

Transitional Justice in the Lake Chad Region

POLICY FRAMEWORK GUIDELINES



African
Union



Lake Chad Basin Commission
African Union Commission
October 2024

ACKNOWLEDGEMENTS

The LCBC would like to express its sincere thanks to the various institutions and actors at the territorial, national and international levels who participated in the design and execution of this baseline study on transitional justice in the Lake Chad Basin region. I would like to also recognize the contribution of the communities who agreed to share their views and experiences with the research team.

I would like to thank the partners who participated in the regional validation of this study. Specifically, I would like to recognize the participation of experts from the LCBC Member State of Cameroon, Chad, Niger, and Nigeria, and thank the member states for their excellent collaboration with the LCBC in ensuring ownership and delivery of this study.

The LCBC would like to thank the research team for their diligence in carrying out the study. I would like to acknowledge Professor Bonny Ibhawoh for leading the research team and authoring this study report. I extend our gratitude to the research and data analysis team that include Lanre Ikuteyijo, Melike Yilmaz and Adebisi Alade. Profound gratitude also goes to all those who, in one way or the other, contributed to the review and finalization of this report, especially to the transcribers and translators Maia Lepingwell-Tardieu and Emily Current. Special thanks to all the data collectors for dedicating valuable time towards the collection of reliable data for the transitional justice in the affected states of the Lake Chad Basin, namely: Christian Achaleke and Ballo Ngomna for Cameroon, Oubadjimdehba Desire for Chad, Abdoulaye Harouna for Niger, and Mala Mustapha for Nigeria.

Finally, I would like to extend special gratitude to the United Nations Development Programme, the International Support Group and the European Union for the technical and financial support in conducting this study.

Mamman Nuhu (Amb.)

Executive Secretary of the Lake Chad Basin Commission (LCBC) and Head of Mission of the Multi-National Joint Task Force

CONTENTS

ACKNOWLEDGEMENTS	2
ACRONYMS	6
1. INTRODUCTION	7
2. GOALS AND OBJECTIVES	10
3. METHOD AND PROCESSES	11
4. CONSIDERATIONS AND GUIDING PRINCIPLES	11
a. Due Process and the Rule of Law:.....	11
b. Reconciliation:.....	12
c. Peacebuilding and Social Cohesion:.....	12
d. National Ownership:.....	12
e. Indigeneity and Community Ownership:	12
f. Victim-Centred Approach:	12
g. Participation, Inclusiveness and Non-Discrimination:	13
h. Redistributive Justice: Transitional justice should	13
i. Context Specificity:.....	13
j. Stabilization, Recovery and Resilience:	13
k. Prioritizing, Sequencing and Balancing TJ Strategies:	13
l. Attending to the Gender Dimensions of Violations and Justice:	14
m. Coordination, Cooperation and Policy Coherence:	14
n. Transparency, Credibility and Legitimacy:	14
o. Complementarity:.....	14
p. Comprehensiveness and Whole-of-Society Approach:.....	14
5. COMPONENTS	15
a. Disarmament, Demobilization and Reintegration (DDR):.....	15
b. Justice and Accountability:.....	15
c. Truth-Seeking:.....	16
d. Customary Community-Based Justice (CBJ)	16
e. Reparation:.....	16
f. Reconciliation and Peacebuilding:	17
g. Redistributive (Socio-Economic) Justice:.....	17
h. Institutional Reform:	17

i. Amnesties, Pardons and Plea-Bargains:	18
6. KEY STAKEHOLDERS	19
a. Victims.....	19
b. Women	19
c. Children and Youth:	19
d. Internally Displaced Persons (IDPs) and Refugees:	20
e. Persons with Disabilities and Older Persons:	20
f. Ex-Combatants:	20
g. International Partners:.....	20
7. IMPLEMENTING MECHANISMS	21
a. Community Level:	21
b. National Level:	21
c. Regional Level:	22
d. Continental Level:	23
e. Non-State Actors:.....	23
8. BENCHMARKS	24
a. Accountability and Anti-Impunity:	24
b. Truth-Seeking:.....	25
c. Community-Based Justice:	25
d. Reconciliation:	25
e. Reparative Justice:.....	26
f. Redistributive (Socio-Economic) Justice:	26
g. Amnesty, Pardons and Plea Bargains:	27
h. Political and Institutional Reform:	27
i. Fostering a Culture of Human Rights:.....	28
j. Promoting Gender Inclusiveness and Protecting the Rights of Women and Girls:	29
k. Promoting the Rights and Welfare of Children and Youth:.....	29
l. Internally Displaced Persons (IDPs) and Refugees:	29
m. Persons with Disabilities and Older Persons:	30
n. International Partners:.....	30
o. National and Regional Coordination:	31
9. MOBILISING RESOURCES FOR TRANSITIONAL JUSTICE	32

10. MONITORING AND EVALUATION	32
11. CONCLUSION.....	33
ANNEXES.....	34
ANNEXE 1: COUNTRY-SPECIFIC TRANSITIONAL JUSTICE POLICY FRAMEWORK	
SUMMARIES	34
Transitional Justice Framework - CAMEROON	34
Transitional Justice Framework - CHAD	36
Transitional Justice Framework - NIGER	38
Transitional Justice Framework - NIGERIA.....	40
LCB Regional Transitional Justice Framework	42
ANNEXE 2: STUDY/POLICY METHODOLOGY AND VALIDATION PROCESS	43

ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
AU	African Union
AUC	African Union Commission
AUTJP	African Union Transitional Justice Policy
AQIM	Al-Qaeda in the Islamic Maghreb
BH	Boko Haram
DDR	Disarmament, Demobilization, Rehabilitation
DDRRR	Disarmament, Demobilization, Rehabilitation, Reinsertion and Reintegration
ECOWAS	Economic Community of West African States
FCDO	Foreign Commonwealth and Development Office
FGD	Focus Group Discussion
IDP	Internally Displaced Persons
ISWAP	Islamist State of the West African Province
KII	Key Informant Interview
LCB	Lake Chad Basin
LCBC	Lake Chad Basin Commission
LCTJP	Lake Chad Transitional Justice Policy
MNJTF	Multinational Joint Task Force
NDDRC	National Disarmament, Demobilization and Reintegration Committee
OPSC	Operation Safe Corridor
PFG	Policy Framework Guidelines
PCRD	Post-Conflict Reconstruction and Development
RS-SRR	Regional Strategy for the Stabilization, Recovery and Resilience of the Lake Chad Region
TJ	Transitional Justice
TJLCR	Transitional Justice in the Lake Chad Region
TJP	Transitional Justice Policy
TJSR	Transitional Justice Status Report
UN	United Nations
UNDP	United Nations Development Programme
VEO	Violent Extremist Organizations



1. INTRODUCTION

The Lake Chad Basin (LCB) region has been affected by various forms of violence, insecurity, and human rights violations for decades. The most significant challenge facing the LCB is the ongoing conflict between the armed group Boko Haram and the military forces of Cameroon, Chad, Niger, and Nigeria. The conflict has caused massive displacement, food insecurity, human rights abuses, and humanitarian crises for millions of people in the four countries. In addition, the LCB faces other sources of instability, such as banditry, climate change, poverty, underdevelopment, and weak governance. Member States of the Lake Chad Basin Commission have initiated several policy measures to address these security and developmental challenges.

Among other harmonised regional approaches, the Council of Ministers of the Lake Chad Basin Commission in 2018 adopted the harmonised Regional Strategy for Stabilization, Recovery and Resilience (RS-SRR) framework, which aligns with the African Union Transitional Justice Policy (AUTJP). The strategy aims to generate applicable policies and programmes geared toward the short-, medium-, and long-term stabilisation and recovery of the LCB region, anchored on both the commonalities and specificities of each LCBC Member State. ***The Lake Chad Basin Transitional Justice Policy (LCTJP) builds on these stabilisation initiatives to offer a practice-based, practical guide for transitional justice and peacebuilding in the LCB region. These guidelines are intended to guide the formulation of policies in each of the Lake Chad Basin countries to enhance coherence and address cross-boundary aspects in a coordinated manner. They are also aimed at fostering regional policy coherence.***

Transitional justice (TJ) refers to the processes and mechanisms aimed at addressing the legacies of past human rights violations, ensuring accountability, serving justice, and achieving peace and reconciliation. Transitional justice processes can help the LCB region overcome the cycle of violence, restore trust and social cohesion, promote human rights and the rule of law, and prevent the recurrence of new violations. However, transitional justice in the LCB region must be nationally owned, victim-centred, and context-specific, taking into account the needs and aspirations of the affected communities. ***This document outlines the main objectives, principles, and components of a transitional justice framework for the LCB region, as well as some benchmarks to measure its progress and impact.***

Transitional justice is not a specific form of justice, but justice adapted to societies transforming themselves after a period of pervasive violence or human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades. The success of transitional justice processes depends on the capacity of state institutions -- including political, legal, and judicial institutions -- to deliver justice in the context of ongoing violence and conflict.

Transitional justice processes are typically activated after a peace deal has been brokered between opposing groups. ***In the LCB region, TJ processes are happening within the context of ongoing conflict where there are currently no peace agreements among the actors involved. Adopting policies that balance the competing demands of security, demilitarisation and demobilisation, and the need for justice, reintegration, and reconciliation is vital to transforming these unique scenarios.*** This balancing also entails striving for compromise between the demands for retributive criminal justice and the need for society to achieve reconciliation and rapid transition for a shared democratic future.

