African Union

Policy Brief

Effective implementation of transitional justice mechanisms: Challenges and Prospects in Africa and Europe

Third High-Level Seminar of the African Union and European Union on transitional justice

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Introduction

In the past decade, the African Union (AU) and European Union (EU) have both adopted policy frameworks on transitional justice (in 2019 and 2015 respectively) and have built experience in supporting national and communal initiatives. The EU on its part has been actively supporting and promoting transitional justice in post-conflict and post-authoritarian environments across the globe, and the two organizations have committed to work more closely together on transitional justice, and to translate this commitment into concrete action plans.

In 2020, the African Union Commission designed and developed a Roadmap for the popularization and effective implementation of the AU Transitional Justice Policy (AUTJP) among the AU member states. The Roadmap sets out in great detail AU support mechanisms for member states, and also prescribes continuous dialogues, consultations and collaborations with relevant regional and international organizations to achieve this mandate. Specifically, it listed the AU-EU annual Transitional Justice Seminar as one of the various ways of enhancing effective implementation of the AUTJP in AU member states, to be held in partnership with relevant stakeholders like the United Nations, civil society organisations (CSOs) and Think-Thanks among others.

Following the Roadmap of 2020, in August 2022, the AU Peace and Security Council (PSC), convened a special session assessing the state of transitional justice on the African continent, illustrating the recognition at a high-level of the increasingly vital role that redress and accountability processes play in stabilizing societies across the continent.

Against this background, the AU and EU convened a Third High-Level Transitional Justice Seminar, in Banjul, The Gambia, on 24 and 25 November 2022, to assess the experiences of countries across Africa and Europe. The seminar brought together a diversity of policy-makers, scholars and practitioners in the field. Its main focus was to assess the effectiveness of follow-up mechanisms for truth commission processes, memorialisation activities and reparation schemes.

This Policy Brief summarizes the shared experiences and outlines a range of recommendations to provide guidance to the AU and EU on the ongoing and future implementation of their transitional justice policy frameworks and programmes.

The views expressed in this Policy Brief are those of the authors and do not necessarily reflect the views of the African Union, European Union or GIZ.

Transitional Justice in Africa and Europe

While the modern history of transitional justice is traced to South America and the democratic transition in Eastern Europe in late 1980s/ 1990s beginning of the 1990ies, it is clear that its practice(s) are not new to Africa and Europe alike. Prominent examples and points of reference include the Nuremberg trials in post-World War II Germany, and the work of South Africa's Truth and Reconciliation Commission after the demise of the Apartheid regime. Since the early 1990s, the policy and practice of transitional justice have come a long way and have adapted to different contexts. Current transitional justice mechanisms and processes build on previous experiences; however, many challenges remain. These challenges are particularly salient because both in Africa and Europe cases abound where policy provisions for transitional justice are not (fully) implemented and put to practice. Sometimes legal, political, organisational and practical obstacles bar transitional justice policies from being implemented. In other instances, the very policy frameworks to support transitional justice mechanisms do not hold concrete mechanisms for their implementation.

Africa

A number of African countries have adopted and implemented transitional justice processes and designed institutions to guide their national processes, such as in Burundi, Central African Republic (CAR), Ethiopia, The Gambia, Ghana, Liberia, Kenya, Mali, Mauritius, Rwanda, Sierra Leone, South Africa, Tunisia, Nigeria, Morocco, Togo, Uganda and Zimbabwe. Some countries are still deeply affected by crisis and have attempted but not succeeded in establishing the necessary transitional justice frameworks at the national level to guide their in-country processes, such as the Democratic Republic of the Congo (DRC), Somalia and South Sudan. In some instances, African countries need to establish new institutions to promote and sustain national reconciliation, such as in Eswatini, Guinea, Lesotho, Libya, Mozambique, and Sudan.

Since the adoption of the AUTJP, the AU's Department for Political Affairs, Peace and Security (PAPS), working in tandem with AU member states and civil society actors, has contributed towards the popularization of the Policy among AU member states and civil society stakeholders. There are now several transitional justice initiatives underway to promote the popularisation, outreach and implementation of the AUTJP. More specifically, the AU has provided technical support to a number of member states, including: The Gambia, Central African Republic (CAR), The Democratic Republic of the Congo (DRC), Ethiopia, Sudan and South Sudan.

