FORUM REPORT

THE STATE OF TRANSITIONAL JUSTICE IN AFRICA

Report on the Third African Transitional Justice Forum

Addis Ababa, Ethiopia, 24–26 September 2019
© 2020 African Union Commission and Centre for the Study of Violence and Reconciliation

The opinions expressed in this report do not necessarily reflect those of the African Union Commission or the Centre for the Study of Violence and Reconciliation.

Author: Maxine Rubin
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Brief Overview of Past African Transitional Justice Forums</td>
<td>3</td>
</tr>
<tr>
<td>Main Themes of Third Forum</td>
<td>4</td>
</tr>
<tr>
<td>Summary of Third African Transitional Justice Forum Proceedings</td>
<td>7</td>
</tr>
<tr>
<td>Recommendations</td>
<td>16</td>
</tr>
<tr>
<td>African Union Member States</td>
<td>16</td>
</tr>
<tr>
<td>African Union and Its Organs</td>
<td>17</td>
</tr>
<tr>
<td>Regional Economic Communities</td>
<td>17</td>
</tr>
<tr>
<td>National Human Rights Institutions</td>
<td>18</td>
</tr>
<tr>
<td>Civil Society</td>
<td>18</td>
</tr>
<tr>
<td>Academics</td>
<td>19</td>
</tr>
<tr>
<td>Donors</td>
<td>19</td>
</tr>
</tbody>
</table>
States confront the pressing need to address the legacies of violence and repression in the aftermath of conflict. Transitional justice (TJ) developed as a field of study and practice in the 1980s to assist Latin American states as they transitioned from authoritarianism and war toward democracy and peace. Consequently, TJ can be understood as a type of justice that is designed for the extraordinary circumstances of periods of political transition. TJ has conventionally been understood as a timebound process that responds to a defined and limited period of conflict, and typically has focused on individual civil-political rights violations, with an emphasis on physical violations, such as torture. Increasingly, this understanding of TJ has been challenged to expand. Consequently, socioeconomic rights, gender justice, the impact of colonialism, and traditional justice mechanisms have been incorporated into TJ practices – with increased recognition that TJ should ideally be a consultative and inclusive process that is driven from the bottom-up. Africa has been home to many innovations and learnings in TJ. Significantly, TJ practice on the continent has revealed many flawed assumptions within mainstream TJ’s theoretical positions and the limitations with its applications. Through cultivating TJ processes that resonate with their populations, some African TJ processes have highlighted the importance of context-driven, locally owned, and culturally relevant TJ practices. Examples include

Sierra Leone’s Fambol Tok,7 Rwanda’s Gacaca courts,a and northern Uganda’s mato oput.9

The African Transitional Justice Forum is a platform co-hosted by the African Union Commission Department of Political Affairs (AUC-DPA) and the Centre for the Study of Violence and Reconciliation (CSVR) that is held annually since its inaugural event in 2017. The purpose of the Forum is to bring together various stakeholders – such as Member States, AU organs, Regional Economic Communities (RECs), civil society organisations, academics, practitioners, and researchers – involved in TJ processes in Africa in order to take stock of the predominant TJ practices on the continent as well as to identify the benefits, constraints, and challenges in instituting survivor-centred TJ processes. The Forum aims to generate Afrocentric insights into TJ practice and to contribute toward knowledge production that is practice-oriented and relevant to the African context.

The Third African TJ Forum was held between 24 and 26 September 2019 in Addis Ababa, Ethiopia. The Forum followed the adoption of the African Union Transitional Justice Policy (AUTJP) by the Heads of State and Government during their 32nd Ordinary Session in February 2019. The AUTJP is a non-binding guiding framework for AU Member States that are emerging from violent conflicts or repression and establishing TJ processes to promote sustainable peace and inclusive development. The AUTJP was developed to highlight and address the shortcomings of mainstream TJ’s applications to African cases in order to devise a TJ framework that has been grounded in African experiences and best practice. The AUTJP encourages context-driven TJ designs that incorporate both formal and informal processes – including traditional and ethno-cultural justice approaches. The policy also integrates socioeconomic and developmental concerns into the peace and justice agenda envisioned. The AUTJP promotes reflections on past and ongoing TJ interventions in Africa to inform an Africanist approach to current and future TJ processes. The AUTJP is the embodiment of the AU’s commitment to addressing conflict and its effects. It has built upon AU policies, reports, resolutions, and declarations – such as the AU Constitutive Act, the Panel of the Wise Report, and Agenda 2063 – to entrench a TJ architecture in Africa.

The AUTJP consists of eleven elements of transitional justice, namely; Peace Processes; Transitional Justice Commissions; African Traditional Justice Mechanisms; Reconciliation and Social Cohesion; Reparations; Redistributive (socio-economic) Justice; Memorialisation; Diversity Management; Justice and Accountability; Political and Institutional Reforms; and Human and People’s Rights. The elements were informed by the conflict experiences of African people, and go beyond mainstream TJ conventions to stress responsiveness to collective violations, vulnerability, and victimhood. The AUTJP has identified that women and girls, children and youth, persons with disabilities, older persons, and internally displaced persons, refugees and stateless persons have particular experiences of conflict that are cross-cutting TJ issues.

The Third Forum centred the AUTJP’s eleven elements as the focal areas for discussion. This served the dual purpose of popularising the AUTJP and deepening participants’ understanding of the policy. This report outlines the main themes and recommendations that surfaced during the first two African TJ Forums. It then provides an overview of the main themes that emerged from Third Forum, which is followed by a chronological summary of the presentations and discussions from this Forum. In conclusion, the Forum’s updated recommendations for the various TJ stakeholders operating in Africa is provided.

---

The First African TJ Forum was held in Johannesburg, South Africa, between 19 and 21 October 2017. The participants of the inaugural Forum grappled with the concept of TJ – particularly over the boundaries of “transition” and the relevant types of “justice”. A holistic conception of TJ was preferred over narrower conceptions, which have typically focused on the physical consequences of conflict for individuals and the immediate causes of the conflict. Holistic TJ is survivor-centred, responsive to socioeconomic and structural causes of conflict, and more expansive timeframes investigated. This understanding of TJ includes measures to prevent the recurrence of conflict and encourage sustainable, inclusive peace. The types of TJ measures selected as well as their sequencing was discussed, with participants agreeing that above all the TJ process must be designed to respond to the contextual needs of the post-conflict society at hand. The Forum identified the importance of including youth, gender, and survivors at all levels of the TJ process.

