



INSTITUTE FOR JUSTICE AND RECONCILIATION

REGIONAL CONSULTATION REPORT

**“Building fair and inclusive societies after conflict:
A focus on civil society”**

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EXECUTIVE SUMMARY

Civil society initiatives are being undertaken in a number of countries in transition to contribute to the building of sustainable peace processes. Recognising that governments may face challenges in terms of implementing capacity and political will, civil society networks in post-conflict countries are lobbying their governments on issues pertaining to transitional justice; these may include national and community healing and reconciliation, the setting up of truth-telling mechanisms, the integration of formal and traditional justice structures, post-conflict reparations, supporting institutional reform etc. Inclusiveness and transparency are fundamental to building effective transitional justice processes, and CSOs have the potential to play a pivotal role in enabling a conversation between governments on the one hand, and grass-roots communities on the other.

The sustained media focus on the International Criminal Court often overshadows the multitude of home-grown justice and reconciliation initiatives being driven by local bodies. Civil society is uniquely placed to ensure that grassroots communities – which bear the brunt of exactions during conflict - are heard, adequately represented and kept informed of key developments in the transitional justice sphere. Networking at the local, national and international levels, civil society can also play a critical role in stimulating debate, fostering transparency and encouraging participation. This type of active representation through partnerships, umbrella organisations and networks is vital when dealing with the legacies of war and violence.

The importance of government/civil society relations and opportunities for citizen participation in policy making was highlighted at a major meeting of representatives of the Pan-African Parliament in Johannesburg in mid-2009. Recognizing that effective and meaningful participation is crucial to achieving good governance and encouraging accountability, the meeting focused on how this can be achieved, given the restrictive environments within which many civil society bodies function.

Against this background, IJR partner organisations working in the domain of transitional justice and reconciliation were invited to a consultation titled “Building Fair and Inclusive Societies after Conflict – A focus on Civil Society” held in Johannesburg in August 2009. Previous IJR consultations had highlighted the need for a practical conversation around civil society participation in transitional justice processes in Africa. The purpose of the consultation was to compare local strategies to implement transitional justice in societies emerging from oppression and war on the continent. The programme allowed for presentations from invited experts as well as in-country partners while group work was included to stimulate cross-country analysis, reflection and networking.

The three day consultation highlighted the importance of the myriad roles played by civil society in Africa despite the major challenges faced operating in politically sensitive environments with limited resources and capacity. Participants compared best practice experiences and exchanged strategies on how to engage communities and governments on pressing issues. While in-country case studies were presented to the plenary, discussions also focused on cross-cutting issues facing CSO's. These include issues around engaging government on controversial issues, achieving effective citizen participation and identifying and improving CSO collaboration and networking. The need to enhance strategic planning to ensure sustainability was considered as important as implementing manageable yet rigorous monitoring and implementation systems to ensure that organisational goals are achieved. The following report is a summary of the proceedings of the 3 day consultation.

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1. AFRICAN CIVICS IN TRANSITION(S) – AN ASSESSMENT OF TRENDS AND TRAJECTORIES ON THE CONTINENT

Presentations by Dr Tim Murithi and Anu Pillay

1.1 What is civil society?

The concept of ‘civil society’ has its roots in Western political and sociological theory and is seen as a ‘third space’ for human interaction outside the state and the market. Both as a conceptual term and as a social phenomenon, civil society resists easy definition. Every society has its own distinct modes of social organization, political traditions, as well as contemporary state and economic structures, all of which are central to the development of civil society and to shaping its specific features in that context.

Adversarial relationships between government and civil society actors are often premised on the fact that civil society is “un-elected” and hence has no legitimacy and no mandate. However, civil society derives its’ legitimacy from the principles, values and norms of United Nations and African Union protocols. Some of these principles have been codified by the United Nations and African Union protocols, specifically the statute of the Economic, Social and Cultural Council of the African Union, which describes civil society as including social and professional groups, Non-Governmental Organizations (NGOs), community-Based Organizations (CBOs), as well as voluntary and cultural organizations. These ‘associations, formed voluntarily by citizens, enable the promotion of interests and the expression of values and beliefs in the public realm in a way that mediates between the individual/family, the state and the market. Many theorists suggest that this development has helped to strengthen the public realm and to constrain arbitrary and tyrannical state power through the rule of law and led to the development of modern democratic governance.

Participants added that a distinction must be made between international organisations and local civil society organisations born out of the direct needs of the population-both in terms of resources and legitimacy. Within local civil society a further distinction can be made between ‘elite’ civil society bodies with access to resources and located mainly in urban centres; and the more grassroots civil society organisations based in remote rural areas with limited access to resources.

