



Transitional Justice in the Lake Chad Region

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ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
AUTJP	African Union Transitional Justice Policy
AQIM	Al-Qaeda in the Islamic Maghreb
BH	Boko Haram
CAP	Community Accountability Processes
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
LCBTJP	Lake Chad Basin Transitional Justice Policy
LCR	Lake Chad Region
LCTJP	Lake Chad Transitional Justice Principles
MNJTF	Multinational Joint Task Force
NDDRC	National Disarmament, Demobilization and Reintegration Committee
OPSC	Operation Safe Corridor
PCRD	Post-Conflict Reconstruction and Development
RS-SRR	Regional Strategy for the Stabilization, Recovery and Resilience of the Lake Chad Region
TJ	Transitional Justice
TJP	Transitional Justice Policy
UN	United Nations
UNDP	United Nations Development Programme
VEO	Violent Extremist Organizations

FOREWORD

I am delighted to present this report on “Transitional Justice in the Lake Chad Basin Region”, which reveals the findings of an in-depth study, focusing on the territories most severely affected by the Boko Haram conflict across Nigeria, Niger, Chad and Cameroon. The Lake Chad Basin (LCB) region has faced immense challenges stemming from the Boko Haram conflict, which has disrupted lives, and destabilized communities. This report offers a path forward for addressing these challenges and supporting the transition from conflict to peace and stability.

The study was inspired by the findings of a high-level dialogue in 2022, organized by the Foreign, Commonwealth and Development Office (FCDO), which underscored the urgent need for a regional approach to justice. This dialogue highlighted the importance of evidence-based solutions to address crimes, human rights violations, and other legacies of the conflict. Building on this foundation, the report provides actionable recommendations to foster accountability, promote healing, and support the region’s transition to peace and stability.

As the basis for the Lake Chad Basin Transitional Justice Policy (LCBTJP), the report offers a comprehensive framework to guide transitional justice and peacebuilding efforts. In addition, it highlights the vital roles played by local leaders, including traditional, community and religious leaders, as well as state and allied actors, in addressing justice and reconciliation. Moreover, the study also emphasizes the critical need for special emphasis on gender inclusion, recognizing the importance of integrating women’s perspectives into transitional justice processes.



The findings and recommendations in this report were developed and validated through extensive consultations with diverse stakeholders, including representatives of governments, civil society, academia and communities directly affected by the conflict. Regional workshops and conferences helped ensure the credibility and relevance of the proposed solutions, resulting in practical guide for policymakers, practitioners and international partners.

This effort represents a crucial step towards rebuilding trust, fostering resilience, and achieving sustainable peace in the region. I, therefore, encourage all stakeholders to actively support the implementation of the LCBTJP. Let us collectively work towards a future where justice and reconciliation pave the way for

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EXECUTIVE SUMMARY

This study was commissioned by the Lake Chad Basin Commission (LCBC) to examine transitional justice in the Lake Chad Basin (LCB) region, specifically, the eight worst-affected territories of the four Boko Haram (BH) affected countries - Cameroon, Chad, Niger, and Nigeria. The study aims to guide transitional justice policy and action plans in the LCB region. The study surveys the regional conflict scenario and examines how existing “non-formal” community-based justice mechanisms and “formal” justice-sector mechanisms and processes can contribute to comprehensive transitional justice strategies for the region. The study methodology was shaped by deliberations at a Methodology Workshop with cross-sectoral participation of stakeholders across the region. The methodology included desk research, on-site fieldwork, Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs). Interviews were conducted with diverse stakeholders in Cameroon, Chad, Niger, and Nigeria. KIIs and FGDs elicited information from administrative authorities, civil society practitioners, traditional community leaders, religious actors and affected community members. The study provides the basis for the **Lake Chad Basin Transitional Justice Policy (LCBTJP) Guidelines**.

KEY FINDINGS

- **The key stakeholders in the Lake Chad Region have divergent understandings of transitional justice.** These different understandings have shaped interventions by governments, community leaders, civil society organisations, and international partners. Conflicting understandings of transitional justice hinder policy coherence and action-plan coordination.
- **Transitional justice in the LCB region requires a contextual and adaptable approach.** Strategies should be contingent on contexts that account for the varied and changing needs of victims, ex-combatants, affected communities, and the State. Transitional justice initiatives in the LCB region are happening in the context of violent extremism. Each affected country should respond to the unique political, legal, and institutional requirements for ending conflict and transitioning to stability and recovery.
- **The policy and legal frameworks for transitional justice in LCBC Member States are fragmented and lack coherence.** Despite the provisions of the African Union Transitional Justice Policy (AUTJP) and the Lake Chad Basin Commission’s Regional Strategy for the Stabilization, Recovery and Resilience (RS-SRR), there remains a lack of national policy coherence and inadequate regional coordination on the key elements of transitional justice.
- **There is near consensus among stakeholders that transitional justice in the LCB region should balance punitive and restorative justice.** Too much emphasis on punishment can be problematic, but avoiding accountability for crimes will foster impunity and breed resentment, prolonging the crisis.

- **Indigenous or traditional community-based restorative justice practices have benefits and limitations for transitional justice. Community-based justice systems and practices can be useful components of transitional justice processes.** However, indigenous and customary justice systems should not be romanticised. In some cases, customary justice practices reinforce marginalisation and stigmatisation. Hence, there is a need to be selective in incorporating them into transitional justice processes. Universal human rights principles should guide the inclusion of customary community-based practices in formal transitional justice processes.
- **Female victims of sexual violence are more likely to demand prosecution and formal legal accountability.** This aligns with international human rights standards and calls for transitional justice strategies that balance prosecutions with restorative justice approaches.
- **The interests and perspectives of victims, survivors and their families should be central to transitional justice processes.** A key challenge of current rehabilitation and reintegration programs is the perception that they prioritise the interests of ex-combatants at the expense of justice for victims. To address this, DDR initiatives must equally consider the interests of individual victims and victimised communities.
- **Communities affected by violence in the LCB region want state authorities and international partners to pay as much attention to the reparations to victims** as they have to the rehabilitation and reintegration of ex-combatants.
- **The unique conflict scenario in the LCB region requires flexible context-informed transitional frameworks.** While it is helpful to draw on good practices and lessons learned from transitional justice processes in similarly situated conflict contexts around the world, the unique conflict scenario in the LCB region calls for adaptable context-specific policy frameworks and action plans suited to the local situations.
- **Accountability, efficiency and transparency in prosecutions are essential to combatting impunity and building trust in transitional justice processes in the LCB region.** Holding individuals accountable for their crimes creates healing, fosters reconciliation and allows opportunities for reintegration. Holding state and non-state actors accountable for abuses they commit is essential to trust building and the legitimacy of administered justice.
- **The social and economic disruptions arising from violent attacks, kidnapping and banditry often create more widespread suffering in affected communities than the attacks.** Insecurity-induced poverty disrupts structures critical to implementing robust transitional justice. Achieving lasting peace in the LCB region requires sustained human development interventions to rebuild the economies and social lives of affected communities.
- **A gender-sensitive approach that attends to the unique needs of women is critical to successful transitional justice processes in the LCB region.** The prevalence of gender violence in the LCB conflict makes it imperative to bring a gender-sensitive lens to transitional justice interventions in the region.

RECOMMENDATIONS

- 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.
- Stakeholders should adopt a holistic approach to transitional justice that addresses how the rights to truth, justice, reparation and guarantees of non-recurrence can best be fulfilled in a specific context. This may include **identifying the critical transitional justice mechanisms to prioritise** for implementation in each national context and conflict situation. The *LCBTJP Guidelines* arising from this study provide a framework for a holistic approach.
- **Transitional justice approaches in the LCB region should offer comprehensive solutions that respond to the complexities of the conflict.** The recent mass surrender of Violent Extremist Organizations (VEOs) members in the region provides an opportunity to check the insurgency through comprehensive transitional justice approaches grounded in multi-sectoral engagement.
- **Transitional justice in the LCB region should take a whole-of-society approach** that involves local communities, traditional leaders, community-based organisations, the media, academic experts, international partners and the private sector. The interests of victims, their families and affected communities should be central to this approach.
- **Traditional and religious leaders play prominent roles in the social and political life of the affected communities and in resolving local disputes.** Their roles should be integrated into transitional justice processes developed at national and regional levels, and their roles in these processes should be clearly defined.
- Transitional justice interventions in the LCB region should consider the **complex political, social, and economic circumstances** at the root of the conflict in the region.
- Given the varied and complex social and political conflict scenarios in LCBC Member States, transitional justice strategies should focus on **national harmonisation and strategic regional coordination.** Harmonisation and coordination should also happen at the civil society and community levels through coalition-building, networking, and public communication.
- **States should develop clear, legally grounded, community-engaged, and transparent policies on transitional justice.** Such national guidelines should draw on the *LCBTJP Guidelines* arising from this study. National policies should aim to achieve victim-centred justice goals alongside long-term peacebuilding. Governments should draw on the *LCBTJP Guidelines* to develop oversight (peer review) mechanisms, knowledge sharing, and benchmarking transitional processes. These mechanisms could take the form of Transitional Justice Commissions/Panels (TJC) or other Community Accountability Platforms (CAP) for Transitional Justice.

- **Transitional justice processes should be locally owned and grounded in community involvement.** Community outreach, public consultation, and dialogue with transparent feedback processes should guide transitional justice processes. These strategies should include cohesive frameworks for prosecutions and sentences and guarantees of non-recurrence through properly constituted judicial organs, community-level reparations, and truth-seeking mechanisms.
- Strategic coordination for transitional justice in the LCB region should **balance retributive (punitive) and restorative justice.** Too much emphasis on punishment can be problematic, but no penalty is not ideal.
- **Amnesties, pardons, and plea bargains** may be used to create institutional, political, and security conditions to ensure observance of the rule of law, human rights, and humanitarian law. However, amnesties and pardons should not be used indiscriminately, as this undermines accountability for violations and fosters impunity.
- **Governments, CSOs, and international partners should support and promote indigenous community-based restorative justice practices that affirm human rights to complement formal justice systems.** Humanitarian, development, and peacebuilding partners should support communities in reforming harmful customary practices that are divisive or trigger conflicts.
- **Transitional justice initiatives should be structured and coordinated.** Coordination should include developing common objectives and approaches and a **robust communication strategy.** Strong operational mechanisms in each state will enhance the coordination of transitional justice processes. LCBC Member States should develop common standards or compatible policy frameworks to strengthen coherence and a whole-of-government approach to transitional justice.
- LCBC Member States, international partners, and civil society organisations (CSOs) should **prioritise reparations to victims of conflict and violence** to mitigate growing resentment in affected communities arising from the perception that stabilisation and recovery programs neglect the welfare of victims. International partners should support states in establishing and effectively administering **Reparations Funds or Victim Funds.** CSOs should support victims and affected communities in advocating for compensation, restitution, and reparations.

1. INTRODUCTION

This report is the product of a comprehensive study of the transitional justice processes and practices in the Lake Chad Basin (LCB) region. It maps transitional justice practices across the eight worst-affected territories of the 4 Boko Haram-affected countries - Borno, Yobe and Adamawa states in Nigeria; Diffa Region in Niger; Région du Lac and Hadjer-Lamis Region in Chad; and the Far North Regions of Cameroon.

The impetus for this study came from a high-level dialogue on “Developing Comprehensive Regional Solutions in the LCB” organised by the Foreign Commonwealth and Development Office (FCDO) in its role as Co-Chair of the International Support Group to the African Union’s Lake Chad Regional Strategy for Stabilisation Recovery and Resilience (RS-SRR).

A key recommendation of the Dialogue held at Wilton Park, UK, in March 2022 was to commission *a study to review transitional justice* initiatives in the LCB region and their efficacy in delivering justice for different levels of crime and human rights violations. The workshop recommended that the evidence generated from the study should be used to develop common or minimum standards for screening, restorative justice, and prosecution, which are adequate for processing different categories of perpetrators and victims. It recommended harmonising inter-regional efforts among LCBC Member States and collaborations across various technical, material and tactical sectors to enhance security, demobilisation and reintegration agendas.

This study informs the **Lake Chad Basin Transitional Justice Policy (LCBTJP) Guidelines** developed with this study. The LCBTJP is a practice-based, practical guide for transitional justice and other peacebuilding practitioners in the LCB region. This study and the accompanying LCBTJP Guidelines aim to fulfil the need for comprehensive research to guide policy interventions and produce a compendium of good practices to benefit governments, affected communities, international partners and practitioners in the LCB region and similarly situated contexts worldwide. By offering detailed, evidence-based analyses, this report aims to foster a better understanding of the uniqueness of the conflict scenario and transitional justice imperatives in the LCB region.

This report is the product of a year-long study involving Key Informant Interviews and Focus Groups Discussions with various stakeholders in the LCB region (See Annexes). These included community leaders, civil society officials, administrative authorities and religious actors in Cameroon, Chad, Niger, and Nigeria. The study methodology and validation process were developed in partnership with a network of local research partners in the study regions. This allowed for engagement with a wide range of stakeholders involved in transitional justice processes in LCBC Member States. The draft study was subjected to technical and political validation through academic and civil society workshops and presentations at the LCBC Governors Forum (See Annexe 2).

1.1. Approach and Methodology

The methodology for this study was formulated through a collaborative process facilitated by the Lake Chad Basin Commission (LCBC). A methodology workshop was held in Abuja from August 18-20, 2022, bringing together stakeholders from government agencies, experts, community representatives, civil society organisations, international organisations, and donor countries. The workshop established the study's framework, addressing methodological steps, research ethics, and stakeholder engagement. The methodology considers the political, social, and cultural conditions in the Lake Chad Basin (LCB) region and the complexities of its conflict scenario. It acknowledges the uniqueness of the region's multiple insurgent groups and inter- and intra-faction crises. The study considers the widespread violence of Violent Extremist Organizations (VEOs), recent waves of defections from these groups, current state anti-terror activities, reintegration programs, and the terror-crime nexus, evidenced by the rise in banditry, kidnapping, and abductions.

This study adopts an in-depth, bottom-up approach. While it did not involve large-scale longitudinal demographic surveys of conflict perception in the LCB region, it draws on other studies that provide a broad perspective on the conflict. The study is unique in its deep insights into transitional justice discussions, processes, and practices from key stakeholders. The research emphasises eliciting detailed perspectives from key informants identified through non-probability sampling techniques for thorough interpretative analyses.

The study examines the role of indigenous customary, community, and religious leaders in transitional justice processes, as well as the role of state and state-affiliated conflict actors. It goes beyond examining the violence committed by VEOs to include the role of state actors and state-affiliated groups such as military forces, civil defence groups, and vigilantes. Understanding the roles of various perpetrators and beneficiaries in the conflict is essential for transitioning communities from conflict and instability to peace and stability. The study also focuses on gender representation and the inclusion of women's perspectives. To ensure broad representation and diverse perspectives, the study engaged stakeholders across several sectors, including:

- Perpetrators and beneficiaries (ex-BHMs, associates, allies, and sympathisers)
- Victims (women, men, children, youth, and elderly)
- Responsible persons (national, local, or community members involved in transitional justice processes, traditional leaders and healers, religious heads, NGO officials)
- Government officials
- Military personnel
- Civil defence/vigilante groups

The methodology for the study is comprehensive, participatory, and inclusive. By integrating qualitative and quantitative methods, engaging a wide range of stakeholders, and focusing on the unique context of the Lake Chad Basin, the study aims to provide valuable insights and practical guidelines for transitional justice and peacebuilding practitioners in the region. This systematic approach ensures the study's findings are both reliable and applicable, contributing to ongoing

efforts to address the challenges posed by the Boko Haram insurgency and to foster peace and justice in the LCB region.