The Second African TJ Forum was hosted by the Government of Sudan in Khartoum between 16 and 18 October 2018. It was designed by the AUC-DPA and CSVR to build upon the main deliberations from the First Forum, and to develop a shared conception of what constitutes an African approach to TJ. Socioeconomic rights violations emerged as a theme again and the impact of colonialism was surfaced as a structural cause of conflict that required deeper engagement. The Forum explored the institutionalisation of corruption and its links with rights violations and consequences for TJ processes. The need to improve TJ’s response to sexual and gender-based violence (SGBV) and gender inequality was identified as a pressing challenge. Particularly, the need to address SGBV and gender inequality patterns that predate, are exacerbated by, and persist after conflict. TJ’s ability to respond to new forms of conflict, such as violent extremism and transnational crimes, was highlighted as a relevant topic for African TJ actors.

Among the recommendations made at the Second Forum, Member States were advised to develop gender and youth inclusive TJ processes that ensure their representation in decision-making processes as well as beneficiaries of the TJ process. It was suggested that the AU establish a TJ Fund to finance TJ processes that are in line with the AUTJP. National human rights institutions were encouraged to promote the importance of addressing socioeconomic and cultural rights domestically alongside civil political rights. The Second Forum recommended that CSOs make use of participatory methods to develop context responsive TJ processes and to inform their TJ advocacy agenda. Academics were encouraged to prioritise the needs and experiences of survivors and victim communities in their TJ research. Lastly, donors were cautioned against imposing an external agenda as a condition attached to their funding.
MAIN THEMES OF THIRD FORUM

The Third Forum reflected on the state of TJ in Africa following the adoption of the AUTJP. The discussions were generally pragmatic, with the recognition that periods of transition are fraught with political tensions, economic and time constraints, and social fragmentation. Consequently, TJ processes are imperfect and require difficult trade-offs. Ideally, survivors’ needs should be centred.

The need to synergise and utilise the various AU reports, policies, and institutions that complement a TJ process was repeatedly encouraged throughout the Forum. The African Commission for Human and Peoples’ Rights published its Study on Transitional Justice and Human and Peoples’ Rights in Africa. Participants were encouraged to use this study together with the AUTJP to ground their TJ policies and practices. The two documents were presented as complementary African TJ tools. Additionally, the Post-Conflict Reconstruction and Development Policy was flagged as another relevant document that should be drawn upon by TJ policymakers. Participants were encouraged to learn about and use the full ambit of the AU’s TJ architecture in their TJ practices, research, and policies.

Traditional justice emerged as a clear theme during the Third Forum. While there was a dedicated slot for discussing traditional justice, it frequently was revisited within other sessions as an area of interest. Discursive concerns were raised about how best to refer to traditional justice measures. Often, they are included under the collective “informal TJ processes” to signal that they are separate from formal state TJ processes. However, this can be in tension with calls upon states to formally incorporate traditional justice practices and principles within national TJ processes. Commissioner Solomon Dersso problematised the term further – noting that referring to these mechanisms as “traditional” risks assuming that anything that is not European is traditional. Discussion also centred upon which aspects of traditional justice should be retained or discarded. Some traditions might be harmful to some population groups, such as women, children, and people with disabilities. It was suggested that it is possible to be guided by the principles that underscore traditional justice and revise practices to be consistent with TJ goals. A traditional justice approach has the advantage of resonating with local populations since they can promote processes that are in line with communal understandings of justice and reconciliation. It can also encourage local ownership of the process – especially because it is not an unfamiliar process imposed upon the community. Most African states are heterogeneous with diverse cultural groups. Consequently, traditional justice practices might vary and bear different meaning among different groups. This prompts questions about what the state’s role is with regards to incorporating traditional justice into national processes – should it be restricted to a policy-level or should they directly be involved in establishing community-level processes? There was a strong desire for traditional justice as it pertains to TJ to be further unpacked to delve into the intricate and practical challenges that accompany its advantages.

Inclusivity was another recurring theme that permeated the Third Forum’s deliberations. Inclusivity was an uncontested aspiration for TJ processes, with warnings grounded in experience that failure to promote inclusive TJ processes risks the recurrence of

conflict as a result of some population groups feeling marginalised and (re)traumatised. However, this is not an easy feat given the time and resource constraints that TJ processes encounter. Sometimes political will is also lacking, especially if TJ processes have been instituted as a form of victors’ justice. The matter of inclusivity also related to the AU’s 2019 theme, the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa. Participants were encouraged to reflect on how TJ links with the experiences and needs of forcibly displaced people.11 There is a need to further develop a clear overview of how TJ can include forcibly displaced people into its processes. The tendency of TJ policies to exclude women, youth, children, and people with disabilities from their design, decision-making, implementation, and redress processes was discussed and the AUTJP was applauded as a document that deliberately sought to prevent this. The challenges of truly ensuring that TJ processes are inclusive were highlighted by discussions about how different survivors’ needs might be from person to person. People respond to trauma in different ways and consequently have different demands on the TJ process. These considerations elicit questions about what is meant by inclusive TJ processes – that everyone is represented at the negotiation table or that everyone’s needs are catered for? Socioeconomic inclusion, especially land reform, was highlighted as a critical inclusivity concern that has lasting impacts on sustainable peace.12 Land distribution under colonialism was shaped by policies of exclusion. Consequently, land reform is an important post-conflict measure to promote inclusivity. Lastly, it was noted that discussions about inclusivity in TJ typically neglect to incorporate rural populations. The topic of inclusivity in TJ is pertinent given the potential that TJ has to input on the future peace and development processes of a post-conflict society. Innovation in TJ was an emergent theme at the Forum. Participants were encouraged to review TJ practice in Africa to date and to assess how successfully it has been able to respond to conflicts and achieve its goals.13 Echoing past Forums, the need for TJ practice to adapt its responses to new forms of conflict, such as transnational crimes and violent extremism, was noted as a challenge confronting TJ practitioners and policymakers.14 Historically, TJ was designed to respond to repression, revolution, and civil war. New forms of conflict and warfare present new challenges for TJ practice to overcome to ensure that it is current and relevant. The role of technology as a conflict factor also needs to be carefully configured into TJ responses. Technological developments also present TJ practitioners with prospect for positive growth. Social media platforms and cheap communication technology can be utilised to help publicise the TJ process and promote participation without the financial burden of travel. It can be used to close some of the access gaps that were highlighted as concerns for inclusivity. The priority areas for innovation in TJ should be identified and strategies discussed to take this further to stay abreast of TJ challenges. Prioritising accountability within the post-conflict context was an important theme discussed at the Forum. It was suggested that accountability be prioritised as a principle governing TJ processes from the onset to demonstrate the commitment to fight impunity.15 This is an important condition for strengthening citizens’ faith in the state after conflict as well as in one another. The independence of TJ processes from the state was highlighted as a prerequisite for their success and fostering accountability. A TJ process that perceived as compromised by state interests would not be credible or legitimate. The challenge with holding

---

external actors accountable for their roles in conflict and violence was identified as a hurdle that is difficult to overcome. Accountability mechanisms should be developed through consultations with survivors. Often accountability mechanisms, like court proceedings, do not consider survivors’ needs and include survivors in narrow, predefined terms that might negatively affect their psychological health. Thus, the goal to promote accountability could be put in tension with other goals, like reconciliation and healing, if accountability mechanisms are not survivor-centred or consultative. Instituting TJ measures that address corruption was highlighted as an accountability issue that cannot be overlooked.\footnote{Carranza, Ruben. “Plunder and pain: should transitional justice engage with corruption and economic crimes?” The International Journal of Transitional Justice 2, no. 3 (2008): 310-330.} The need to promote civic education as a long-term measure to encourage citizens to hold states accountable for upholding their obligations and duties to their people was identified as a necessary intervention that should be incorporated in TJ processes.