1.2 What is Transitional Justice? What are its mechanisms and processes?

Transitional justice can be described as “a process or strategy employed by states, civil society, and international institutions to deal with the legacies of human rights abuses, and to effect social reconstruction in the wake of widespread violence”.

Participants contextualised transitional justice in their respective country contexts and described it as a process that seeks to address challenges confronting societies as they move from an authoritarian state to a form of democracy. Transitional justice does not seek to replace criminal justice, but rather strives to promote a deeper vision of justice which aims to confront perpetrators, address needs of victims, and start a process of reconciliation and transformation towards a more just and humane society. The tools used to further transitional justice are, amongst others: pursuing and building accountability, recovering the truth, promoting national healing and reconciliation,

reforming institutions, and issuing reparations to victims. However, it should be remembered that transitional justice is itself a ‘transitional process’ and not a permanent solution. Eventually it has to give way to the rule of law and the restoration of a constitutional order.

1.3 Civil society’s role in transitional justice

Around the world, civil society organisations have played important roles in promoting and supporting transitional justice experiments. Unfortunately, civil society organisations are often weak, disorganised, and lacking independence in post-conflict situations. For a peace process to last, it must incorporate not just the combatants and victims, but the broader society in which crimes were perpetrated. Civil society can and must play a central role in attempts to address past human rights violations by mobilizing for broad participation and disseminating the lessons of the transitional justice experience to a wider national audience.

Pillay shared her experience of working with the Liberian Truth and Reconciliation Commission and civil society in investigating the post-conflict needs of mostly rural women and children. There, a consortium of women’s organisations conducted a series of nation-wide community dialogue meetings with women. The dialogue meetings aimed to elicit from Liberian women, concrete recommendations with regard to their transitional justice needs to be included in the TRC final report. ‘Dialogue’ (defined as a ‘frank exchange of ideas for the purpose of meeting in harmony’) was used to encourage women to have open conversations with each other. The meetings were run as facilitated conversations amongst participants, rather than a series of presentations or question-and-answer sessions, and aimed to allow women to speak freely and without inhibitions, heal divides and begin to foster reconciliation amongst members of estranged ethnic groups.

This dialogue process can be used by civil society as a replicable model for community mobilisation and transformation towards transitional justice. Its focus on relationship-building using transitional justice tools rather than an emphasis on content dissemination or extraction is unique. It highlights the need to find innovative ways to engage civil society more broadly and widely in a way that not only engages them in the process but works in a way that takes their traumatised state into account and leaves them with tools that they can continue to use in the process of community rebuilding and reconciliation. These are important considerations for civics engaged in transitional justice initiatives, if their work is to be effective and sustainable. There are immense opportunities to transform societies in the wake of conflict if a more inclusive, participatory approach involving communities is adopted.

Ugandan participants highlighted that this issue was pertinent in their country. The abduction and enslavement of children by the Lord’s Resistance Army (LRA) is a case in point: will these ex-child soldiers become liable for their crimes when they reach adulthood? These and other complicated cases require the balancing of retributive and restorative justice-in Uganda and beyond. Here civil society has the opportunity to play a critical role in facilitating dialogue, raising awareness and lobbying for participatory and transparent processes.

In Kenya, this balancing act is complicated too: after the 2007/2008 election violence numerous politicians were identified as being guilty of instigating violence. Kenya subsequently set up a Truth Justice and Reconciliation Commission responsible for establishing a local special tribunal. However,

the Waki Commission Report issued by an international commission of enquiry proposed that the failure to set up the tribunal would result in a referral of the matter to the ICC. Civil Society here is lobbying for a locally driven and sustainable reform process that addresses impunity and prevents corrupt politicians from dominating the process.

1.4 Gender and transitional justice

Pillay highlighted that though the Liberian conflict impacted on the entire Liberian population, it impacted differently on women and girls. The wide use of sexual violence as an instrument during the protracted war adversely affected the progress of women and girls in Liberia. Women were repeatedly subjected to rape and gang rapes. Those who were not brutally murdered experienced and/or witnessed unimaginable acts of sexual brutality, mutilation, cannibalism and torture. This was meted out by all warring factions, including fellow civilians and the Economic Community of West African States (ECOWAS) peacekeepers. Issues of protection, security, tradition and culture silenced many of these women and later limited their participation in the TRC process as well as accessing health care and other services. Women remained largely unrepresented during most of the peace process.

Pillay noted that violence on women typically escalates in the aftermath of conflict, an issue which transitional justice-in which gender is still not sufficiently mainstreamed- does not address. Post-conflict reconstruction must include a rigorous interrogation of what is being reconstructed and what the impact on gender equality will be. Civil society organisations which are often politically independent, can play a significant role in collecting data, documenting abuses and ensuring that women's voices are heard. A gendered perspective requires vigilance with regards to the opportunities that transitional justice processes offer for society to transform and fundamentally change with the aim of forging gender equality.