The study employed a mixed-methods approach, integrating both primary and secondary data sources. This participatory research design includes a sequential mixed methods approach where a desk review precedes the collection of primary data through Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs). Overall, the year-long study involved interviews and consultations with over 150 people. Most interviews were conducted in local languages and translated to French or English for analysis. Consent was obtained from relevant agencies, and community entry was facilitated through UNDP structures, engaging key stakeholders. Interviews and discussions gathered socio-demographic data, local perceptions of transitional justice and community-based justice practices, gender inclusiveness, accountability, reintegration, reconciliation measures, and aspirations for justice and peace.

Study Locations: The study was conducted across four countries affected by the Boko Haram insurgency:

- **Nigeria:** Borno, Adamawa, and Yobe States, divided into five cultural zones
- **Chad:** Lac Region and Hadjer Lamis Region
- **Niger:** Diffa Region
- **Cameroon:** Far North and North Regions

Key Informant Interviews (KIIs): These were conducted with traditional and religious leaders, community leaders, government officials, and representatives from NGOs and CSOs. In total, 63 KIIs were conducted across Cameroon, Chad, and Niger.

Focus Group Discussions (FGDs): To gather diverse perspectives, six focus group discussions (FGDs) were conducted, each lasting about 1.5 hours. The discussions involved key stakeholder groups, including youth, women, and other relevant participants, organised into clusters of 8 to 12 individuals. In some cases, FGDs were held exclusively with women's groups to respect cultural sensitivities and ensure confidentiality.

Desk Review: The desk review included secondary research on transitional justice, analysis of situational reports, review of laws and policies related to the Regional Stabilization Strategy (RSS), and examination of relevant literature, including published reports, articles, and news sources, particularly focusing on Francophone literature.

Study Population: The study population included community members, including victims and survivors of conflict and human rights violations, residents of the affected areas, relevant government agencies, NGOs and CSOs, and traditional and religious leaders.

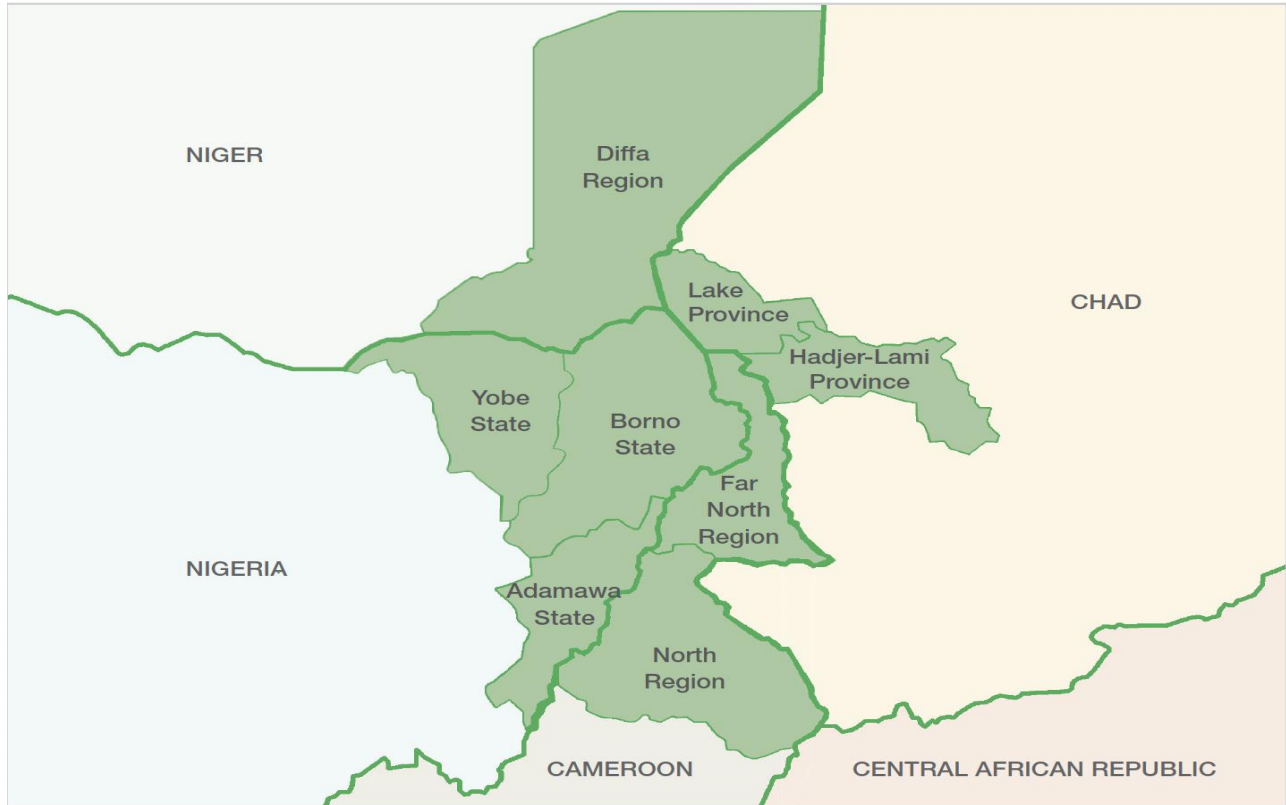
Sampling Techniques: Non-probability and purposeful sampling techniques were employed to select participants. Purposive sampling ensured the inclusion of diverse stakeholders based on affected study locations, cultural commonalities and differences, gender considerations, and security risks.

1.2. Process and Analysis

Interviews were conducted in local languages, transcribed into French, and then translated into English. To maintain accuracy, literal translations were used, and multiple translators were employed to ensure consistency. The editing process included thorough checks for consistency, grammatical and structural errors, and the adequacy of the data, all of which contributed to the reliability and validity of the collected information. For data analysis, coding was performed by two coders to enhance inter-coder reliability, ensuring both reflexivity and transparency. The coding process aimed to distil the data into manageable themes. Analyses were then guided by the research questions, employing illustrative quotes and network mapping to identify patterns. Relevant data analysis software was used to ensure a comprehensive examination of the data.

The study's findings were rigorously validated through both technical and political channels. This included regional workshops organised by the LCBC and UNDP with major stakeholders as well as para-academic conferences to ensure the credibility and relevance of the results.

2. THE CONFLICT SCENARIO IN THE LCB REGION



The four countries sharing borders in the Lake Chad Region (Nigeria, Cameroon, Niger, and Chad) have been embroiled in cross-border conflict and militant insurgency in the past two decades. Within this period, the Boko Haram (BH) insurgency, which has its epicentre in Nigeria, escalated to bordering countries. The origins of BH (*Jama'atu Ahlis Sunna Lidda'awati wal-Jihad – JAS*) and manifestations of the insurgency are shaped by diverse and complex ethno-religious, political, economic and socio-cultural factors spread across the region. Violent attacks from BH and other splinter groups have caused significant regional political, social and economic disruptions, including mass killings, internal and cross-border displacements, loss of livelihood and instability.

In the past few years, security challenges in the LCB region have been complicated due to the emergence of BH splinter groups such as the Islamic State West Africa Province (ISWAP) and the resurgence of militant groups such as Ansaru. The simultaneous rise in crime, banditry, abductions and climate-induced inter-communal conflicts have compounded the devastation in the LCB region. Alliances between these VEOs and *Al-Qaeda in the Islamic Maghreb* (AQIM) have exacerbated the violence and destruction, extending the ramifications beyond the LCB region. Climate change-induced farmer-herder clashes and conflicts between pastoralists have exacerbated the regional conflict.

A major impact of the instability has been a massive humanitarian crisis, confining millions of people, including women and children, to Internally Displaced Persons (IDP) camps. Reports show that as of early 2020, there were 169,003 displaced people in the Région du lac of Chad, about 297,380 in the Far North of Cameroon, approximately 111,058 in the Diffa region of Niger, and about 1.8 million people in north-eastern Nigeria (Adamawa, Yobe, and Borno).¹ Besides the psychological trauma and suffering displaced civilians experience in refugee camps, people in affected communities struggle with poverty, deprivation and insecurity.

With the support of the African Union's Peace and Security Council and other international partners, including the United Nations Development Programme (UNDP), the Foreign, Commonwealth and Development Office (FCDO), governments in the LCB region have executed various strategic programs to end violent extremism and to mitigate humanitarian crises.² Among other harmonised regional approaches, the Council of Ministers of the LCB Commission in August 2018 adopted the Regional Strategy for Stabilization, Recovery and Resilience (RS-SRR) framework, anchored on nine intersecting pillars of strategic intervention.

These strategies include political cooperation, governance and the social contract, socio-economic recovery, environmental sustainability, preventing violent extremism and peacebuilding, disarmament, demobilisation, repatriation, reintegration and resettlement. The strategies also call for humanitarian and military support for affected communities and Disarmament, Demobilization, Rehabilitation, Reinsertion and Reintegration (DDRRR) of persons associated with BH.³

The struggle for dominance between ISWAP and JAS, which led to the death of the leader of JAS, occasioned mass defections and the movement of associated groups and numbers from JAS-controlled areas. These mass defections present an opportunity to degrade the capability of armed groups and move toward conflict mitigation. Although ISWAP used this opportunity to consolidate its position as the stronger movement, more than 50,000 individuals, including BH fighters, their families, and displaced people, have surrendered to national and local security forces in the LCB region.⁴

¹ United States Agency for International Development, "Lake Chad Basin - Complex Emergency: Fact Sheet #2, Fiscal Year 2020," *USAID*, March 31, 2020, <https://www.usaid.gov/sites/default/files/documents/1866/03.31.20 - USAID-DCHA Lake Chad Basin Complex Emergency Fact Sheet 2 0.pdf>

² United Nations Development Programme and the United Nations Office for the Coordination of Humanitarian Affairs, "Resilience for Sustainable Development in the Lake Chad Basin," *UNDP and UN OCHA*, August 2018, <https://landportal.org/fr/library/resources/resilience-sustainable-development-lake-chad-basin>

³ Lake Chad Basin Commission, "Regional Strategy for the Stabilization, Recovery and Resilience of the Boko Haram Affected Areas of the Lake Chad Region," August 2018, <https://www.peaceau.org/uploads/regional-stabilisation-recovery-and-resilience-strategy-rss-.pdf>

⁴ Bonny Ibhawoh and Paul Nyulaku, "Lake Chad Basin: Developing Comprehensive Regional Solutions," *Wilton Park*, March 2022, <https://www.wiltonpark.org.uk/wp-content/uploads/2022/02/WP2035-LCB-Final-Report.pdf>

This recent change in the conflict dynamic underscores the need for robust transitional justice mechanisms and processes that help survivors, families of victims and affected communities receiving deserters deal with unresolved grievances, perceived injustice, fear and poverty.

Across the LCB region, stakeholders have sought to take advantage of mass defections and harmonise approaches while strengthening Disarmament, Demobilisation, and Reintegration (DDR) response across the region. Governments and their international partners have adopted varied DDR initiatives to reduce violence in LCB communities by promoting defections from VEOs. These DDR approaches include deradicalisation and rehabilitation programs such as Nigeria's Operation Safe Corridor (OPSC), the rehabilitation programs by the Niger and Cameroon governments, and Chad's amnesty to defectors of VEOs in November 2021.⁵

The coup d'état in Niger in July 2023, which removed President Mohamed Bazoum from power, has strained political relations between the country and neighbouring countries of the Economic Community of West African States (ECOWAS), which imposed sanctions on Niger following the coup. In particular, the political developments have adversely affected military cooperation between Niger and Nigeria. Given the cross-border nature of the regional conflict, Niger and Nigeria have mutual security challenges since arms trafficked into Nigeria from the Sahel largely pass through Niger. The ECOWAS sanctions have affected the fight against Boko Haram in the Lake Chad Basin as the lack of information sharing between Niger and the Multinational Joint Task Force (MNJTF) has made military, DDR and policy coordination difficult.⁶

⁵ Ryan Knapick, "Chad Gives Amnesty to Hundreds of Rebels and Political Prisoners," *The Caravel*: December 2021, retrieved from <https://www.thecaravelgu.com/blog/2021/12/9/chad-gives-amnesty-to-hundreds-of-rebels-and-political-prisoners>; Audu Bulama Bukarti and Rachel Bryson, "Dealing with Boko Haram Defectors in the Lake Chad Basin: Lessons from Nigeria," *Tony Blair Institute for Global Change*: 2019. <https://institute.global/sites/default/files/articles/Dealing-With-Boko-Haram-Defectors-in-the-Lake-Chad-Basin-Lessons-From-Nigeria-.pdf>

⁶ For example, the MNJTF has had to seek alternative and longer supply routes as it can no longer pass through Niger. Malik Samuel and Hassane Koné, "The two countries must put their political differences aside to stop the violence that is devastating border communities," *ISS Today*, Institute of Security Studies, 24 October 2023.

3. TRANSITIONAL JUSTICE FRAMEWORKS

The term "transitional justice" refers to the set of measures implemented across various sectors of society to deal with the legacies of massive human rights violations arising from conflict or repressive rule.⁷ *Transitional justice is a flexible and highly context-specific concept.* The wide range of policies and practices associated with transitional justice makes it difficult to offer a precise definition.⁸ It is typically associated with periods of political change, characterised by legal responses to confront violations arising from conflict or the wrongdoings of repressive predecessor regimes. Pursuing justice in normal situations poses enormous difficulties. Doing so in countries undergoing transitions intensifies these difficulties because it requires the delicate balance of two imperatives: "On the one hand, there is the need to return to the rule of law and the prosecution of offenders. On the other hand, there is a need for rebuilding societies and embarking on the process of reconciliation."⁹

The study adopts the UN definition of transitional justice as "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation."¹⁰ These consist of judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives regarding the right to truth, delivering reparations, institutional reform and national consultations. The OHCHR states that whatever transitional justice combination is chosen must conform to international legal standards and obligations. These obligations include non-discrimination, the obligation to prosecute perpetrators of gross human rights violations and serious violations of international humanitarian law, the rights of victims to truth, justice, reparation and guarantees of non-recurrence, and the right to participate in public affairs.¹¹

"Local knowledge is central to transitional justice. A codified transitional justice system doesn't work. Only the principles can be codified, not the practices. Practices are based on region and custom. We need to work to align transitional justice principles with local knowledge/tradition."

– Academic Stakeholder, Cameroon

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.¹²

⁷ Pablo De Greiff, "Theorizing Transitional Justice," *Nomos* 51 (2012): 34.

⁸ Paul Gready and Simon Robins, "Transitional Justice and Theories of Change: Towards evaluation as understanding," *International Journal of Transitional Justice* (14, 2020), 280.

⁹ Alexander Boraine, "Transitional Justice: A Holistic Interpretation." *Journal of International Affairs* (New York) 60, no. 1 (2006): 17–27.

¹⁰ United Nations, *Guidance Note of the Secretary-General, Transitional Justice: A Strategic Tool for People, Prevention and Peace* (OHCHR, Geneva: 2023). https://www.ohchr.org/sites/default/files/documents/issues/transitionaljustice/sg-guidance-note/2023_07_guidance_note_transitional_justice_en.pdf

¹¹ Guidance Note of the UN Secretary-General: United Nations approach to transitional justice, 2010 <https://digitallibrary.un.org/record/682111?ln=en>

¹² ICTJ, 2009. "What is Transitional Justice." [Online] Available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Transitional_justice-2009.pdf.