Over the last three decades, Africa has acquired significant experience and insights into transitional justice processes. For example, in eastern Africa, Kenya's experiences illustrate the important role that civil society actors play in the framing and implementation of processes through their extensive initiatives in engaging the Kenya Truth Justice and Reconciliation Commission (TJRC), prior, during and after its period of operation.

The subsequent challenges that emerged in promoting the implementation of some key provisions of the TJRC Report highlights the necessity for societal actors to remain continuously engaged with state authorities, even in the aftermath of the formal transitional justice processes. An additional insight that emerges from Africa is the importance of having a follow-up mechanism to continue to anchor and promote transitional justice processes. For example, the Kenya National Cohesion and Integration Commission (NCIC), which has a reconciliation mandate, through national legislation, plays an important role in contributing towards addressing the historical legacies of ethnic tension in the country and monitoring the utterances of political actors who seek to sow division in the country.

In central Africa, the transitional justice processes in Burundi have focused on documentation and memorialisation, as key pillars of the country's processes. In particular, the Burundi Truth and Reconciliation Commission (TRC) has been conducting the mapping of mass graves where atrocities were committed by previous regimes. In addition, Burundian civil society has been undertaking extensive work on memorialization and has developed a dedicated website which can be accessed for work designed to address inter-generational trauma in the country.

In western Africa, the Gambia Truth, Reconciliation and Reparation Commission (TRRC) has been undertaking a wide range of interventions with the active participation of civil society actors, notably women and youth groups. In particular, the TRRC convened Town Hall meetings; village dialogues; conducted site visits; diaspora outreach and fundraising initiatives; as well as engaging the wider society through TV, radio, social media platforms. On 25 May 2022, the Gambian government has published a White Paper on the TRRC Report, in which are adopted all but two of the recommendations made by the Commission. The development of further legislation to ensure the implementation of these recommendations will be an important step going forward and civil society actors will have an important role to play in assessing the progress and in engaging state authorities to ensure that the needs and concerns of victims and survivors are adequately addressed.

Also in western Africa, Mali's experiences through the Commission Vérité Justice et Réconciliation (CVJR) reinforces the importance of societal engagement, based on its experience with engaging with a wide range of women's and youth groups from across the country. There have been a number of challenges in ensuring and implementing the reparations programme in the country. However, the Malian government stands out among other AU member states for having established the Mali Centre for Memory, Unity and Peace as a follow-up transitional justice institution to continue to take statements from victims and survivors as well as to undertake memorialization initiatives as a means of laying the foundation for continued peacebuilding efforts in the country.

In southern Africa, the Mauritian Truth and Justice Commission (MTJC), which was established in 2009, collected and documented testimony on the legacy of slavery, indentured labour and their effects on the society. In this regard, the MTJC, which issued its report in 2012, was able to provide a national record of the historical grievances and to ensure public participation in understanding how the past continues to impact upon configuring Mauritian society. In addition, the MTJC developed a set of recommendations on how descendants of the victims and survivors could pursue redress and reparations.

In northern Africa, the Moroccan Equity and Reconciliation Commission, which launched its work in 2004, undertook an assessment of the human rights violations, including arbitrary detentions and enforced disappearances, that were endured by the society in the past. The Commission conducted public hearings and utilised communications and outreach strategies to engage a wide section of the Moroccan society. In addition, Moroccan civil society actors played a positive role in the monitoring and assessment of the work of the Commission, as well as, by assisting the victims to present their witness testimony to the Commission. The Commission issued a range of recommendations on how reparations for the victims and survivors could be pursued to achieve rehabilitation and social integration.