Psychosocial support for trauma was repeatedly identified as an area of TJ that needed more attention and strategic planning. The manifold levels of trauma within a post-conflict society could seem an insurmountable challenge. Too often, the need for political leaders to engage in psychosocial support to address their own wounds is overlooked, which can result in compromised leadership. There is also the challenge of addressing collective trauma and repression within communities in a meaningful way to enable transitions toward healing and peace. Psychosocial support should be factored into reparations packages for individuals and communities at a minimum. Often, there are not enough domestic psychosocial resources and experts to meet the demands of largescale TJ processes. It was recommended that transnational African peer-support hubs and networks be established to help address these psychosocial support and expertise gaps.

A cross-cutting theme was the need to address collective rights violations within TJ processes. The default approach in mainstream TJ has been to treat rights violations as individual experiences that should be redressed individually. Often entire communities or social groups have been targeted, violated, and discriminated against. Consequently, there is a need to ensure that human and peoples’ rights are collectively redressed in the post-conflict setting. The AU has a number of normative frameworks that protect and promote peoples’ rights, including the African Charter. These should be used to inform TJ responses to collective rights violations.
SUMMARY OF THIRD AFRICAN TRANSITIONAL JUSTICE FORUM PROCEEDINGS

The 2019 Forum was opened with addresses from Dr S’mangele Mayisela (CSVR Board Member), Commissioner Solomon Dersso (ACHPR Commissioner), and Dr Khabele Matlosa (AUC-DPA Director). The three speakers highlighted the importance of the Forum as a space to bring together TJ stakeholders, such as policymakers, civil society practitioners, academics, and state officials, to deliberate on the practical concerns that they confront developing Afrocentric TJ processes. Dr Mayisela noted that the AUTJP serves as a guide for establishing TJ processes that are responsive to differing contextual needs without being confined to prescriptive and rigid TJ approaches. Commissioner Solomon Dersso emphasised the synergy between the AUTJP and the Study on Transitional Justice and Human and Peoples’ Rights in Africa (the Study) have not been coincidental. Dr Mayisela and Commissioner Dersso encouraged participants to treat the AUTJP and Study as sister policies that together provide the most comprehensive conceptualisation of TJ among African TJ practitioners. The need to focus on popularising and implementing the two policies was emphasised as a vital next step to continue their momentum. Dr Matlosa, speaking on behalf of the DPA Commissioner Ambassador Minata Samate Cessouma, situated the AUTJP within the AU’s broader objectives and processes. He explained that the AUTJP advances Aspirations 3 and 4 in the African Union’s Agenda 2063 and drew attention to the fact that 2019 was the AU’s “Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa.” The interface between TJ and forced displacement is strong since violent conflict is the main driver of displacement, thus the AUTJP should be drawn upon by Member States to assist with durable solutions for displacement through responding to conflicts. The overarching expectation from the TJ Forum participants was to develop a better understanding of TJ best practices to inform their national processes, knowledge sharing that could inform policy development, and strategies about how to include young people in TJ processes.

The Mr John Ikubaje (AUC-DPA) provided a comprehensive overview of the AUTJP in order to ground the Forum’s discussions. He emphasised that the AUTJP should not be seen as an unfamiliar document since it has drawn extensively upon the AU’s Shared Values and other existing AU normative frameworks. The main thrust of the AUTJP is its 11 Indicative Elements: peace processes; TJ commissions; African traditional justice mechanisms; reconciliation and social cohesion; reparations; redistributive (socioeconomic) justice; memorialisation; diversity management; justice and accountability; political and institutional reforms; and human and peoples’ rights. The AUTJP is practitioner-oriented, includes benchmarks for measuring the 11 Indicative Elements, and suggests roles that the AU and non-state actors could play to support national TJ processes. Next, Ms Annah Moyo (CSVR) noted that the main purpose of the Forum was to extend a platform to interact and reflect on the state of TJ in Africa, to identify TJ issues and gaps in TJ practice that require further study, to explore new TJ themes and practices emerging on the continent, and to promote policy development that is rooted in practice and consequently contributes positively toward the improved practice of TJ in Africa. The Forum enables participants to shape future TJ interventions on the continent drawing upon African experiences and expertise.

The next presentation, by Dr Matlosa, demonstrated how the AUTJP resonated with the AU’s Year of Refugees, Returnees and Internally Displaced Persons. Dr Matlosa outlined two sets of causal factors of forced displacement: structural-systemic causes and super-structural-proximate causes. Structural-
systemic causes are deep-seated and embedded causes of forced displacement that are difficult to address, including underdevelopment, poverty, and inequality; mismanagement of diversity; inter- and intra-state conflict; authoritarian governance; and natural disasters. Super-structural-proximate causes are comparably easier to address because they are more immediately identifiable, including human rights violations; election-related violence; sexual- and gender-based violence; terrorism and extremism; and the mismanagement of national resources and wealth. The need to respond to forced displacement in Africa is undeniable when one considers the statistics, for example, over one third of the world’s 68.5 million forcibly displaced persons are hosted by Africa. TJ is consistent with the AU’s Post-Conflict Reconstruction and Development (PCRD) policy’s Human Rights, Justice, and Reconciliation pillar. Both the PCRD and TJ aim to build sustainable peace in the aftermath of conflict. The implementation of the AUTJP should resonate with the PCRD and Member States should communicate with the PCRD Centre hosted in Cairo, Egypt. Member States should draw upon existing normative frameworks to anchor their responses to forcibly displaced persons and TJ processes should include components to address their needs. CSVR and AUC should be strategic about hosting side events that align TJ with AU themes. A policy brief that demonstrates the linkages between TJ and assisting forcibly displaced persons and TJ processes should be produced as an outcome of the Forum and circulated among Member States and RECs. Lastly, it was also recommended that a reference group be established that could ensure coherence in the agenda-setting for TJ matters on the continent. The discussion that followed highlighted the need for Member States to engage with their nationals who are forcibly displaced persons residing in another country to gauge what their needs would be before they are repatriated. A related concern was raised about how to ensure inter-state accountability and assistance with regards to forcibly displaced persons. Lastly, there was discussion about reparations that included reflections about the importance of medical assistance as a TJ response; questions about whether individual or community reparations should be prioritised; and the need to manage expectations among survivors for reparations and the TJ process generally.