Conceptually, transitional justice can also be viewed as a set of stabilisation and peacebuilding processes that seek to strengthen the rule of law after a large-scale conflict by sustainably reconciling perpetrators and victims through accountability and justice. In these contexts, transitional justice aims to address systemic and structural deficiencies contributing to cycles of violence and trauma.

Transitional justice mechanisms and processes are centred on bringing justice to victims, upholding the rule of law, and ensuring accountability for human rights violations. Transitional justice processes may also emphasise restoration and community well-being through judicial and non-judicial procedures. The critical elements of these processes are truth-finding anchored on the right to know, the right to reparation and restitution, the right to justice, and the right to guarantees of non-recurrence anchored on security and institutional reform.

Transitional justice is a practical mechanism for rebuilding societies in conflict like those of the LCB region because it offers opportunities for stabilisation, recovery, and peacebuilding by reconciling aggrieved individuals, rebuilding trust, and repairing fractured relationships.

In transitioning societies, leaders advance the individual and collective rights of victims using judicial and non-judicial mechanisms of transitional justice to prosecute violent offenders, hold truth commissions to investigate and document atrocities committed, establish reparations programs for victims/survivors, and reform state institutions of power to prevent the recurrence of conflicts. Victims should not be considered mere recipients or beneficiaries of transitional justice processes but active participants from design through implementation to monitoring. Other measures in transitional justice processes include commemorations, amnesties, creating memorial sites to foster reconciliation and teach the preventive lesson of “never again,” public apology, compensation, and building museums to preserve public memory and engender human rights and peace education.¹³ All these are implemented based on the belief that conflict-torn societies like those in the LCB region require the restoration of the rule of law, accountable state institutions, and democratic governance to achieve lasting peace and sustainable development.

¹³ Bonny Ibhawoh, “Commemoration, Memorialization and Rights,” in: Samuel Moyn and Meredith Terretta, eds. *Cambridge History of Rights, Volume V: The Twentieth and Twenty-First Centuries* (New York: Cambridge University Press, forthcoming-2023).

“Transitional justice applies to a particular context. So, we need to involve local actors to enact the chosen practices... BH combatants are recruited in very specific communities. So, if we are going to use traditional practices in the rehabilitation process, they need to be based in the appropriate region. We are not going to import ideas and traditions from another locality. They need to be practices the community accepts and that ex-members recognize. The transitional justice practices used need to be based in the local area’s customs.”

– Government Official, Chad

Given the ongoing conflict situation in the LCB region, not all transitional justice principles are immediately applicable. Some principles, such as investigations, prosecution, reparations, reintegration, and reconciliation, are more urgent than those of commemoration and memorialisation. However, studies have shown that some of these mechanisms, such as criminal prosecutions, sometimes fail to sustain peace. In some cases, governments and political leaders have imposed these mechanisms without proper prioritisation and consultation with

stakeholders and in ways that are insensitive to the complexity of conflicts.¹⁴ This point is particularly relevant to transitional justice in the LCB region, where transnational VEOs, varied national conflict transformation approaches and diverse stakeholders complicate the conflict scenario.

The inclusive and meaningful participation of a broad spectrum of stakeholders, including victims, government, community leaders and civil society organisations, is critical to successful transitional justice in the LCB region. To succeed, transitional justice must also be linked to robust humanitarian and development programs. The failure of transitional justice processes to engage with basic needs such as those for food, health, and education demonstrates the gap between victims’ needs and what a transitional justice framework seeks to deliver.¹⁵

The approach to transitional justice adopted in this study draws on several conceptual and policy frameworks. These include an international human rights and transitional justice framework anchored in the UN Secretary-General’s Guidance Note on Transitional Justice; a continental policy framework centred on the African Union Transitional Justice Policy Framework (AUTJP); a regional framework centred on the LCBC Regional Strategy for Stabilization, Recovery and Resilience (RS-SRR) Pillar 3, which focuses on strengthening and harmonising national, transitional and criminal justice systems to effectively undertake the investigation and prosecution of persons associated with VEOs; national, legal, judicial and policy frameworks; Provincial/State legal, policy and practice frameworks; and community frameworks centred on local community-based religious and

¹⁴ Oliver Richmond, “Failed State Building versus Peace Formation,” *Cooperation and Conflict* 48, 3 (2013): 378-400; Simon Robins and Erik Wilson, “Participatory Methodologies with Victims: An Emancipatory Approach to Transitional Justice Research,” *Canadian Journal of Law and Society* 30, 2 (2015): 220.

¹⁵ Simon Robins, “The Limits of Transitional Justice in Addressing the Needs of Victims of Violations,” *Human Rights and International Legal Discourse*, (2017): 41-58.

customary justice practices. Developing a cohesive transitional justice policy for the LCB region requires engagement with all levels of legal, policy and practice frameworks.

Table 1:

Guiding Transitional Justice Policy and Practice Frameworks

- **International:** UN Secretary-General’s Guidance Note: United Nations approach to Transitional Justice; UN’s Framework of Analysis for Atrocity Crimes; International Bill of Human Rights
- **Continental:** The African Union Transitional Justice Policy Framework (AUTJP)
- **Regional:** Regional Strategy for Stabilization, Recovery, and Resilience (RS-SRR): Pillar 3 - strengthening and harmonising national transitional and criminal justice systems
- **National:** Legal, Judicial and Policy Frameworks
- **Provincial/State:** Legal, Policy and Practice Frameworks
- **Community:** Local community-based customary and religious justice practices

3.1 International Human Rights and Transitional Justice Framework

The UN Secretary-General’s Guidance Note on Transitional Justice outlines fundamental principles to guide transitional justice processes. These include compliance with international norms and standards; taking account of the root causes, local political and unique country context; strengthening national capacity; ensuring women’s rights and a child-sensitive approach; ensuring the centrality of victims; coordinating with broader rule-of-law initiatives; adopting comprehensive approaches; and ensuring effective coordination and partnerships.¹⁶

It is significant that although the UN recommends compliance with international norms and standards, it is not prescriptive about transitional justice processes and mechanisms adopted in each country. The UN recognises that States must take account of their unique political contexts and root causes of conflict when designing and implementing transitional justice processes and mechanisms. As stated in the Secretary General’s Guidance Notes: “Transitional justice processes and mechanisms do not operate in a political vacuum but are often designed and implemented in fragile post-conflict and transitional environments.”¹⁷ The UN recognises that each transitional justice programme is a unique set of processes and mechanisms implemented within a specific context. “The UN eschews

¹⁶ *Guidance Note of the UN Secretary-General Transitional Justice: A Strategic Tool for People, Prevention and Peace*

¹⁷ *Guidance Note of the UN Secretary-General Transitional Justice: A Strategic Tool for People, Prevention and Peace*

one-size-fits-all formulas and the importation of foreign models and bases its work upon a thorough analysis of national needs and capacities, drawing upon national expertise to the greatest extent possible.”¹⁸

This flexible and adaptable approach allows for the design and implementation of transitional justice processes and mechanisms in the LCB region that align with international human rights standards while also responding to the unique conflict scenario in the region.

“Out of the elements, the number one is reconciliation; we must reconcile. After reconciliation, there must be a certain compensation. We must compensate because there have been significant losses, whether it’s human lives, material, economic, all of that.”

- Government Official, Niger

“All of these elements are important, and they all go together. You can’t really pick only one, but if we want to be optimistic, forgiveness is the most important.”

- CSO Practitioner, Cameroon

“All are important, but to different degrees. When we speak of reconciliation, we need forgiveness. Especially tolerance. So, through tolerance we forgive, and then the rest can follow. Forgiveness is essential, and without it, nothing will follow.”

– Academic Stakeholder, Cameroon

3.2. The African Union Transitional Justice Policy Framework

The African Union Transitional Justice Policy Framework (AUTJP) offers a helpful framework for transitional justice in the LCB region. The AUTJP defines transitional justice as “the various (formal and indigenous or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation.”¹⁹

The AUTJP guides African states on the best transitional justice practices and addresses issues of governance deficits and developmental challenges, which are critical drivers of conflicts. More importantly, the AUTJP recommends benchmarks and standards for African states adopting non-formal traditional community-based justice mechanisms. These include using functioning local reconciliation mechanisms among the various sectors of the community and reforming local laws and institutions that recognise alternative dispute resolution mechanisms in matters of accountability and reconciliation. To deal with crimes committed at the community level, including sexual and gender-based violence, the AUTJP recommends using relevant international criminal laws

¹⁸ *Guidance Note of the UN Secretary-General Transitional Justice: A Strategic Tool for People, Prevention and Peace*

¹⁹ AUTP, 4.

alongside non-formal traditional measures that draw on religious or cultural laws, provided these measures guarantee survivors' participation, perpetrators' cooperation, and reparations for victims. The AUTJP particularly supports transformative reparative justice that promotes equality and, at the same time, builds solidarity across victim communities, restores dignity, and meets the needs of children and youths. AUTJP emphasises the local ownership of the peacebuilding processes. Transitioning societies are expected to address human rights violations by combining customary mechanisms of truth-telling, repentance, justice, healing, forgiveness, solidarity, reparations, reintegration, and socio-economic development. It acknowledges that African societies have been engaged in transitional justice processes for many decades in their quest to come to terms with the traumas of slavery, colonialism, apartheid, systematic repression, and civil wars. However, local and national ownership should not lead to fragmented approaches but rather create bridges between countries to enable a cohesive regional approach.²⁰

The AUTJP enjoins the AU to develop mechanisms to deal with past and ongoing grievances; provide opportunities for a context-based approach to Post-Conflict Reconstruction and Development (PCRD); offer principled guidance on balancing the demands of justice and reconciliation; encourage and facilitate peacebuilding and reconciliation activities from national to grassroots levels; allow for opportunities to invoke customary community-based mechanisms of reconciliation and justice, to the extent that they are consistent with the African Charter on Human and Peoples' Rights (ACHPR); establish efficient and independent justice sectors; and provide for the use of AU structures and other relevant AU shared-values instruments to reinforce human rights, justice and reconciliation.²¹

In addition to a dialogical process, the AUTJP's principle of inclusiveness, equity, and non-discrimination underscores participation from, and addresses the needs of, marginalised and vulnerable groups such as women and girls, the elderly, the disabled and youth, especially child soldiers. Several African countries have implemented transitional justice programs building on the AUTJP with varying degrees of success. Current transitional justice policies and programs of LCBR Member States align with the AUTJ policy recommendations. However, significant implementation gaps remain.

²⁰ Remadji Hoinathy, Malik Samuel and Akinola Olojo, "Managing exits from violent extremist groups: lessons from the Lake Chad Basin," *Institute for Security Studies*, 2023

²¹ Further details on AU-TJP available at https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf

3.3. Regional Strategy for Stabilization, Recovery, and Resilience (RS-SRR)

In 2017, the United Nations Security Council passed a resolution calling on national authorities in the Lake Chad Basin “to implement consistent policies to promote defections from Boko Haram and ISIL, to deradicalise and reintegrate those who had already defected, and to ensure there was no impunity for those responsible for terrorist attacks.”²² In accordance with this resolution, the Lake Chad Basin Commission (LCBC) and the African Union launched the Regional Stabilization, Recovery and Resilience Strategy for areas affected by Boko Haram. The Council of Ministers of the LCB Commission subsequently adopted the harmonised Regional Strategy for Stabilization, Recovery and Resilience (RS-SRR) framework, which aligns with the AUTJP. The strategy is to generate applicable policies and programmes geared towards the short-, medium-, and long-term stabilisation and recovery of the LCB Region anchored on commonalities while taking into account the peculiarities of each LCBC Member State.

Since there is no official peace agreement or ceasefire between VEOs and LCB Member States, the strategies include humanitarian and military support for affected communities and various DDRRR plans. Based on this framework, the LCBC’s stabilisation and recovery strategy acknowledges the need to “explore opportunities for transitional justice arrangements, which could foster longer-term reconciliation and address impunity.”²³

“The strengths of Regional Stabilization Strategy are seen through all that has been done thus far. We see the success in rehabilitated communities, where ex-members of BH have returned and are now living. Communities that were once fled are now being rebuilt, and those that were affected are resuming their lives.”

– CSO Practitioner, Cameroon

The RS-SSR is anchored on nine intersecting pillars of strategic intervention: 1) Political Cooperation, 2) Security and Human Rights, 3) Disarmament, Demobilisation, Rehabilitation, Reinsertion and Reintegration, 4) Humanitarian Assistance, 5) Governance, 6) Socio-Economic Recovery and Environmental Sustainability, 7) Education, Learning and

Skills, 8) Prevention of Violent Extremism and Peacebuilding and 9) Empowerment and Inclusion of Women and Youth. Apart from these nine pillars, the strategy outlines the means of implementation and the roles and responsibilities of the different stakeholders, including roles for military and technical cooperation, CSOs and international partners.

The Regional Strategic Objective 10 of Pillar 3 centres on strengthening and harmonising national transitional and criminal justice systems to effectively undertake the investigation and prosecution

²² United Nations Resolution 2349, adopted by the Security Council at its 7911th meeting, on 31 March 2017, S/RES/2349 (2017).

²³ LCBC, “Regional Stabilization Strategy,” 32.

of persons associated with Boko Haram and other forms of accountability. Given the level of human rights abuses during the conflict, the Strategy calls for exploring opportunities for transitional justice arrangements, which can foster longer-term reconciliation and address impunity.²⁴

“The [Regional Stabilization Strategy] works, but what is missing is that it needs to directly reach those it’s trying to help. It doesn’t always happen because of administrative authorities – or even influential people – who block the route and prevent people from directly benefitting.”

- CSO Practitioner, Chad

Stakeholders across the LCB region were asked which of the established transitional justice principles they considered most urgent and relevant to their communities: Persecution, Reconciliation, Reparation, Restitution, truth-seeking or Institutional Reform, among others. Admittedly, a successful transitional justice process will engage with these principles in a holistic and comprehensive manner to ensure the rights of victims to truth, justice, reparation, guarantees of non-recurrence and societal reconciliation are realized. The respondents interviewed considered all principles important and effective ways of achieving peace and stability. However, most respondents identified forgiveness and reconciliation as the most important. These responses reinforce Regional Strategic Objective 11 of Pillar 3 and its focus on reconciliation and the rehabilitation of ex-associates of VEOs to achieve peace and stability.

“The biggest limitation [of the Regional Stabilization Strategy] is that there are never enough resources. This work requires a lot of time and effort so that things can be done and done well. More resources are needed to reinforce what is already being done and to continue with more interventions.”

- CSO Practitioner, Cameroon

The overarching objective of the RS-SSR strategy is to engineer a timely recovery and facilitate a coordinated transformation of stalled socio-economic development in affected LCB communities. Guided by the Strategy, governments in the LCB region have adopted various forms of de-incentivisation, amnesty, rehabilitation, and reintegration programs for defecting VEO fighters and their families. However, since LCB Member States adopted the strategy in 2018, most communities affected by VEO activities, climate-induced food insecurity and other humanitarian emergencies in the region have yet to experience a meaningful improvement in their security or socio-economic conditions. Peace-making and peacekeeping initiatives have had limited impact on some affected LCB communities.²⁵

²⁴ LCBC, “Regional Stabilization Strategy,” 35.