In line with the AUTJP, the LCTJP recognises that transitional justice is crucial for promoting human rights and justice, peace and security, good governance, and development in the region. It offers a transitional justice toolkit that addresses the competing demands of justice and human rights accountability on the one hand and the quest for peace and reconciliation on the other. The LCTJP takes account of the unique regional conflict scenario and is rooted in the social and cultural realities of the affected communities in the region.

The LCTJP is a practice-based, practical guide for transitional justice and peacebuilding in the LCB region. It identifies the goals and objectives of a TJ policy framework, the guiding principles, the implementing mechanisms, and the role that various levels of government, civil society, affected communities, international partners and other stakeholders play in implementing transitional justice policy in the LCB region. It provides comprehensive guidance to the LCBC Member States for implementing locally tailored and context-specific TJ processes. It provides guidelines on fostering accountability and victim-centred justice, while promoting collective healing, reconciliation, social cohesion, and sustainable peacebuilding.

The LCTJP recognises that the LCBC Member States have different political realities, expectations, and aspirations regarding transitional justice. Each Member State faces unique challenges. The LCBTJP does not adopt a one-size-fits-all approach. It outlines global best practices and establishes common standards LCBC Member States can draw upon to facilitate TJ processes. It offers guidance to Member States on addressing current gaps, sharing best practices, and pursuing transitional justice that addresses the complexities of regional conflicts.

The LCTJP provides a framework for LCBC Member States to develop their own context-specific comprehensive programmes, policies, and strategies for achieving sustainable peace, justice, reconciliation, and development. It addresses the need for accountability for human rights violations but also takes account of the reparative, redistributive, and restorative elements of transitional justice. It aims to help LCBC Member States address the challenges of conflict transformation, stabilisation, recovery and building resilience through sustainable human development.

The Policy draws from, builds on, and complements provisions of the African Union Transitional Justice Policy (AUTJP), which emphasises the importance of local ownership in Post-Conflict Reconstruction and Development and supports the localisation of TJ approaches by adopting restorative justice mechanisms indigenous to transitioning societies. The policy also builds on the Lake Chad Basin Commission-Regional Stabilization Strategy (RS-SRR) and the UN Secretary General's Guidance Notes on Transitional Justice.

The LCTJP includes benchmarks and measurement indices for transitional justice approaches and provides clear reference points to States and non-state actors against which to measure transitional justice processes in regional and specific country contexts (See Annexe 1). These Policy Guidelines aim to provide a comprehensive framework for addressing the conflict in the region and providing a foundation for sustainable peace and development.

This LCTJP Guidelines document provides a toolkit for LCBC Member States to develop a Transitional Justice Policy. The final LCTJP policy document should be based on further consultations among Member States and consider input from relevant government departments and agencies responsible for implementing the policies and action plans outlined in these Guidelines.

2. GOALS AND OBJECTIVES

The objectives of the LCBTJP are to:

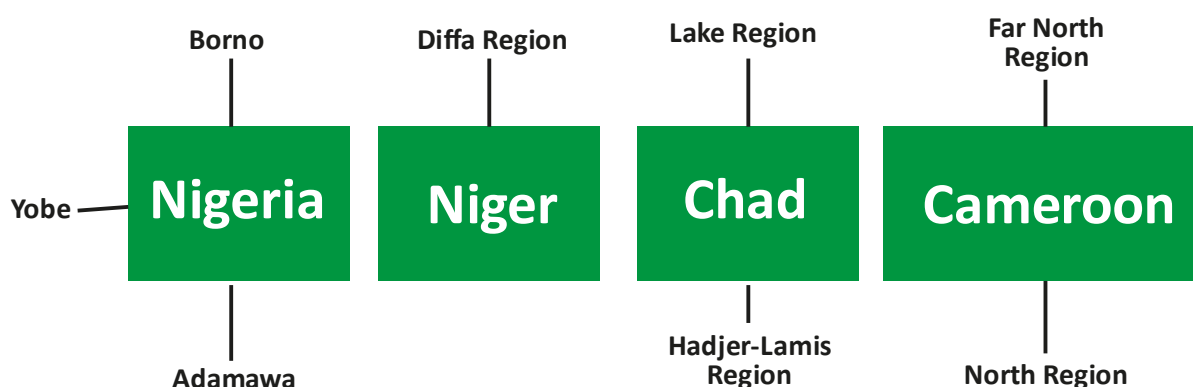
- **Improve effectiveness and coordination of TJ activities** with the goals of transforming conflict, stabilising societies, facilitating recovery, and preventing the recurrence of violence.
- **Strengthen existing justice and human rights accountability mechanisms** for severe human rights violations. This includes ensuring that perpetrators of violations are held accountable for their actions and that victims receive adequate and effective reparations for harm suffered.
- **Promote reconciliation, healing and enhancing social cohesion** in conflict-affected communities in the region to restore dignity, trust and confidence in the state and its institutions.
- **Outline a policy agenda for an inclusive socio-economic transformation and development** of societies in the region to address the root causes of conflict.
- **Enhance synergies and coordination among diverse stakeholders** engaged in TJ processes, including State and non-state actors.
- **Provide LCBC Member States, non-state actors and other stakeholders with flexible and adaptable principles, policy guidelines** and strategic frameworks for planning and implementing transformational TJ programmes and sustainable development agendas.
- **Provide parameters for developing coherence and coordination of TJ planning** by state and non-state actors and implementing mechanisms at local, national, regional, and international levels.
- **Address the root causes and structural drivers of the conflict and violence** and promote sustainable peace, development, and human rights in the LCB region.

The overall objective of the LCTJP is to provide the policy parameters of a comprehensive and coordinated approach to transitional justice in the LCBC that addresses the unique transition challenges of each member state. This includes guidelines and practical strategies to plan, implement, monitor, and evaluate sustainable TJ mechanisms for conflict transformation and restorative justice in the LCB region. Since TJ is more of a political than technical process, the LCTJP is critical to ensuring that local authorities in the LCB provide strategic leadership for restorative justice processes in conflict-affected communities, including resource mobilisation, division of roles among stakeholders, and setting the terms of engagement for all actors involved in developing and implementing local TJ initiatives and programmes.

3. METHOD AND PROCESSES

This LCTJP Guidelines document was commissioned by the LCBC. It is based on an accompanying study that surveyed the regional conflict scenario and examined TJ in the LCB region, specifically, the eight worst-affected territories of the four Boko Haram-affected countries—Borno, Yobe, and Adamawa states in Nigeria; Diffa Region in Niger; Lake Region and Hadjer-Lamis Region in Chad; and the Far North and North Region of Cameroon.

The study methodology and the validation process were developed in partnership with a network of local research partners in the study regions (See Annexe 2). This allowed for the engagement of various stakeholders involved in transitional justice processes across LCBC member states. The study report was subjected to technical and political validation through academic and civil society workshops and presentations at the LCBC Governor's Forum.



4. CONSIDERATIONS AND GUIDING PRINCIPLES

The following principles should guide the design and implementation of the LCTJP:

- a. **Due Process and the Rule of Law:** A commitment to due process and the rule of law, with the aim of addressing the roots of the conflict and strengthening the legal and justice system to combat impunity and institute a culture of accountability for human rights violations. This includes re-establishing law and order through urgent reconfiguration and reinvigoration of local administration and the institutions for the administration of justice.

- b. **Reconciliation:** Reconciliation is grounded on other restorative justice initiatives such as victim-centred justice, reparations, and restitution. Meaningful reconciliation and societal healing can only be achieved when the suffering and needs of victims and survivors have been acknowledged and addressed. Failure to acknowledge the impact of violations, as well as the suffering and losses of victims, can breed resentment and distrust, undermining transitional justice processes.
- c. **Peacebuilding and Social Cohesion:** Transitional justice processes are typically deployed in post-conflict contexts where a peace agreement is in place between opposing parties, the purpose being to support a region's transition from conflict to peace. While peace agreements with VEOs and other militant groups remain a possibility, the TJ process in the LCB must proceed with active peacebuilding measures even amid ongoing conflict. Peacebuilding should aim for reconciliation and fostering social cohesion through a commitment to promoting healing and social cohesion, preventing new violations, and building resilient communities.
- d. **National Ownership:** Transitional justice is, first and foremost, a political rather than a technical process. TJ should be founded on substantive national ownership anchored on regional coordination. This principle arises from the recognition that TJ processes must be aligned with local needs and aspirations. The goal of coordination is not to entrench a rigid and homogenous approach to TJ, but to enhance a common understanding and shared vision, and to maximise public support and ownership. Nationally driven TJ processes contribute to the rebuilding of legitimate State authority.
- e. **Indigeneity and Community Ownership:** In line with the AUTJPF, the LCTJP calls for decolonising and domesticating TJ approaches by adopting customary judicial and nonjudicial resources and capacities that the society can mobilise at local levels for justice and reconciliation. The LCTJP aligns with the principles of "African shared values relating to peace and security, justice or non-impunity, reconciliation and human and peoples' rights," elaborated in various AUTJP and LCBC policy documents. Domesticating and indigenising the LCTJP requires transitioning communities to adopt an inclusive and participatory approach centred on engaging with diverse local knowledge systems to guarantee culturally relevant and accessible justice and peacebuilding systems.
- f. **Victim-Centred Approach:** Victims and other members of society affected by violence should be central to TJ processes. Transitional justice approaches should prioritise the rights and interests of victims and ensure that they are treated with respect, dignity, and compassion. The TJ process should also empower victims to voice their views and concerns and participate in the decision-making and implementation of transitional justice measures.

