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MULTILATERAL ACTORS AND SUPPORT FOR POPULAR PARTICIPATION IN AFRICAN TRANSITIONAL JUSTICE

In Africa, multilateral actors increasingly want to support transitional justice processes that maximise popular participation, especially of victims/survivors and communities most affected by human rights abuses. Yet many are still developing strategies and tools to enable meaningful participation.

This policy brief provides actionable recommendations for representatives of international and regional institutions, donor governments, private foundations, faith-based institutions, INGOs and other multilateral actors on mainstreaming participation in their transitional justice interventions.

Covering formal, state-led measures and non-formal, civil society-led measures, this guidance promotes transitional justice processes that are planned, funded and implemented in ways that enable the agency of people impacted by past violations.

Mainstreaming participation

Participation is not an add-on to individual transitional justice measures; participation defines a whole transitional justice process. Instead of asking how a measure that has already been designed or is being implemented can be made more participatory, mainstreaming means that participation is at the core of transitional justice from start to finish, including across multiple measures and in the long term.



The African Union Transitional Justice Policy defines transitional justice as “the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation.”

When people have the opportunity, access and resources to help develop transitional justice in their countries, the process has more popular buy-in, which means it is more effective and sustainable. By mainstreaming participation, multilateral actors support victims/survivors and communities directly affected by violations, as well as people indirectly impacted by past abuses, to participate in the planning, design, implementation and follow-up of transitional justice measures. They become not just targets of transitional justice, but active participants in it at all stages.

Where participation in transitional justice is seen as effective, multilateral actors can frame it as modelling the benefits of active citizenship, and advocate for

greater participatory governance in all sectors. The transitional justice process can serve as an example from which governance lessons can be drawn.

The most direct route to meaningful participation is to build on what is already there. Multilateral actors benefit from identifying existing processes and practices that are trusted by local populations, instead of importing or creating them from scratch. These processes and the people who implement them offer knowledge, networks, resources and avenues of participation that can be enhanced for a more contextualised and inclusive transitional justice.

Partnering with broad-based civil society

In addition to some state structures, civil society drives most existing processes and practices on the ground. While the term 'civil society' is usually associated with human rights NGOs, it in fact covers a broad range of actors, including community-based organisations, religious and traditional authorities and groups, professional associations, women's groups, student formations, victim/survivor groups, businesspeople, collectives of ordinary citizens and others, depending on the country.

Meaningful participation demands the involvement of victims and survivors, affected communities and the broader population in multiple stages of a transitional justice process in ways that enable their agency over the goals, form and outcomes of that process.



Alongside helping to mainstream participation through their networks and activities, different types of civil society can help *localise* transitional justice, making sure

it resonates with local needs and understandings of justice. People will generally not engage with a process that they do not understand or that appears to offer them and their community no benefit.

Civil society can also help *decentralise* transitional justice, identifying obstacles and developing local solutions that give access to a broader and more representative range of people. This is especially important for marginalised groups, which may be kept from participating, for example, by gendered care expectations, lack of disabled access, mental health challenges or geographic location, as well as social norms based on religion, ethnicity, gender, age, class and other markers.

Acknowledging non-formal measures

Existing processes and practices, and the people who implement them, can feed into and themselves *be* non-formal transitional justice measures. Non-formal measures may include sub-national traditional conflict resolution mechanisms, community dialogues, storytelling and memory activities, healing circles and rituals, educational initiatives, or forms of artistic and cultural expression, which are based on local participation.

By acknowledging such measures as transitional justice, multilateral actors can support the design and implementation of a national transitional justice process that is not one-size-fits-all, but innovative in being more contextually relevant and representative by design. Through their participation from planning to follow-up, victims/survivors, affected communities and the broader population help create a process that is driven by local needs and responsive to challenges and opportunities on the ground.

By helping connect non-formal measures with formal measures – truth commissions, prosecutions, reparations, institutional reforms and others – multilateral actors can enable a more locally relevant

*For more information and detailed recommendations, visit our **From Partnership to Participation: Multilateral Engagements with Transitional Justice in Africa** project page.*



national process, grounded in popular participation, which puts state actors in partnership with broad-based civil society. Being participatory, this process may not end up looking like transitional justice in other countries.

Recommendations

Stakeholder mapping and representation

A thorough stakeholder mapping, conducted by a multilateral actor or by trusted civil society partners at the national and sub-national levels, identifies the ecosystem of relevant actors and their relationships, ensuring that subsequent efforts are broadly representative and participatory.