²⁵ Fonteh Akum, Illiassou Alio, and Habibou Bako, “What Doesn’t Break Boko Haram in Niger makes it Stronger,” *Dakar Institute for Security Studies*, May 2019, <https://issafrica.org/iss-today/what-doesnt-break-boko-haram-in-niger-makes-it-stronger>; Cynthia Happi, “Violent Extremism in the Lake Chad Region: Evolution and Impact of Boko Haram,” *Institute for Peace and Security Studies*, 2020, <https://www.africaportal.org/publications/violent-extremism-lake-chad-basin-region-evolution-and-impact-boko-haram/>

“With regards to certain principles [of the Regional Stabilization Strategy] like harmonisation of processes and strategies across regions, there has been some resistance. For example, screening strategies are not managed with the same rules between countries, and budgets are not evenly distributed. Even though it’s good in theory, in practice not everything of the RS-SSR is functional.”

- CSO Practitioner, Cameroon

resources available for the programme and the application, as well as inadequate harmonisation of the processes and strategies across the region.

Most stakeholders interviewed for this study who are familiar with the RS-SSR view the strategy as a practical and potentially impactful framework for stabilisation and recovery. Some of the weaknesses of RS-SSR identified by respondents pertain to administrative bottlenecks, limited

3.4. A Typical Transitional Justice Context

The Lake Chad Region is an “atypical” context for transitional justice, as there is no transition, no peace agreement has been signed, insecurity and violence are ongoing, and the level of distrust in state authorities is high. Given the history, context and nature of violence and conflict in the LCB Region, transitional justice complements orthodox approaches to justice. Transitional justice literature emphasises the need to localize approaches to transitional justice and reintegration for

“We can involve the community by a process of spreading awareness and sensitization. If there has been repentance, somewhere, by ex-combatants, it means they have put Boko Haram into question, and they hope to return to better circumstances. We need to bring the community to the point of forgiveness and acceptance, which is not easy.”

– CSO Practitioner, Chad

countries emerging from active conflict situations. Studies have found that implementing transitional justice policies and strategies in active conflict situations can be complicated and challenging. Therefore, it requires careful planning, stakeholder buy-in and continuous dialogical processes.

Given that transitional justice is a flexible and highly context-specific concept, experts, policymakers, and practitioners should pay more attention to understanding the uniqueness of the conflict scenario and transitional justice imperatives in the LCB region. There is a tendency to view transitional justice in the LCB region along the lines of the wave of post-conflict and post-authoritarian democratisation in Latin America and Europe in the 1980s and 1990s, when the notion of transitional justice first emerged. However, this situation in the LCB region differs significantly from these earlier scenarios in three critical ways.

First, transitional justice strategies adopted in conflict situations such as the LCB region, where peace agreements are absent and conflict is ongoing, are “non-traditional.”²⁶ The uniqueness of the conflict

²⁶ Annabelle Bonnefont and Junko Nozawa, “Realizing a Whole-of-Society Approach to Disarmament, Demobilization, and Reintegration in the Far North Region of Cameroon,” Global Center on Cooperative Security,

situation in the LCB region necessitates locally informed and context-specific approaches. Transitional justice processes are typically deployed in post-conflict contexts where a peace agreement or ceasefire exists between conflict parties to support the transition from conflict to peace. Most transitional justice processes are activated in post-crisis settings after a peace accord has been brokered between opposing groups. The LCB region has not yet transformed into a post-crisis society since civilians and security forces are still experiencing attacks from VEOs. There is no ceasefire agreement. Some stakeholders interviewed for this study were skeptical that meaningful justice could be achieved in a situation of ongoing violence. One community leader stated: “There must be a cessation of hostilities before talking about justice.” In the absence of peace agreements or ceasefire accords, robust Disarmament, Demobilization and Reintegration (DDR) strategies should provide the foundation for transitional justice processes in the region.

A second unique aspect of the conflict in the LCB region is its trans-broader nature. The conflict cuts across four countries in the region, which has implications for its scope, intensity, and complexity. The trans-border nature of the conflict also has implications for the states that must be deployed by the affected states to address it. Bilateral and multilateral regional cooperation is central to these strategies.

“The community must play a very important role, because those who must be reintegrated are from society, they come back to society ... they’ve dissociated themselves from society by adopting this [violent] sect. Today, if they are back in this same society, I feel that society must welcome them back with open arms because so long as these ex-combatants do not feel at ease with the community, this integration will not succeed. So, the ‘becoming-dead’ (“devenir-mort”) comes back as a member of society, so that he can really act in an objective fashion so as to embrace the principles of transitional justice.”

– Judge, Niger

A third unique aspect of the conflict is that the affected countries are simultaneously dealing with other conflicts within their borders that draw attention and resources away from the conflict in the LCB. Apart from Boko Haram violence in the Far North, Cameroon is dealing with an Anglophone crisis in the Southwest and Northwest regions. Chad is

dealing with a rebel insurgency in its northern regions. Niger is contending with violence and militant insurgency in its western borders with Mali and Burkina Faso, while Nigeria confronts militant agitations in the Eastern part of the country. Therefore, transitional justice strategies in the LCB region must account for the complexity of each country’s conflict situation. This calls for country-specific but regionally coordinated approaches.

Despite the challenges, transitional justice mechanisms and processes are essential to rebuilding the fractured communities in the LCB region amidst ongoing conflict. Transitional justice provides a framework for LCBC Member States, affected communities, and international partners to address

the root causes of violent extremism, deal with past and ongoing human rights violations, sustain the current regional stabilisation strategy, and prevent a relapse into full-scale conflict.

The atypical context of the Lake Chad Basin and the quest for transitional justice solutions that work for this region of the world provide a unique opportunity to reassess what transitional justice means and, to that extent, provide space for reinterpreting international transitional justice principles from local perspectives.

4. HUMAN DEVELOPMENT IMPACTS OF THE TERROR- CRIME NEXUS

Transitional Justice interventions in the Lake Chad Basin must take account of the complex political, social and economic circumstances at the roots of the conflict in the region. The problem of insecurity poses a serious challenge to the transitional justice, stabilisation and recovery programs. The social and economic disruption arising from violent attacks, kidnappings and banditry often increasingly creates more suffering for communities than the sporadic attacks. Many Boko Haram-affected communities suffer disproportionately more from hunger and severe acute malnutrition than violent extremist attacks.²⁷ In the Nigerian states of Sokoto, Zamfara and Katsina, the activities of VEOs and bandits have denied communities access to their farmlands, resulting in grave food insecurity. “During attacks, bandits take whatever food their victims have and steal their livestock. Severe hunger forces people to eat chaff, usually meant for animals.”²⁸ In 2022, the governments of Niger and Chad declared food and nutrition emergencies, severely impacting security, and livelihood in Boko Haram-affected areas. Likewise, Cameroon’s agriculture and rural development minister reported in May 2022 that food insecurity in the country is worse in the poorest Far North region.²⁹

“The Far North region doesn’t just deal with Boko Haram; it also deals with highway bandits. But the emergence of Boko Haram is the worst event that the Far North has experienced.”

- Traditional Community Leader, Niger

The terrorism of VEOs and growing banditry in the LCB region continues to have profound adverse effect on the lives of individuals and communities in the region. Insecurity-induced hunger fractures communities and disrupts

administrative structures crucial to implementing transitional justice processes. In many communities, the activities of VEOs have exacerbated already fragile local economies strained by the loss of arable farmland due to climate change.

In Boko Haram-affected communities, many economically active residents are denied access to local resources and trade economy due to constant invasions of farms and looting of local markets. Farmers have been kidnapped and expelled from their farmlands and communities, denying them their source of livelihood. Commercial activities have been disrupted with devastating effects on local economies. Climate-change-induced adverse weather conditions such as droughts, floods and resulting food and water shortages create and worsen conflicts.

²⁷ Remadji Hoinathy and Celestin Delanga, “Hunger Grips Lake Chad Basin in the Face of Terrorism,” *Institute for Security Studies*, September 19, 2022, available at: <https://issafrica.org/iss-today/hunger-grips-lake-chad-basin-in-the-face-of-terrorism>

²⁸ Malik Samuel and Hassane Koné, “The two countries must put their political differences aside to stop the violence that is devastating border communities,” *ISS Today*, Institute of Security Studies, 24 October 2023.

²⁹ “Food insecurity in Niger: The High-Level Committee Assesses the Implementation of the 2022 Support Plan,” Agence Nigérienne de Presse, July 7, 2022, available at: <http://www.anp.ne/article/insecurite-alimentaire-au-niger-le-comite-de-haut-niveau-evalue-la-mise-en-oeuvre-du-plan>.

“It is important to acknowledge that the community is always implicated in these processes, whether this is wanted or not. Most importantly, we need to educate and sensitize communities to accept ex-members of BH. Often, communities offer much push back, making the return to communities and reintegration process harder. Communities should focus on accepting ex-members and guaranteeing that those who return are free in all senses. Communities should shift perception, understanding that with justice, ex-members’ societal debts have been paid.” – CSO Practitioner, Cameroon

Former farmers, herders, and in some cases, criminals from Cameroon, Niger, Nigeria and Chad have engaged in kidnapping for ransom. Due to a lack of trust in security agents, victims’ families are often reluctant to work with local authorities to free their relatives from kidnappers. For

instance, between January and October 2022, more than a dozen kidnapping cases were reported in Cameroon’s North Region.³⁰ Apart from the financial motivation, some of these hostages served as rewards for Boko Haram fighters who used them as labourers and brides. This has negatively impacted women’s livelihoods as farmlands and markets become unsafe. For female-led households, this leads to loss of livelihoods, reduced income, or harmful coping mechanisms like survival sex work. Reports indicate that some women traders in Cameroon’s North and Far North regions have gone bankrupt. In contrast, many in the Chadian regions of Lac and Hadjer-Lamis and Niger’s Diffa region have abandoned their farms, livestock and trade due to security concerns.³¹

Socio-economic recovery and sustainable development are crucial to stabilisation strategy in the LCB region. Resource prioritisation of human development projects by governments and the sustained support of international partners along with private sector-led investment projects are critical to the success of transitional justice processes. The emphasis should be on creating employment opportunities, improving livelihoods and driving structural change. Projects focused on strengthening agricultural output and supply chains can help revive the Lake Chad Basin’s agro-economy and support food security. Achieving lasting peace through justice in the LCB region requires rebuilding the economies of Boko Haram- and other VEO-affected areas.

These realities underscore the need for a comprehensive transitional justice strategy that addresses not just the military dimensions of the conflict but also the related economic and social aspects. This need is emphasised in Pillar 5 of the LCBC Regional Stabilization Strategy, which outlines the obligations of governments to provide good governance and strengthen the delivery of goods and services to achieve stabilisation and recovery. Likewise, Pillar 6 centres on socio-economic recovery and the need to build the foundations for recovery and sustainable development by revitalising local economies and boosting trade.

³⁰ Remadji Hoinathy and Agha-Nwi Fru, “Kidnapping for Ransom on the Rise in North Cameroon,” *Institute for Security Studies*, Oct. 26, 2022, <https://issafrica.org/iss-today/kidnapping-for-ransom-on-the-rise-in-north-cameroon#>

³¹ Naomi Mackay, “Women in Lake Chad Basin face Challenging Times Due to Rebel Atrocities,” *African News Agency*, April 26, 2021, available at: <https://www.africannewsagency.com/west-africa/feature-women-in-lake-chad-basin-face-challenging-times-due-to-rebel-atrocities-de3872eb-5ade-4be9-a596-faf4c4a2c362/>

Addressing the terror-crime nexus requires attending to the funding of criminal and terror activities and disrupting the sources of funding and money laundering activities as part of the transitional justice process. Given the transboundary nature of terrorism and critical activities in the region, disrupting sources of funding for VEOs and money laundering activities requires collaboration between security and financial regulatory institutions in LCBC member states. Combatting money laundering and terrorist financing must be a collaborative effort, requiring coordination across all levels of government, the public and private sectors, and international partners.

5. CONFLICT TRANSFORMATION IN THE LCB REGION

In all LCBC Member States, the military plays a crucial role in conflict transformation initiatives designed to transition affected communities from stabilisation to early recovery. Civil society organisations working in the region have accused military authorities of human rights violations ranging from arbitrary arrests and detention to torture and extrajudicial killings.³² Rights violations have bred resentment and mistrust for security forces, hampering greater cooperation with civil society in some affected communities.

VEOs sometimes use resentment against authorities to radicalise and recruit those seeking retributive justice in the absence of a broad-based transitional justice framework. However, governments, humanitarian agencies and international partners all recognise that the threat posed by VEOs to security and peace requires continued military intervention. The challenge is defining the role of the military within national and coordinated regional conflict transformation strategies.

“The justice currently practiced has shortfalls... Many innocent people have been arrested and placed in prison. There are innocent people who have been imprisoned for years. This system needs to be reformed. There is need to make inquiries and follow procedures before people are arrested. People have found themselves handcuffed and driven to prisons in Kollo, in Tillabéri, and this is unjust.”

- Civil Society Practitioner, Niger

This study found that many government programs on disarming, demobilising and re-integrating persons associated with Boko Haram and other insurgent groups in the LCB region do not connect well with broader community healing and rehabilitation efforts. This is because some of the prevalent perception is

that such programs prioritise the rehabilitation and reintegration of ex-associates of VEO or “repentants” over the interests and needs of affected communities where the ex-combatants return to live.

Across the LCB region, affected communities rely more on traditional leaders, vigilante committees and other local actors to provide security and stability. Together, these local actors play an essential role in rehabilitating and reintegrating persons formerly associated with armed groups.

³² Audu Bulama Bukarti, “The Challenge of Boko Haram Defectors in Chad,” *War on the Rocks*, May 2020, <https://warontherocks.com/2020/05/the-challenge-of-boko-haram-defectors-in-chad/>; Tomás F. Husted, “Boko Haram and the Islamic State West Africa Province,” *Congressional Research Service*, February 2022, <https://sgp.fas.org/crs/row/IF10173.pdf>

Nigeria: Transitional Justice Panels

In 2022, the National Human Rights Commission created Transitional Justice Panels (TJPs) and Community Reconciliation Committees (CRC) to facilitate reconciliation and peacebuilding processes in the affected Northeast communities in Adamawa, Borno, and Yobe. The goals of the TJPs and CRC are to provide conducive environments for survivors/families of victims to confront perpetrators, use community and right-base mechanisms to adjudicate cases of human rights violations, determine appropriate compensation/remedies for victims of atrocities, and recommend non-judicial and non-custodial sanctions for perpetrators. The panel and committees include religious and traditional leaders.

Reports and studies show that most of the reintegration programs in the LCB region have had minimal community support because of fear and lack of sensitivity to local perspectives.³³ In some LCB countries, DDR initiatives lack public support because many people view it as blanket amnesty for Boko Haram members.³⁴ The critical challenge for these initiatives is the perception that “DDR programmes incentivise crime when the

rehabilitation of ex-combatants is prioritised over the needs of victims and affected communities.”³⁵ In Chad, for instance, inadequate sensitisation and engagement with communities affected by Boko Haram constitute key factors breeding resentment for persons associated with Boko Haram.

By prioritising the rehabilitation and reintegration of former insurgents, families of victims and survivors of violent attacks are left to cope with their trauma and losses without support. In Nigeria, residents of affected states have rejected government attempts to relocate rehabilitated fighters to their communities, and ex-fighters have received death threats. In these hostile environments, some Boko Haram defectors return to the insurgent group since there is limited space for forgiveness, reconciliation and peaceful coexistence.³⁶ One way to address these reintegration challenges is by establishing and strengthening community accountability platforms to integrate community-level feedback on DDR approaches. Stakeholders call for a broad-based, localised, survivor-centric transitional justice framework to address reintegration challenges. Socially and culturally appropriate victim-centric transitional justice processes will create opportunities for healing and reconciliation.