- g. **Participation, Inclusiveness and Non-Discrimination:** Transitional justice processes should address the exclusion and inequitable distribution of power and wealth, which are the root causes of conflict. Participation should be grounded in principles of equality, non-discrimination, equity and fairness in policy design and implementation. Transitional justice processes should be inclusive, participatory, and consultative, involving all relevant stakeholders – especially victims and their representatives, civil society, women, youth, and marginalised groups.
- h. **Redistributive Justice:** Transitional justice should address the economic inequalities and social exclusions that precipitate and sustain conflict. This includes initiating programmes working to improve the social and economic conditions of members of society whose livelihoods have been disrupted by violence and marginalisation. ***Redistributive justice measures in TJ policy should align with the principle of progressive realisation, which requires states to progressively achieve the full realisation of economic and social rights over a period of time. Regardless of resource availability, States have an immediate obligation to take appropriate steps to ensure continuous and sustained improvement in the enjoyment of these rights over time.***
- i. **Context Specificity:** While drawing on lessons from other conflict regions and global best practices, TJ policies and implementation strategies in the LCB region must be context-specific. Transitional justice processes should consider the ongoing conflict scenario in the LCB region, draw on society's conceptions and respond to the need for justice and reconciliation regarding the nature of the conflict and the violations. The transitional justice process should be adapted to the specific historical, cultural, social, and political realities of the LCB and reflect the diversity and complexity of the region.
- j. **Stabilization, Recovery and Resilience:** Transitional justice goals should include building and strengthening local, national, and regional capacities to end conflict, facilitate recovery and build resilient societies. This includes leveraging capacity at the international, continental, sub-regional and national levels to support and sustain TJ processes. The LCTJP builds on the goals and objective of the LCBC Regional Strategy for the Stabilization, Recovery and Resilience (RS-SRR), which aims to generate policies and programmes geared towards the short-, medium-, and long-term stabilisation and development of the LCB region.
- k. **Prioritizing, Sequencing and Balancing TJ Strategies:** Pursuing interrelated and competing TJ objectives in a transitional setting often necessitates sequencing and balancing. This calls for careful and comprehensive planning of TJ measures. Local and national realities should determine the prioritisation of TJ measures within the broad framework of a regional TJ policy.

- l. **Attending to the Gender Dimensions of Violations and Justice:** Given the gendered nature of conflict in the LCB region, investigations, prosecutions, and truth-seeking processes should pay particular attention to sexual and gender-based violence, and patterns of gender inequality in society that enable gender-based violence. In line with the AUTJP, the LCTJP outlines special measures of support for women as victims to ensure their physical and psychosocial rehabilitation and social reintegration.
- m. **Coordination, Cooperation and Policy Coherence:** The LCTJP centres on developing strategies to enhance integrated planning and synergised operations. The regional nature of conflict in the LCB demands cooperation and policy coherence to ensure that all actors and processes respond to the needs and priorities of the affected states and peoples. Cooperation and policy coherence measures should clarify and define the roles and responsibilities of stakeholders at regional, national, and local levels. Coordinating stakeholders and TJ processes should be aimed at optimising the use of resources, increasing effectiveness and efficiency, and improving response timeliness.
- n. **Transparency, Credibility and Legitimacy:** Transitional justice processes should be based on national and international legal frameworks and respect the human rights standards and norms. Transitional justice processes should also be transparent, accountable, and independent from political interference or manipulation.
- o. **Complementarity:** Transitional justice measures should be complementary and coordinated with other efforts to address the humanitarian, security, development, and governance challenges in the LCB. The transitional justice process should also be integrated and coherent, ensuring that the different components are mutually reinforcing and consistent.
- p. **Comprehensiveness and Whole-of-Society Approach:** Transitional justice should be comprehensive and take a whole-of-society approach that involves local communities, customary leaders, community-based organisations, the media, academic experts, international partners, and the private sector. This entails deconstructing power structures and institutional frameworks to ensure they are accountable, representative, and culturally sensitive to local needs.

5. COMPONENTS

The transitional justice policy for the LCB should consist of the following components:

- a. **Disarmament, Demobilization and Reintegration (DDR):** Given the unique conflict scenario in the LCB region, effective disarmament, demobilisation, and reintegration strategies are essential to successful transitional justice processes. Peace agreements are often a precondition for transitional justice processes. Without a peace agreement between governments and VEOs, effective DDR is vital in creating an environment conducive to implementing other transitional justice initiatives. Justice and sustainable peace are unlikely to be achieved without the cessations of violence and the demobilisation and reintegration of ex-combatants. DDR in the LCB region happens both in the context of violent extremism and ongoing conflict. DDR approaches grounded in multi-sectoral engagement should offer comprehensive solutions that respond to the complexities of the conflict. This should address the entire conflict journey out of armed groups, encompassing the integrated humanitarian and development approach envisioned in the *LCBC Regional Stabilization Strategy (RS-SRR)*. ***DDR processes should be integrated into broader national and regional transitional justice policy frameworks and respond to the unique political, legal, and institutional requirements for terminating conflict.***
- b. **Justice and Accountability:** The primary goal of transitional justice processes is to ensure justice and accountability for violations as a means of transit. ***The prosecution of perpetrators should be pursued through the national and international judicial systems in accordance with the due process of law and fair trial standards.*** The prosecution should aim to end impunity, deter future violations, and deliver justice to the victims and society. The prosecution should also respect the rights of the accused and ensure their presumption of innocence, legal representation, and defence. Prosecution should be supported by adequate resources, capacity, and cooperation, free from political or external pressure or influence. Prosecution should also be complemented by other measures – such as vetting, sanctions, and amnesty – as appropriate and in line with international obligations and principles.

- c. **Truth-Seeking:** *A truth-seeking mechanism should be established to investigate and document violations committed in the LCB and to reveal the facts and circumstances of the violations, their causes and consequences, and the identities and responsibilities of the perpetrators and victims.* The truth-seeking mechanism should also provide a platform for victims to share their experiences and seek recognition and acknowledgement from society. The truth-seeking mechanism should operate with a clear mandate, timeframe, and methodology and have access to all relevant sources of information and evidence. It should also ensure the protection and security of all witnesses, staff, and records. ***The truth-seeking mechanism should produce a comprehensive public report with findings, conclusions, and recommendations for transitional justice.***

- d. **Customary Community-Based Justice (CBJ):** States and non-state actors should support and respect community-based justice systems and accountability mechanisms that foster integration and reconciliation. States, civil society organisations and international partners should promote communal dispute-settlement institutions at appropriate levels for relevant cases. ***Governments should establish transparent processes for identifying and encouraging the reform of harmful traditional practices that may reinforce inequalities and exclusion or exacerbate conflict.*** In line with the provisions of the AUTJP, States and international partners should encourage the integration of African practices within international norms and standards to combat impunity and promote peace, justice, and reconciliation.

- e. **Reparation:** Reparative justice is a crucial foundation for transitional justice. This includes financial and non-financial redress or restitution for violations or losses suffered. Individuals and communities that have suffered abuses and violations demand reparation and restitution as a critical component of justice and as a basis for reconciliation and societal healing. Reparations should aim to restore the rights and dignity of the victims and to address the physical, psychological, material, and moral harm suffered. Reparation should also be proportional, adequate, and effective and should consider the needs and preferences of the victims and their families. ***In conflict-affected LCB communities, the primary forms of reparations identified by stakeholders include material reparation, monetary compensation, provision of work skills and employment opportunities, rebuilding of homes and infrastructure destroyed, rehabilitation, and guarantees of non-repetition.*** Reparations should be funded by a dedicated and sustainable mechanism and administered by an independent and impartial body. Reparation should also be accompanied by public apologies, memorialisation and education as means of recognition and acknowledgement of victims and their suffering.

- f. **Reconciliation and Peacebuilding:** Reconciliation should be facilitated through activities at local and national levels to promote dialogue, forgiveness, healing, and trust-building. ***Reconciliation processes should be owned and led by local actors and supported by national and international actors. They should be inclusive and participatory and involve all segments and sectors of society.*** Reconciliation measures should aim to foster a culture of peace, tolerance, and respect and overcome the hatred, resentment, and fear that fuel conflict and violence. Reconciliation should be grounded in the values of human rights, democracy, and the rule of law, and it should strengthen the social contract and civic engagement of the people. Reconciliation and peacebuilding measures may include establishing Transitional Justice Commissions/Panels (TJCs), Truth and Reconciliation Commissions (TRCs), or other community-level peace initiatives for reconciliation and dispute resolution.
- g. **Redistributive (Socio-Economic) Justice:** Poverty, economic inequalities, and social marginalisation are at the root of conflict in the LCB. Governments, civil society organisations, international development partners, and other stakeholders should collaborate to implement economic and development measures designed to rectify structural inequalities, marginalisation, and exclusion at the root of conflict and violence. ***Member states should institute forward-looking redistributive measures that address underlying socio-economic marginalisation and exclusion to prevent relapse to violence.***
- h. **Institutional Reform:** Institutional reforms should be aimed at addressing the root causes of conflict and violence, ensuring accountability for violations, upholding the rule of law, and preventing impunity and the recurrence of conflict. Institutional reforms should be strategic, comprehensive and multisectoral. Ideally, such reforms should be based on the investigations and recommendations of a Transitional Justice Commission or Truth and Reconciliation Commission. The goal of institutional reform is to promote good governance, ensure economic, social, and political inclusion and foster social cohesion to prevent future violations. Political and institutional reform should ensure respect for the dignity of all members of society based on their inclusion and effective participation in decision-making processes. ***Institutional reforms should also provide proportional representation and inclusion of the perspectives of women and underrepresented groups through law reform and other policy measures that address discrimination and inequality.***

