the least access to electricity, water, educational, health and road facilities (APR Panel 2005a:128).

Similarly, discussion about refugees – a direct consequence of conflict – appears under ‘vulnerable groups’. While Ghana hosts thousands of refugees because of its relative stability, its 1992 constitution makes no explicit provision for refugee rights and does not grant them work permits or permanent residence, although the report claims that Ghana’s Refugee Act rests on global standards (APR Panel 2005a:43).
A scant section discusses the extent to which the security forces are subject to the rule of law. It cites no figures, and takes at face value claims by the police and army that they are already remedying human rights violations like detention without trial (APR Panel 2005a:43).

The APR Panel’s recommendations focus on chieftaincy and land issues. The panel recommends that Ghana should continue efforts to review and modernise the institution of chieftaincy to be more responsive to the population’s needs, including those of women, and enhance the capacities of the National, Regional and Traditional Houses of Chiefs to clear case backlogs within a set time-frame. It also recommends introducing a comprehensive land law and a firm plan to accede to and ratify several international protocols, especially those dealing with human rights (APR Panel 2005a:25).

Kenya

Like Ghana, Kenya has faced no civil war or external conflict since independence, and has also played a role as regional peacemaker. Land is a key source of conflict in Kenya, as are politically exploited ethnic gaps and economic disparities.

The country review report calls Kenya ‘an island of peace within a troubled region’ (APR Panel 2006:63), praising Nairobi’s critical peacemaking role in neighbouring Somalia (2004) and Sudan (2005) as ‘best practice’, and noting the thousands of refugees Kenya has accepted.³

The report notes that Kenya’s own self-assessment ‘acknowledges that internal conflict is rife in Kenya’. It frankly identifies interconnected causes:

- Politically induced conflict, which is basically an outfall of competition and struggle for power often provides the basis for a politicisation of ethnic differences, abuse of political power and authority, existence of militias in political parties, and limited opportunities for effective political participation. According to the [country self-assessment report] CSAR, resource based conflicts occur in most cases over the politicisation of land ownership and land rights, arbitrary allocation of community land, scarcity of land for pasture and crop farming, struggle for access to and use of water resources, and depletion of limited water. The CSAR identified additional cases of conflict arising from land use for public purposes by government, and from forced removals from ‘environmentally protected areas’ by government (APR Panel 2006:62).

The self-assessment explores the economic inequalities that overlap with regional inequalities leading to conflicts, with weak state responses. It discusses a ‘huge security
void’ in borderlands, where pastoral communities have amassed small arms, often from unstable neighbours like Somalia, and use them for banditry and cattle rustling, which also spill back over international boundaries. External support for insurgency, disagreements over shared resources and poor treatment of Kenyan migrant workers are also mentioned as sources of interstate tension.

The country review report confirms the seriousness of these cleavages. It states that regional inequalities stemming from the colonial era have been perpetuated by a succession of post-independence governments, and competition for resources and advancement has a strong ethnic overlay. The report notes strongly:

> The politicisation of ethnicity is a tool that politicians have wielded to the detriment of unification, nation building and peace building in Kenya. There appears to be nothing preventing political leaders from exploiting existing opportunities in their jockeying for power … Stakeholders in Northern Kenya and other disadvantaged regions are aware of the culpability of the leaders from their region. Stakeholders expressed disappointment over the inability and/or unwillingness of the over forty parliamentarians representing them to secure additional resource allocation from the central government for the region (APR Panel 2006:63–64).

In Kenya’s Northern and North Eastern Provinces – borderlands awash with small arms – the lack of action by central government to end violent clashes has spawned lawlessness. The growing use of private militia and home guards is attributed to ‘state laxity, ineptitude or complicity’, which result in ‘impunity for the perpetrators, lawlessness in society and vulnerability and insecurity in the nation’ (APR Panel 2006:64).

Residents resent the deployment of soldiers and police to these areas. Poor roads hamper their effectiveness, while in other cases, communities complain that these forces breach rights and treat local residents inhumanely. Female and male detainees are not separated in police cells in some areas (APR Panel 2006:65).

