Responding to the changing regional peace and security landscape in the Horn of Africa (‘the Horn’) and aiming to add value to the structural prevention agenda of the African Union (AU), in 2021, the Life & Peace Institute (LPI) increased its organisational focus on transitional justice (TJ) and reconciliation in the Horn. As part of this work, LPI has conducted a regional TJ policy mapping, surveys of civil society actors, and TJ and reconciliation trainings. Evident from these activities is the important role civil society plays in supporting the development, implementation, and evaluation of TJ and reconciliation policies at the continental, regional, and national levels. This policy brief identifies entry points, particularly through the African Union Transitional Justice Policy (AUTJP), that encourage and enable civil society engagement in advancing TJ and reconciliation policy and implementation in the Horn. The brief concludes by providing recommendations of practices civil society can use to strengthen community voice in policy design and implementation.

Civil Society, Transitional Justice and Reconciliation, and the AUTJP

The Horn is one of the world’s most conflict-prone regions, with most countries having experienced or currently experiencing intra and inter-state conflicts. The region is facing multiple interconnected challenges to peace and security at the national and regional levels – from political contestation in Sudan, to the conflict in Ethiopia’s Tigray region, to Somalia’s continuing fight against Al-Shabaab and attempts to solidify a federal government system. In confronting such conflicts, addressing the historical injustices underlying current grievances fuelling violence is critical.

Within the Horn, such violent conflicts are often referred to as “intractable”. These conflicts have
an immense impact on the social, emotional, and political structures of societies. The underlying causes of conflict often relate to people’s feelings, perceptions, and lived realities that their fundamental human rights and needs are under attack. As the conflict continues, communities’ collective memories reduce their willingness for negotiation and compromise, resulting in an increasingly protracted conflict. Therefore, transforming intractable conflicts requires immense structural and psychological transformation.

TJ encompasses a range of processes and mechanisms that aim to achieve redress for victims, boost public confidence in government institutions, and uphold respect for human rights. TJ is critical to advancing the phases of reconciliation that enable people to acknowledge the root causes of conflict and begin moving toward a durable peace. Within this context, the AU emphasises the dual objectives of justice and reconciliation for creating sustainable peace and preventing cyclical manifestations of violent conflicts. The adoption of the AUTJP in February 2019 was labelled a “game-changing” policy shift by both the African Union Commission (AUC) and civil society actors. The AUTJP, as an African policy, is designed to guide member states emerging from violent conflicts, wars, and authoritarian regimes to formulate context-specific national policies and strategies geared towards achieving socio-economic and political transformation, sustainable peace, justice, reconciliation, social cohesion, and national healing. The AUC is currently developing a resource guide to enhance the capacities of AU member states, Regional Economic Communities, and other relevant societal actors to address TJ and reconciliation challenges effectively and sustainably.

Notably, the AUTJP emphasises the critical role that civil society actors play as vital partners in promoting TJ and reconciliation efforts. Civil society actors played an important role developing the policy, which spanned over nine years of research, community engagement, coalition building, and advocacy work. The AUTJP recognises the need for multi-stakeholder cooperation and engagement and provides non-state actors with tools and frameworks for engaging in the design and implementation of TJ processes. The policy provides entry points for civil society to inform and influence the development and implementation of national TJ and reconciliation policies. Additionally, the AUTJP specifies roles for civil society and non-state actors, including creating and documenting public conversations and debates on TJ processes and facilitating intra and inter-community dialogue, reconciliation, and healing at the community level.

Further, Article 129 of the AUTJP proposes that: “the process for national dialogue, reconciliation and healing should enable [Civil Society Organisations – CSOs], not only to play an active part in such processes but also to pursue intra and inter-community dialogue, reconciliation, and healing at local levels”. These provisions provide civil society with the required mandate to engage with governments, non-governmental organisations, and citizens on TJ and reconciliation initiatives geared toward addressing human rights violations and feelings of injustice. Leveraging the AUTJP, civil society can inform TJ and reconciliation processes and the development of policies in their respective communities and countries.

Some civil society actors have been instrumental in driving TJ and reconciliation policies and practices in African countries. Usually representing multiple community groups, civil society can bring broad participation through their strong relationships with their local community members. These
engagements bring the local expertise and buy-in needed to ensure the effective implementation of a policy. In several countries, civil society actors have been driving TJ, reconciliation, and dialogue initiatives as advocates and direct implementers of TJ processes by urging states to address human rights violations and advocating for accountability.  