- i. **Amnesties, Pardons and Plea-Bargains:** Amnesty and Pardons as reprieves for offences can be effective transitional justice mechanisms if properly conceptualised and administered. They can be tools for truth-finding, prosecution, reintegration, and reconciliation. Amnesties, pardons, and plea bargains may be implemented as part of regular judicial processes or the work of Transitional Justice Commissions or Truth and Reconciliation Commissions. In line with the AUTJP, the LCTJP calls for cooperation with alleged perpetrators through the provision of amnesties only to prevent further violence and to facilitate accountability and reconciliation, including the rights of victims to truth and reparations. Amnesties, pardons, and plea bargains may also be used to create institutional, political and security conditions that ensure observance of the rule of law, human rights, and humanitarian law. However, amnesties and pardons should not be used to undermine accountability for violations or to foster impunity. Transitional processes should not allow “blanket” or unconditional amnesties that prevent investigations, facilitate impunity for persons responsible for serious crimes, or perpetuate negative institutional cultures.

6. KEY STAKEHOLDERS

- a. **Victims:** A key challenge of DDR and transitional justice initiatives in the LCB is the perception among stakeholders that the interests of victims are not adequately addressed. This impedes the goals of justice, truth-finding, accountability, and reconciliation. Victims are the primary stakeholders in transitional justice processes. Measures should be taken to ensure that their interests, perspectives, and well-being are central to transitional justice initiatives. Focusing on victims' justice, rights, and interests is not merely a moral imperative but a practical necessity for justice, sustainable peace and societal reconciliation.
- b. **Women:** The prevalence of gender violence in LCB conflicts makes it imperative to bring a gender-sensitive lens to transitional justice interventions in the region. A gender-sensitive approach that attends to the unique needs of women is critical to successful transitional justice processes. Socio-cultural and structural circumstances put women in vulnerable positions as victims of violence and targets for "recruitment" by VEOs. Women are also victimised when male family members who are the economic providers are killed or kidnapped. Transitional justice processes should give special attention to the unique violations women and girls face in the context of conflict. This includes the investigation and prosecution of perpetrators of sexual and gender-based violence. Measures should be put in place to protect female victims from the social and cultural stigma that hinders the effective prosecution of violence against them. Measures should also be put in place to address the psychosocial, medical and livelihood needs of survivors of sexual and gender-based violence.
- c. **Children and Youth:** Children are vulnerable to and affected by conflict in multiple ways. They are direct targets of violence through killings, torture, abductions, sexual violence, and recruitment by VEOs. In the LCB, young boys are particularly vulnerable to violence. TJ processes should address the needs of children and youth both as perpetrators and victims of conflict. Transitional justice processes and peacebuilding initiatives should take account of the disproportionate impact of violence on children and youth, including deprivation of socio-economic rights such as food, health, and education. Measures should be implemented to protect the safety and anonymity of children participating in TJ processes, including the investigations and public hearings of Transitional Justice Commissions or Truth and Reconciliation Commissions.

- d. **Internally Displaced Persons (IDPs) and Refugees:** IDPs and refugees are among the most vulnerable groups in the LCB conflict. Hundreds of thousands of people have been displaced by the conflict in the region. IDPs and refugees in temporary camps struggle with insecurity, poverty, economic deprivation, social isolation, and insecurity. The welfare and interests of IDPs and refugees should be integral to transitional justice processes. The goals of transitional justice processes are to remove or mitigate the vulnerabilities of IDPs and refugees, and to create the conditions for the safe return of these peoples to stable and resilient communities.
- e. **Persons with Disabilities and Older Persons:** Transitional justice processes should give special attention to vulnerable members of society, such as persons with disabilities and older persons who are often ignored or marginalised in transitions. The LCTJP aligns with the AUTJP in recognising that transitional processes that marginalise these vulnerable groups engender resentment. This undermines the legitimacy of TJ measures and perpetuates patterns of discrimination and inequity in social relations.
- f. **Ex-Combatants:** The success of TJ processes is contingent on the effective demobilisation, rehabilitation, and reintegration of ex-combatants into society. Member States should develop national policy coherence on legal prosecution, penalties, amnesty, and reintegration of ex-combatants. A lack of effective reintegration increases the chances of demobilised former combatants returning to violence, encouraged by the rise in lucrative organised crime and inter-communal conflicts. Member States and international partners should prioritise providing infrastructure, psychosocial support capacity and training programmes to facilitate former combatants' social and economic integration.
- g. **International Partners:** *International development and humanitarian partners should coordinate their activities to align with the transitional justice priorities of Member States and regional organisations.* International partners should collaborate with Member States and regional organisations to address the social and economic development issues at the roots of conflict. This includes supporting capacity building and knowledge sharing for political, legal, and institutional reforms. Such support should not be limited to formal state justice systems but should be extended to non-formal community-based justice practices. International partners should support States in establishing national victim-centred reparation funds and programmes.

7. IMPLEMENTING MECHANISMS

The LCBTJP Guidelines outline the implementation mechanisms for each member State and their role in transitional justice processes at local, national, and regional levels (See Annexe 1).

- a. **Community Level:** Community-based approaches to justice and reconciliation practices vary across cultures in the LCB region. Governments should ensure oversight of these practices to ensure accountability, protect victims and survivors' interests, foster collective healing and restore social cohesion. Inclusive state-sanctioned and regulated community-based justice systems can help mitigate the rigidity of state laws and formal justice processes, enabling conflict transformation in transitioning LCB societies. Customary justice systems must also foster a safe and supportive environment in which victims can testify about suffered violations and provide an opportunity for perpetrators to break with the past and be reintegrated into society.
- b. **National Level:** LCBC Member States are primarily responsible for TJ processes. The political commitment of Member States is, therefore, crucial to the success of TJ processes. In line with the AUTJP, Member States bear the primary responsibility for removing political and social impediments to the effective pursuit of transitional processes, guaranteeing the space for debate and advocacy on TJ and mobilising the support of all sections of society and international partners. To ensure national ownership and coordination, the following principles should guide national implementation. Member states should develop comprehensive and holistic national transitional justice policies through broad and meaningful consultations.
 - i. National actors should lead in planning, implementing, monitoring, evaluating, and reporting on transitional justice processes. Member States should ensure the broad consultation and participation by all stakeholders in decision-making relating to TJ.
 - ii. Transitional justice processes are founded on due process and the rule of law. Member states should provide the legal environment necessary for implementing transitional justice, including enacting legislation, instituting administrative processes, and eliminating obstacles to implementing TJ policies.

- iii. Member States should take the lead in coordinating the multi-sectoral stakeholder engagement and intervention required for effective transitional justice. This includes working with non-state actors and international partners to achieve policy goals. A unique challenge for effective transitional justice in the LCB region is the lack of economic opportunities and education for children and youth. These are among the most critical economic and social gaps in the LCB. Member states should take the lead on addressing these gaps as part of a whole-of-society approach to transitional justice.
 - iv. Member states should prioritise implementing transitional justice measures and making adequate provisions in national budgets for implementing national TJ policies and programmes through fundraising collaborations with international partners and the private sector.
- c. **Regional Level:** The LCBC and other regional organisations should lead the regional coordination of TJ processes. The LCBC is well-positioned to coordinate the planning and implementation of TJ processes by building on the gains of the RS-SRR and related DDR mechanisms. The role of regional bodies should encompass the full range of transitional justice initiatives, including coordination of policy instruments, legal codification, judicial systems, redistributive justice measures and reparative and reconciliation measures.
 - i. Regional organisations should support national actors in pursuing transitional processes that address the root causes of conflict in the region and permanently remove the conditions for instability and human rights violations. Regional organisations should address the regional and transboundary dimensions of conflicts by promoting friendly bilateral and multilateral relations and cooperation to advance a common understanding of transitional processes. ***The LCBC should provide a platform for sharing best practices on the transitional justice process in accordance with the benchmarks outlined in the AUTJP and the LCTJP.***
 - ii. ***The LCBC should lead the establishment of a regional transitional justice fund that builds on the RS-SRR to support Member States in their national transitional justice processes.***
 - iii. ***The LCBC should lead the establishment of a database of transitional justice expertise from which Member States and non-state actors can draw for national and local community planning, programming, and action.***

iv. The LCBC and other regional organizations should facilitate cooperation on the following initiatives: a) creation of a regional truth mechanism; b) Judicial cooperation between member States where individual cases cross one or several borders; c) Coordination of standards to ensure similar treatment of victims and perpetrators across the borders; d) Information exchange between member States (for example, to ensure one victim doesn't participate in several reparation programs, or one ex-combatant doesn't participate in, and benefit from, several DDR programs).