Women contributed significantly to the debate on transitional justice in Liberia. Examples mentioned revealed that despite agreeing that warlords should be held accountable, women linked transitional justice to the pursuit of fulfilling developmental needs in their communities. Their demands, communicated through grassroots level local representative organisations, targeted the building of connecting roads between towns and counties, for building materials to be subsidised so that they could rebuild their homes, for better access to microcredit, and for the decentralisation of facilities such as schools and hospitals from the capital. Whereas the national debate focused on the sexual violence perpetrated against women, women themselves were more concerned about reparations and compensation for lost homes and livelihoods, education for their children and security from the perpetrators that they were living with in their communities.

Challenges experienced by the Justice Law and Order Sector in Uganda, highlight the complexity involved in building gender equality in patriarchal societies: as part of the sectors gender reform processes, gender issues were compartmentalised into a working group and isolated from the gender reform process of the wider body. The working group was subsequently disbanded: after operating in isolation for too long it was agreed that gender should be mainstreamed into all working groups. This strategy has not yet been successful.

2. COMMUNITY AND STATE – CIVICS AS INTERMEDIARIES

Presentations by Onesphore Nduwayo and Charles Tolit Atiya

2.1 Representing communities

Though freedom of expression and speech is a limited concept in many African societies, communities across the continent have found innovative ways of communicating with their members and other stakeholders. Where state institutions are weak, funds limited or misspent and the State absent, consultative and participatory processes fall by the wayside. Individuals remain marginalised and voiceless—especially women and children, orphans, the homeless, victims of violence and rape and those with disabilities. In many instances therefore, it remains for civil society organisations to seek to comprehend, respond to and represent the needs of the community.

In Uganda, as in many post-conflict societies, the devastation caused by the drawn-out war resulted in dislocated and impoverished communities with often weak service delivery mechanisms. Civil society organisations have effectively organised themselves to fill some of the resulting gaps. Here civil society can be broadly categorised into two groups: firstly, international relief and service agencies addressing humanitarian needs and secondly, local NGOs and community based organisations addressing a broad range of socio-political issues.

However, in Uganda as in many other African countries, civil society dialogue and engagement with government is obstructed by limited freedom of speech. In reality, free speech is impeded by the autocratic leadership, legislation designed to control NGOs, brutality on the part of the police and intelligence services, false charges and suspicion of alliance with opposition parties (or in the case of Uganda, the LRA), harassment and arrest.

In instances such as these, a participant noted, government is not solely to blame for bad relations with civil society. While the flow of information between government and civil society is often flawed, civil society organisations tend to develop defensive and reactionary responses which hamper constructive collaboration and taint relationships.

2.2 Achieving citizen participation

Citizen participation is a voluntary process by which citizens engage in public life in a greater capacity than merely casting their vote at elections. This includes holding politicians accountable and demanding that civic and human rights are respected and upheld.

Citizen participation encourages in-depth dialogue between elected officials and the community. Such dialogue should be cooperative and on an equal level; the state should avoid being authoritative or talking down to citizens.

In order to achieve full citizen participation, communities need to be empowered to make informed decisions that have the ability to transform and improve lives. Relating to communities on an equal level to build trust and provide safe spaces for participation is important to build effective partnerships.

Participants emphasised the need for civil society bodies to promote a shift in thinking away from a focus on the individual towards the collective – from “I” to “we” – in order to allow people to

express their reality, to understand and analyse that reality, and propose solutions that can be transformed into action. Assisting in the provision of access to information is vital here: citizens have the right to know what is happening in terms of the public management and politics of their country. They should also actively participate in local planning and development. As one participant stated: “the state shouldn’t create projects for the people, it should create projects with the people”. Citizens should demand accountability from public officials by participating in the assessment of public budgets, for example.

The task of encouraging active citizen participation is not without challenges, the first of which is the challenge of convincing government that citizens have the right to express their needs and demand accountability. Another is the challenge of convincing those in power to share that power through consultation with the public, and the challenge of combining specialised knowledge of the government and local experience to find solutions to public problems. Finding ways to include all social groups in public debates, particularly those who are usually excluded from public participation, also poses a challenge. Varying literacy levels within communities imply that government documentation is inaccessible and hence incomprehensible: creative means of mass communication need to be employed.

2.3 Communication: connecting communities, civil society and government

It is important for civil society to fully understand and hence know exactly how best to communicate with its’ stakeholders.