The panel that addressed the first Indicative Element of the AUTJP – peace processes – considered how to promote inclusivity, survivor participation, gender, and active citizenship within TJ processes. The first panellist, Dr Aleu Garang (IGAD), observed that, in practice, peace processes are conventionally prioritised over justice, and the peace deal agreements implemented tend to be those that benefit the ruling elite (power-sharing and wealth-sharing). Often, TJ processes and institutional reforms are neglected. Dr Garang suggested that perhaps the starting point should be to prioritise accountability, which would demonstrate that impunity would not be accepted. He highlighted the South Sudan experience as a good example of multi-stakeholder involvement in a TJ process that has resulted in high levels of ownership among citizens. Through inputs from civil society – especially women’s groups – gaps in the South Sudanese TJ process were addressed, such as ensuring better representation and inclusion of women. Ms Sandra Adong Oder (AUC-PSD) challenged participants to think not just about how to ensure inclusive TJ processes, but to also reflect on questions about who to include, when to do this, and why. She noted that there is a need to ensure that Forum participants move beyond academic and conceptual discussions about TJ and consult directly with survivors to make it a concrete and grounded process that can surface inconsistencies within TJ rather than distract from them. It is important to

17 The PCRD has six pillars: The Security Pillar; The Political Governance and Transition Pillar; The Human Rights, Justice and Reconciliation Pillar; The Humanitarian/Emergency Assistance Pillar; The Reconstruction and Socio-Economic Development Pillar; and The Gender Equality Pillar.

see that the TJ debates held within the Forum are impacting upon survivors’ experiences. The discussion that followed surfaced important concerns about how to incorporate TJ within broader peacebuilding processes especially considering how complicated this context is. Emphasis was placed upon the need to ensure that negotiations and TJ are multi-stakeholder processes that include civil society, women, and other relevant groups from the onset to prevent the sense that these are externally driven processes as well as to promote sustainable peace. Concern was raised over the fact that victims often have to participate in TJ processes or in a society where perpetrators have been given positions of power. Dr Garang noted that skilful mediation should ensure all relevant conflict groups are represented, including survivors, which should help even out power imbalances and unfortunate trade-offs in the quest for peace. Another challenge identified was that of external actors that fuel conflicts for their self-gain – referred to as the “invisible hand of conflict”.

The final session of Day 1 focused on TJ commissions (or, truth commissions). Dr Hugo van der Merwe noted that truth commissions are often an obvious starting point for TJ initiatives because of the significant demand from survivors and society to know what occurred during the conflict period. Truth commissions can affirm the right to truth – a norm recognised by the AUTJP. They help construct a national narrative about the past by selecting definitive events, crimes, victims, and perpetrators that should be remembered and/ or shamed. The independence of truth commissions from the state is an essential factor in determining how positively truth commissions can contribute to nation-building in the aftermath of conflict. States might be reluctant to handover such a sensitive process to an independent body and, in some cases, states have suppressed the findings of truth commissions and refused to implement their recommendations. A positive trend in Africa has been the development of truth commissions with broader mandates that include socioeconomic and gender justice. Dr Baba Jallow provided an overview of The Gambia’s Truth, Reconciliation, and Reparations Commission (TRRC), which was established in 2017 to respond to the human rights violations committed by the Jammeh regime. The TRRC serves a number of functions, but it ultimately aims to prevent recurrence and respond to contextual needs. Dr Jallow shared some lessons learnt so far, which included that people are very sceptical of the utility of truth commissions; truth commissions need to resolve competing demands and manage victims’ expectations (e.g. reparations); truth commissions confront competing narratives about the past and who is to blame; and truth commissions serve as a platform for society to engage in necessary and controversial conversations. Dr Jallow noted a poignant insight and challenge: Removing a repressor does not necessarily remove repression from society – there is a need to politically empower citizenry to help prevent recurrence and TJ processes can help create the destination to which society is transitioning. A representative from the Department of Legal Documentation from Burundi’s Ministry of Justice presented an overview of Burundi’s Truth and Reconciliation Commission (TRC). The TRC was established in 2014 to respond to cyclical violence that occurred between 1962 and 2008. It was based on a philosophy of compromise, mutual forgiveness, and reparation. The Burundian TRC organised sensitisation workshops to build confidence and truth in the process among stakeholders. During the discussion, it was noted that within the African context, it is often important to include victims’ families and communities in TJ processes, which could suggest the need for mini-truth commissions to be established at the communal level. This could have the added benefit of promoting high victim participation because people might be more comfortable sharing their experiences at the communal – rather than national – level. Mrs Nomfundo Mogapi noted that there is a need to address repression at the community level as well as to address the traumatisation that Commissioners might experience. It was also noted that (depending on design and media coverage) truth commissions might risk turning people’s miseries into spectacles and focusing on extraordinary narratives to the exclusion of the most common experiences of the conflict. Truth commissions should aim to reflect the stories and priorities of communities, and consciously avoid imposing a national narrative on local priorities. It is also essential that the state plan and establish a follow-up body to the truth commission to immediately continue to the work of the transient body. This would assist with continuity and accountability. Day 1 concluded with the caution against truth commissions’ perpetuating a politics of demonization and the need to reflect upon
the role that social and traditional media could play in truth processes and the spreading of false truths.

Day 2 began with consideration of African traditional justice mechanisms, with Uganda and South Sudan as case studies. Mr Jackson Odong (Refugee Law Project, Uganda) advised that traditional justice consists of two elements: principles and practices. He suggested that the latter should be amended to be consistent with current values and amend or discard traditional practices of justice that are not. He noted that traditional justice typically promotes communal and collective healing, which is pertinent in Africa where often a harm committed against an individual is understood as a harm committed against a family or community. This cultural dynamic tends to be overlooked within a liberal peace approach to TJ, which individuates harm and healing. Traditional justice should not be seen as substitute for TJ, but it should be seen as a complementary (or parallel) process that can help achieve community-specific needs. Uganda has experienced over 125 conflicts that continue to negatively impact on individuals and communities. It would be impossible to respond to these conflicts through a judicial process. Traditional justice processes might be better equipped to deliver responses to conflicts that resonate with the needs of communities. Mato oput, which is a cleansing ceremony to reconcile perpetrators with their community, is the best-known traditional practice from northern Uganda. However, there are many more region-specific traditional practices. Mr Edmund Yakani’s (Community Empowerment for Progress Organization, South Sudan) experience in over 150 communal processes in South Sudan has brought to the fore that healing has informed the concept of justice in local traditions. Traditional justice processes tend to be conducted in an open space, which lends itself toward inclusivity.