- d. **Continental Level:** The AUTJP provides a coherent continental framework for transitional justice processes. The LCBTJP complements the AUTJP by addressing the unique regional conflict scenario. LCBC Member States should leverage the leadership and expertise that the AU has developed on TJ. This includes the expertise and leadership of continental non-state bodies, including AU organs, institutions, and mechanisms such as the African Union Commission, the African Union Peace and Security Council, the African Charter on Human and People's Rights (ACHPR), the African Court on Human and Peoples' Rights, the African Peer Review Mechanism, and the Pan-African Parliament. To advance the reparative and retributive justice components of TJ processes, LCB member states should also collaborate with continental economic and financial bodies such as the African Development Bank.
- e. **Non-State Actors:** Non-state actors should also play an active role in designing, implementing, monitoring and evaluating transitional justice policies and processes. Civil society organisations, community-based organisations and the media should facilitate and campaign for public engagement with TJ processes. Provision should also be made to enable these and other actors to play their role in creating forums for documenting and reporting on TJ processes. The critical role of religious, faith-based, and cultural processes in offering affected communities and members of society avenues for healing, reconciliation and local justice should be harnessed as part of the transitional process.

8. BENCHMARKS

The following benchmarks should be used to monitor and evaluate the progress and impact of the transitional justice policy in the LCB:

- a. **Accountability and Anti-Impunity:** Transitional Justice Commissions or Panels
 - i. ***Establish mechanisms for investigating, monitoring, documenting, and reporting violations. Such mechanisms should include strengthening or expanding existing legal systems and judicial processes to ensure the prompt and efficient investigation of violations and the prosecution of perpetrators to satisfy public appeals for justice.***
 - ii. ***Establish Transitional Justice Commissions/Panels (TJC) or Truth and Reconciliation Commissions (TRC).*** TJCs or TRCs are legal/judicial or quasi-judicial bodies established to examine and address violations and abuses. They aim to establish a complete historical record of violations, including the various experiences of different groups and the role of various State and non-state institutions. They also provide for measures of victim-centred justice, reparations, reconciliation, and healing. TJCs and TRCs are relevant to transitional societies because they offer more accessible platforms than regular courts for delivering justice and promoting reconciliation. TJCs should outline institutional responsibility for crimes and recommend reforming institutions, laws, policies, and practices that foster abuses and violations. TJCs or TRCs should be established at national or sub-national levels with broad mandates to investigate the root causes of conflict and make recommendations to ensure justice and reparations for victims, foster reconciliation and guide institutional reform. Establishing TJCs and determining their mandates' scope should be informed by broad stakeholder consultations, particularly with communities and victim groups in conflict-affected regions.
 - iii. Governments should create enabling conditions for TJCs or TRCs to fulfil their mandates by ensuring their independence, clarifying their mandates, and providing adequate resources to fulfil their mandates of investigations, assessment, reporting, and implementation of recommendations.
 - iv. A quantifiable benchmark is the number and quality of violations' investigations and perpetrators' prosecutions and the outcomes and sentences of these trials in accordance with national and international legal standards and obligations.

- b. Truth-Seeking:** The establishment and operationalisation of truth-seeking mechanisms, such as TJs or TRCs, with a clear mandate, timeframe, and methodology, alongside the participation and representation of victims and other stakeholders. TJ Commissions should contribute to justice and accountability by revealing the truth about the origins and scope of conflicts and making recommendations to address abuse, combat impunity and prevent future violations. They should pay special attention to gender-based abuses, including sexual violence and harmful cultural practices.

 - i. TJs or TRCs should provide a safe, supportive, and inclusive environment for victims to testify about suffered violations as a foundation for justice and healing. They should allow perpetrators to break with the past, confess and reflect upon violations and be reintegrated into society.*
- c. Community-Based Justice:** The benchmarks for effective community-based justice systems and processes include the following:

 - i. Institutional and legal reforms that recognise alternative and customary dispute resolution mechanisms in matters of accountability and reconciliation.
 - ii. Supporting local communities in adapting and using their customary justice and peacebuilding mechanisms to address their TJ needs.
- d. Reconciliation:** The benchmarks and standards for effective reconciliation and social cohesion include the following:

 - i. Establish and operationalise reconciliation initiatives and activities with a clear objective, strategy, and indicator and with the participation and representation of the communities and other stakeholders.
 - ii. Establish TJs or TRCs with clear truth-seeking, restorative justice and reconciliation mandates.
 - iii. Establish programmes that allow for the acknowledgement of violations, advance reparative justice and promote social cohesion, coexistence, and reconciliation at all levels of society.
 - iv. Establish programmes that address structural inequalities at the root of conflict and promote inclusive development, such as social and economic measures that grant special consideration to victims and conflict-affected communities.
 - v. Initiate education, communication and community outreach programmes that promote inclusiveness and a sense of community. This may include establishing community radio stations where they do not exist and supporting them where they already do.
 - vi. Provide facilities and resources for mediation and psychosocial support to individual victims and communities. This should be the primary responsibility of Member States, with support from international partners

and CSOs, including religious and community organisations and the private sector.

- vii. A quantifiable benchmark is the number and quality of the implemented reconciliation initiatives and activities, and the participants' impact and feedback.

e. Reparative Justice: The benchmarks and standards for effective reparative justice to address the harm and losses suffered by the victims and survivors of conflict include the following:

- i. Develop comprehensive policy frameworks for public reparation programmes.
- ii. Establish and operationalise reparation mechanisms with clear criteria, procedures, and modalities that centre the participation and representation of the victims and other stakeholders. Such mechanisms may be in the form of TJs or TRCs with clear reparative justice mandates.
- iii. Strategize and plan to mobilise resources for reparation, including establishing a Reparations Fund at the national level. Member States should work with international partners to prioritise the establishment of Reparations Funds as part of comprehensive TJ processes.**
- iv. Ensure that reparations are non-discriminatory, with particular attention to women, youth, and children.
- v. Ensure reparations are prompt, adequate and effective in addressing the harm suffered by victims and survivors.
- vi. Ensure multi-sectorial oversight of the administration of national and regional Reparations Funds and reparation programmes to ensure public accountability and transparency.**
- vii. Mandate annual audits of national and regional Reparations Funds and the administering agencies.**
- viii. A quantifiable benchmark is the number and quality of reparation measures and programmes delivered to victims and their families and the satisfaction and feedback of the beneficiaries and society.
- ix. Ensure that reparation measures are holistic, addressing individual and collective needs. This may include providing medical and psychosocial services to victims and affected communities, restitution of communal lands and rebuilding public service infrastructure, including health, education, and security.
- x. Provide moral reparations, including public acknowledgement and apology, religious and community healing ceremonies, and cleansing rituals.**

f. Redistributive (Socio-Economic) Justice: The benchmarks and standards for effective redistributive justice that address the economic and social inequities at the roots of conflict include the following:

- i. Introduce land reform, including redistribution and reallocation, to ensure equitable access.
 - ii. Provide women access to land, work skills acquisition and employment opportunities. Harmful traditional practices that deny women access to land and economic opportunities should be reformed through inclusive community consultations and dialogue.
 - iii. ***Where appropriate, and in consultation with all stakeholders, provide access to grazing land or ranches for pastoral communities displaced by conflict or whose traditional grazing lands have been affected by climate change. This should be done with a view to preventing agropastoral conflicts.***
 - iv. Provide youth with skills training and employment opportunities, making them less susceptible to recruitment by VEOs and bandit groups.
 - v. At national and local levels, adopt equitable fiscal and development strategies targeted at conflict-affected communities. This includes aligning and benchmarking development programmes with the UN Sustainable Development Goals.
 - vi. Sustained investment by governments and international partners in education with emphasis on programmes that offer educational and employment opportunities for women.
- g. **Amnesty, Pardons and Plea Bargains:** Benchmarks on the use of amnesties, pardons and plea bargains in TJ processes may include the following:
 - i. Judicious use of amnesties, pardons, and plea bargains to complement other accountability measures, facilitate remedies for victims and ensure victim participation. Amnesty and pardons should not be used in isolation but should be integrated into broader conflict transformation and transitional justice initiatives.
 - ii. ***Ensure that amnesty, pardons, and plea bargains have a public-acknowledgement component and provide opportunities for offenders to demonstrate remorse publicly.***
 - iii. ***Plea bargains should be offered and implemented transparently and impartially, based on clear criteria following established legal processes. Arbitrary or discriminatory use of amnesty declarations, pardons and plea bargains can undermine accountability for violations.***
- h. **Political and Institutional Reform:** The benchmarks and standards for effective political reform to support and sustain TJ processes may include the following:
 - i. Conduct comprehensive multi-sectorial reforms, including legal, judicial and security sector reforms to align with national TJ objectives through consultative processes. Judicial reforms should be aimed at upholding the independence of the judiciary and the rule of law.