- Map the victims/survivors of violations, not only of acts of violence but also of the marginalisation and exclusion that facilitates these acts. Situate victims/survivors in relation to communities directly affected, and the broader population indirectly affected, by abuses.
- Map the full range of civil society actors that represent victims/survivors, affected communities and the broader population, based on longstanding relationships of trust.
- Map state authorities from the national to the local level, and seek 'champions' of participatory transitional justice.
- Map service providers of mental health and psychosocial support (MHPSS), legal advice, technical information about transitional justice, and other needs, who are already present in communities.

Tailored support for participants

Participation demands an awareness of the full range of obstacles to access that different people face. On the basis of the stakeholder mapping, multilateral actors can directly identify or support civil society actors to develop solutions to obstacles and identify opportunities for increasing access.

- Use an informed consent framework to make clear that participation is always voluntary and that any benefits or services emerging from the process are not contingent on participation.
- Guarantee MHPSS provision to address the risk of re-traumatisation and other mental health challenges, either directly or through local service providers.
- Facilitate participation of marginalised individuals and groups, for example, by scheduling activities around women's care schedules, ensuring disabled access and/or providing interpretation for speakers of minority languages.

Support for victim/survivor mobilisation

Victims and survivors come together to support each other and advocate for their needs and demands to be addressed. While the environment of victim/survivor groups may be fractured, as they represent different sets of victims and agendas, they provide an effective way to reach and support victims/survivors.

- Catalyse or support the creation of victims/survivors' groups and organisations by, for example, providing meeting spaces, building technical and administrative capacity, and giving direct financial assistance, including initial core costs.
- Support existing victims/survivors' groups at both the local and the national level, through a capacity-building approach (see next section).
- Focus on understanding victims/survivors' needs, priorities and demands, for example by funding a victim/survivor-led or participatory research study, organising meetings and discussions with victims/survivors and their representatives, and integrating victim/survivor perspectives into civil society and state capacity-building activities.
- Use an informed consent framework to manage victims/survivors' expectations of transitional justice and support mobilisation, ensuring that all choose to participate based on an understanding

of the nature of their involvement and the potential risks, benefits and alternatives.

Civil society capacity building

The challenge of supporting civil society actors with close connections to communities is enhancing their capacity and expertise while not imposing an external agenda. This requires multilateral actors to look beyond trusted players in national capitals, cede significant control over the nature of project work to a broad range of civil society partners, and acknowledge that those who are part of or closest to affected communities know their needs and what approaches are likely to succeed.

- Make a long-term, multi-year commitment, so as to support transitional justice over multiple measures, enhance the capacity of local partners to set their own agendas, and build trust among multilateral actors, local actors and affected communities.
- Set criteria for selecting local partners, including that they effectively represent those affected by violations in the context of the broader population, understand the expertise and resources communities already have, welcome technical assistance and other capacity building, and are committed to a human rights-based approach.
- Be non-prescriptive, sharing other country experiences to inform partners without expecting them to mimic global ‘best practice.’ This allows locally informed solutions and measures to emerge.
- Ensure that all projects are co-created with local partners, rather than restricted to calls for proposals and donor-driven projects.
- Use a ‘learning by doing’ approach, in addition to formal trainings, to advance the technical and administrative capacities of local partners.
- Advocate with state authorities to maximise participation and advance the agendas of civil society partners, as multilateral actors tend to have greater access to authorities than local partners do.

- Connect local partners with civil society and state actors and processes happening at the national level to enhance engagement beyond urban elites.
- Support partners to make connections to other sources of technical and financial support.
- Encourage coordination and networking among different civil society actors to help create the conditions for trust building and collaboration and to enhance capacity and thereby access to further external support.

Collaborative grant making

Many civil society actors do not have the financial and administrative structures and capacity to access multilateral funding. Subgrants, combined with technical capacity building and – if requested – direct project support, enable a broader range of civil society actors to lead on participatory transitional justice. Multilateral actors need to modify their demands of grantees and build long-term relationships based on trust more than formal accountability, with the ultimate aim being participatory grant making.

- Use subgranting to support different types of civil society, including for example religious and traditional actors and community-based organisations.
- Simplify proposal and reporting demands for local actors, engaging with them in their language and reducing financial accounting demands.
- Start pilot projects using participatory grant making in transitional justice and document and disseminate the learnings, with the aim of building an ecosystem of grant makers willing to provide flexible and long-term support for the work of local actors.
- Use narrative or qualitative evaluation and data collection methods such as outcome harvesting, rather than traditional quantitative indicator approaches.