Traditional justice empowers communities to gain from political aims and commitment and can help aid national processes. Concern was raised during the discussion about the complicity of traditional leaders in human rights violations and their subsequently leading traditional justice processes. The panellists responded that consultative processes should be conducted in communities whereby a peace leader is elected to oversee the traditional justice processes and that traditional justice often has its own vetting process that could help ensure credible leaders are selected. Mr Yakani added that people’s rights is an important cultural element within the African context that must be appreciated within TJ. The Representative from Kenya explained how traditional justice has been formalised in a domestic process called the Alternative Traditional Justice System, which allows people to bring their case to a hearing mechanism that is presided over by the local village leader, who can issue a binding judgement.

The second session of Day 2 focused on reparations and memorialisation. Mr Stephen Buchanan-Clarke (Institute for Justice and Reconciliation, South Africa) argued that TJ processes are often driven by states’ needs despite the popular conception that these are victim-centred processes. Rather, it seems that they have the potential to be if there is political will. Reparations is popularly understood in monetary terms, although the AUTJP makes a positive contribution in recognising non-financial forms of reparations. Ideally, a combination of monetary and non-financial reparations should be offered to survivors. Significantly, survivors need to be empowered to take a leading role in defining what they need from reparative and memorial processes. Ms Blessing Gorejena (Zimbabwe Human Rights NGO Forum) explained how Zimbabwe’s fragmented TJ initiatives have failed to provide redress to victims, and instead been politically motivated initiatives that...

---

19 Examples of regional traditional justice mechanisms in Uganda mentioned were: Northern region: *Luongo Dano Ma Orwonyo* (Acholi) – used to call back missing persons; *Mato Oput* (Acholi) – used for reconciliation of communities in which murder and killings have happened; *Lareket* (Acholi) – used to cleanse perpetrators ho are being haunted by the spirits of victims; *Tumu Cere* (Acholi) – used to appease spirits of those unjustly killed who continue to disturb or haunt the living causing nightmares; Teso – eastern region: *Ailuc* – community reconciliation ceremony used for killings or bad blood. Western Nile region: *Tolu si Rokat* – a madi traditional ceremony used to resolve intense conflict. Lango – north East region: *Kayo cuk* – reconciliation ceremony following killings and murder.

have entrenched and contributed toward divisions. For example, Zimbabwe’s War Victims’ Compensation Fund was designed to compensate victims from the liberation struggle. Politically connected individuals benefited from the Fund, which created new categories of victims as a result of being sidelines by the Fund. Similarly, the land reform process did not uphold principles of reparations and again, was a process used to benefit the politically connected elite. Unfortunately, the current TJ process in Zimbabwe has been undertaken without a comprehensive framework, which has allowed the process to serve political interests and exclude victims. This has contributed toward re-traumatisation and the politicisation of reparations has stoked discord within victim communities. The discussion that followed deliberated over the challenges presented by providing reparations to victims of mass human rights violations as well as the need to ensure that there is mass access to psychosocial support. It was also noted that victims might have vastly differing demands for reparations. For example, one woman who was raped wanted an apology from the perpetrator and saw the court process as futile whereas another woman did not want compensation because she felt it insinuated that she was a sex worker.

Next, the focus turned toward redistributive and socioeconomic justice, with particular consideration of land reform. Dr Hakeem Yusuf (University of Derby, United Kingdom) argued that historical injustices and institutionalised deprivations are the root of serial violence across Africa. After colonialism, there should have been investment in the development and rebuilding of Africa by major world powers, as had occurred in post-war Europe with the Marshall Plan. The failure to consider socioeconomic and redistributive issues after colonialism has seen patterns of economic plunder that in post-independent Africa that resembles colonial plunder. The rise of extremism seems to be driven by desperation and poverty, rather than ideology. For example, it has emerged that monetary compensation was given to people that acted as suicide bombers for Boko Haram. TJ typically does not address corruption and, in practice, tends to neglect measures for socioeconomic redistribution. The moderator, Mr Charles Uugwanga (Ministry of Justice, Namibia), noted that the failure by TJ processes to document socioeconomic injustices leads to a problem identified by Kofi Annan: “without good data, we’re flying blind. If you can’t see it, you can’t solve it.” Mrs. Tapiwa Chiwenga (Republic of Zimbabwe) presented on the Zimbabwean government’s TJ efforts. Land was noted as a pertinent concern since land was at the heart of the quest for self-determination and independence. The need for land reform has resulted colonial policies that deliberately dispossessed black Zimbabweans of land to favour white wealth accumulation. To date, land redistribution remains a policy concern. Prof. Debey Sayndee (Kofi Annan Institute for Conflict Transformation) argued that Africa comes from a history of absolute rule under kingdoms and that “kingdom mentality” has remained in current administrations after transitions to modern democracies. During the kingdom era, rulers (kings and chiefs alike) had the absolutely responsibility for the wealth of their subjects and were committed to ensuring no one was left behind. Villages shared a collective responsibility to care for their poorest members. In current times, it seems that leaders still seek absolute power but shirk the responsibility of ensuring no one is left behind. Redistributive justice needs to consider restoring dignity to survivors and ensuring that they are afforded the same power as perpetrators during TJ processes. The AU should play a proactive oversight role during domestic TJ processes to ensure redistributive justice is incorporated. It was noted during the discussion that competition for land, notably between pastoralists and farmers, is a continental issue. It was also noted that the redistribution of land in Zimbabwe has been unfair – where women, youth, and farmers were seldom awarded land. Furthermore, the Zimbabwean state has been giving away large tracts of land for their own enrichment in the form of 99-year leases to external companies and countries. It was urged that African leadership’s complicity in perpetuating land inequalities and injustices be recognised in addition to the sins of colonial powers.

The next session considered justice and accountability mechanisms. Mr. Blessing Nyamaropa (Zimbabwe Lawyers for Human Rights) advanced that a victim-centred approach should be at the heart of justice and accountability processes. Their input on TJ mechanisms might help reduce the pain that they feel during and after these processes since they were able to input on TJ design. For example, surveyed victims in
northern Uganda said that amnesties were sometimes necessary to enable peace, prevent further killing, and allow people to sleep in their homes safely. The forced recruitment of children as soldiers also provide the context for a degree of understanding for why crimes were perpetrated. Victim-centred amnesties should be drafted with the participation and consent of victim communities. This type of amnesty avoids enabling impunity since it was driven by victims. However, it seems that amnesties become loopholes to impunity when blanket amnesties are given to suppress investigations without regard for victims’ need. Frequently, accountability processes are top-down and non-consultative. Consequently, victims’ experiences and concerns are unaddressed by such processes. Gaye Sowe (Institute for Human Rights and Development in Africa, The Gambia) drew upon The Gambia to illustrate the limitations of a judicial approach to accountability in the context of a malign dictatorship. Litigation has the potential to help with accountability and can help pressure the state to provide remedy for human rights violations. However, this avenue is dependent upon the efficacy and independence of the judicial system. There is a need to reform institutions that contribute to and cause structural defects in a society. The importance of considering what accountability means within traditional justice processes was raised during the discussion. Often, amnesty does not bode well with traditional and community practices, which typically require that perpetrators accept their mistakes. It was also noted that the Hissène Habré trial should be studied as a possible best practice model since it was African-led intervention and driven by civil society and survivors. Lastly, it was cautioned that TJ can be used by regimes to even scores and repress their opponents. Mr Nyamaropa responded that victors’ justice was most likely hen there was an absolute victory in a conflict where there is no transition toward democracy, which deviates from the original types of conflict that informed the TJ field.