- ii. ***Strengthen public defender systems to ensure fair trials for accused persons. This includes creating awareness about the public defender system and making public defenders accessible to accused persons.***
 - iii. Ensure national harmonisation and regional coordination of laws relating to the prosecution of ex-combatants. This includes regional and national Coordination of Disarmament, demobilisation, and reintegration processes.
 - iv. Institute legal and practical safeguards against extrajudicial punishments such as arbitrary execution by security forces in line with applicable human rights norms and standards.
 - v. Develop or revise ethical guidelines and codes of conduct for public officials in relation to transitional justice processes and mechanisms.
 - vi. Provide institutional space for integrating into and using Indigenous values and socio-political practices, including empowering traditional and religious leaders and community-based organisations.
 - vii. Institute civic education programmes on nonviolence, conflict resolution and peacebuilding to foster social cohesion.
 - viii. Through education and social reorientation programmes, institutionalise the principles of accountability, legality, transparency, responsiveness, and respect for human rights, including non-discrimination and equality.
 - ix. ***Institutionalise participatory governance measures such as consultative community forums and citizen assemblies to ensure public involvement in decision-making.***
- i. **Fostering a Culture of Human Rights:** The benchmarks and standards for promoting and institutionalising a culture of human rights include the following:
 - i. Establish national human institutions where they do not exist and strengthen state institutions dedicated to promoting human rights where they already do.
 - ii. ***Extend and strengthen government security and legal presence in conflict-prone ungoverned spaces. This includes restoring constitutional and legal rights to uncovered spaces and communities that might have lost them during the conflict.***
 - iii. Provides special legal and institutional protection for vulnerable groups such as refugees and internally displaced persons.
 - iv. ***Guarantee and protect socio-economic and cultural rights, including provisions of education and employment opportunities. In the resource-constrained context of the LCB, the protection of economic and social rights should be grounded in the principle of progressive realisation, which requires states to progressively achieve the full realisation of economic and social rights over a period of time, regardless of resource availability.***

- v. Create adequate space for non-state actors, such as civil society organisations, to advance the entrenchment of a human rights culture and peacebuilding at national, regional, and continental levels.

j. Promoting Gender Inclusiveness and Protecting the Rights of Women and Girls:

The benchmarks and standards for promoting gender and safeguarding the rights of women and girls include the following:

- i. Guarantee and protect women's rights and participation in political, social, and economic spheres of life through coordinated policies and programmes.
- ii. Ensure the participation of women and women's groups in consultation and decision-making on the design of TJ processes.
- iii. Institute legal and policy frameworks to address gender bias, discrimination, inequality, and harmful traditional practices.
- iv. Institute gender-sensitive educational and public enlightenment campaigns.
- v. Provide social and economic support to survivors of sexual and gender-based violence.
- vi. Develop and implement rehabilitation and reintegration strategies targeted at the needs of female IDPs and refugees.

k. Promoting the Rights and Welfare of Children and Youth: The benchmarks and standards for promoting the rights and welfare of children and youth impacted by conflict in TJ processes include the following:

- i. ***Provide opportunities for children and youth to participate in decision-making in TJ processes. This includes making provisions for the participation of children and youth in the work of TJCs and TRCs to enable them to bear testimony to their experiences of conflict as a foundation for societal healing.***
- ii. Develop and implement rehabilitation, reorientation and education programmes for children and youth affected by violence.
- iii. Enact policies and programmes aimed at addressing the political, socioeconomic, political, and cultural alienation and disempowerment of youth and integrating them into society.
- iv. Adopt measures to rebuild the resilience of children and youth survivors involved with armed groups in the perpetration of violence. This includes the provision of medical and psychosocial services.

l. Internally Displaced Persons (IDPs) and Refugees: The benchmarks and standards for promoting the rights, interests, welfare, and reintegration of IDPs include the following:

- i. Adopt measures to ensure the participation of IDPs and refugees in decision-making relating to TJ processes. This includes consulting with IDPs

and refugees at their locations in temporary camps and providing them with information to facilitate informed participation and decision-making.

- ii. Ensure the inclusion of IDPs and refugees in the work of TJC and TRC to ensure accountability for violations they may have suffered.
- iii. Make provisions for the safe and orderly return of IDPs and refugees to their communities. This includes making provisions to ensure that these communities are stable, resilient, and protected from recurrences of conflict and violence.
- iv. Make provisions for reparations, restitution of land, the rebuilding of homes and infrastructure, and the provision of services to facilitate the return of IDPs and refugees to their home communities.

m. Persons with Disabilities and Older Persons: The benchmarks to ensure the inclusion of persons with disabilities and older persons in TJ processes include the following:

- i. Ensure the participation of persons with disabilities and older persons in TJ processes. This includes making information easily accessible to these groups in ways that accommodate their disabilities and vulnerabilities.
- ii. Incorporate measures specific to persons with disabilities and older persons in programmes for reparation, rehabilitation and reintegration of people affected by the conflict.
- iii. Provide accessible services to meet the needs of persons with disabilities. This includes ensuring that TJ processes adopt older-person-centred approaches in their design and outcome, including providing residential care and culturally appropriate social services.
- iv. Implement socio-economic programmes that facilitate good health and economic welfare of older persons affected by conflict.
- v. Adopt programmes for family tracing, community reunification and the reintegration of older people into their communities.
- vi. Ensure accountability through investigation and prosecution of violence against persons with disabilities and older persons.

n. International Partners: The benchmarks and standards for the constructive engagement of international partners in TJ processes require international partners to:

- i. ***Recognize and respect the sovereign prerogative of Member States to lead TJ processes, including setting policy priorities and action plans and determining implementation timelines and the scope of international partner engagement.***
- ii. Provide Member States with technical expertise and knowledge-sharing opportunities for capacity building to enhance the regional stabilisation strategy and strengthen transitional justice processes, especially in the security sector and within legal and judicial reform.

- iii. Support state-led programmes aimed at addressing the economic and social deficits at the roots of conflict, promoting socio-economic recovery, fostering sustainable development, and building resilient communities. These include providing basic infrastructure and creating education and skill acquisition programmes to address unemployment and facilitate the reintegration of former combatants.
 - iv. Support programmes by States and regional organisations aimed at transforming conflict in the LCB through a coordinated regional stabilisation strategy.
- o. **National and Regional Coordination:** The benchmarks and standards to ensure national and regional coordination of TJ processes include the following:
 - i. Member states should develop robust operational mechanisms to enhance the harmonisation of TJ processes, especially regarding applicable legal instruments and judicial processes.
 - ii. Member States should develop standard or compatible policy frameworks to strengthen coherence and a whole-of-government approach to TJ. In collaboration with civil society organisations, community leaders and international partners, state authorities should develop shared understandings of the meanings and processes of transitional justice to clarify conceptual ambiguities that hinder policy coherence and action-plan coordination in the LCB region.

9. MOBILISING RESOURCES FOR TRANSITIONAL JUSTICE

The LCTJP recognises the resource constraints Member States face and the adverse impact of prolonged conflict on the regional economy. The design and implementation of TJ processes should be made with due regard to these resource constraints.

- i. Member states should collaborate with international partners, civil society organisations and the private sector to mobilise resources for transitional justice processes.
- ii. ***Member states should consult with affected communities and other stakeholders to prioritise and sequence the implementation of TJ activities. The implementation of TJ activities pertaining to economic and social rights should be guided by the principle of progressive realisation, which requires states to progressively achieve the full realisation of economic and social rights over a period of time, regardless of resource availability.***

10. MONITORING AND EVALUATION

Member States and non-state actors should develop measures to monitor and evaluate transitional processes. The benchmark for monitoring and evaluating should be the LCBTJP, the AUTJP and national policy frameworks.

- i. Monitoring and evaluation processes should be consultative, involving stakeholders at regional, national, and local community levels, and documented in publicly disseminated annual reports.
- ii. ***The LCBC should submit an annual Transitional Justice Status Report (TJSR) to the LCBC Governors Forum.*** The TJSR should document the status of planning and the implementation of transitional justice in Member States with particular regard to the issues, components and critical stakeholders outlined in the LCTJP.
- iii. Where national TJCs or TRCs have been stabilised, progress on their work, reports and implementation of recommendations should be monitored, evaluated, and documented to ensure inclusive public access to this information.

11. CONCLUSION

The LCTJP is a comprehensive framework that addresses violations arising from conflict, ensures accountability and justice, and works to achieve peace and reconciliation in the region. The Policy should guide context-specific and nationally-owned TJ processes that reflect the needs and aspirations of the affected communities. The LCTJP calls for a coordinated approach to TJ that complements ongoing humanitarian, security, development, and governance interventions in the region. The Policy aims at a participatory and inclusive TJ process that involves all relevant stakeholders, especially victims and survivors.

The successful implementation of the LCTJP requires the commitment and cooperation of all actors at the national, regional, and international levels. It requires the political commitment of Member States, who are primary owners of TJ processes, and the allocation and mobilisation of adequate resources, capacity, and expertise. The successful implementation of the LCTJP also requires mobilising public support for TJ processes and the effective monitoring and evaluation of the progress and impact of transitional justice measures and programmes. The LCTJP provides a framework for addressing the legacy of violence and violations in the region and paving the way for a peaceful, just, inclusive, and prosperous future for the LCB and its people.

ANNEXES

ANNEXE 1: COUNTRY-SPECIFIC TRANSITIONAL JUSTICE POLICY FRAMEWORK SUMMARIES

Transitional Justice Framework- CAMEROON

Formal State Justice Mechanisms

- **Constitutional Framework:** The Constitution states that Cameroon shall recognise and protect democratic principles, human rights, and the rule of law. It stipulates that the State shall ensure the equality of all citizens before the law and that all citizens have the right to a fair hearing before the courts.
- **Justice System:** Supreme court, Appeal courts, Courts of First Instance, High Courts, Customary courts, Alkali (Islamic) Courts, Special Criminal Courts, Administrative Courts, Military tribunals
- **Sources of Law:** Constitution, legislation, judicial precedents, customary law, Ratified International Treaties and Conventions.