Rural communities, for instance, often consist of farmers who are illiterate. Hence radio is a more effective tool there than newspapers, not least because newspapers cost money and are often not accessible in rural areas. This includes using the most common language and using a style of language that will resonate with the intended audience. Still, newspapers are an important means of communicating messages to communities. Language and timing are important factors to consider: most people who work in the daytime will only listen to the radio later in the day and in the evenings. The radio can also be used as an organising tool in arranging public meetings and disseminating information as well as broadcasting public discussions allowing people to call-in.

During the Zimbabwe election, taxi drivers were given recorded messages to play in their taxis, which passengers would listen to on the way to their destination. In this and other similar ways simple messages were easily conveyed. Similarly, the performing arts are also a useful platform with which to communicate messages to communities.

Modern communication tools such as cell phones (i.e. bulk sms) and the internet are increasingly being used by local and international organisations, though their reach is still limited by access, high costs and security risks. Messages can also be spread through slogans on free hand-out T-shirts. While DVDs and videos can be used for the same purpose, unless the content is clearly conveyed, the risk that the message is lost, may be great. However, these media are limited to people with access to fairly expensive equipment, as well as a steady electricity supply.

Civil society can be an important and reliable conduit for the conveying of messages from local communities to authorities. Ground level data collection can be done by organising workshops and seminars, by conducting studies and research, and sending groups to conduct community based

participant observation. Data collection must be as inclusive as possible and ensure that the data adequately represents all people in the community, including marginalised groups such as ethnic minorities, women, children and the disabled. It is also important that the community participates in the identification and discussion of the problems they face, so that any final outputs have adequate levels of ownership. 'Interface fora', at which authorities and key players are invited to participate in activities at the ground level and meet with community members are an effective way of allowing communities to convey their messages directly. CSO's can also place suggestion boxes in public places, where people can safely and anonymously voice their concerns, suggestions and ideas which can then be handed to authorities.

2.4 Civil society: Watchdog or Partner? The relationship between civil society and government

Participants from Uganda pointed out that there; civil society plays the role of both watchdog and partner. Given the often unreceptive environment, the decision to perform either role relies on a particular organisations strategy, ideology and objective. In the past, CSOs have refused to comply with legislation requiring them to register with the government for a license, on the basis that government should not curtail and control the activities of civil society.

However, successful civil society-government collaboration was demonstrated in the drafting process of the Draft National Reconciliation Bill by the Refugee Law Project following a proposal by government. This highlighted the need for organisations to develop context specific, versatile and flexible operating mechanisms which are able to respond to societies' needs. Creating an enabling environment for collaboration between civil society and government is the responsibility of both parties. Building trust and collaborating with the goal of finding a solution to problems raised at community level must be the focus at all times.

Kenya generally enjoys a good collaborative relationship between civil society and government. A pilot national committee, existing at district and community level of members of both government and civil society has been established to jointly address issues around conflict resolution. Still, the nature of work being done, its' implications and implied ripple effects mean that relations between some civil society organisations and government remain strained.

In Mozambique, the main problem civil society faces is that of a lack of financial resources. To assist, the Mozambican government has stepped in and allocated funds to civil society organisations. The disadvantage is that this makes it difficult to execute some projects as well as to criticise government objectively-the watchdog role is hence curtailed. Here civil society and government meet regularly, particularly on issues concerning land reform and violence against women and children.

After the Rwandan genocide, the government there took firm control of institutions, leaving little room for civil society to operate freely. Limited collaboration, through platforms created and monitored by the government exists, but is mostly imposed on civil society. The fear that Rwanda may fall back into the situation that caused the genocide has led to rigorous control of civil society activities by the government in Rwanda.

Collaboration between civil society and government in Burundi is largely facilitated by the international community, represented by bodies such as the UN and EU. A tripartite pilot committee

consisting of two members of the government, two members from Burundian civil society, and two from the UN has been set up to formalise collaboration efforts.

Participants noted that formal agreements between governments and civil society are usually constraining and regulatory. Rather, the relationship between government and civil society needs to be flexible in order for civil society to be responsive and deal with unexpected situations. Most countries have legislation regarding how civil society can operate, without limiting what the scope of their activities should be.

2.5 Strategic planning, Sustainability and Monitoring and Evaluation

Strategic planning is a fairly new phenomenon, introduced to civil society in the last decade in order to improve efficiency and effectiveness. For this reason donors are increasingly requiring the development of log frames and the implementation of monitoring and evaluation systems. While it is important for organisations to develop tools that are in line with their needs and capacity, in order to meet donor requirements, it is equally important to match the development of these tools with the available expertise and needs. Civil Society organisations need to have clearly defined visions and goals in place. From there, other important issues such as the organisation's needs, financial and otherwise, can be defined. Identifying partners, stakeholders and target audiences from an early stage is also advantageous.

Similarly, M&E should be regarded as a tool with which to measure impact and effectiveness, to learn from mistakes and aim for improvements. Evaluation should not only occur externally to assess impact, but also internally to assess efficiency and transparency.