The final session for Day 2 focused upon human and people’s rights. Commissioner Solomon Dersso explained that TJ has been established to respond to human rights violations within certain contexts, such as violent conflict and repressive regimes. Thus, TJ is necessarily intertwined with human and people’s rights. The TJ context is one characterised by trauma, institutional weakness, and instability whereas a human rights framework assumes robust economic, political, and judicial conditions. Deficiencies in these conditions results in the compromise of human and people’s rights. It is necessary to accept that human rights cannot be applied during transitional contexts as they would be during ordinary settings – they need to be recalibrated for the extraordinary circumstances of transition. Human rights may be subject to limitations – which would be consistent with African Charter provisions – so long as the limitations are justifiably in and proportionate to public interest. It was noted during the discussion that well-designed TJ processes should bolster and complement a state’s long-term human rights institutions. The AUTJP emphasises ownership of the TJ process among society, which includes public consultation and public access to national institutional and legal resources. It was noted that TJ has conventionally focused on civil-political rights whereas conflict affects civil, political, socioeconomic, and collective rights. The African Charter should be used as a resource to inform the incorporation of collective/people’s rights into TJ processes.

The last day of the TJ Forum began by considering how political, policy, and institutional reforms could contribute toward non-recurrence of human rights violations. Mr Hussein Thomasi (Republic of the Gambia) outlined the necessity for political and institutional reforms in The Gambia following over two decades of repressive dictatorial rule in order to transition toward a democratic state. In addition to security sector reform (including gender equity measures) and constitutional reform, The Gambia has identified the need for anti-corruption measures to be incorporated into the reforms. Additionally, journalists were targeted and imprisoned under the Jammeh regime, which consequently places importance upon showing that media will be safe from persecution. Mrs Mogapi (CSVR) stressed the need to reform the cultures within institutions in addition to broader institutional reform processes. The wounds from conflict are multileveled, including familial, collective, transgenerational, and historical. South Africa saw effort invested in legal and institutional reforms but with insufficient efforts to address toxic institutional cultures. Consequently, many black South Africans continue to feel isolated from institutions. It is necessary to provide coaching
and psychosocial support to leadership across the public and private sectors to try ensure that they do not lead from a place of woundedness. There is a need for Member States to consider psychosocial support services as a compulsory component of TJ processes that is not reserved only for victims. Transnational peer-support in this regard should be developed – possibly through regional support hubs – to assist neighbouring African countries that lack psychosocial expertise. Dr. George Mukundi (Maendeleo Group) observed that “imperfect times call for imperfect solutions.” The post-conflict context is imperfect, requires a lot of compromise and willingness to work with opponents. TJ processes can serve as a space for conversations about the steps needed for an improved state and identifying the processes that need to be prioritised immediately. It is necessary to ruminate upon the need to heal while knowing that perpetrators continue to live as neighbours and in positions of authority. Dr. Franklin Oduro (Center for Democratic Development, Ghana) noted that institutional and political reforms are everyday processes linked with nation-, state-, and governance-building. TJ processes are forward-looking as well as backward-looking, which makes institutional reforms a vital tool to include within TJ efforts. There is a challenge in ensuring that reform processes are inclusive and geared toward ensuring accountability, transparency, and preventing the recurrence of violence. There is also the need to ensure that revised and new policies are implemented to prevent relapse into violence – failure to do so creates windows for violence and discontent. Elections present a challenge to reform processes, since political leaders prioritise reforms that will result in electoral gains rather than the most important reforms for sustainable peace. There is a need to make essential recommendations from TJ processes binding upon states to ensure that successive regimes continue the necessary work. Monitoring mechanisms should be developed to track TJ and institutional reform progress – the African Peer Review mechanism has the potential to assist in this regard but presently is underutilised by Member States and academia. In the discussion, it was noted that an important challenge to reform processes is that much of the African electorate do not understand the rules of the (political) game and need civic education. The need for civil-military relations to be redressed also was flagged as a potentially critical reform. The prevalence of militarised politics and politicised militaries in Africa was also identified as a continental concern for reform measures. Another general challenge in Africa that was noted was that of the strongman mentality, whereby “we are held hostage of idea that we need strong individuals rather than institutions to realise development.” The prevalence of strongman politics presents the challenge of balancing political patronage and true political reform. In conclusion, Dr Matlosa noted that TJ may seems episodic, but it becomes transformative as a result of continuous reforms. The continuity of reform work should be driven by non-state actors through advocacy.