However, more generally, to date, despite the potential entry points established in the AUTJP, civil society engagement with the policy has been minimal and participation of civil society in the Horn, related to peacebuilding and TJ policy, has been restricted. In some cases, governments in the region have yet to be able to engage local populations in a direct and inclusive way, due to factors such as minimal funds and the lack of capacity. In other cases, governments have enforced bureaucratic registration procedures that hindered civil society operations, challenging their active and effective engagement in TJ and reconciliation processes. When not directly restricted by government processes or systems, some civil society actors face knowledge gaps, staffing shortages, and limited funding to conduct TJ and reconciliation-related activities. A regionally focused civil society capacity assessment conducted by LPI highlighted the need for awareness-raising and capacity-strengthening efforts to increase civil society knowledge and understanding of TJ and reconciliation holistically and the AUTJP specifically.

Also recognising this need, the AUC has undertaken awareness creation and popularisation of the policy document by engaging regional economic communities, civil society, and the private sector. The AUC has also engaged the Intergovernmental Authority on Development (IGAD) member states to promote the AUTJP and support national TJ and reconciliation processes. Similarly, as part of its efforts to strengthen the capacities of civil society in the Horn and contribute to the popularisation of the AUTJP, LPI, in collaboration with the Centre for the Study of Violence and Reconciliation and the Institute for Justice and Reconciliation, launched a tailored capacity-strengthening programme entitled “Introduction to Transitional Justice”. The training programme aims to enhance civil society knowledge and understanding of the AUTJP and build civil society capacity to engage with and sufficiently use the policy to develop and implement peacebuilding, TJ, and reconciliation mechanisms in their communities and countries.

When given the space and support, civil society continually proves they can play a critical role through actions like creating platforms for national dialogue, grassroots truth-telling and documentation, engaging in media training and media monitoring of TJ issues, as well as advocacy and awareness raising work of TJ and reconciliation process. For many civil society actors, coalition building, urging states to adopt effective TJ and reconciliation processes, and establishing viable legislation have been their main priorities. In advancing TJ and reconciliation, some African civil society actors adopted the dominant international notions of TJ that focus on a legalistic and accountability approach. Alternatively, others are increasingly taking a more context-sensitive approach to TJ and reconciliation, also drawing lessons from past experiences, including traditional African justice systems, which are also emphasised in the AUTJP.

In addition to these efforts, several other actions can be implemented to enhance the capacities of civil society in the Horn to advance TJ and reconciliation utilising the provisions within the AUTJP. The following section highlights some of the actions that can be undertaken by civil society actors to enhance their active and meaningful
participation in advancing TJ in their respective contexts.

Recommendations for Civil Society

1. Developing the capacity and skills of local and national civil society actors on TJ and reconciliation processes
   - Civil society working on TJ and reconciliation initiatives need to continue engaging their networks and peer organisations to share knowledge of best practices and understanding of TJ and reconciliation processes.
   - Peer-to-peer training and support initiatives between civil society actors help improve collective civil society understanding of the AUTJP and local TJ and reconciliation initiatives, increase the use of common definitions and practices, develop communities of practice, and create space for the exchange of knowledge. Importantly, every effort should be made to make diverse peer-to-peer networks participatory and inclusive such as ensuring women and youth civil society actors are included. Civil society should continue to engage local communities and strengthen relationships with traditional leaders and elders, to understand how TJ and reconciliation is actively conducted at a local level. Civil society plays an important role in connecting local and national levels processes and translating local practices into policy languages.

2. Cultivating expert partnerships and networks
   - Civil Society can actively cultivate relationships with regional policy actors by identifying and engaging with regional bodies with TJ and reconciliation mandates.

For example, the IGAD Mediation Support Unit (IGAD-MSU) is mandated to bring reconciliation and healing to the IGAD region and envisions the creation of a Reconciliation Taskforce and Regional Reconciliation Centres. Such platforms can create spaces for academics, practitioners, researchers and community leaders to share experiences, lessons, and learnings pertinent to peacebuilding, TJ and reconciliation initiatives.

3. Documenting local TJ and reconciliation initiatives in the region
   - Civil society support to the production of evidence-based TJ and reconciliation research by including community and local perspectives will help identify best practices, inform policy development processes, and guide policy implementation.
Endnotes


3 Intractable conflicts are characterised as being protracted, irreconcilable, violent, of a zero-sum nature, total, and central, with the parties involved having an interest in their continuation.