However, strategic planning and log frames should not merely be an exercise in meeting donor needs but a means of critically reflecting on progress while evaluating the organisation's goals and its method of attaining these.

3. OPPORTUNITIES, SYNERGIES AND IMPACT

(Presentation by Florence Mpaayei)

3.1 Challenges to collaboration

Several challenges impede successful cooperation between civil society organisations. In Kenya, the NGO, FBO and CBO sectors have witnessed a rapid growth in numbers in the last decade. This has resulted in increased competition for funding and social space and a general decline in the integrity and quality of outputs. Some of these CSOs and networks have formed without clear agendas or missions, sometimes duplicating existing initiatives or reacting to a short-term need created by a natural disaster or political conflict. Hierarchical organizational cultures, contradictory or competing legal definitions and the politics of funding impede genuine dialogues; stifle learning and possibilities for coordinated and joint action. Another factor that frustrates attempts at successful inter-organisational cooperation and collaboration is the fear of co-optation by larger organizations or networks.

In addition, the emergence of a strong 'grassroots civil society' has resulted in mutual suspicion between urban based NGOs and 'grassroots' peoples' organizations. Participants noted that a more

recent trend is that external donors prefer to work with the latter, who, it is assumed, are directly in touch with the needs of their constituency. 'Elite' civil society has to find new ways of engaging with the emerging 'grassroots civil society.' CBOs will only engage with bigger organization and networks if they feel that their autonomy is not threatened and that relationships based on trust and mutual gain can be built.

In Kenya, the increased politicisation through the presence of government and donors in networks has complicated the path towards greater cooperation between civil society organisations. However, projects such as addressing issues around small arms and light weapons require that CSOs collaborate closely with government agencies and donors.

The challenge of building partnerships based on mutual respect and with equal input remains. Partnerships, like CSOs, need resources invested in them, and need to be administered or hosted efficiently, in order to remain strong. Developing formal/informal contracts or memoranda of understanding can prevent incorrect and unbalanced spending and can ensure the equal sharing of responsibilities.

With regards to the lifespan of networks and partnerships, participants discussed whether networks should evolve and morph into new forms once their reason for existence is no longer relevant, or whether they should be concluded. Using monitoring and evaluation tools to assess impact can be useful in developing organisational goals-once these have been fully achieved, networks should disband or adjust. Networks and institutions need to remain self reflective and critical while asking themselves whether they are relevant, who they are representing, and what value they are adding and whether the reason for their existence needs to be adjusted.

3.2 The advantages of cooperation and joint action

Working in partnership opens opportunities for diverse linkages between organisations pursuing different goals in different ways. These linkages can be at the local, national, regional, continental or global level and can take on many different forms. Networks can facilitate the pooling of resources, the sharing of best practice and joined collaboration and exchange. In this way, they can enhance research, mobilize peace actors, jointly review and respond to trends, build scenarios and undertake well-informed relevant activities and initiatives. This could also be in the form of action oriented community based research on indigenous knowledge systems as well as contemporary opportunities and challenges in peace and social justice; such tasks are usually well beyond the capacity of individual organizations.

Partnerships also help in amplifying the voice of civil society around key issues and their role in promoting peace and justice. Additionally, using economies of scale, national and regional networks can engage with academic institutions, regional and international bodies, as well as government agencies to enhance policy debate, dialogue and reflection on matters of peace and justice.

Regional issues require inclusively designed regional strategies. Problems reaching across territorial boundaries must be addressed by CSOs working across boundaries in order to be strategic.

Regional networks can help develop funding capacity. Such networks can seek funding from various bodies including government, the Diaspora and the private sector. Civil society can, and in some

cases, work with governments. However, CSOs should never allow themselves to be co-opted by governments or donors. For example, in a network for to address the problem of small arms and light weapons, governments seem eager that CSOs see the problem in terms of state security rather than human security.

In order to enhance healthy competition and complementarity, issues around leadership and governance of networks must be addressed.

3.3 Networking: opportunities to strengthen initiatives and build synergies

Networks can be created and used to strengthen initiatives, thereby allowing the voices of the people to be heard. Including traditional leaders who speak on behalf of communities in national forums or networks is an important step. Similarly, youth need to be organised into national forums to discuss issues and concerns that face them and the nation as a whole. Unions and professional organizations should be included in networking to create broader synergy.

Networks in Burundi as well as in many other countries lack the human capital and necessary expertise. Civil society organisations must respond by strengthening and developing networks through training, capacity building and logistical support.

There should be effective coordination to avoid duplication of services and to ensure that they all conform to a specific standard. In the example from Gulu District in Northern Uganda, many CSOs came in when the conflict started, and there was some duplication of activities, which necessitated the formation of a network, the Gulu NGO Forum, to coordinate CSOs.