In terms of key conclusions that can be drawn from the African experience with transitional justice:

- It is necessary and important to design and frame transitional justice processes prior to peace processes or transitions from authoritarian rule.
- The effectiveness of transitional justice initiatives at a national level can only be guaranteed if they are anchored in legislation and ring-fenced from political interference.
- The centrality of wider societal engagement and public participation is key and an acknowledgment of the positive contributions of civil society actors to transitional justice processes; notably their value-addition is clear to ensure the participation of women, youth and vulnerable actors as well as raising awareness and providing psychosocial support to victims and survivors.
- The utility of drawing from African cultural traditions for restorative justice is also important to anchor these processes within communities.
- Anchoring transformative change through constitutional and institutional reforms, such as institutions to oversee reparations, is also a necessary undertaking for the efficacy of transitional justice processes.
- Promoting decentralised transitional justice practices like the ongoing processes in the Somali region in Ethiopia, Kaduna and Plateu States in Nigeria and Kasai Central region in the Democratic Republic of Congo will further deepen popular participation in transitional justice processes in Africa.
- Incorporating research, analysis and wider knowledge generation, through the engagement with civil society actors at the outset of national and communal transitional justice processes is the steppingstone upon which all other interventions can lay their foundation for building more peaceful and inclusive societies across Africa.

Europe

Several experiences to deal with legacies of violence and war preceded the emergence of the concept of transitional justice in Europe. In the immediate aftermath of the Second World War, the Cold War shaped policies and strategies to address genocide, crimes against humanity, war crimes and human rights violations in Eastern and Western Europe. After the Nuremberg Trials (1945 – 1949), the Federal Republic of Germany's western integration largely put a hold to the prosecution of perpetrators of National Socialism. Reparation programmes - and memorialization efforts, starting in the late 1960s, followed. In former Yugoslavia, attempts to address the wars of the 1990s were framed, probably for the first time in Europe, according to the concept of transitional justice. The then existing, externally driven "tool-box-approach" emphasized criminal prosecutions (International Criminal Tribunal for the former Yugoslavia) and, to a lesser extent, truth commissions, which never materialized for various reasons. Another region with transitional justice experiences is Northern Ireland, which within the confines of an established democracy has been facing violent confrontations between religious groups since the 1960s and the ensuing military presence of the UK army. Here the emphasis lay on enquiry commissions to clarify the facts and on the rights of victims to access the courts. Much less attention was given to criminal accountability through trials and memorialisation initiatives are often along sectarian lines and highly controversial.

Initiatives to acknowledge and redress crimes committed during colonialism have only recently gained momentum and there is an increasing awareness in European countries of the colonial legacies, past and present, that permeate societies in former colonies and European countries until today.

Belgium is the first country to set up a full-fledged parliamentary commission in 2020 to investigate its own colonial past in the DRC, Rwanda and Burundi. At the end of 2022, however, the parliamentary commission failed in adopting its many recommendations because of two remaining contentious issues among the political factions, one relating to offering apologies for colonialism and practices during the colonial era, and the other relating to the payment of monetary compensation to individuals and communities who suffered from colonial rule. During the same period, however, legislative advances have been made to restitute specific pieces of art to communities and regions in the DRC.

3rd AU-EU Seminar on transitional justice

Other European countries have not gone as far as establishing broad commissions of investigations but have focused on specific actions. In 2021, for example, the French president apologized for the internment of 'Harkis' (Algerian soldiers in the French Army) and their families in France for more than a decade after the end of the war in Algeria and passed a law in spring 2022, which stipulates material compensation for approx. 50 000 persons as well as the establishment of a national commission for acknowledgement and reparation.

In 2022, the Dutch prime minister expressed his apologies for the slave trade from Holland to the Caribbean, which not only benefitted individuals and companies, but also specific cities and the country as a whole.

On the other hand, the role of Dutch politics and the army in the war of independence in Indonesia in the late 1940s (previously called Dutch India) remains largely in a grey zone. And in 2021, after six years of negotiations, the German and Namibian government issued a "Joint Declaration", acknowledging that the mass atrocities committed against Herero, Nama, Damara and San in the early 20th century "from today's perspective would be called genocide". Avoiding the term "reparation", both governments declared to set up a "separate and unique" development programme, amounting to 1,1 billion Euros over the next three decades.

Civil society organisations in Namibia are demanding the renegotiation of the agreement and the "Joint Declaration" is yet to be ratified.