³³ The Kukah Centre, “Through Our Eyes: People’s Perspective on Building Peace in Northeast Nigeria,” *Conciliation Resources*, May 2018, <https://www.c-r.org/learning-hub/through-our-eyes>

³⁴ Remadji Hoinathy, Malik Samuel and Akinola Olojo, “Managing exits from violent extremist groups: lessons from the Lake Chad Basin,” *Institute for Securist Studies*, 2023

³⁵ Allamin Foundation for Peace and Development, *Making Healing Work: Reclaiming Our Humanity through Transitional Justice. The Perceptions of Borno Communities on the Preconditions for Transitional Justice and Reconciliation Programme in North-East Nigeria*, Allamin Foundation, 2023, 10.

³⁶ United Nations Office for the Coordination of Humanitarian Affairs, “Lake Chad Basin: Crisis Update,” June 2019, <https://bi.unocha.org/page/ROWCA-LakeChad-Summary-Public>

Table 2: Transitional Justice Strategies and Mechanisms in the LCB Region

Country	TJ/DDR Strategy and Mechanism	Coordinating Ministry/Department	Regional Coordination
Cameroon	National Disarmament, Demobilization and Reintegration Committee	- Presidency - Ministry of Territorial Administration (MINAT) - Ministry of Youth Affairs and Civic Education - Ministry of Employment and Vocational Training	Multinational Joint Task Force (MNJTF) – Military LCBC - Regional Strategy for Stabilization, Recovery, and Resilience – Civil
	Centre for the Coordination of Humanitarian Assistance in the North-West and South-West Regions	- Ministry of Social Affairs - Ministry of Justice - Military Tribunal (Ministry of Defence) - National DDR Commission	
Chad	Demobilisation, Resettlement and Reintegration	- Ministry of the Interior - Ministry of Gender and National Solidarity - Judicial police (<i>Police judiciaire</i>)	
Niger	Demobilisation and Reintegration	- Ministry of Interior - Ministry of Justice - High Authority for Peacebuilding	
Nigeria	Operation Safe Corridor	- Military authority	
	Deradicalisation, Rehabilitation and Reintegration	- Ministry of Reconstruction, Rehabilitation and Resettlement - Ministry of Women’s Affairs and Social Development - Office of the Senior Special Adviser on the Borno State Governor on Security	
	Action Plan for Demobilization, Disassociation, Reintegration, and Reconciliation for those associated with Boko Haram	- Office of the National Security Adviser	
	Transitional Justice Panels Community Reconciliation Committees	- National Human Rights Commission	
	Terrorism Prevention Act and Victims Trust Fund	- Ministry of Justice	

5.1. Disarmament, Demobilisation and Rehabilitation (DDR)

Although DDR (Disarmament, Demobilization, and Reintegration) is usually not considered an integral part of transitional justice, this study finds that addressing the demands for justice and peacebuilding in the atypical context of the LCB requires integrating some DDR measures into transitional justice processes. DDR is typically seen as a tool to disarm combatants and prevent conflict recurrence.³⁷ However, in the unique transitional justice context of the LCB, there are clear

³⁷ See United Nations (UNDDR), "DDR and Transitional Justice," Integrated Disarmament, Demobilization and Reintegration Standards, IDDRS, (2023) <https://www.unddr.org/the-iddrs/level-6/>

imperatives for linking existing DDR measures with transitional justice processes. In the absence of a peace agreement and amid ongoing conflict and high levels of political distrust, DDR measures provide not only the foundation for transitional justice in the region but also the entire scaffolding to support and sustain it.

Across the region, Disarmament, Demobilisation, Rehabilitation, Resettlement, and Reintegration programs are critical components of transitional justice processes.³⁸ These programs have produced mixed results. Since the LCB Ministerial Council, with the support of the African Union, adopted the Regional Strategy for the Stabilization, Recovery, and Resilience of Boko Haram-affected areas (RS-SRR) in 2018, the LCB region has recorded some progress in stabilisation and rebuilding efforts. As of 2021, over 1,800 houses, market stalls, and waterlines have been built to support over 30,000 victims and enhance regional economic activities.³⁹ In some communities, significant progress was achieved with the opportunity created by the mass defections of Boko Haram fighters and their associates in 2022 following the death of a key leader.

Some LCBC member states have developed comprehensive DDR strategies that are aligned with the RS-SRR framework and the AUTJP. For example, Chad's National Strategy for Disengagement, Dissociation, Reintegration and Reconciliation (DDRR) proposes several courses of action for the reintegration of former VEO associates in Lac Province. These actions range from direct support to former associates of Boko Haram and ISWAP, as well as support to communities affected by the security crisis. The strategy provides for one-off support for former associates through rehabilitation, long-term support through reintegration and reconciliation, and initiatives aimed at reducing conflict. The strategy also outlines gender-sensitive interventions for reintegration and reconciliation.⁴⁰

"This justice [we practice] is different from criminal justice because it is a justice which lies with people who may not even be guilty... these justices are justices of forgiveness, reconciliation, and... justice which pardons, and which seeks the path of peace."

- Community Leader, Niger

However, the progress on DDRRR has not been consistent or sustained. The outbreak of the COVID-19 pandemic and the economic disruption that came with

³⁸ The scope of the DDR program varies significantly across the LCBC member states. Some countries have adopted comprehensive approaches that encompass a full range of disarmament, demobilisation, rehabilitation, resettlement and reintegration initiatives, while others have opted for more selective approaches focused on disarmament, rehabilitation and reintegration (DDR). This diversity of approaches underscores the complexity of the reintegration process.

³⁹ United Nations Development Programme, "Stabilization in the Lake Chad Basin: Rebuilding Communities Across 7 Impact Areas," *UNDP Africa*: March 23, 2021, available at: <https://www.undp.org/africa/news/stabilization-lake-chad-basin-rebuilding-communities-across-7-impact-areas>

⁴⁰ National Strategy for Disengagement, Dissociation, Reintegration and Reconciliation (DDRR) of former associates of Boko Haram and the Islamic State in West Africa, Chad, 2023

it threaten to reverse the stability gained in the region, exposing vulnerable LCB communities to economic instability. Across the LCB region, DDRRR processes have been fragmented and slow-paced. In Niger, for instance, where several Boko Haram fighters and their associates have benefited from DDRRR programs, local authorities and other stakeholders remain concerned about the possibility of successfully reintegrating beneficiaries into Diffa communities.⁴¹ Much concern arises from the slow and inefficient demobilisation and reintegration process. Some ex-Boko Haram fighters and their families complained that their more than 2-years stay at a government reception centre - from July 2017 to December 2019 - felt like imprisonment. This delay has created frustration and discouraged many potential defectors from joining their counterparts at the centre.⁴²

The operation of Cameroon's reintegration program mirrors the inefficiencies and under-resourcing of Niger's programs. Cameroon was the last LCB Member State to accept ex-Boko Haram defectors.⁴³ When the government eventually created the National Disarmament, Demobilization and Reintegration Committee (NDDRC) in November 2018, it was reported that "the roadmap and funding for the committee [was] not yet known."⁴⁴ At the time, the NDDRC's mandate was to facilitate the reception and reintegration of ex-Boko Haram and former anglophone separatist fighters.⁴⁵ These goals have yet to be fully realised.

A key limitation of this and other DDR programs is that the government did not clearly define the role of the judiciary and other state sectors in the national disarmament, demobilisation and reintegration (DDR) programs.⁴⁶ Three months after the government established a reception centre to receive, rehabilitate and reintegrate surrendering ex-fighters, only 20 defectors had surrendered at the centre. Reports indicate that most defectors did not trust the military officials and the national government.⁴⁷ By 2021, about 1,000 ex-Boko Haram and separatist fighters had surrendered at the DDR centres.⁴⁸

⁴¹ Jeannine Ella Abatan and Remadji Hoinathy, "Getting Goudoumaria right: are Boko Haram defectors reintegrating safely?" *Institute for Security Studies*, December 8, 2021, available at: <https://issafrica.org/iss-today/getting-goudoumaria-right-are-boko-haram-defectors-reintegrating-safely>

⁴² Abatan and Hoinathy, "Getting Goudoumaria right: are Boko Haram defectors reintegrating safely?"

⁴³ Saibou Issa and Nadine Machikou, "Reintegrating Former Boko Haram Associates: Perspectives from Far North Region in Cameroon," Global Center on Cooperative Security: February 2019, <https://www.globalcenter.org/wp-content/uploads/2019/02/GCCS-PB-Reintegrating-Former-Boko-Haram-Associates-2019.pdf>

⁴⁴ "Cameroon: Committee to reintegrate ex-separatists, others," *Africa News*: December 3, 2018, available at: <https://www.africanews.com/2018/12/03/cameroon-committee-to-reintegrate-ex-separatists-and-others/>

⁴⁵ Moki Kindzeka., "Cameroon Creates Disarmament Committee Amid Skepticism," *ReliefWeb*: December 8, 2018, available at: <https://reliefweb.int/report/cameroon/cameroon-creates-disarmament-committee-amid-skepticism>

⁴⁶ Issa and Machikou, "Reintegrating Former Boko Haram Associates: Perspectives from Far North Region in Cameroon."

⁴⁷ Moki Edwin Kindzeka, "Cameroon's Former Separatists Distrust Reintegration Program," *Voice of Africa*: March 6, 2019, available at: <https://www.voanews.com/a/cameroon-s-former-separatists-distrust-reintegration-program/4815624.html>

⁴⁸ Huaxia (Editor), "Over 1,000 Boko Haram, Separatist Fighters Drop Weapons in Cameroon since 2018," *Xinhua*: May 22, 2021, available at: http://www.xinhuanet.com/english/2021-05/22/c_139961869.htm

Nonetheless, after some months, most defectors grew frustrated with living at the centre due to limited training opportunities and poor living conditions.

Across the LCB region, community leaders interviewed for this study expressed concern about the duration of the DDR programmes and stated their reluctance to refer ex-combatants to reception centres. Community stakeholders also noted that some ex-combatants who had undergone demobilisation and reintegration programs have taken up banditry due to a lack of employment opportunities. As one commentator noted, reception centres “are not properly equipped to provide the long-term skills training that had lured them [ex-combatant] in from the bush.”⁴⁹

“...we should ask the State for resources. We should organize ourselves, to plan and create texts, to put traditional discourse to paper. These discourses can work to counter the discourse of Boko Haram and to mediate.”

- Traditional Community Leader, Cameroon

Security reports indicate that ISWAP and other VEOs operating in the LCB region are already exploiting the weakness of DDRRR programs to their advantage and stepping up the recruitment of child soldiers.⁵⁰ As of

February 2022, Boko Haram had reportedly radicalised and trained about 200 young boys for deployment, while its rival, ISWAP, was actively recruiting youths from Cameroon, Chad, Niger and Nigeria into its over 50 camps on the Lake Chad islands.⁵¹ It is estimated that Boko Haram has trained and used roughly 1,385 children to execute its attacks in Nigeria alone.⁵² This trend in the recruitment of young boys by VEOs underscores the need for LCBC member countries to strengthen existing DDR mechanisms and processes targeted at children and youth as both perpetrators and victims of conflict. Expanded and sustained DDR processes should prioritise youth deradicalisation. Such processes should attend to the complexities and nuances of victim-perpetrators such as child soldiers, women associated with armed groups, and other members who may not have joined armed groups voluntarily.

The 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. Across the

⁴⁹ Agha-Nwi Fru and Andrew Nsoseka, “Broken Promises: Cameroon’s Troubled Disarmament Initiative,” *The New Humanitarian*: June 23, 2022, available at: <https://www.thenewhumanitarian.org/news-feature/2022/06/23/Cameroon-troubled-disarmament-initiative>

⁵⁰ Solomon Odeniyi, “ISWAP Intensifying Recruitment of Children as Soldiers,” *Punch Newspaper*, April 2, 2022, available at: <https://punchng.com/iswap-intensifying-recruitment-of-children-as-soldiers-report/>

⁵¹ Malik Samuel and Oluwale Ojewale, “Children on the Battlefield: ISWAP’s Latest Recruits,” *Institute for Security Studies*, March 10, 2022, available at: <https://issafrica.org/iss-today/children-on-the-battlefield-iswaps-latest-recruits>

⁵² United Nations Office on Drugs and Crime, “UNODC hosts Capacity-building workshop on the Treatment of Children Associated with Terrorist Groups,” United Nation Office in Nigeria, September 19, 2022, available at: <https://www.unodc.org/nigeria/en/unodc-hosts-capacity-building-workshop-on-the-treatment-of-children-associated-with-terrorist-groups.html>

LCB region, community sources indicate that Boko Haram fighters and members who return to communities in Cameroon pose a significant security threat to civilian populations.⁵³

“In the community, there is stigmatization. The ones who return are shunned, excluded, and rejected, even if they participate in the community and need to conduct business. They are rejected. The community needs to try to overcome this, to forgive ex-combatants, forget what has happened, and fully embrace them.”

- Ex-Combatant, Cameroon

Deficiencies in the reintegration process are detrimental both to those who leave violent extremist groups and the communities to which they return. Reports indicate that former associates face reprisals and stigmatisation from Boko Haram’s victims because no prosecutions or

reconciliation have taken place to prove their innocence or guilt.⁵⁴ For example, three years after the Méri Deradicalization Centre in Cameroon was opened in 2020, no residents had been pardoned, acquitted, or convicted of terrorist activity before reintegration into the community. In 2023, it was reported that over one hundred former fighters and members – disillusioned by their treatment at the Méri centre or left unmonitored in communities – had returned to Boko Haram. The poor conditions in the centre also likely deterred many fighters from surrendering.”⁵⁵

Gaps are also evident in Nigeria’s Operation Safe Corridor, which lacks a clear reintegration strategy. This is partly because administrative authorities are cautious of being seen as lenient toward extremist groups. Some affected communities are also sceptical of the program, doubtful whether those who surrender are genuinely repentant and resentful that the government provides assistance to former insurgents while neglecting the victims of their terrorism. Moreover, fears of community retribution have hindered plans to release individuals who have completed rehabilitation and reintegration programs. “Women and children who return to their communities from the rehabilitation centres have faced ostracism and rejection.”⁵⁶ Even hostages who escape and return home are often mistaken for ex-combatants and face attacks or ostracism.

⁵³ Célestin Delanga, “Insecurity grows in Cameroon as reintegration efforts stall,” Institute for Security Studies, 2023, <https://issafrica.org/iss-today/insecurity-grows-in-cameroon-as-reintegration-efforts-stall>

⁵⁴ Delanga, “Insecurity grows in Cameroon as reintegration efforts stall.”

⁵⁵ Delanga, “Insecurity grows in Cameroon as reintegration efforts stall.”

⁵⁶ Delanga, “Insecurity grows in Cameroon as reintegration efforts stall.”

These gaps in implementing DDR programs limit their effectiveness as transitional justice mechanisms. Many reception centres established by LCBC Member States to receive, rehabilitate, and reintegrate ex-combatants lack adequate infrastructure, psychosocial support capacity and

“[Ex-combatants] return to communities thinking they will find a better economic situation than what they had. But unfortunately, often at the end of any training and their community insertion, they seem to be in precarious situations. Even you would say to them to keep going, to keep trying, but since they are earning nothing, they are tempted to return to the bush... they go back because they are tempted – not by Boko Haram itself, but because they find themselves in complete precarity with no other way out.”