The group also looked at governance structures, and concurred that if there is to be networking then CSOs need to redefine the way they form networks and to reconfigure their governance structures, as there is often a missing link between grassroots and urban organizations, and the latter often overshadow the former. In a network where both are active, this becomes a problem. Urban based organizations get most of the funding available and thus determine the direction of the network.

There is also a need for CSOs to come together to define their priorities and then collaboratively raise funds to achieve their goals. Another example from Uganda is that of the Justice, Law and Order Sector (JLOS), who collaboratively identified the overall objectives of the justice sector leaving the task of implementation to the individual departments. With regards to resource mobilization, CSOs need to come together to demand more efficient resource utilisation, especially from government, in order for vital CSO driven projects to be funded locally.

4. THE WAY FORWARD

In this session, delegates were divided into groups according to geographic regions, in order to discuss future prospects for work in their respective regions.

4.1 Great Lakes: Rwanda, Burundi, DRC

The discussion of the Great Lakes group took place in the context of the forthcoming termination of the Gacaca courts in Rwanda; participants felt that its mechanisms should be assessed and

recommendations for the way forward proposed. The fact that conflict in DRC is ongoing and has major consequences on the Great Lakes Region was a central point of concern, especially in relation to land. The group also discussed the common problem of low levels of women's participation in governance and power structures, poor infrastructure and weak education systems. Identifying and addressing the underlying reasons for the DRC conflict and making an effort to correct the many imbalances was identified as an important mitigating factor.

With regards to networking, the group noted that it is important to cultivate a culture of information sharing. For networks to survive, they need to resist manipulation by politicians while staying focused on the overarching goals through committed membership and effective participation. Although members need to mobilize resources, it is equally important to avoid cooption by donors. The network should also endeavour to engage in building the capacity of its individual members.

The group felt that in order for civil society to collaborate effectively with government, it is useful to have contacts within power structures. However in some instances, individuals who move from civil society into government often become hostile towards civil society. Understanding government programmes and policies is helpful in terms of strengthening efforts to lobby around transitional justice issues. Collaborating with international NGOs can be a major source of support and leverage, particularly where civil society operates within an unfavourable political climate.

The discussion around communication focused on the effectiveness of local and international radio as a means of communication. Newspapers are limited to those who have the economic means to access them, and thus are limited as a means of communication. The internet, although not useful in working with communities due to access limitations, can be useful in sharing information between organisations and individuals working on issues of transitional justice. This aim can also be served by organising conferences and informational meetings.

The group concluded that it is vital to integrate civil society into processes and mechanisms that promote transitional justice.

4.2 Greater Horn: Uganda, Sudan and Kenya

The first issue discussed within this group was how to create a more credible relationship between international agencies, large national organisations and community-based organisations. The group raised concerns that there has been a trend in international agencies and in some cases national agencies to undermine the work of local CSOs, and thus strategies need to be in place to address this issue. A main concern was that national agencies and local CSOs often do not have the confidence, capacity or strength to hold to their agenda when there is influence from international agencies. Similarly, the group raised concerns about changing trends amongst international agencies both in the way they operate and in their funding modalities. There is a growing trend amongst international agencies to set up their own local offices, recruiting staff and drawing resources from the local CSOs rather than supporting local CSOs to carry out specific tasks. Although they have relocated to the local scene, they still remain international agencies with their own agenda, and thus do not necessarily reflect the views or communities that the smaller CSOs represent, thus threatening the sustainability of local CSOs.

Several proposals were made on further steps to be taken. One was to undertake a study on trends and changing modalities of funding, in order to devise appropriate strategies to address them. Conducting a representative case study to highlight the situation was proposed as a way of improving understanding and awareness. This would depict more clearly the implications of donor behaviour and would hopefully improve relations and enable local CSOs to build their own capacity.

There is a need to build on the governance structure of local CSOs to strengthen their capacity to carry out their mandates and manage their affairs. Sometimes it is not necessarily the structure or the capacity that is lacking, but merely access to information. There is a need to sensitise and capacitate CSOs with regards to working with government and international funders, to improve their engagement with external agencies in order to meet their own needs.

While some organisations already have the strength, capacity and experience to deal with some of the issues which may arise, a proposal was made to set up a resource centre which makes available materials and expertise. In this way smaller and newer CSOs would be able to draw on lessons learned, obtain information on best practices and seek advice. This initiative would go hand in hand with building support networks at national and regional level, of organisations with similar mandates or who have a particular interest, to discuss their shared concerns and difficulties. Best practice manuals could also be developed to guide the operations of CSOs. Specific reference was made to the African Transitional Justice Research Network, which could provide necessary support to the national activities.