By way of conclusion, even though the EU – and many other donors – call for comprehensive approaches, European countries never adopted full-fledged 'transitional justice strategies' to address the many legacies of violence after the Second World War, after the end of the Cold War, and Colonialism. The specific mechanisms of what is today called 'transitional justice' were largely shaped by the socio-political context in which they emerged and evolved over long periods of time. Against the background of the Cold War, several blind spots can be identified. One relates to the very different ways in Eastern and Western Europe have to memorialise the Second World War and the violent legacies of Nazism and the Soviet Union; the other one relates to the ways in which colonial legacies of violence are dealt with. By developing a pluralistic culture of remembrance, based on the different, intertwined and multi-layered experiences of violence in Europe and Africa as well as redressing colonial legacies, these blind spots can be addressed.

Moving beyond "Justice in times of transition"

Firmly anchored in political science and international law in its early days, the field of transitional justice has slowly but steadily broadened its framework. Today, its interrelations with peacebuilding and development, culture and arts, history, psychology and education are generally acknowledged (see e.g. the latest reports of the UN Special Rapporteur for the promotion of truth, justice, reparations and guarantees of non-recurrence, January and July 2022). The wide range of approaches does not only reflect experiences made in previous decades, but also the long-term, dynamic and complex nature of addressing legacies of violence in societies affected by conflict, authoritarian rule and war. The experiences of The Gambia did not only exemplify the extended framework of transitional justice, but also illustrate the need for "out-of-the-box" thinking when it comes to supporting transitional processes. However, developing longer-term, integrated approaches, which relate to different policy fields, sectors and actors, remains a considerable challenge.

Sirra Ndow giving a visit of Memory House, Banjul, The Gambia
Sirra Ndow is the Country representative at the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED)

Memorialization

The importance of memorialization, highlighted throughout the Banjul seminar, and its increased relevance in the transitional justice discourse is one example of these developments - and another sign that transitional justice is moving beyond its initial idea of "justice in times of transition". While memorials and museums, commemoration days or the re-naming of streets were either considered a component of the right to truth or the right to reparation, memorialization is now framed as "fifth pillar" of transitional justice (with truth, justice, reparations and guarantees of non-recurrence originally being the four pillars of transitional justice). Like any other measure and process within the field of transitional justice and dealing with the past, memorialization is political in nature, often highly contested and "imperfect". Politics of remembrance shape national identities; depending on the political space, the violence experienced and time distance, they create taboo and exclusive narratives about the past, or allow for the development of nuanced perspectives.

Reparations

Linking the past with the future

Seminar participants visiting Memory House in Banjul, The Gambia

Seminar participants visiting Memory House in Banjul, The Gambia

Germany's multi-layered "system of remembrance", intertwining state institutions, memorials and museums, civic initiatives, research as well as formal and non-formal education, is a case in point. It emerged over six decades, slowly but steadily addressing blind spots and furthering an inclusive and diverse culture of remembrance.

In Northern Ireland and countries of former Yugoslavia, however, politics of remembrance are often considered as a "continuation of war with other means" and mutually excluding versions of the "truth" as well as narratives on victimhood continue to divide communities.

For many decades, the issue of reparations for damages or other forms of harm during repressive regimes, war and violent conflict was confined to the dual question of how much money an individual victim or a state would receive, and who would be responsible for paying this amount. While financial compensation is still regarded as one of the prime forms of reparations, the last two decades have seen the considerable expansion of other forms of reparations. They are likely to have a big impact on the ongoing and future debates about reparations in Africa, Europe, and in their intercontinental relationships.

First of all, the UN Basic Principles and Guidelines on Redress and Reparation of 2005 have introduced five distinct categories of reparations for serious human rights violations, and thus vastly expanded the scope of reparations: (a) restitution of goods, services and rights; (b) financial compensation for the same goods, services and rights that cannot be restituted; (c) rehabilitation measures of a medical, psychological, social and legal nature; (d) satisfaction measures that include legal investigations and criminal and civil procedures for the violations, as well as symbolic steps such as memorials, commemorations and apologies; and (e) institutional reforms and trainings of law enforcement personnel of all sorts to avoid similar violations to occur in the future. Particularly the latter category has raised increasing interest because of its preventive function and possible effect on future relations among people, groups and institutions. Furthermore, while memory work was still regarded as one form of symbolic reparations in 2005, it is nowadays widely regarded as a separate pillar of transitional justice (see above).