- Lawyer, Niger

training programs to facilitate former combatants’ social and economic integration. In the absence of successful reintegration, terrorism continues in the region alongside the destabilising effects of the rise in armed robbery, hostage-taking and road ambushes. The circulation of weapons has also increased insecurity and fuelled

community conflicts. Reintegration is essential to reducing the threats of violent extremism and mitigating the prevalence of organised crime linked to the presence of former Boko Haram associates in communities.

The successful implementation of reintegration programs is not the responsibility of governments alone. Stakeholders in regional peacebuilding processes highlight the role of communities in reintegrating combatants. One civil society practitioner in Cameroon stated:

It is important to acknowledge that the community is always implicated in these processes, whether this is wanted or not... We need to educate and sensitise communities to accept ex-members of Boko Haram. Often, communities offer much pushback, making the return to communities and reintegration process harder. Communities should focus on accepting ex-members and guaranteeing that those who return are free in all senses. Communities should shift their perception, understanding that with justice, ex-members have paid their debts to society.⁵⁷

⁵⁷ Interview, Civil Society Practitioner, female, Cameroon, February 2023.

5.2. Prosecution and Amnesty

The dominant view among affected community stakeholders interviewed for this study is that the leaders of VEOs and principal actors responsible for kidnapping and banditry should be held accountable for prosecution for human rights violations and crimes. As one government official put it: “Individuals who have committed crimes and have been called to answer for their actions must be brought before justice to answer for their crimes. It is a good thing for us. It is a sort of justice that repairs the wrongs that have been done to others.”⁵⁸

Nonetheless, most stakeholders also thought that repentant ex-combatants forcibly recruited by VEOs and criminal groups should be rehabilitated and reintegrated into the community. Many community stakeholders perceive justice as a means of righting the wrong done and a remedy rather than being punitive, depending on the context. Restorative justice is encouraged through apology, forgiveness and acceptance of penitence.

“For me, justice is about managing conflicts... For people who have committed crimes - especially murders - and certainly for those that were victims, we have to consider how can we see them repent? It’s good the government has taken measures to favour and give possibilities to ex-combatants to return to their communities.”

- Traditional Community Leader, Cameroon

Despite the provisions of the LCB-Regional Stabilization Strategy on prosecution, there remains a lack of clarity around prosecuting fighters of Boko Haram and other VEOs. Measures adopted by LCBC Member States to reduce violence and promote defections from VEOs

constitute formal transitional justice mechanisms because they have elements of criminal justice, which hold violent Boko Haram members accountable for their crimes. These measures also have provisions for amnesty and rehabilitation for repentant defectors believed to be low risk.⁵⁹

Niger has enacted laws to encourage defections, reintegration and reconciliation by not punishing Boko Haram associates who lay down their weapons. A 2017 amendment to the Penal Code allows for the exemption from prosecution of suspects who have voluntarily surrendered unless there is reason to believe they may have committed serious crimes in violation of international law.⁶⁰

⁵⁸ Interview, Government Official, male, Cameroon, February 2023.

⁵⁹ Sixtus Obioma Ibekwe, “Challenges of Implementing Transitional Justice in the Lake Chad Basin and the Integration/Reintegration of Displaced Persons,” *Asian Journal of Comparative Politics* 7, 3 (2021): 649–660.

⁶⁰ Art. 399.1.20(2), Niger Penal Code, 2017.

In 2019, the government of Niger further enacted a law granting amnesty from prosecution to ex-associates of VEOs as part of its rehabilitation and reintegration program.⁶¹

Chad granted amnesty to defectors of VEOs in Northern Chad in November 2021 through an official proclamation that was not enacted into law. It was not clear if this amnesty extended to the Lake Chad Region.⁶² The country's Disengagement, Dissociation, Reintegration and Reconciliation (DDRR) Strategy, adopted in 2024, makes reference to transitional justice and states that there will be no general amnesty for former associates of Boko Haram and ISIS. Under the strategy, individuals suspected of committing serious crimes, such as war crimes, crimes against humanity and acts of genocide, are not immediately eligible for the DDRR program."⁶³

In Cameroon, the President's inauguration speech on 6 November 2018 mentioned a "hand stretched out to Boko Haram", who laid down their weapons. However, no subsequent law made this proclamation legally operational. The Decree of 30 November 2018 establishing the national DDR Committee and regulating its functioning only refers to the "peace appeal" in the inaugural address as the basis for the DDR programme. Similarly, Nigeria's Operation Safe Corridor implies a de facto amnesty for former VEO associates assessed to be eligible for reintegration, even though no enabling laws specify this.⁶⁴

Amnesty and pardons can be helpful mechanisms for transitional justice. They can be useful tools for peacebuilding and to encourage defection. However, amnesties for gross human rights violations and serious violations of international humanitarian law (in particular when they amount to international crimes: crimes against humanity, genocide and war crimes) are not permissible under international standards. In addition, it is important to ensure that amnesties do not impede victims' rights to truth, justice, reparation and guarantees of non-recurrence. Indiscriminate or blanket amnesty can foster impunity and undermine the rule of law. Amnesty programs implemented without adequate consultation with victims and affected communities can be seen as unjust and create resentment that fuels the circle of violence. Several community stakeholders interviewed for

⁶¹ Max Bearak, "Boko Haram Brought Terror to Niger. Can a Defectors Program Bring Peace?," *Washington Post*, 20 November 2018, retrieved from <https://www.washingtonpost.com/news/world/wp/2018/11/20/feature/boko-haram-brought-terror-to-niger-can-a-defectors-program-bring-peace/>

⁶² Ryan Knapick, "Chad Gives Amnesty to Hundreds of Rebels and Political Prisoners," *The Caravel*: December 2021, retrieved from <https://www.thecaravelgu.com/blog/2021/12/9/chad-gives-amnesty-to-hundreds-of-rebels-and-political-prisoners>; Audu Bulama Bukarti and Rachel Bryson, "Dealing with Boko Haram Defectors in the Lake Chad Basin: Lessons from Nigeria," *Tony Blair Institute for Global Change*: 2019, retrieved from: <https://institute.global/sites/default/files/articles/Dealing-With-Boko-Haram-Defectors-in-the-Lake-Chad-Basin-Lessons-From-Nigeria-.pdf>

⁶³ National Strategy for Disengagement, Dissociation, Reintegration and Reconciliation (DDRR) of former associates of Boko Haram and the Islamic State in West Africa, Chad, 2023

⁶⁴ Michael Ugwueze, Elias C Ngwu, and Freedom C Onuoha, "Operation Safe Corridor Programme and Reintegration of Ex-Boko Haram Fighters in Nigeria," *Journal of Asian and African Studies*, 57(6), 1229-1248.

this study expressed scepticism about the effectiveness of amnesty programs in promoting peace and reintegration in their communities. State pardons granted without community involvement cannot bring lasting peace.⁶⁵

A common concern affected community and civil society stakeholders expressed is that prosecution and amnesty programs are national in scope with limited local community buy-in and support. Gaps remain in the efforts to build robust victim-centred transitional justice processes that strike the right balance between prosecutions and amnesty. To achieve balance, transitional justice mechanisms should be built on local justice and reconciliation norms but should also prioritise accountability for crimes committed and reparations for victims and survivors.⁶⁶

The criteria for amnesty and prosecution should be clarified at the national level and coordinated at the regional level to ensure policy consistency. Given the cross-border nature of the conflict, it is essential to have coordinated consistency in how offenders are prosecuted or granted amnesty.

5.3. Accountability for Actions of State Actors and State-Affiliated Groups

Accountability for terrorist acts and crimes must extend beyond the actions of violent extremist organizations (VEOs) to include state security forces and state-sponsored vigilante and civil defense groups. Ensuring that both state and non-state actors are held accountable for their abuses is crucial for addressing the trust deficit, building trust and legitimizing transitional justice programs. Numerous community and civil society stakeholders interviewed for this study emphasized that the impunity of state actors and their affiliates, such as vigilante and civil defense groups, undermines justice and peacebuilding efforts in the region. Reports indicate that vigilante groups in Nigeria, Cameroon, Niger, and Chad have significantly contributed to the fight against Boko Haram and other VEOs. They have made military operations more precise and effective, reconnecting state anti-insurgency efforts with local communities. However, their activities raise several concerns for transitional justice. Vigilante groups have committed abuses and become entangled in the war economy. In some parts of Nigeria, vigilantism has escalated anti-state insurgencies into bloodier conflicts, increasing violence between VEOs and communities.⁶⁷ While some stakeholders view vigilantism as a valuable counter-insurgency tool, their involvement in transitional justice processes

⁶⁵ Interview, Traditional Healer, male, Cameroon, April 2023.

⁶⁶ Atta Barkindo, "The Boko Haram and the Conflict Dynamics in the Chad Basin," United Nations Development Programme, Africa Borderlands Centre, December 2020: <https://www.undp.org/africa/publications/borderland-policy-briefing-series-boko-haram-and-conflict-dynamics-chad-basin>

⁶⁷ International Crisis Group, *Watchmen of Lake Chad: Vigilante Groups Fighting Boko Haram*, Africa Report 244 (2017).

is troubling, particularly regarding impunity and planning for long-term post-conflict transformation. There are concerns that, over time, vigilantes may become political foot soldiers and engage in organized crime, communal violence, social upheaval, and political instability in the region.

6. COMMUNITY-BASED INDIGENOUS CUSTOMARY JUSTICE PRACTICES

Communities play a key role in justice processes aimed at stabilisation and recovery, and it is essential for the community to own whatever strategies adopted to achieve these goals. Similarly, traditional and religious leaders play prominent roles in the social and political life of the affected communities and in resolving local disputes. Their roles should be integrated into transitional justice processes developed at national and regional levels, and their roles in these processes should be clearly defined. A unique feature of justice in affected communities in the LCB region is the integration of formal legal processes and non-formal community-based traditional/religious justice practices. Customary law is integrated at various levels in the formal state-administered justice system in all LCBC member states. Because violent extremists have used religion to indoctrinate recruits and justify violence, it is essential that religious leaders are constitutively engaged in transitional justice processes. This is critical to addressing the trust deficit that has hindered ongoing DDR and transitional justice initiatives. Religious adherents and community leaders in Cameroon, Chad, Niger and Nigeria have integrated customary measures into the national reintegration programs by asking defectors to swear an oath of non-recidivism to establish trust and peace between repentant perpetrators and survivors/victims.⁶⁸

“We need more intervention of the Imans, the preachers for deradicalization. It’s the confessional aspect we should work on; we should reach the ul-Imans at the level of their confessional meetings, so that work can be done through them. They can work to deconstruct the harmful ideas that were internalized.”
- Ex-Combatant, Cameroon

Building on indigenous justice and conflict resolution practices is an effective strategy to achieve local engagement with and support for national and regional processes.

Using indigenous transitional justice mechanisms to address human rights violations has the potential to meet the needs of the most vulnerable groups in conflict situations, especially women and girls, persons with disabilities, older people, children and youth.⁶⁹

This approach aligns with the AUTJP framework, which calls for the *localisation* and *decolonisation* of transitional justice approaches by adopting indigenous restorative justice mechanisms recognised in transitioning societies.

“This justice [we practice] is different from criminal justice because it is a justice which lies with people who may not even be guilty... these justices are justices of forgiveness, reconciliation, and... justice which pardons, and which seeks the path of peace.”
- Community Leader, Niger

Indigenous justice mechanisms are particularly suitable for transitioning communities like those in the LCB region, where it is sometimes difficult to pronounce clear verdicts of guilt

⁶⁸ Akinola Olojo, “Transitional Justice Can Give Victims a Voice in Lake Chad Basin,” *Institute for Security Studies*, April 27, 2022, retrieved from: <https://issafrica.org/iss-today/transitional-justice-can-give-victims-a-voice-in-lake-chad-basin>

⁶⁹ Patricia Lundy and Mark McGovern, “Whose Justice? Rethinking Transitional Justice from the Bottom Up,” *Journal of Law and Society* 35, no. 2 (2008): 265-292; Simon Robins, “Transitional Justice as an Elite Discourse,” *Critical Asian Studies* 44 (March 1, 2012): 3–30.

and innocence, and cases of human rights violation are characterised by moral “grey zones.”⁷⁰ In similar conflict scenarios, such as northern Uganda, where kidnapped children and youth were used as fighters, customary community-based justice practices helped affected communities navigate the challenges of balancing retributive and transitional justice.⁷¹ In such complex situations, indigenous justice mechanisms, unique to affected communities receiving former child soldiers, provided victims and survivors with the understanding required to come to terms with the atrocities committed. Similar indigenous conflict resolution approaches have been adopted in the LCB region with varying results.

In assessing the readiness of LCB communities affected by violent extremism for this kind of community-centred transitional justice process, it is evident that people have varied and limited knowledge of the application and possible outcomes of transitional justice.⁷² In situations where relative peace returns to communities, providing a window of opportunity for community-centred justice practices, it is important to contextualise such practices within each community’s conflict landscape. As one CSO practitioner put it: “Our justice needs to seek inspiration from every society... but we need to figure out how to link justice with local community needs instead of seeking solutions that apply to all... strategies that are too general can be problematic.”⁷³

6.1 Integrating Indigenous Customary Justice Practices into Transitional Justice Processes

Traditional and religious institutions are integral to achieving a whole-of-society transitional justice strategy in the LCB region. Community-based approaches which draw on local customary and religious practices can offer recovering communities the opportunity to reconcile and rebuild. Across the LCB region, affected communities deploy indigenous reconciliation mechanisms to drive justice and reintegration processes. These traditional reconciliation and justice approaches include oath-taking to prevent ex-combatants from re-joining extremist groups, ceremonies of forgiveness and reconciliation, compensation or restitution and consultation/dialogue methods (*Sawari* or *Ci kumo ye Duto*).

⁷⁰ Tim Allen and Anna Macdonald, “Post-Conflict Traditional Justice: A Critical Overview.” Justice and Security Research Programme, London School of Economics, 2013. <https://core.ac.uk/download/pdf/20050781.pdf>

⁷¹ Erin Baines, “Spirits and Social Reconstruction after Mass Violence: Rethinking Transitional Justice,” *African Affairs* 109, No. 436 (July 2010), 409-430.

⁷² Akinola Olojo and Maram Mahdi, “Transitional Justice: Testing the waters in the Lake Chad Basin,” *Institute for Security Studies* 39, April 2022, retrieved from: <https://issafrica.org/research/west-africa-report/transitional-justice-testing-the-waters-in-the-lake-chad-basin>

⁷³ Interview, Civil Society Practitioner, female, Niger, February 2023.

Customary mediation practices typically involve the intervention of community elders to resolve conflict and disputes following longstanding customary or religious procedures. *Diya* (compensation), which is common across communities in the LCB region, is a practice where the offending individual or community pays money as restitution to the offended. This process is usually facilitated by community elders and religious leaders. Customary justice also takes the form of social ostracism or isolation, where community leaders pronounce that no one in the community should interact or have any form of relationship with an offender for a specified period.

A survey of customary justice and reintegration practices in North-Eastern Nigeria identified *Sulhu* (*sulfu*, *solo*, or *sasantawa*) and *Diya* as the most common reconciliation methods grounded in the Sharia law and prominent in the area.⁷⁴ Evidence showed that *Sulhu* mediation restores and promotes social cohesion and fosters reconciliation among perpetrators of atrocities and survivors/families of victims.⁷⁵ In some Borno communities in Nigeria, *Sawari* allows local leaders and stakeholders to jointly determine the appropriate sanctions for perpetrators based on their offences while considering the broader community's need for healing and reconciliation. Community leaders play a crucial role by intervening in disputes between ex-combatants and victims. Interviews with stakeholders revealed that in some communities, disputes reported to the formal justice system by disputants were discouraged and perceived as fostering injustice. This is because of the role they believe the community should play in dispute resolution.