Day 3’s second session delved into strategies for promoting reconciliation and social cohesion and transforming victims and perpetrators into active citizens. Prof. Jibrin Ibrahim (Center for Democratic Development, West Africa) proposed that often there is not enough discussion about the elements that led to a decay in social cohesion and, consequently, violence. He suggested four factors that should be assessed as disrupting social cohesion. First, urbanisation has split families and communities. Second, shifts within religions toward fundamentalism (such as conversions from orthodox churches to Pentecostalism, and from Sufism to Wahhabism or Salafism), which require that followers seize contact with families and friends that do not share their beliefs. Third, demographic changes in Africa accompanied by the youth bulge at the same time as the highest concentration of global poverty and eroding state commitment to deliver services to its people. Lastly, the hope for social mobility, improved access to services, and improved standard of living through education and urbanisation has diminished. Mr Anastase Nabahire (Republic of Rwanda) provided a brief overview of Rwanda’s history and explained that by the end of the 1994 genocide, Rwanda was effectively a failed state with no operating social institutions or functioning judiciary. Yet, it confronted the pressing need to combat genocide ideology as well as rebuild the country. After conventional judicial processes proved to be unviable due to their slow pace, Rwanda introduced the gacaca courts as an alternative justice system that complemented other court processes. Gacaca practices were based on traditional community justice processes but modified to be consistent with international law. Gacaca court penalties were geared toward the reintegration of
perpetrators into society, such as community service rather than imprisonment. Rwanda also instituted a National Reconciliation Commission that succeeded in quickly repatriating and resettling refugees and internally displaced persons, banishing ethnic classifications from official documents, and involving non-state actors such as religious institutions and civil society in their activities. Mr. Brian Kagoro (Open Society Initiative for East Africa) challenged the Forum to review how TJ practice has unfolded on the continent since the TJ industry began in the early 1990s. Amongst other atrocities, the resurgence of internationalised national conflicts, jobless growth, and rise of populism globally begs the question: has the TJ experiment worked? He provoked Forum participants to reflect upon TJ’s tendency to favour imported notions of individualised harm and blindfolded, “impartial” justice to the neglect of local African communities’ conceptions of healing and reconciliation. He also warned against the conflation of economic development with reconciliation – these are distinct processes and the matter of economic inclusion is frequently neglected by TJ processes. Furthermore, the global economic context needs to be considered, since the predominant economic approach comfortably leaves people behind. He argued that TJ practice has failed to hold external beneficiaries accountable for prospering (and fuelling) conflict, and thereby TJ risks becoming a feel-good distraction from deeply embedded structures of violence and extraction beyond the nation-state. Thus, there is a need to deal with the structural issues that sustain historical privilege and marginalisation. Where Mr. Kogoro looked at the normative questions of TJ, Ms. Brenda Peace (Trust Africa) focused on the practical realities that reconciliatory TJ processes need to address. She noted that, for example in Acholi in northern Uganda, there are no clear-cut victims and perpetrators. The forcible recruitment of young children who later perpetrate human rights violations sometimes confront being rejected by their villages when they try to reintegrate. TJ practitioners tend to alternate between focusing on either perpetrators or victims. A subsequent failure is that TJ spaces are not created that can hold someone who is simultaneously a victim and a perpetrator. In northern Uganda, civil society has facilitated storytelling processes that are open to both victims and perpetrators. A challenge, however, is that sometimes perpetrators manipulate their stories to aid their reintegration into the community. Another type of space the TJ needs to facilitate is one that can safeguard SGBV victims from stigmatisation, help preserve their dignity, and rebuild self-worth. Social and cultural repercussions for falling pregnant as the result of rape – and in response to SGBV generally – deter survivors from seeking psychosocial and medical assistance. In the discussion that followed, the tension between TJ’s emphasis on truth-telling and the needs of SGBV survivors was noted, with the question of how then can TJ creatively respond to SGBV? It was also noted that the call to re-globalise conflict analyses should be carefully assessed because there can be political convenience is placing blame elsewhere without accepting that there was also domestic culpability. It was also cautioned that we should not overgeneralise African cultures nor assume that cultures are static.

The last session of the Forum grappled with diversity management within TJ processes in the African context. Mr. Ayelew Getachew (African Committee of the Rights and Welfare of the Child) noted that the role of children and how they should be involved in TJ processes has typically been undeveloped in policy. There is a need to establish a continental monitoring mechanism on children affected by conflict; establish a children’s unit within the African Peace and Security Architecture; appoint a special envoy on children affected by conflict with one mandated task to ensure the involvement of children in peacebuilding processes; and to establish focal points on children affected by conflict within RECs. Furthermore, there is no consistent legal position on whether child soldiers should be held criminally responsible for crimes that committed, what the handover protocols are for them, and whether they should be detained. Lastly, Mr. Getachew also noted the need for special consideration of girl-children’s needs in TJ processes, which result from systematic abuses perpetrated against them during conflict such as forced marriages. Ms. Achieng Akena (International Refugee Rights Initiative) highlighted the poignancy of constructed ideas of who constitutes “the other”. She noted that all local languages and discourses have their own words for who is perceived as an outsider. Language can entrench hatred about “the other” and repetition through generations sees these sentiments taken for granted as true. Ms. Akena also noted that scarcity drives hostility toward anyone perceived as
threatening the little that we have. There is a need for ethno-cultural justice: institutional reform is important but just as much effort should go into addressing social deficiencies. There should be permanent mechanisms for transparency and need to address hurt before they become issues of violence. Dr. Tapiwa Nyasulu Rweyemamu (Women Gender and Development Directorate) drew attention to the frequently exclusion of women and girls as equitable participants and decision-makers within TJ processes. She gave five recommendations in response to this deficit: 1. Include women and children in all levels of decision-making in TJ and avoid erroneously presuming that they are only victims of conflict that cannot contribute to strategy; 2. Identify patterns of discrimination and violence against women that during peaceful times and study how they continued into and were worsened during the conflict period. TJ processes need to be gender sensitive in order to promote gender justice; 3. Programmes need to be in a position to address inequalities that produce conflict; 4. TJ needs to implement measures that will reduce inequalities between men and women to improve enjoyment of freedoms and rights; and 5. Development and peace cannot be achieved without gender equality. Ms. Vanessa Metou (Office of the AU Youth Envoy) addressed the need to incorporate youth into TJ processes. She called for attention to be directed toward uncovering the factors that drive youth’s participation in conflicts. The AUTJP succeeds in recognising the importance of including youth in TJ processes, but the way that this policy is implemented will be what is of practical significance. There can be cultural barriers to youth’s equitable participation in TJ processes whereby elders do not believe that youth should share decision-making powers. Ways to overcome such barriers needs to be developed. Lastly, she noted the importance of incorporating diversity appreciation into education programmes for children and youth as a conflict prevention measure. The lack of professional resources to support child victims was highlighted as a challenge during the discussion. Relatedly, the need to build transnational partnerships to address gaps in diversity management expertise was recommended. It was also noted that diversity management should include persons with disabilities – especially since conflict can result in permanent physical and mental impairments. The ethnicization of electoral politics was also raised as a barrier for success diversity management since undermines political will to de-ethnicise politics.

In the closing ceremony, the Master of Ceremonies, Mr John Ikubaje called upon Member States to engage with the AUTJP and the recommendations from the ACHPR’s Study to prevent them from becoming meaningless and unimplemented documents. Mrs Mogapi invited academics to generate knowledge the improve understandings of TJ processes in Africa and called upon civil society to ground their advocacy work in the AUTJP. The AUTJP has the potential to make a difference in the lived experiences of survivors if it is utilised. She urged that it is our shared responsibility to leave a better continent than the one we inherited, and that giving up is not an option. Dr Matlosa congratulated participants on helping to sustain the momentum of the nascent annual Forum. He reminded participants that ahead of the Fourth TJ Forum efforts should be made to align TJ work on the continent with the AU’s Theme of the Year. Thus, he recommended exploring the prospects of hosting a session at the High Level Dialogue in December that looked at the linkages between TJ and the 2019 AU Theme: “Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa.” He stated that there is a need to establish an advisory panel, under the stewardship of CSVR, that could serve as a reference group for TJ work in Africa. Dr Matlosa reminded participants that the 2020 was the AU’s Year of Silencing the Guns and creating Conditions Conducive for Equal Socioeconomic Conditions, and efforts should be made to unpack how TJ overlaps with this theme at the next Forum. Lastly, it was announced that the Fourth TJ Forum in 2020 would be hosted by Togo.
The recommendations of the Third Forum should be read alongside the recommendations from the First Forum (2017)\textsuperscript{21} and the Second Forum (2018).\textsuperscript{22}

AFRICAN UNION MEMBER STATES

- Implement the AUTJP at the domestic level and hold other AU Member States to account in adopting and implementing the AUTJP.
- Promote knowledge generation and sharing on TJ experiences and best practices on the continent with other Member States and stakeholders.
- Draw upon AU human rights institutions to assist with the development of TJ processes, including the AUTJP, the Study on Transitional Justice and Human and Peoples’ Rights in Africa, and the Post-Conflict Reconstruction and Development Policy.
- Ensure a long-term vision and commitment to national TJ processes.
- Fund transitional justice measures through the national budget, in addition to regional and independent funding, with a focus on minimising external intervention.
- Use participatory and consultative methods to develop national TJ processes in collaboration with a wide range of local stakeholders in order to ensure that they are inclusive and context driven.