Moreover, the notions of victimhood and duty-bearers are also rapidly expanding. Victimisation is no longer confined to material or physical harm to individual persons, but also covers psychological and moral harms inflicted upon persons and communities in Africa and Europe.

As a result, not only individuals who are directly affected are eligible for reparations, but also those indirectly but tangibly affected (relatives, neighbours, colleagues, etc), as well as communities at large (and the environment, see below). And what about the duty-bearers for reparations? For decades, states were regarded as the prime actors to provide reparations, and monetary compensation in particular to victims. However, with the expanding scope of direct and indirect perpetrators of human rights violations, the latter have also become duty-bearers. Clearcut examples include companies, rebel groups, and other types of bystanders and beneficiaries of the violations committed.

Ideally, individual and collective, material and symbolic reparation programmes can build bridges between the past and the future. By publicly acknowledging and redressing past violations and injustices, reparation programmes not only hold the state as duty bearer and accountable for crimes committed against citizens, but they can also address the multi-dimensional psycho-social, economic and political needs of victims, survivors and their families, and at best initiate societal change. The transformative potential of reparations within transitional justice processes is, thus, widely acknowledged. The design and implementation of reparation programmes, however, poses many challenges, not only because resources and (technical) capacities are lacking. For a long time, the discussion within the transitional justice community focused on identifying victim groups through truth commissions and developing reparation programmes only after commissions had completed their work.

In this regard, the Gambian experience is an exception – and opens new perspectives: one million dollars were distributed to the victims and survivors during the TRRC process, addressing immediate victims' needs – and the identification of victims is still ongoing, even after the publication of the TRRC report. The reparations institution's role will be to ascertain and recommend how much they intend to give to out to victims, depending on the level of suffering and will face a challenge in determining the quantum of compensation for each of these cases.

Financial compensation, however, is only one aspect of "success" or "failure", as the example of Germany's reparation programme for forced labour workers showed. 55 years after the Second World War, this programme provided to 1.66 million out of 7 million victims between 500 to 7.500 Euros (depending on specific criteria). At the same time, the "Foundation Remembrance, Responsibility, Future", an independent "hybrid state – victims" institution was established under public law to provide long-term support for education, memorialization and outreach as well as participation and empowerment. Permanent institutions, acknowledgement and memorialization within the larger society, solidarity and empathy are, thus, important "success" factors of reparation programmes.

Maintaining the process

The discussions on truth commissions, reparation programmes and memorialization illustrate the importance of follow-up mechanisms. They also demonstrate, that dealing with the legacies of the past is becoming a task that affects different political and social areas, and thus impacts on long-term societal changes. In recent years, more attention is being paid to the transition from ad-hoc institutions to more longer-term reform processes. Far too often, processes are interrupted – and recommendations of Truth Commissions not implemented, which undermines the trust building between state and society, the recognition and inclusion of particularly affected (victim/survivor) groups as well as reconciliation processes. Therefore, maintaining the process is crucial.

The Role of Civil Society in Supporting Transitional Justice Initiatives

Makmid Kamara - Africa Transitional Justice Legacy Fund

African and European civil society organisations can provide an interface between governments and the wider society in terms of providing guidance and support for transitional justice initiatives. The AUTJP stipulates that member states have the responsibility for "guaranteeing the space for debate and advocacy on transitional justice and mobilising the support of all sections of society across political lines." The AUTJP recognises the right of citizens to participate in framing transitional justice processes, specifically in the manner that it solicited and engaged the views of Africans across the continent. The AUTJP also envisages a technical role for civil society and think-tank actors to "support the production of relevant research and studies" through processes that systematically "collect best practices and facilitate the sharing of such best practices with societies contemplating or pursuing transitional justice processes." Therefore, it is important to create a continental network of transitional justice practitioners and analysts, from civil society, think-tanks and governments, who can provide technical support and guidance to all of the member states that require some form of transitional justice intervention.

Civil society actors have consistently advocated for the setting of standards in terms of legal and transitional justice processes in order to ensure that they pursue accountability and redress. Concretely, civil society actors have undertaken the challenging task of sourcing and providing psychosocial support for war-affected communities across both continents. Across both Africa and Europe, civil society actors have been participating and contributing to media productions to undertake outreach on transitional justice processes as well as to encourage the wider society to actively participate in these processes.