Non-Formal Community-Based Justice Practices

- Swearing by Quran
- Indigenous Religion (Ritual Sacrifice)
- Traditional mediation
- Community dialogue mediated by Elders Councils

Implementing Institutions

- Presidency
- Ministry of Territorial Administration (MINAT)
- Ministry of Youth Affairs and Civic Education
- Ministry of Employment and Vocational Training
- Ministry of Social Affairs
- Ministry of Justice
- Human Rights Commission of Cameroon
- Military Tribunal (Ministry of Defence)
- National Disarmament, Demobilization and Reintegration Committee (NDDRC)
- Centre for the Coordination of Humanitarian Assistance in the North-West and South-West Regions

Transitional Justice Policy and Practice Gaps

- Lack of cohesive understanding of transitional justice.
- Inadequate judicial capacity for targeted transitional justice intervention due to a slow and congested judicial system.

- Inadequate legislative and jurisdictional clarity and coordination on legal mechanisms and justice processes relating to VEOs. For example, the Anti-Terrorism Law No. 28 of 2014 on the repression of terrorist acts provides capital punishment for many criminal acts linked to terrorist activity. However, the definition of terrorism is vague, and the law is silent concerning amnesty or legal proceedings against ex-combatants.
- Absence of functional public defence system
- Overcrowding of military, police, gendarme cells and prisons arising from a prevalence of unlawfully detained persons.
- Inadequate gender sensitivity in transitional justice mechanisms and processes.
- Lack of oversight and regulation of community-based justice practices to ensure they conform with national and international human rights principles.
- Inadequate communication and public engagement with transitional justice processes
- Inadequate integration of DDR processes with transitional justice processes and mechanisms.
- Delays in the administration of justice.

Recommendations

- The Ministry of Justice should conduct a national review of existing community-based justice practices applied to VEOs.
- The government should establish Transitional Justice Panels and Community Reconciliation Committees to coordinate the implementation of laws, policies, and practices applicable to VEOs, victims and affected communities.
- The Ministry of Justice should work with the National Committee on Human Rights and Freedoms to develop and communicate practical guidelines on officially sanctioned community justice practices that conform with international human rights standards.
- The government, the LCBC and international partners should collaborate to establish a *"Reparations Fund"* to compensate victims and survivors and support the social and economic development of affected communities.
- The government should build more rehabilitation centres and adequately equip them for rehabilitation and skills acquisition to encourage defections and facilitate demobilisation of ex-combatants.
- The government should create a coordination forum among the critical government agencies and civil society stakeholders involved in DDR and transitional justice.
- The government should work with community leaders and civil society stakeholders to develop a comprehensive public education and communication program on human rights and peacebuilding in conflict-affected communities.
- The government should monitor and encourage gender inclusivity at all levels in the transitional justice process.
- The government and civil society stakeholders should expand the programming of local radio stations to include information on the justice process and how affected communities can be involved in the process.
- The government should explore the long-term possibilities of a regional or national Truth and Reconciliation Commission on the Conflict in the LCB region.

Transitional Justice Framework- CHAD

Formal State Justice Mechanisms

- **Constitutional Framework:** Under the 2018 Constitution, Chad is declared a Republic founded on the principles of democracy, the rule of law and justice with an independent judiciary.
- **Jurisdictional System:** Supreme Court, the Courts of Appeal, the Tribunals, The Justices of Peace, Military Justice.
- **Sources of Law:** Constitution, Received Civil Law, Acts of Parliament, Acts of the Executive Branch (Regulations and Ordinances), customary law, Ratified International Treaties and Conventions.

Non-Formal Community-Based Justice Practices

- *Diya*
- Social exclusion and ostracism
- Mediation by traditional and religious leaders

Implementing Institutions

- Ministry of the Interior
- Ministry of Gender and National Solidarity
- Military forces
- Joint Civil Intervention Forces
- Judicial police (Police judiciaire)

Transitional Justice Policy and Practice Gaps

- Lack of cohesive understanding of transitional justice.
- Inadequate judicial capacity for targeted transitional justice intervention due to a slow and congested judicial system.
- Lack of legislative and jurisdictional clarity on justice processes relating to VEOs demobilisation and prosecution.
- Absence of functional public defence system
- The prevalence of unlawfully detained suspected VEO-affiliated persons.
- Growing resentment among victims and affected communities arising from the perception that the government's attention has focused disproportionately on rehabilitating ex-combatants at the expense of not compensating victims or rebuilding affected communities.
- Lack of oversight and regulation of community-based justice practices to ensure they conform with national and international human rights standards.
- Inadequate gender sensitivity in transitional justice mechanisms and processes.
- Inadequate communication and public engagement with transitional justice processes.

Recommendations

- The Ministry of Justice should conduct a national review of existing community-based justice practices applied to VEOs to ensure jurisdictional scope and clarity.
- The government should consider establishing Transitional Justice Commissions/Panels (TJC) and Community Reconciliation Committees (CRC). TJCs and CRCs should coordinate laws, policies, and practices applicable to VEOs, victims and affected communities.
- The High Council of Autonomous Communities and Traditional Chiefdoms should play a role in reviewing and validating community justice practices.
- National and provincial governments should develop and communicate practical guidelines on officially sanctioned community justice practices.
- The Ministry of Justice should ensure complementarity between non-formal and formal state justice systems that conform with international, continental, and regional transitional Justice standards.
- The government, the LCBC and international partners should collaborate to establish a *“Reparations Fund”* to compensate victims and survivors and support the social and economic development of affected communities.
- The government should create a coordination forum among the key government agencies involved in DDR - the military, the Ministry of the Interior, the Ministry of Gender and National Solidarity and the Judicial police (Police judiciaire).
- The government should build more rehabilitation centres to address congestion and adequately equip them for rehabilitation and skills acquisition.
- The government should work with civil society and community stakeholders to develop a comprehensive public education and communication program on human rights and peacebuilding in conflict-affected communities.
- The Ministry of Gender and National Solidarity should encourage and monitor gender inclusivity at all levels in the transitional justice process.
- Relevant government agencies should work with civil society stakeholders to expand the programming of local radio stations to include information on the justice process and how affected communities can be involved in the process.
- The government should explore the long-term possibilities of a regional or national Truth and Reconciliation Commission on the conflict in the LCB region.

Transitional Justice Framework- NIGER

Formal State Justice Mechanisms

- **Constitutional Framework:** The constitution proclaims Niger's commitment to principles of pluralist democracy and the promotion of human rights. It commits to building a State of Law guaranteeing the exercise of collective and individual rights, freedom, justice, dignity, equality, safety, and good governance as fundamental values of society.
- **Justice System:** State Court including the Court of Appeal, Tribunals de Grande Instance, Tribunals d'Instance, High Courts, Magistrate Courts, Civil Procedure Court, and Juvenile Court.
- **Sources of Law:** Civil Code, Code of Civil Procedure, Rural Code, Customary law for the administration of inheritance, matrimonial and land cases, Ratified International Treaties and Conventions. Ordinance 2023-02 of July 28, 2023, on the organisation of public authorities during the transition stipulates that the State of Niger is, and remains bound by, international treaties and agreements previously signed and duly ratified.

Non-Formal Community-Based Justice Practices

- Acheck/Urochane (Tuareg customary conflict resolution practices based on kinship)
- Tara (fine)
- Koranic Oath
- Traditional mediation
- Social ostracism (Dongole)
- Compensation
- Restitution

Implementing Institutions

- Ministry of Justice
- Ministry of Social Action and Gender
- High Council of Traditional Chieftaincies
- National Commission/Coordination in charge of DDRR
- Internal Security Forces
- Committee for Peace

Transitional Justice Policy and Practice Gaps

- Lack of cohesive harmonization of transitional justice.
- Inadequate judicial capacity for targeted transitional justice interventions due to a slow and congested judicial system.
- Absence of an efficient public defence system.
- The detention of suspected VEO-affiliated persons without due legal process.

- Inadequate oversight and regulation of community-based justice practices to ensure they conform with national and international human rights principles.
- Inadequate gender sensitivity in existing justice mechanisms and processes.
- Inadequate communication and public engagement with transitional justice processes.

Recommendations

- The Ministry of Justice should conduct a comprehensive national review of existing community-based justice practices applied to VEOs.
- Based on a review of existing community-based justice practices, the governments should develop and communicate practical guidelines on officially sanctioned community justice practices.
- The government should institute Transitional Justice Panels and Community Reconciliation Committees at national and provincial levels to coordinate laws, policies, and practices applicable to VEOs, victims and affected communities.
- The government should build more rehabilitation centres and adequately equip them for rehabilitation and skills acquisition.
- The government should strengthen the High Authority for the Consolidation of Peace, which has offices in all insecure regions. The Authority should be better resourced for peacebuilding education advocacy within and beyond affected communities.
- Governments, the LCBC and international partners should collaborate to establish a *"Reparations Fund"* to compensate victims and survivors and support the social and economic development of affected communities. This will address growing resentment among victims and affected communities that DDR initiatives focus disproportionately on rehabilitating ex-combatants and not supporting their victims. Administration of the Reparations Funds should involve community stakeholders.
- The government should create a coordination forum among the key government agencies involved in DDR and transitional justice.
- The government should work with civil society stakeholders to develop a comprehensive public education and communication program on human rights and peacebuilding in conflict-affected communities.
- The government should expand the programming of local radio stations to include information on the justice process and how affected communities can be involved in the process.
- The government should encourage and monitor gender inclusivity at all levels in the transitional justice process.
- The government should explore the long-term possibilities of a regional or national Truth and Reconciliation Commission on the Conflict in the LCB region.