Formal measures: Planning and design

While multilateral actors usually support consultations to get input from victims/survivors and other stakeholders, consultations often refer to transitional justice mechanisms that have already been designed and are unlikely to change substantially based on the feedback received. Moving beyond the consultation framework and starting well before the design stage, multilateral actors should advocate with state authorities and provide financial and technical support to them and civil society actors to promote popular participation in designing measures, ensure broad representation, remove obstacles to participation and adopt a participatory budgeting approach.

- Support peace processes and negotiated political transitions to ensure that a commitment to transitional justice is enshrined in the agreement and that clear steps for popular participation are stated in it.
- Advocate for the structure conceptualising transitional justice to include the direct participation of victims/survivors, as well as directly and indirectly affected communities. Where a multilateral actor has been working with victims/survivors, they can support authorities in identifying representatives to such structures.
- Support decentralised formal measures that are more geographically accessible than those in the capital and ensure broad-based participation, including by the most marginalised and those in the most remote areas.
- Advocate for participatory budgeting, in which local state and civil society actors partner to identify numbers of participants and the financing necessary for their involvement.
- Encourage 'rolling' participation, addressing the limitations of a 'one-off' process that cannot respond to changing conditions and needs.
- If consultations are held, advocate for their earliest possible use, before any design of the process or

mechanism is finalised, and support local civil society being a key partner. This can include making systematic studies of the needs of victims/survivors and affected communities, to both inform and complement a formal consultation.

Formal measures: Implementation

The quality and legitimacy of a formal measure, and the relevance of its outputs, depend on the participation of, and regular outreach to, victims/survivors, affected communities and the broader population.

- Advocate for measures and their operational structures to include representatives of victims/survivors and be inclusive by gender, ethnicity and so on. Where a multilateral actor has been working with victims/survivors, they can support state authorities in identifying representatives to such structures, with the support of local partners.
- Support victim/survivor access to formal measures, through MHPSS provision, support for travel and other locally informed solutions, either directly or through civil society.
- Assist local partners with collecting the testimonies and details of the needs of victims/survivors – particularly those who are unable or unwilling to travel and participate publicly – for example via reports to truth commissions or amicus briefs to national and international judicial processes.
- Support educating and informing affected communities and the broader population through outreach. Civil society will likely enjoy greater trust than state authorities and can better keep communities updated on a regular basis, for example by screening remote trials in affected communities.

Formal measures: Follow-up

When a formal transitional justice mechanism is over, state authorities have to deliver on their outcomes, typically engaging with issues such as reparations, institutional reforms, and reconciliation and healing

initiatives. Because these elements, in particular reparations, can address victims/survivors' and others' most pressing claims on the state, participation is crucial.

- Support local partners technically and financially to play a role in follow-up processes, including through capacity building.
- Advocate with state authorities for local partners who can represent victims/survivors and affected communities to be at the centre of follow-up processes and a part of institutions delivering on decisions or recommendations from transitional justice measures.
- Make links between a participatory transitional justice process that has proved effective, as an exemplar of active citizenship, and broader state approaches to participatory governance.
- Advocate with other multilateral actors to provide the funds required to deliver on recommendations in the short and long term.

Non-formal measures: Building on existing resources

When engaging with non-formal measures, or contemplating supporting their creation, multilateral actors should ensure a deep understanding of the environment and include both a mapping of any existing non-formal processes and a systematic effort to understand the culturally framed needs of victims/survivors, affected communities and the broader population.

- Conduct or support a comprehensive mapping – ideally led by a range of civil society actors – of the needs of victims/survivors and affected communities, existing non-formal processes of relevance, and resources within the community, including customary approaches.
- Initiate any non-formal measure only in partnership with trusted local actors and make sure it is planned, designed and implemented with the broadest possible participation of local communities.
- Ensure that non-formal processes adopt a human rights-based approach that advances inclusion and challenges social hierarchies.
- Provide long-term funding and build capacity for non-formal transitional justice measures, ideally through local partners.
- Identify and support explicit links between non-formal and formal transitional justice measures to enhance participation from the local to the national level and at all stages of the process.

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The Centre for the Study of Violence and Reconciliation (CSVr) is an independent non-governmental organisation established in South Africa in 1989. CSVr is a multi-disciplinary institute that seeks to understand and prevent violence, heal its effects and build sustainable peace at the community, national and regional levels. Through our research, advocacy and psychosocial support work, and in collaboration with communities affected by violence, we seek to enhance state accountability, promote gender equality and build social cohesion, integration and active citizenship.

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