In the interest of effective and sustainable networking, organisations should be clear at the outset as to the nature and purpose of the partnerships they are entering into.

The group also looked at collaboration with government. In Uganda, the group identified two specific initiatives that can be built on to develop collaboration with government. The first was with JLOS's transitional justice working group, which is already implementing government policies in the sphere of transitional justice and would be an established entry point for CSOs, some of whom have already collaborated with JLOS. The proposal was to build a network of CSOs who have an interest in the process, to give them an opportunity to contribute towards ongoing policy formation. This would also serve the purpose of giving government a space to share information, as a lot of the tension that currently exists in Uganda between government and civil society, particularly in the area of transitional justice, is due to a lack of information sharing between stakeholders.

An alternative area for intervention is the National Development Plan, a five-year plan that replaces the Poverty Eradication Action Plan and is being developed to increase Uganda's earning capabilities. It looks at Uganda's overall development policies and has received input from the justice sector. It was suggested that civil society should also make submissions into the process.

In Kenya, civil society could collaborate with government in the sphere of peace education, specifically working with the Department of Education to train teachers and help build peace education into the curriculum. Another is participation on the National Steering Committees, and participation and development of policy for the Truth Justice and Reconciliation Commission.

4.3 Southern Africa: Zimbabwe and Mozambique

The first initiative this group discussed was to invest in training communities around issues of transitional justice, so that communities could take initiative to meet their own needs and demands. This group also highlighted the importance of ensuring that CSO programming is context sensitive and realistic. This is particularly pertinent in countries such as Zimbabwe, where human rights violations continue despite the existence of the transitional government.

Another point this group discussed was the importance of having a clear message to send to communities irrespective of the type of project at stake. In Zimbabwe, there are conflicting views and approaches to transitional justice within civil society. To prevent confusion and fragmentation and ensure coherence, lobbying and advocacy should be accompanied by clear communication and messaging processes at all stages. Ideally, CSOs should establish a central forum to discuss these issues before undertaking work in communities to increase clarity and efficiency with regards to the values and principles they are advocating.

In Zimbabwe, the Organ for National Healing provides an opportunity for civil society to collaborate with government on issues of transitional justice. The transitional government has shown a willingness to engage civil society in the formulation of transitional justice processes. Individuals who were formally employed by civil society are now working for government in the office of the Prime Minister, parliament and elsewhere.

In Mozambique, open lines of communication exist between civics and parliament. Civil society has participated and impacted on policies and legislation, most notably in the development and formulation of domestic violence legislation.

Given that Mozambique has adopted a 'forgive and forget' policy, some participants questioned whether it was necessary to create a conversation around transitional justice issues, while others felt strongly that it was necessary; due to the proximity of the conflict, Mozambicans are unable or unwilling to talk about it.

In Zimbabwe, in contrast, media campaigns can be used to promote conversation around transitional justice. Use can be made of alternative media, such as pamphlets, which can be distributed in communities around the country. Having community meetings to discuss these issues can also be effective. Public debates broadcast over television and radio could also be effective in starting conversations. Poetry, theatre and concerts have been used to great success by the Crisis in Zimbabwe Coalition in starting a discussion about constitutional reform.

ADDENDUM 1: PROGRAMME

Monday 24.8 **THEME: AFRICAN CIVICS IN TRANSITION(S) – AN ASSESSMENT OF TRENDS AND TRAJECTORIES ON THE CONTINENT**

CHAIR: FANIE DU TOIT

09.00 – 09.15	WELCOME Fanie du Toit – Executive Director, Institute for Justice and Reconciliation
09.15- 9:45	Introductions by delegates and outline of expectations
09.45 – 10.30	KEYNOTE PRESENTATION – Justice and Conflict – trends and trajectories in Africa Dr. Tim Murithi, Institute for Security Studies (Addis Ababa)
10.30– 10.45	TEA
10.45 – 11.30	KEYNOTE PRESENTATION – Justice beyond Conflict: Africa’s Civics and Post-Conflict Reconstruction Anu Pillay, Gender Specialist
11.30-12.30	Questions and Discussion
12.30-13.30	LUNCH
<i>CHAIR: RACHEL ODOI-MUSOKE</i>	
13.30-15.30	COUNTRY PRESENTATIONS – Examples of Civic Engagement in Building Fair and Inclusive Societies after transition Burundi - Raymond Kamenyero DRC – Raphael Wakenge Ngimbi Mozambique – Orlando Mouzinho Rwanda – Jean de Dieu Basabose Sudan – Henry Mauro Tadiwe Uganda – Moses Okello Zimbabwe – Useni Sibanda
15.30-15.45	TEA
15.45 – 16.30	SMALL GROUP SESSION 1: Cross-cutting themes, operational challenges and achieved success
16.30– 17.15	FEEDBACK TO PLENARY Group representatives: Presentations on outcomes from group discussions
17.15–17.30	Wrap up and overview of the day
18.30	Cocktail Reception Reception to be addressed by renowned activist and academic Prof Adam Habib , Deputy Vice-Chancellor, Research, Innovation & Advancement at the University of Johannesburg