Table 3: Community-Based Customary and Religious Justice Systems - SULHU

What is it?

Sulhu is an alternative dispute resolution in Islam. A sulhu is a negotiated agreement or settlement between the two parties with the assistance of a neutral third party, such as a Kadi, family leader, or community leader.

How does it work?

Sulhu is a dispute resolution option if the parties to a dispute request mediation or arbitration. The arbitrator or third party may elicit the assistance of another neutral third party to resolve the dispute. There has been increasing demand for Sulhu in the LCB region in civil cases, especially marital disputes and debt recovery. In most Sharia courts and commission jurisdictions, criminal cases are not presented for Sulhu.

⁷⁴ United States Commission on International Religious Freedom, *Sharia Criminal Law in Northern Nigeria: Implementation of Expanded Shariah Penal and Criminal Procedure Codes in Kano, Sokoto, and Zamfara States, 2017-2019*, USCIRF, 2019.

⁷⁵ Idayat Hassan and Justin Tyvoll, "After Boko Haram: Prospects for Transitional Justice in Northeast Nigeria," *Center for Democracy and Development*, July 2, 2018, available at: <https://www.africaportal.org/publications/after-boko-haram-prospects-transitional-justice-north-east-nigeria/>

Table 4: Community-Based Customary and Religious Justice Systems – DIYA

What is it?	In Islamic law, Diya is the financial compensation paid to a victim or heirs of a victim in cases of murder, bodily harm, or property damage.
How does it work?	The application of Diya varies across the LCB region. It is applied in both formal and non-formal justice processes. In many jurisdictions, there is a lack of clarity on the scope of the application of Diya. In some Sharia or Alkali courts and commissions in the LCB region, Diya is awarded to victims or their families as part of dispute resolution processes or criminal justice proceedings. In some jurisdictions, Diya paid to men is higher than those paid to women who accept this remedy instead of a sentence being carried out.

An academic stakeholder in Cameroon described *tuba* as “the practice of asking for forgiveness before the community... It is a way to forgive the otherwise unforgivable, to end the cycle of destruction. We cannot keep losing our children and must work to move forward. [Tuba] is to swear on the Quran, and to ask for forgiveness in front of all.”⁷⁶

“Community leaders and religious Leaders intervene when there is problem. In our custom, when a problem is reported in police station, our belief is that amicable settlement was not the intention but injustice to be mated against a disputant by the other. Thus, we resolve our grievances through Community and Religious leaders.”
- Religious Leader, Nigeria

Customary community-based justice practices have proffered solutions to some of the social and cultural challenges of reintegration that formal justice systems cannot. For example, in Nigeria, customary justice practices have helped to

reconcile and reintegrate women ex-associates of Boko Haram and encouraged men to marry them to prevent stigmatisation and bolster social ties in communities. Although these non-formal customary justice mechanisms work best in resolving civil disputes, their truth-seeking and reconciliation components make them crucial dispute resolution and transitional justice mechanisms.

One benefit of customary community-based justice practices is that demobilised ex-combatants are familiar with this form of justice and, therefore, more likely to embrace it. Ex-combatants interviewed for this study expressed familiarity with these customary justice systems, which VEOs also applied when administering “justice” within their ranks. Although the forms of “justice” administered by VEOs distorted customary and religious practices, they drew on mechanisms and processes familiar to their associates. One ex-combatant in Cameroon stated:

In the bush, if you commit a crime, you must approach the leader who will judge. He will decide if he needs to pass the matter to a tribunal or if he can handle it himself. If it’s a serious incident, it will be

⁷⁶ Interview, Academic Stakeholder, male, Cameroon, February 2023.

brought before a judge (in the bush). These aren't judges as we know them, they are people that are designated to act as judges. The Quran and *le Radice* act as the base of this system.⁷⁷

Properly administered with appropriate safeguards and oversight, customary community-based justice practice can provide the grassroots foundation for comprehensive national transitional justice strategies. Like the Gacaca courts of post-genocide Rwanda, customary justice practices in the LCB region can be harnessed through government coordination to fill the capacity gaps in formal justice systems strained by the growing numbers of ex-combatants in state custody. However, it is important that traditional justice mechanisms acknowledge and address the complexities of conflict, such as situations where people may be victims and perpetrators at the same time, as in the case of child soldiers.

This model of government-community partnership in the use of customary community dispute

“There is a set of mechanisms intended to resolve the conflict. But it is not a justice. Right now, we must refer ourselves to the laws. When we talk about states of emergency, when we talk about insurrection, when we talk of forces, there is no justice; justice is not force. Justice is an admission; it is an agreement of the population. So long as there is force, there is no justice.”

– CSO Practitioner, Niger

resolution practices for stabilisation and recovery is evident in Niger. In areas where communities still resent ex-fighters and distrust government rehabilitation initiatives, the Diffa regional government worked with traditional rulers and local religious leaders to solicit their support for

the national reintegration program.⁷⁸ Using the local *comités de paix* (peace committees) created by the High Authority for Peace Consolidation (HACP) across the twelve Diffa communes in 2018,⁷⁹ the government engaged stakeholders in DDR initiatives, encouraging them to receive repentant ex-fighters and promote community healing.

“Justice is to bring ourselves together through reconciliation and dialoguing and forget the past... It also includes reparation to victims through reconstruction of the destroyed properties, business capital and anything that can revive victims.”

– Traditional Community Leader, Nigeria

Such state-led engagement with local traditional and religious leaders in DDR and transitional justice is less evident in Chad. As of 2022, the government had not instituted a formal national rehabilitation and

reintegration program. One explanation for this apparent inaction is that, unlike other LCB Member States, local leaders in conflict-affected Chadian communities have not encountered as many

⁷⁷ Interview, Ex-Combatant, male, Cameroon, February 2023.

⁷⁸ Obi Anyadike, “How Jobs Can Help Niger Win the War against Boko Haram,” *The New Humanitarian*: April 16, 2019, available at: <https://www.thenewhumanitarian.org/analysis/2017/07/17/how-jobs-can-help-niger-win-war-against-boko-haram>.

⁷⁹ Omar S. Mahmood and Ndubuisi Christian Ani, “Responses to Boko Haram in the Lake Chad Region: Policies, Cooperation and Livelihoods,” *Institute for Security Studies*: July 2018, available at: <https://issafrica.s3.amazonaws.com/site/uploads/2018-07-06-research-report-1.pdf>

difficulties reintegrating repentant Boko Haram defectors. Another explanation is that Chadian communities in the region have “not been hit hard by jihadist violence compared to those in other countries in the region.”⁸⁰ The slow pace of integrating customary justice practices into formal justice systems can also be attributed to distrust between affected communities and the government. Such distrust is evident across the LCB region. Military and administrative authorities believe that some religious and traditional leaders aid Boko Haram fighters, while community leaders are distrustful of the government interventions.⁸¹

Beyond customary justice practices, community and local civil society stakeholders stress the benefits of other customary cultural practices that foster social cohesion and advance stability and recovery. One civil society stakeholder in Cameroon stated: “Any customary practice that reunites people is effective, whether traditional dance, gathering around animals, around trees... Once people are together, it fosters discussion and the discovery of solutions.”⁸²

Table 5: Community-based Justice and Despite Resolution Mechanisms in the LCB Region

Cameroon	Chad	Niger	Nigeria
Swearing by Quran	Diya	Sulhu	Rantsuwa
Indigenous Religion (Ritual Sacrifice)	Social ostracism	Diya	Sulhu
Customary mediation	Customary mediation	Customary mediation	Diya
		Social ostracism	Tuba
			Solo / Sasantawa
			Sawari or <i>Ci kumo ye Duto</i> (Mediation)

⁸⁰ International Crisis Group, “Cameroon’s Far North: A New Chapter in the Fight Against Boko Haram,” *ICG Africa Report*: August 14, 2018, available at: https://icg-prod.s3.amazonaws.com/263-camerouns-far-north-english_1.pdf

⁸¹ International Crisis Group, “Fighting Boko Haram in Chad: Beyond Military Measures,” *ICG Africa Report*: March 8, 2017, at: <https://icg-prod.s3.amazonaws.com/246-fighting-boko-haram-in-chad-beyond-military-measures.pdf>

⁸² Interview, Civil Society Practitioner, female, Niger, February 2023.

6.2 The Limits of Community-Based Justice Systems

Although transitional justice processes rooted in local history, tradition and religious values have the potential to transform the conflict in the LCB region, there is no one-size-fits-all for all transitioning communities affected by violent extremism. Scholars and practitioners have cautioned local authorities and their international partners against often-forgotten limitations of indigenous justice practices. Traditional social relations in many communities in the LCB region are based on hierarchies, and customary justice practices are guided by gender and age.⁸³

In communities where women are not traditionally allowed to play active roles in conflict resolution and peacebuilding, men may use indigenous justice mechanisms to repress women and youth participation in these processes. There is a need for caution. Customary community-based justice mechanisms rooted in traditional values can re-enforce pre-conflict structures of power and inequalities.

“Tuba, the practice of asking for forgiveness before the community is a way to forgive the otherwise unforgivable, to end the cycle of destruction. We cannot keep losing our children and must work to move forward. It is to swear on the Quran, and to ask for forgiveness in front of all.”

- Academic Stakeholder, Cameroon

Moreover, not all conflict scenarios will benefit from local customs and practices. In some cases, local traditions and customary practices are at the roots of conflict. In such circumstances, emphasising global transitional justice best practices alongside community practices is a more productive approach.

The limits of non-formal customary justice practices are evident when state authorities intervene in the practices that call for formal criminal prosecution. Community leaders interviewed for this study recounted incidents where military authorities interfered with or disrupted traditional justice practices in matters considered beyond the scope of community-based justice.

“Traditional justice mechanisms exist, and we use them to resolve conflicts... But there is always governmental pressure that can intervene. The military authorities and State authorities can say that this is no longer a local issue or one that can be handled with traditional methods and that the incident must be handled through formal justice systems, through the State. With this, we cannot do our daily work of conflict resolution.”

- Traditional Community Leader, Cameroon

Nonetheless, community-centred consultations should be the first steps to establishing inclusive transitional justice processes in LCB communities affected by violence and conflict. Such consultations are likely more effective when led by customary and faith-based

⁸³ Joanna R. Quinn, “Gender and Customary Mechanisms in Uganda,” in: Debra Bergoffen, Paula Ruth Gilbert, Tamara Harvey, and Connie L. McNeely, *Confronting Global Gender Justice: Women’s Lives, Human Rights* (New York: Routledge, 2011) 482–519; Tim Allen and Anna Macdonald, “Post-Conflict Traditional Justice,” 13.

institutions involving women and youth and guided by the AUTJP framework.⁸⁴

Consultations are crucial for buy-in and legitimacy and to inform transitional justice processes that effectively address local priorities and victims' views and needs. The lack of transparent information sharing and inadequate public consultation in transitioning societies can create public doubts about the government's commitment to justice, peace, and recovery.⁸⁵ The significance of community participation is to gain public trust and inform and legitimise transitional justice processes.

⁸⁴ Akinola Olojo, "Transitional Justice Can Give Victims a Voice in Lake Chad Basin," *Institute for Security Studies*, April 27, 2022, retrieved from: <https://issafrica.org/iss-today/transitional-justice-can-give-victims-a-voice-in-lake-chad-basin>

⁸⁵ United States Agency for International Development, "National Perception Study of Transitional Justice in Sudan: Final Report," 2020, retrieved from: <https://sayarainternational.com/wp-content/uploads/2020/12/Sayara-for-DT-Sudan-Transitional-justice-Final-Report.pdf>.

7. GENDER CONSIDERATIONS AND JUSTICE FOR SEXUAL VIOLENCE

A gender-sensitive approach that attends to the unique needs of women is critical to successful transitional justice processes. It is recognised that gender sensitivity does not only concern women but also concerns the differentiated impacts of this conflict on women, men, boys and girls, as well as their different roles and forms of victimisation. However, the prevalence of women-centred gender violence in the LCB conflict makes it imperative to bring a gender-sensitive lens to transitional justice interventions in the region. Women and girls are affected by the conflict in several ways. Socio-cultural and structural circumstances put women in vulnerable positions for Boko Haram “recruitment.” Women connected to Boko Haram and other VEOs are mostly forced to participate in attacks because the process leading to their involvement with the group (as wives, combatants and suicide bombers) is fraught with coercion, hypnotisation, deceit and intimidation.⁸⁶ The vulnerabilities women face reflect the gendered power asymmetries embedded in local, religious and patriarchal sociocultural structures and practices.

Several reports have noted the prevalence of conflict-related sexual violence, especially against women and girls in the region. Reports document how members of VEOs and bandits forced men to hand over their wives, daughters and other female relatives. “Refusal resulted in instant death, and the women were taken regardless. Women described how they and their daughters were subjected to daily rape, including gang rapes, in captivity or in their homes.”⁸⁷

Many women recruited into VEOs are often enslaved, sexually abused, and used as suicide bombers and bargaining chips with state actors. Female ex-associates are stigmatised, victimised and sometimes rejected by members of the receiving communities. Women and children are victimised

“The question of gender in the Lake Chad Region lies a lot more with this difference between men’s and women’s education. Here, parents are a lot more flexible when it comes to sending boys to school, in comparison with girls. And, you know, an educated person is harder to manipulate than an illiterate person. If today Boko Haram goes through women to commit attacks, it’s because most [women] here are not educated. So, I think we must not make a distinction between girls/women regarding education, I think that is the real problem.”

- Teacher, Chad

when male family members who are the economic providers are killed, kidnapped and detained by security agencies. Security forces have been known to arrest young men of “fighting age arbitrarily” – accusing them of being terrorists. Joining terror groups means they can escape and access weapons when threatened by soldiers.⁸⁸

⁸⁶ Damilohun Ayoyo, Anthony Mpiani, and Temitope Oriola, “Deconstructing the Notion of Women as “Perpetrators” of Jihadi Terrorism: The Case of Boko Haram,” in: Temitope B. Oriola, Freedom C. Onuoha, and Samuel Oyewole (eds.) *Boko Haram’s Terrorist Campaign in Nigeria: Contexts, Dimensions and Emerging Trajectories* (New York: Routledge, 2022), 15-30.

⁸⁷ Malik Samuel and Hassane Koné, “The two countries must put their political differences aside to stop the violence that is devastating border communities,” *ISS Today*, Institute of Security Studies, 24 October 2023.

⁸⁸ Malik Samuel, “Turning away from terrorism: Lessons from the Lake Chad Basin,” *ISS Today*, Institute of Security Studies, 2023

Without social support or means to fend for their families, women face poverty and other vulnerabilities. Women in affected communities interviewed for this study recounted the abuses, losses and trauma they suffered from terrorist attacks and the counter-terrorism activities of military forces. One woman in Nigeria stated: "Boko Haram killed my father, and my husband lost his life in the hands of the military."⁸⁹ This is a common experience of women in affected communities in the region.