Many alienated communities in these frontier regions remain unaware of government efforts to improve conditions, and there is a lack of information, engagement and participation. In interactions between ‘marginalised groups’ and the APRM review team, ‘there was a clearly discernible feeling of unjust treatment, lack of equity, and a palpable sense of neglect, bitterness, anger, apathy, and alienation’ (APR Panel 2006:65).

Consultations with stakeholders suggested that politics underlies much conflict in Kenya today, particularly following the failed referendum on a new constitution in 2005, and in-fighting between the ruling National Rainbow Coalition (NARC), and its erstwhile coalition partners (APR Panel 2006:65–66). The report notes increasingly personal and
pejorative exchanges that it claims are amplified by the mass media, ‘dedicated to rousing ethnic hostilities’ with impunity (APR Panel 2006:66).

The panel recommends that government and political parties design and use forums to defuse political and ethnic tensions, foster national consensus and promote tolerance. Government is urged to make laws and policies to revoke all discriminatory practices, proactively ‘managing diversity’. The panel stresses greater political will to create a coherent land redistribution and reallocation system. It calls for affirmative action to benefit marginalised communities, recommends human rights training programmes for law enforcement agencies, closer monitoring and investigation of alleged transgressions, and sensitising citizens about their rights to seek redress. Ominously for freedom of speech advocates, the panel recommends legally empowering media oversight bodies to sanction ‘irresponsible media organisations and professionals’ (APR Panel 2006:66–67).

In its response to the country review report, the Kenyan government generally acknowledged its shortcomings and pledged to resolve the major problems, although it often asserted it was already doing what had been recommended (APR Panel 2006:258).

Rwanda

If Ghana and Kenya are seen as havens of stability in troubled neighbourhoods, the same cannot be said of Rwanda. The tiny central African state has faced periodic and sustained civil and ethnic violence, culminating in the 1994 genocide. The Rwandan government has frequently been accused of fomenting regional instability, under the pretext of dealing with its security concerns in the eastern Democratic Republic of Congo (DRC). Here, too, land is a key source of conflict.

The Rwanda country review report summarises how conflict is presented in Rwanda’s own self-assessment report. Among the intertwined factors identified as causing conflict are ‘ethnic, religious and other divisions in society, socio-economic inequality, poverty, land and illicit arms trade, drug trafficking and a high level of illiteracy’ but the principal cause was flagged as:

… [e]thnic discrimination and divisive politics promoted by some leaders, including colonial regimes (notably Belgium) and misdirected academics pursuing studies of physiological and racial factors in human intelligence. The impact of colonial policies and bad governance of post-colonial governments aggravate[s] the situation. Open ethnic rivalry began in 1959 (APR Panel 2005b:32–33).

The report briefly describes historical tensions and conflicts between Hutu-dominated governments and Tutsi opposition, both internal and in exile, including denial of
citizenship, and a cap of 15 per cent of government positions for Tutsis. It says the ‘tensions existing between the Government and the opposition in exile, notably the Rwanda Patriotic Front (RPF), persisted and became an excuse for the Government of President Habyarimana in the 1990s to orchestrate one of the most heinous genocides in modern history’.

This is an extremely controversial statement – some contend that the president’s death sparked the genocide and implicate the RPF in his assassination. Having treated the genocide in just a few stark paragraphs, the report begins discussing land.

Conflicts over land make up 90 per cent of court cases in many Rwandan provinces, exacerbated by high population density and a poorly defined legal framework governing access to land and inheritance rights. Land is rated the biggest potential source of conflict, particularly given the country’s heavy dependence on agriculture for job creation. Highlighting the government’s twin strategies to solve land conflicts in the now defunct group settlement schemes and off-farm employment creation, the report recommends the need for clear and comprehensive land and family planning policies, given projections that Rwanda’s population will double to 16 million by 2020 (APR Panel 2005b:126).