16.15 – 16.45	Group representatives: <i>Presentations on outcomes from group discussions</i> DISCUSSION
16.45-17.00	Wrap up and overview of the day

Wednesday 26.8 **THEME: OPPORTUNITIES, SYNERGIES AND IMPACT**

CHAIR: RAYMOND KAMENYERO

09.00 – 9.30	PRESENTATION Co-operating, Competing or Co-opting? – NGOs, Organisational Interest and the need for Civic Partnerships Florence Mpaayei, Executive Director, NPI Africa
09.30-10.00	QUESTIONS AND CLARIFICATIONS
10.00– 10.15	TEA
10.15-11.15	SMALL GROUP SESSION 4 (Each group to provide examples in their discussions based on in-country experiences and initiatives) (i) <i>Identifying networking opportunities</i> (ii) <i>Synergies</i> (iii) <i>Impact</i>
11.15-12.15	FEEDBACK TO PLENARY Group representatives: <i>Presentations on outcomes from group discussions</i>
12.15-13.15	LUNCH

CHAIR: TIM MURITHI

	The Way Forward:
13.15-14.15	SMALL GROUP SESSION 5 <i>Putting words into action: Enhancing current initiatives</i> <i>Country groups will discuss operationalising:</i> (i) <i>Sustainable interventions – how to make initiatives more sustainable</i> (ii) <i>Collaboration with government – making use of openings in government policy</i> (iii) <i>Effective and sustainable networking – what changes need to be made in our networking, making more use of individual organisations strengths</i> (iv) <i>Communication and representation –ways to create/ deepen national conversations on justice and reconciliation</i>
14.15-15.15	FEEDBACK TO PLENARY Group representatives: <i>Presentations on outcomes from group discussions</i>
15.15-15.45	CLOSURE

ADDENDUM 2: LIST OF PARTICIPANTS (BY COUNTRY)

BURUNDI

Onesphore Nduwayo, President: Observation de l'Action Gouvernementale (OAG)

Raymond Kamenyero, Secrétaire Exécutif: Forum pour le Renforcement de la Société Civile

DEMOCRATIC REPUBLIC OF CONGO

Joel Bisubu Mopero, Charge des Programmes: Justice Plus

Eric Mongo Mololo, Secrétaire Technique: Réseau Haki na Amani

Raphael Wakenge Ngimbi, Coordinator: Initiative Congolaise pour la Justice et la Paix (ICJP)

KENYA

Dr Tim Murithi, Head of Programme: Institute for Security Studies (Addis Ababa)

Florence Mpaayei, Executive Director: Nairobi Peace Initiative

MOZAMBIQUE

Dr Orlando Mouzhino, Executive Director and Consultant, Associação Esperança Para Todos

Mr Honorio Baquete

RWANDA

Violet Nyiarukundo, Executive Secretary: El Ezer Counselling Ministry

Jean de Dieu Basabose, Executive Director: Shalom Educating for Peace

SUDAN

Mauro Tadiwe, Project Manager: Pact Sudan

UGANDA

Moses Chrispus Okello, Head of Research and Advocacy: Refugee Law Project

Charles Tolit Atiya, Executive Director: Justice and Peace Commission in the Gulu Catholic Archdiocese

Lino Owor Ogora, Research Officer, Justice and Reconciliation Project

Lawrence Tweyanze, Registrar, War Crimes Division in the High Court of Uganda

Rachel Odoi Musoke, Technical Advisor: Justice Law and Order Sector (JLOS)

ZIMBABWE

Useni Sibanda, National Director, Zimbabwe Christian Alliance

Wellington Mbofana, Executive Director, Civic Education Network Trust

Merwyn De Mello, Peacebuilding Officer, Counselling Services Unit

Connie Nawaigo, Project Manager, Zimbabwe Lawyers for Human Rights

Gladys Kudzaishe, Advocacy Officer, Crisis in Zimbabwe Coalition

INSTITUTE FOR JUSTICE AND RECONCILIATION

Dr Fanie Du Toit, Executive Director

Dr Charles Villa Vicencio, Senior Research Associate

Marian Matshikiza, Great Lakes Desk

Shuvai Nyoni, Southern Africa Desk

Friederike Bubenzer, Great Horn Desk

Sharon February, Administrator

Melissa Nefdt, Intern

Kate Lefko-Everett, Political Analysis programme