Transitional Justice Framework- NIGERIA

Formal State Justice Mechanisms

- **Constitutional Framework:** The Nigerian constitution espouses the principles of freedom, equality, and justice. It states that the Nigerian State is based on the principles of democracy and social justice. The Constitution guarantees fundamental human rights.
- **Justice System:** Supreme Court, Court of Appeal, Federal High Court, State High Courts, State Sharia Courts of Appeal, Customary Courts of Appeal, Magistrate Courts, Customary courts, Sharia Courts, Area Courts
- **Sources of Law:** Constitution, Received English Law, Statutes (Acts, laws, and bylaws), Judicial precedents, Customary law, Islamic law, Ratified International Treaties and Conventions.

Non-Formal Community-Based Justice Practices

- Sulhu
- Diya
- Rantsuwa
- Tuba
- Solo / Sasantawa
- Sawari or Ci kumo ye Duto (Mediation)
- Inua
- Customary ritual ceremonies

Implementing Institutions

- Ministry of Justice
- Ministry of Reconstruction, Rehabilitation and Resettlement
- National Human Rights Commission
- Ministry of Women's Affairs and Social Development
- Ministry of Humanitarian Affairs and Disaster Management
- Ministry of Defence
- Office of the Senior Special Adviser on the Borno State Governor on Security
- Office of the National Security Adviser
- Nigerian Armed Forces
- Nigerian Police
- Civilian Joint Task Force (CJTF)

Transitional Justice Policy and Practice Gaps

- Lack of cohesiveness in existing transitional justice mechanisms and processes.
- Inadequate judicial capacity for targeted transitional justice intervention due to a congested judicial system.
- Lack of legislative and jurisdictional clarity on justice processes relating to VEOs.
- Overstretched and inefficient public defence system.

- The prevalence of unlawfully detained suspected VEO-affiliated persons resulting in congested detention and DDR facilities.
- Lack of oversight and regulation of community-based justice practices to ensure they conform with national and international human rights standards and due process principles.
- Inadequate communication and public engagement with transitional justice processes.
- Inadequate gender sensitivity in transitional justice mechanisms and processes.

Recommendations

- The Ministry of Justice should conduct a national review of existing community-based justice practices applied to VEOs.
- Based on a review of existing community-based justice practices, national and state governments should develop and communicate practical guidelines on officially sanctioned community justice practices.
- The government should strengthen the Transitional Justice Panel and the Community Reconciliation Committee established by the National Human Rights Commission and integrate them into existing DDR mechanisms and processes.
- The National Human Rights Commission should engage civil society stakeholders and community leaders in the work of the Transitional Justice Panels and Community Reconciliation Committees.
- Governments, the LCBC and international partners should collaborate to establish a “Reparations Fund” to compensate victims and survivors and support the social and economic development of affected communities. Community Reconciliation Committees should be involved in the administration of the fund.
- The government should create a coordination forum among the key government agencies involved in DDR and transitional justice processes.
- The government should work with civil society stakeholders to develop a comprehensive public education and communication program on human rights and peacebuilding in conflict-affected communities.
- The government should build more rehabilitation centres and adequately equip them for rehabilitation and skills acquisition.
- The government should develop a *transitional justice communication strategy*, including expanding the programming of local radio stations to include information on the justice process and how affected communities can be involved in the process.
- The government should explore the long-term possibilities of a regional, national or State-level Truth and Reconciliation Commission on the Conflict in the LCB region.
- The government should encourage and monitor gender inclusivity at all levels of the judicial and non-judicial transitional justice process. The Ministry of Women’s Affairs and Social Development should ideally lead this initiative.

LCB Regional Transitional Justice Framework

Implementing Mechanisms

- Multinational Joint Task Force (MNJTF) – Military.
- LCBC - Regional Strategy for Stabilization, Recovery, and Resilience (RS-SRR).
- African Union Transitional Justice Policy.

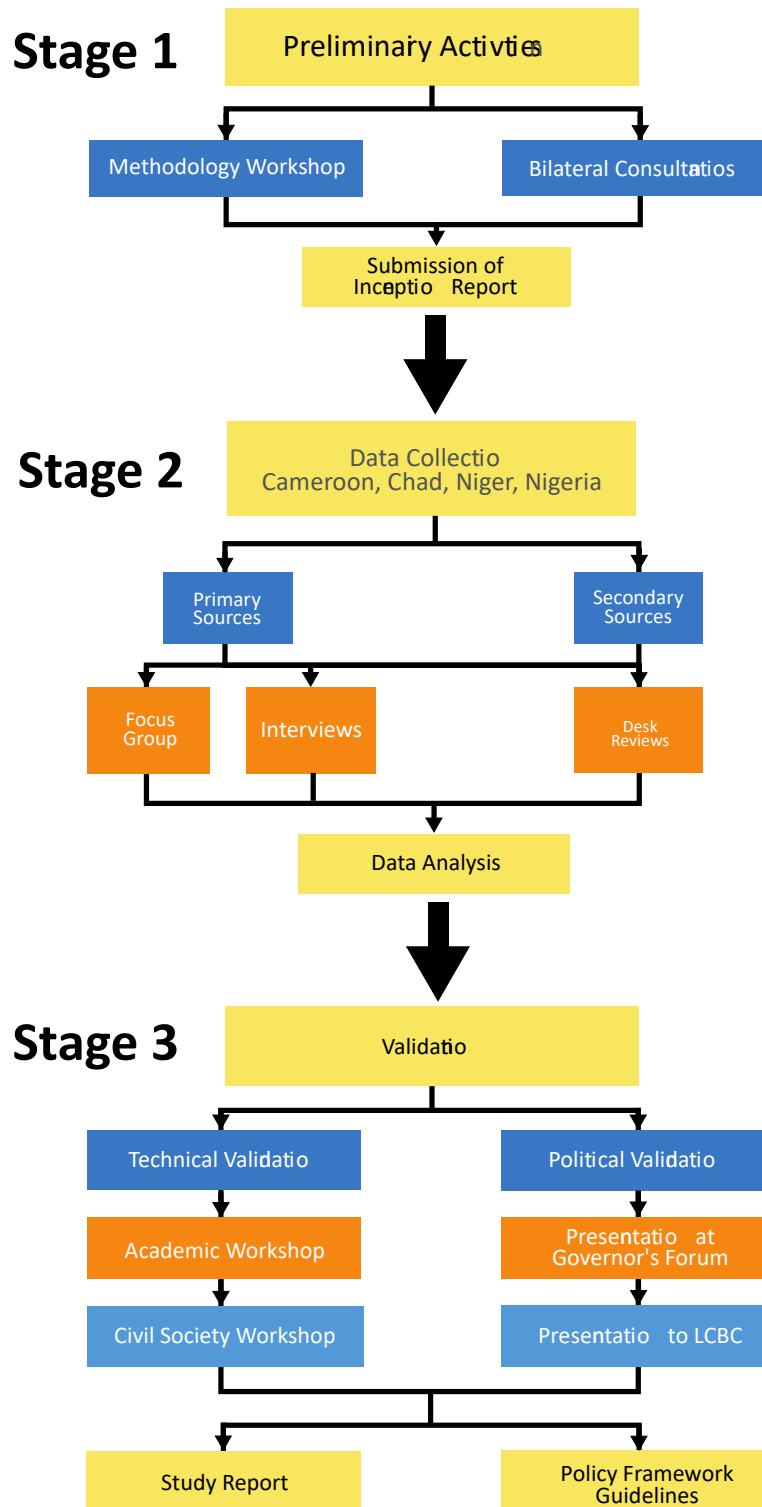
Policy and Practice Gaps

- Lack of cohesive understanding of transitional justice.
- Inadequate transitional justice focus in the implementation of the RS-SRR.
- Inadequate coordination between Member States on implementing the RS-SRR.
- Inadequate gender sensitivity in regional transitional justice mechanisms and processes.

Recommendations

- The LCBC should consider establishing a *Regional Transitional Justice Coordination Committee*, including government officials and representatives of affected communities, civil society stakeholders and international partners. This can be done under the auspices of the Governors' Forum.
- The LCBC should explore the long-term possibilities of a Regional Truth and Reconciliation Commission under the auspices of the Governors Forum
- LCBC should support member states in coordinating a regional review of existing community-based justice practices applied to VEOs to identify best practices to guide transitional justice processes.
- The LCBC should support Member states in establishing Transitional Justice Panels and Community Reconciliation Committees.
- The LCBC should support member states in mandating and monitoring gender inclusivity at all levels in the transitional justice process.

ANNEXE 2: STUDY/POLICY METHODOLOGY AND VALIDATION PROCESS



In partnership with:



Funded by
the European Union



**The study was supported by Regional
Stabilization Facility of the United Nations
Development Programme and the
International Support Group.**

**The content does not necessarily reflect
the views of its funders.**



**African
Union**



**Lake Chad Basin Commission
African Union Commission**

October 2024

Tel: **+235 22 524145**

Fax: **+235 22 524137**

P.O Box/ **727, Place de la Grande Armée,
N'Djamena - CHAD**

Email: **cab@cbt.org**

Email: **cbt.lcbc@gmail.com**

Website: **www.cbt.org**

X: **@lcbc_cbt**