Civil society actors have played a key role in initiating informal transitional justice processes, in response to tensions and crises, which has contributed towards addressing some of the "unfinished business" of formal transitional justice processes. In particular, civil society actors have taken the lead in assessing and highlighting the role and function of indigenous approaches to transitional justice in the African context, with an emphasis on how they can complement the more formal state-led processes. For example, the initiatives to promote community-led truth-telling and reconciliation initiatives such as the Sierra Leonean Fambul Tok, a communal talking and healing circle, has had the advantage of enabling victims and survivors to use of their own traditions and to sit in the comfort of their own communities to surface and process the violations that they had endured.

This enabled elderly people and young children to actively participate in the communal talking and healing circles. Subsequently, the Fambul Tok processes have informed national-level transitional justice processes, as well as providing a comparative approach for other countries across Africa.

The Gambia Victim Centre shared its experience of utilizing the Truth, Reparations, and Reconciliation Commission recommendations to develop and implement programmes to provide psychosocial support to victims and survivors. The role of civil society actors in supporting the Women's Talking Circles in The Gambia is an innovative initiative which provides an example that can be utilized in other parts of Africa and Europe. These civil society-led Talking Circles enabled societal actors to give their own testimonies and tell their own truths. In particular, civil society initiated and developed a community guide to support communities in adopting a transformative justice approach, which emphasizes the importance of creating "safe spaces" where the land has been "torn" by violations in order to encourage victims and survivors to come together in communal healing processes.

Civil society actors across Africa and Europe have been recognized for the important work that it has undertaken to support victims, survivors and communities in the country. There was an acknowledgement that international partners can play a proactive role in containing the tendency towards competition by mapping CSOs and identifying how the division of labour can be working with them in a network formation.

The adoption of the African Union Transitional Justice Policy is a pioneering achievement for the continent, in terms of providing guidelines for countries and societies to design and drive their own processes of redress, accountability and healing for the harm done in the past. However, the AU member states and regional institutions have not sufficiently engaged and utilised the AUTJP, and therefore civil society actors have to up their role as societal stakeholders and take the lead in sensitizing, popularizing and capacitating governmental and inter-governmental actors to engage with the provisions of the document. Likewise, the EU Transitional Justice Policy Framework has mostly focused on supporting transitional justice processes outside of the European Union. While very valuable in itself, time seems ripe for an internal reflection on how to deal with the past within the EU and its individual member states.

The centrality of the agency of civil society in supporting and implementing transitional justice and peacebuilding processes, is of vital importance if the African and European continents are to genuinely address the grievances which continue to perpetuate the cyclical violence that is brutalizing innocent civilians.

Environment as a Victim of Violent Conflict: Expanding the Scope of Transitional Justice

It is noted that almost half of the conflicts around the world have aspects pertaining to natural resources, and therefore it is necessary to apply the transitional justice prism onto these situations to ensure and prevent the recurrence of violence. It is evident that environmental destruction and degradation occurs during conflicts and war. More specifically, during conflict, violence is also directed at the environment and natural resources. Therefore, environmental crimes, abuses, harm, loss and death are also implicated and are the outcome of violent conflicts, as the ones in Ukraine and in Sudan demonstrate. Therefore, it is necessary to expand the definition of 'victim' to include the environment. In particular, the environment has a right to exist and to also undergo, maintain and regenerate natural vital cycles of life. Furthermore, the environment has a right to redress for past harms.

Environmental issues are forgotten, neglected and unaddressed in the aftermath of violent conflict. For example, the Sierra Leonean Truth and Reconciliation Commission acknowledged physical violence resulting from resource extraction, but it did not focus on other related environmental harms. Similarly, the Liberian Truth and Reconciliation Commission also identified environmental degradation due to conflict as having caused economic harm but was not specific on practical strategies to pursue redress for this injustice.