The report notes that, despite peace efforts, including the 1993 Arusha Accord and the 1999 Lusaka Agreement, regional security problems persist, blaming armed ‘genocidal’ militias in the DRC. Justifying its self-help posture, the self-assessment says:

Even though Rwanda has been criticised for ‘using’ security concerns to promote its own agenda, the fact remains that Rwanda’s security is intertwined with security and governance in neighbouring countries – as long as insurgents in the DRC, in particular, are not dealt with, it is difficult to see how Rwanda can be assured of its security (APR Panel 2005b:32–33).

University of Stellenbosch political scientist Dr Eduard Jordaan is highly critical of the way that conflict issues (and many others) are portrayed in Rwanda’s self-assessment report, and, indeed, in the final country review report. In an article in African Affairs in July 2006 he said that Rwanda’s draft self-assessment listed some vague sources of conflict, including imposed borders, ‘issues regarding nationality in some neighbouring countries, spill-over effects from power struggles within the area’, and, using politically loaded language, noted ‘the persistence of genocidal ideologies within the region’, coupled with the existence of ‘armed perpetrators of genocide in the DRC’ (Jordaan 2006:342). He noted that there was an ‘absence of any acknowledgement of blame on Rwanda’s part’. The report ignores Rwanda’s role in fuelling regional conflict (though often vehemently denied by government) in three well-documented dimensions in the
DRC: (1) Rwandan government soldiers and Rwandan-backed forces have repeatedly committed human rights violations; (2) Rwanda has exploited mineral wealth; and (3) Rwanda has armed various DRC groups, in violation of a UN arms embargo (Jordaan 2006:342–343).

The country review report commend Kigali for developing innovative conflict prevention laws and institutions, citing the law against sectarianism and discrimination, Article 9 of the 2003 Constitution, which advocates dialogue and consensus to find solutions and ‘power-sharing arrangements that prohibit a winner-takes-all approach’. It also lists a string of anti-conflict mechanisms – the National Unity and Reconciliation Commission (NURC), the National Council of Dialogue, the National Commission for Human Rights, the Gacaca courts, and the National Commission for the Fight against Genocide – without questioning their effectiveness (APR Panel 2005b:36). In other sections, the report briefly mentions the plight of child soldiers and genocide orphans.

The report, however, remains largely silent on questions requiring information on social cohesion, and does not comment on ethnic relations in contemporary Rwanda. The report fails to broach the claim that the present regime has deliberately downplayed ethnic identities to mask Tutsi military and political dominance, and barely mentions the marginalisation of the Batwa minority in Rwanda. It also does not mention the International Criminal Tribunal in Rwanda – a serious omission.

The country review mission seems not to have engaged critically with any of these issues. Instead, in just three paragraphs, the panel’s report commends the government for establishing the NURC, and for the revival of traditional Gacaca courts to adjudicate on genocide crimes. The NURC attempts to instil a common Rwandan identity in all citizens and prevent the growth of divisive ideologies through civic education, conflict management and advocacy for policy reforms (APR Panel 2005b:36–37).

The report notes that during the review mission in April 2005 several rural residents were fleeing in fear of being labelled genocidaires (perpetrators):

… [b]ased on allegations that the Gacaca courts are a camouflage for ‘victors’ justice’, since the crimes committed during the RPF’s incursion and takeover in Rwanda in the 1990s may go unpunished while the focus remains on the genocidaires. The Government has a singular challenge to assure all citizens that the Gacaca courts are not designed for retribution or witch hunting (APR Panel 2005b:35).

In its comments, the government of Rwanda responded sharply to even these muted criticisms, claiming that the review team was ill-informed and spent too little time in
the country. In particular, it felt that *Gacaca* had been misunderstood, explaining that *Gacaca* was only for genocide cases, not general court matters, and refuted that *Gacaca* could be construed as retributive ‘victor’s justice’ (APR Panel 2005b:132–133).

A few vague recommendations are made, urging the continuation of existing efforts. The APR Panel recommends that government should deepen its national reconciliation effort based on its policy of dialogue and consensus; strive to ensure that its policy of inclusiveness wins the trust of all citizens, both victims and perpetrators of genocide; and tighten regional security links, promote social relations between populations in border areas, and contribute towards finding subregional mechanisms to curtail small-arms trafficking (APR Panel 2005b:35–36).