- Centre the needs and demands of victims/survivors and ensure that they are protected from further harm in TJ measures.
- Guarantee that women and girls, youth, persons with disabilities, and forcibly displaced persons are included in the design and implementation of TJ processes.
- Include children’s experiences and needs in TJ mechanisms, particularly with regard to the rehabilitation and reintegration of child combatants.
- Design TJ processes that are gender just through the participation of women, men, sexual minorities, gender nonconforming persons and others. Ensure that they have gender-responsive planning, budgeting and monitoring and evaluation processes and internal mechanisms for preventing and addressing sexual harassment, discrimination, and other gender-based abuses.
- Include socioeconomic, cultural, and peoples’ rights in the mandates of TJ measures, along with civil and political rights.
- Address structural inequality, including land reform, as a driver of conflict through redistributive policies and institutional reforms.
- Examine local indigenous, traditional, and community-based peacebuilding and justice


mechanisms as potential TJ measures, in combination with mainstream transitional justice practices.

• In countries facing multiple past and ongoing violent conflicts, design a national TJ process that addresses all of them and the links between their causes and effects.

• Ensure an adequate budget for comprehensive reparations programmes, which include material, symbolic, individual, and collective reparations, at the start of a transitional justice process.

• Establish an anti-corruption measures including a dedicated, permanent state institution, legal measures, and an oversight body for the TJ process.

• Ensure TJ processes are independent and priority recommendations have binding powers.

• Establish long-term state institutions that are dedicated to implementing TJ recommendations. Plan these institutions at the same time as the TJ process so that they are ready to operate once the TJ process has concluded.

• Establish parallel community-level TJ processes – informed by traditional justice principles where appropriate – to help cultivate community and collective healing.

• Ensure compulsory psychosocial support services in TJ processes that are extended to leaders and perpetrators in addition to survivors.

• Promote knowledge generation and sharing on TJ experiences and best practices with various stakeholders on the continent.

• Set up a Continental Transitional Justice Fund to support TJ processes in Africa that are in line with the AUTJP.

• Promote TJ as a standard feature of peace agreements on the continent.

• Explore redressing the historical injustices perpetrated by the colonial governments against African peoples.

• Establish an Advisory Board that can be drawn upon to input on the design and implementation of TJ processes.

• Establish a protocol on how to manage child perpetrators, including guidance on handover processes and clarity on the appropriateness of detaining children.

• Establish a Children’s Unit within the African Peace and Security Architecture.

• Establish a Special Envoy on Children Affected by Conflict, with the mandated task to include children in peace processes.

REGIONAL ECONOMIC COMMUNITIES

• Support the popularisation and implementation of the AUTJP.

• Establish funds to support states and the AU in implementing the AUTJP and TJ processes in each sub-region.

• Establish regional psychosocial support networks that can be deployed to build domestic skills and expertise, if it is lacking.

• Establish focal points on children affected by conflict and for addressing sexual- and gender-based violence.

AFRICAN UNION AND ITS ORGANS

• Implement the AUTJP at the AU level.

• Cooperate with AU member states, regional economic communities and other stakeholders to popularise and implement the AUTJP on the continent.

• Provide technical and other forms of support to states developing TJ processes.
NATIONAL HUMAN RIGHTS INSTITUTIONS

- Advocate for states to implement the AUTJP.
- Advocate for states to implement the recommendations of TJ mechanisms.
- Promote economic, social, cultural, and peoples’ rights at an equal level as political and civil rights.
- Prioritise the repatriation and reintegration of forcibly displaced persons.
- Promote the establishment of national gender commissions with the mandate to promote gender equality and justice.

CIVIL SOCIETY

- Advocate for states, the AU and its organs, regional economic communities, and other stakeholders to implement the AUTJP.
- Advocate for states to use the AUTJP as a guiding framework in developing national TJ processes and hold state accountable to their redress commitments to victims and survivors.
- Promote a long-term vision and commitment to national and regional TJ processes.
- Document and share knowledge on African experiences and approaches to TJ with an emphasis on victims/survivors and affected communities.
- Combine mainstream TJ approaches with innovative and creative approaches based in local knowledge and experiences.
- Use participatory methods to assist in the development of national TJ processes in order to ensure that they are inclusive and tailored to the local context.
- Assist with the establishment of support groups and other means of ensuring the protection and empowerment of victims/survivors, without imposing an external agenda.

- Ensure that staff acknowledge and receive training on addressing individual and collective trauma and encourage a similar approach for among other TJ stakeholders.
- Ensure that women and girls, youth, persons with disabilities, and forcibly displaced persons are included in the design and implementation of transitional justice processes.
- Include children’s experiences and needs in TJ processes, particularly with regard to the rehabilitation and reintegration of child combatants.
- Promote gender just TJ processes and provide gender expertise where needed.
- Advocate for economic, social, cultural, and peoples’ rights to be included in the mandates of TJ mechanisms and follow-up measures.
- Research and address structural inequality as a driver of conflict.
- Encourage the state to incorporate programming that raises awareness about the impacts and role of colonial governance structures and legacies within the TJ process.
- Examine local indigenous, traditional, and community-based peacebuilding and justice mechanisms as potential TJ measures, in combination with mainstream TJ practices.
- Promote comprehensive reparations programmes, which include material, symbolic, individual, and collective reparations.
- Engage in anti-corruption campaigns and advocate for corruption-free TJ mechanisms.
- Advocate that TJ processes include the needs and participation of forcibly displaced persons.
**ACADEMICS**

- Raise awareness of and engage with the AUTJP.
- Work with various stakeholders to document and share knowledge on African experiences and approaches to TJ, with emphasis on victims/survivors and affected communities.
- Research the links between TJ and forcibly displaced persons and produce a policy brief.
- Research the gaps in and shortcomings with TJ’s responses to new war trends in Africa.
- Conduct evidence-based research into the factors that drive youth’s participation in conflict in Africa.

**DONORS**

- Support the implementation of the AUTJP.
- Support locally designed processes rather than imposing external agendas.
- Do not earmark funds for particular TJ mechanisms. Instead, provide general funding for the entire TJ process.