The notion of environmental restorative justice is emerging as a framework to address environmental crimes through redress for environment, community, victims, perpetrators, as well as future generations. On this basis, environmental restoration is a practical approach to make amends for past transgressions and restore the original integrity and health of environmental terrains. Practical approaches to advancing environmental restorative justice include environmental remediation and the removal of pollutants and contaminants from the soil, waterways and atmosphere. A practical example of this environmental remediation programme which was implemented to redress the devastation by multinational corporations in the Ogoni land region, in Nigeria. In addition, environmental conservation and rehabilitation is a necessary intervention to restore the functions of a damaged ecosystem and restore bio-diversity. In these processes, it is important to draw upon indigenous and cultural knowledge systems which have key insights to heal and restore the integrity of environments.

It is therefore necessary to continue to raise awareness about environmental destruction and to surface the truth about the damage done in the past. A framework such as an Environmental Truth and Reconciliation Commission can be utilized to address these violations. In addition, it is necessary to integrate the notion of environmental transitional justice into the environmental governance and management systems and processes. Environmental transitional justice therefore focuses on restoring and repairing the relationship between people and their environment.

Policy Recommendations

The insights emerging from the AU-EU High-Level Seminar on Transitional Justice will be a valuable resource for African and European governmental, inter-governmental and societal actors who are striving to promote peace and reconciliation in their countries and regions. Based on the discussions and the above reflections, we propose the following recommendations to policy-makers.

Maintain the process

- Develop longer-term, integrated approaches to support transitional justice processes, which build on existing initiatives and recommendations of Truth Commissions, provide space for civil society actors and respond to context-specific needs. A "past sensitive approach" to development programs (e.g. health, education, housing) can build bridges between (ad-hoc) transitional justice institutions, in particular truth commissions, and longer-term reform processes.
- In this regard, material and symbolic reparations are of particular importance and more resources and capacities should be provided to support the design and implementation of general and specific reparation programmes.
- Develop concrete mechanisms to implement the AU and EU Transitional Justice Policy Frameworks and support the development of National Action Plans to guide their implementation. Accelerate efforts to sensitize, popularize and capacitate African and European governmental and inter-governmental actors to engage and implement the provisions of the AUTJP and the EU policy on transitional justice.

Respond to the extended framework of transitional justice, which is moving beyond "justice in times of transition"

- In order to move beyond "justice in times of transition", transcend the traditional pillars of transitional justice and advance multi-disciplinary approaches, several actions could be taken, such as capacity building and training of personnel about the extended framework of transitional justice and its linkages with development, peacebuilding and reconciliation; the creation of focal points in relevant institutions to facilitate communication and collaboration between different policy fields and sectors or the establishment of integrated funding lines. Moreover, twinning programmes as well as peer-to-peer learning and advice can advance existing approaches by building on experiences and emerging practise.
- Against the background of the war in Ukraine, blind spots of dealing with the multi-faceted experiences and legacies of violence in Europe and Africa (and beyond) will become more vital for the EU (Europe as a continent), its external relations and its "soft power". First steps are made by member states – and the European Commission (e.g. by integrating colonialism and migration into its policy of remembrance). Starting a dialogue to develop a shared understanding on colonial legacies and exploring new avenues, also by revising and expanding the existing EUPTJ, could by a way forward.
- Pay specific attention to degrading environments as victims of political, economic and social processes (e.g. develop environmental restorative processes and guidelines, set up environmental truth and reconciliation commissions, establish reparation programmes for environmental victims).

Strengthen networking, peer learning and practice-oriented knowledge generation

- Deepen AU – EU institutional dialogues on specific topics of transitional justice (e.g. victim reparations, guarantees of non- recurrence and prevention, memorialization).
- Policy makers and transitional justice scholars should pay more attention to the challenges and pitfalls of implementing recommendation of Truth Commissions and follow-up policy reforms. More comparative analysis on this topic is needed in order to better understand the political economy of longer-term transitional justice processes.
- Support trust building and alliances across institutions, political and identity divides and facilitate space for dialogue and meaningful participation of civil society actors, specifically youth, victim/survivor groups and women, in the design, the implementation and in follow-up processes of transitional justice initiatives.
- Jointly develop adequate strategies and instruments for learning and (peer) evaluation of transitional justice initiatives and policies; these include analytical tools to monitor and evaluate implementation, particularly over longer periods of time (e.g. good practices, voices from the field, a holistic approach)

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