**Conclusion and recommendations**

This article has sketched the rhetorical commitment of African leaders to peace, security and stability, and the explicit connections they have drawn between peace, governance and development. The APRM seeks, among its many other aims and purposes, to contribute to conflict prevention by examining a number of security-related issues, identifying problems and proposing solutions. It is therefore a useful diagnostic instrument in identifying potential fault lines.

But its practical utility as a conflict prevention tool is constrained by several weaknesses. These include a poorly structured questionnaire and loose framing of questions; the leeway afforded to countries in developing their responses; insufficient interrogation of issues excluded or downplayed in self-assessment reports by the panel and review teams; the non-confrontation ethos of the process; and the non-binding nature of the panel’s recommendations.

The questionnaire fails to ask some tough questions about electoral disputes, festering, partially resolved previous conflicts and unfair political systems. It assumes that states need special instruments and mechanisms to deal with conflict, rather than well-functioning regular arrangements to respect and uphold the rule of law. As a whole, the questionnaire tends to ask for too much description and too little dissection of problems. Conflict prevention only receives attention in a few pages in each report as APRM attempts to scrutinise the entire gamut of governance. The long, complex and poorly organised questionnaire splits subjects, making it hard to answer and analyse.

The three review reports discussed in this article yielded nothing not already widely known, and suggested remedies were generic and vague. They do, however, pick out important causes of conflict, such as land and managing diversity, both of which are underplayed in the questionnaire and should be revised accordingly.
In general, the reports of Ghana and Kenya are more frank about problems related to conflict than that of Rwanda, which glosses over or justifies its regional security decisions and interventions. The reports reflect the methodology used to compile the self-assessments – the first-mentioned two countries used independent and credible research institutions whereas Rwanda’s team consisted exclusively of government personnel.

Country review teams and the APR Panel are reactive. Their reports largely play off what countries submit in their self-assessment, without thorough interrogation, taking government assurances of reform at face value. In Rwanda’s case, the panel ignored serious allegations of military adventurism in the region, and failed to challenge the government on well-documented cases of aggression.

The APRM was never intended to be the major organ charged with resolving existing violent armed conflicts. That is the responsibility of the AU’s Peace and Security Council and African Standby Force. The APRM does have the potential to play a role in conflict prevention, but its usefulness is limited because it relies heavily on peer pressure that the participating leaders, so far, have not exerted meaningfully. The APRM lacks explicit sanctions for non-compliance, and heads of state will not adopt name-and-shame tactics. Given that the institution will struggle to review each of the 27 states every three to five years as planned – with just five reviews completed by July 2007 – it is extremely unlikely that the APRM will invoke ‘emergency’ reviews to deal with particular conflicts.

While the APRM may prove to be useful in describing sources of tension and conflict and ways that these have been mitigated, the first three reports suggest that Africa should not rely on APRM alone as an effective conflict prevention tool.

The following broad policy recommendations may improve the APRM’s effectiveness:

- A revised questionnaire that asks sharper questions, gives more guidance about conflict causes, consolidates discussion of both human and state security in one section and demands evaluation rather than mere description

- Country review missions that are better prepared well in advance of arrival in the country, with experts more informed about local circumstances and context

- More rigour by the Panel of Eminent Persons in interrogating self-assessment reports

- Countries using the opportunities that the APRM presents, through initiating inclusive national policy dialogue to delve more deeply into seemingly intractable national issues to work on innovative, sustainable solutions
Notes


2 Ghana’s APRM country self-assessment report was completed in early 2005, and the country review report – combining the self-assessment report and additional research by the APRM Panel of Eminent Persons and APRM Secretariat – was finalised in June 2005. The report was peer reviewed in January 2006 by the APR Forum of Participating Heads of State in Khartoum, Sudan.

3 It mentions, specifically, Burundi, the Central African Republic, the Democratic Republic of Congo, Eritrea, Ethiopia, Mozambique, Rwanda, Somalia, Sudan, Tanzania and Uganda.

References