Across the affected LCB communities, this study found that female victims of sexual violence are more likely to demand prosecution and formal legal accountability. This aligns with international human rights standards requiring investigations and prosecutions of all gross violations of human rights and serious violations of international humanitarian law. The UN Secretary-General's Guidance Notes on Transitional Justice calls on transitioning states to undertake investigations and prosecutions of gross violations of human rights and serious violations of international humanitarian law, including sexual violence. This alignment between international standards and local victim expectations of justice calls for transitional justice strategies that balance prosecutions with restorative justice approaches.⁹⁰

CSOs working with female victims and survivors stress the need to pay particular attention to the plight of female hostages of Boko Haram and other VEOs. As one practitioner stated: "Gender issues are critical because of the complexity of the roles of women within Boko Haram - especially those that have given birth. It is key that people understand that women can be victims of Boko Haram, even if they are perceived as complicit or partners of fighters. There is much to do to help women and children."⁹¹

Women also face unique challenges in reintegration programs, which typically offer limited access to women defectors who are often treated as wives or daughters of combatants rather than full beneficiaries of these programs. This is contrary to the Regional Strategic Objective 37 of Pillar 9, which calls for the protection of women and girls from all forms of violence, exploitation and abuse. The objective is to ensure "effective protection measures that empower women and girls as beneficiaries and can effectively engage in the stabilisation, recovery and peacebuilding processes as well as prevention and response to violence extremism."⁹² This strategic objective of adopting gender-sensitive approaches in transitional justice processes has yet to be archived.

⁸⁹ Female participants, Focus Groups Discussion, Nigeria, March 2023.

⁹⁰ For international transitional justice standards, see *Guidance Note of the UN Secretary-General Transitional Justice: A Strategic Tool for People, Prevention and Peace*; UN's Framework of Analysis for Atrocity Crimes 2014.

⁹¹ Interview, Civil Society Practitioner, Niger, female, February 2023.

⁹² LCBC, "Regional Stabilization Strategy," 35.

While Pillar 9 of the LCB Regional Strategy encourages the empowerment and inclusion of women and youth in reintegration processes, national and local authorities still need to do more to foster the participation of women in conflict resolution and peacebuilding in the LCB region. Even though there is a consensus among stakeholders that the involvement of women in transitional justice processes can help address issues of gender sensitivity and inclusiveness, existing mechanisms have not sufficiently integrated women into decision-making processes and programs. For example, out of the sixteen board members leading Cameroon's National Committee for Disarmament, Demobilisation and Reintegration (CNDDR), only one of the members is a woman.⁹³

Women are uniquely relevant to the demobilisation, rehabilitation, and reintegration of VEOs' ex-associates. Female ex-associates are well-positioned to contribute to the disarmament and demobilisation processes. They are critical to discouraging more women (and girls) from joining extremist groups. Similarly, women in communities affected by extremist groups often have a better understanding of the concerns of receiving communities and can facilitate the reintegration of female ex-associates. The knowledge of Boko Haram female ex-associates and women receiving them into host communities can inform national reconciliation efforts and local peace processes.⁹⁴

It is important to go beyond seeing women only as victims of conflict to highlight their role as active participants in community justice practices and leaders of civil society reintegration initiatives. Across the LCB region, women have been integral to the success achieved in demilitarisation, demobilisation and reintegration. For example, in Nigeria, officials involved in the DDR processes testified that working with mothers of young Boko Haram fighters facilitated their exits from the group. "Phone calls from mothers to their children in terrorist camps have proved to be a powerful incentive for youths to leave these camps and return to their families."⁹⁵

⁹³ Celestin Delanga and Akinola Olojo, "Women Have a Vital Role in Cameroon's Reintegration Process," *Institute for Security Studies*, November 23, 2022, available at https://issafrica.org/iss-today/women-have-a-vital-role-in-camerouns-reintegration-process?utm_source=BenchmarkEmail&utm_campaign=ISS_Weekly&utm_medium=email

⁹⁴ Delanga and Olojo, "Women Have a Vital Role in Cameroon's Reintegration Process."

⁹⁵ Interview, Operation Safe Corridor personnel (Nigeria), June 16, 2023.

8. NATIONAL POLICY COHERENCE AND REGIONAL COORDINATION

LCBC Member States have adopted several national policies and action plans upon which a cohesive transitional justice strategy can be built. At the regional level, there is some coordination on counterterrorism through the Multinational Joint Task Force and stabilisation through the framework of the LCBC's Regional Strategy for Stabilization, Recovery, and Resilience (See Figure 2). As noted in the Strategy: "A regional response is required because neither causes nor effects of the crisis respect national borders."⁹⁶ However, significant gaps in national policy coherence and regional coordination remain. For example, beyond military operations, the Nigerian government's response to VEOs and banditry lacks coordination between the states and federal government. There is little coordination among governors of affected states and no common position on tackling the problem. Some governors refuse to negotiate with VEOs and bandits, some have engaged in dialogue, while others appear indifferent.⁹⁷ Lack of coordination is also evident at the regional level. Ex-combatants detained, screened, and released by Cameroonian authorities as part of their DDR process have been re-arrested and detained by the Nigerian Government. This has discouraged further defections and exits from VEOs.⁹⁸

The lack of robust national policy harmonisation and regional coordination impedes the effectiveness of holistic transitional justice systems. National policy coherence on legal prosecution, penalties, amnesty, reintegrating former members, and reparations and compensation for victims and their families is essential to effective transitional justice.

"Re-integrating ex-combatants into the community without having obtained the consent of the victims is an injustice to the victims."
- Community Member, FGD, Nigeria

The legal and policy frameworks for transitional justice in LCBC Member States are fragmented. There is a lack of national policy coherence and inadequate regional

coordination on the key elements of transitional justice relevant to the LCB region – legal prosecution of violent offenders, amnesty or pardon to low-level offenders, and the reform of state institutions to prevent relapse of violence. The lack of legal harmonisation is a significant obstacle to stabilisation, recovery and building resilience in the LCB region. For example, Cameroon's 2014 law that imposes the death penalty on anyone found guilty of or complicit in acts of terrorism does not promote reintegration. The law is also silent on issues concerning amnesty or legal proceedings against ex-combatants. Likewise, the law establishing the country's National Committee for Disarmament, Demobilisation and Reintegration (CNDDR) does not address reparations for victims of Boko

⁹⁶ LCBC, "Regional Stabilization Strategy," 11.

⁹⁷ Malik Samuel and Hassane Koné, "The two countries must put their political differences aside to stop the violence that is devastating border communities," *ISS Today*, Institute of Security Studies, 24 October 2023.

⁹⁸ Allamin Foundation for Peace and Development, *Making Healing Work: Reclaiming Our Humanity through Transitional Justice*. The Perceptions of Borno Communities on the Preconditions for Transitional Justice and Reconciliation Programme in North-East Nigeria, Allamin Foundation, 2023, 14.

Haram.⁹⁹ One study of Nigeria’s demobilisation and reintegration strategy describes it as “disjointed.” Operation Safe Corridor and the Action Plan for Demobilization, Disassociation, Reintegration and Reconciliation for those associated with Boko Haram operate with little coordination or transparency, and the criteria for screening detainees are opaque.¹⁰⁰

Harmonising counterterrorism and stabilisation/peacebuilding legislation at national levels and effectively coordinating them at the regional level is critical to effective transitional justice in the LCB region. There is a need for cohesive, publicly developed and promulgated national transitional justice strategies and action plans developed through broad-based stakeholder engagement and public consultation. The AUTJP can guide states in developing and implementing strategies to harmonise laws, policies and mechanisms to deliver effective transitional justice.

Regional Strategy Pillar 3 on DDR and Strategic Objective 10 on transitional justice provide suitable frameworks for sustained strategic coordination. The objective is to “strengthen and harmonise national, transitional and criminal justice systems to effectively undertake the investigation and prosecution of persons associated with Boko Haram and other forms of accountability.” Although the RS-SSR outlines the “means of implementation,” the critical gap remains the absence of a systematic follow-up process and the slow progress on existing transitional justice initiatives. Another gap is that transitional justice initiatives currently focus on national priorities rather than regional goals.¹⁰¹ For example, the absence of harmonised protocols guiding demobilisation programs in the Boko Haram-affected LCB communities creates confusion and uncertainty over the treatment of surrendering combatants at the various reception centres across the region.

“The community knows how to live together. Whether they are religious, local, indigenous... Members of the community are there to collaborate. The community needs to be consulted to reinstate peace.”
- Community Leader, Niger

This uncertainty and inconsistency delay more defection and prolong the building of a foundation for reintegration, stabilisation and recovery. For example, defections from Boko Haram in early 2021

following the death of Abubakar Shekau reduced significantly in the years after, partly due to the many uncertainties surrounding regional DDR policies and processes.¹⁰² In Chad, the absence of a cohesive national framework defining the eligibility for reintegration and a plan for the economic

⁹⁹ Delanga, “Insecurity grows in Cameroon as reintegration efforts stall.”

¹⁰⁰ Saskia Brechenmacher, “Achieving Peace in Northeast Nigeria: The Reintegration Challenge,” Carnegie Endowment for International Peace, 2018. <https://carnegieendowment.org/2018/09/05/achieving-peace-in-northeast-nigeria-reintegration-challenge-pub-77177>

¹⁰¹ Hoinathy, Olojo, and Samuel, “Why Effective Handling of Boko Haram Deserters Matters.”

¹⁰² Murtala Abdullahi, “Counter-insurgency: Why Authorities Should Exploit New Wave Of Boko Haram Desertion,” *HumAngle*, August 5, 2021, available at: <https://humanglemedia.com/counter-insurgency-why-authorities-should-exploit-new-wave-of-boko-haram-desertion/#>

empowerment of defectors, unemployment and hunger have pushed almost half of the repentant fighters back to the open arms of VEOs.¹⁰³ There is a need for a more comprehensive and cohesive regional strategy that builds on the AUTJP and the LCBC-RS-SRR, with much broader scope and implementation mechanisms, to match the scale and urgency of the protracted regional conflict.

Harmonisation and coordination should not be confined to state and regional institutions. They should also happen at the civil society and community levels through coalition-building, deliberative networking, and public communication. Inclusive participation and communication are critical to effective transitional justice. National transitional justice strategies should take a whole-of-society approach backed by a national and community-level communications strategy to increase public understanding of and support for legal processes as well as reconciliation and reintegration efforts.¹⁰⁴

Local community radio broadcasting messages centred on justice and peace in local and national languages can enhance grassroots collaboration and coordination of transitional justice initiatives. Community radio stations have proved to be effective means for governments and CSOs in the LCB region to spread messages in local languages. “Members were promised safety, non-imprisonment, rehabilitation and reintegration, and respect for human rights if they left Boko Haram. Many left the group because of these broadcasts.” Family members and community leaders have also found these community radio stations helpful in communicating messages of peace and reconciliation.¹⁰⁵

¹⁰³ Bulama Bukarti, “The Challenge of Boko Haram Defectors in Chad,” *War on the Rocks Media*: May 6, 2020, available at: <https://warontherocks.com/2020/05/the-challenge-of-boko-haram-defectors-in-chad/>

¹⁰⁴ Annabelle Bonnefont and Junko Nozawa, “Realizing a Whole-of-Society Approach to Disarmament, Demobilization, and Reintegration in the Far North Region of Cameroon,” Global Center on Cooperative Security
Security, <https://www.globalcenter.org/resource/realizing-a-whole-of-society-approach-to-disarmament-demobilization-and-reintegration-in-the-far-north-region-of-cameroon/>

¹⁰⁵ Malik Samuel, “Turning away from terrorism: Lessons from the Lake Chad Basin,” *ISS Today*, Institute of Security Studies, 2023

9. REPARATIVE JUSTICE: REPARATIONS, COMPENSATION AND RESTITUTION

Victim-centred reparations, compensation and restitution are critical transitional justice practices. There is a distinction between these practices. Compensation refers to something, usually money, awarded to someone for loss, injury, or suffering. Restitution is a gesture to restore to the rightful owner what has been lost or taken away. Reparation involves repairing or restoring to good condition what has been damaged. All three practices are components of the “Right to Reparations” principle of restorative transitional justice.¹⁰⁶ Therefore, reparation is an encompassing term that includes restitution (restoring victims to their original situation before the violation), compensation (which can compensate for economically assessable damage), rehabilitation (medical, psychological, legal, and social care and services), satisfaction, and guarantees of non-recurrence.¹⁰⁷

“There is a penal code that provides for measures of compensation; however, as a civil code, people forget or are unaware. Often, those who would benefit need counsellors that can help them to access it but don’t have them. Justice means ensuring reparation. Regarding measures initiated by judgements rendered in the context of the Boko Haram insurgency, no doubt they exist, but local populations should be made aware of them. They need access to lawyers and civil agents, which many don’t have.”

– CSO Practitioner, Cameroon

In the unique context of the conflict and violence in the LCB region, reparations go beyond monetary compensation. It includes all that is required to repair the damages caused to victims. Evidence from this study indicates that affected communities want state authorities to prioritise compensation and restitution to victims just as much

as they have emphasised the rehabilitation and reintegration of ex-combatants. There is a prevalent perception that state authorities, civil society organisations and international partners have invested disproportionately more attention and resources in rehabilitating ex-combatants than compensating victims or rebuilding affected communities. This perception breeds resentment among affected communities across the region.

Most stakeholders interviewed for this study indicated that reparative justice is practicable and relevant at national and community levels. They emphasised that reparations programs should focus not only on material reparations but also on non-material reparations, such as symbolic community ceremonies and public apologies. These customary forms of non-material reparations have a long history of practice in many communities and are part of the prevailing customary and religious justice systems. They should be harnessed to complement national transitional justice reparations programs.

¹⁰⁶ Larry May, “Reparations, Restitution, and Transitional Justice.” Chapter 2 in: *Morality, Jus Post Bellum, and International Law*, edited by Larry May and Andrew Forcehimes, 32–48. ASIL Studies in International Legal Theory. Cambridge: Cambridge University Press, 2012.

¹⁰⁷ See in particular principles 15 to 23 of the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Adopted by the General Assembly by consensus via resolution 60/147 (2005)

A victim-centred reparations program in the LCB region could draw from the "Good Practices in Supporting Victims of Terrorism within the Crime Justice Framework" developed by the UN Office on Drugs and Crime. The Framework emphasises institutional capacity and coordination, the need for a victim-centred approach, access to justice, legal advice, and representation. It also emphasises participation in restitution, reparation, and financial compensation processes and the critical role of victims' associations and civil society in these processes.¹⁰⁸

In response to the demands for compensation, some LCBC member states have adopted policies to support victims of extremist violence. For example, in 2022, Nigeria established the "Terrorism Prevention Act and Victims Trust Fund" administered by the Ministry of Justice. The law establishing the Victims Trust Fund states that the Fund shall be used to pay compensation, restitution, and damages to victims of acts of terrorism and fund terrorism prevention programs. The Victims Trust Fund Committee comprises government and security officials, as well as "two representatives of non-governmental organisations on the prevention of acts of terrorism."¹⁰⁹ However, two years after the enactment of the law establishing it, the Victims Trust Fund Committee had not been constituted, and the reparations program was yet to be operationalised. The effectiveness of this program to meet the needs of victims for restitution will depend on how well it is resourced and managed. This Fund can provide a model for other LCBC Member States to address the growing demand for victim compensation, restitution and reparation.

*"Non-reparation is injustice to victims, particularly in food, housing, farming and education."
- Traditional Community Leader, Nigeria*

Members of communities affected by violence interviewed for this study emphasised that the improvement of security and the economic condition in the community is an integral part of reparative justice for victims. They linked justice to the restoration of farming and commercial activities, improvement in employment opportunities and the economic development of the communities. They expressed that non-reparation to victims of violence and terrorism constitutes injustice. They bemoaned a situation where the rehabilitation and welfare of ex-combatants are prioritised over reparative justice for victims.

*"... within the context of the BH insurgency, we must consider the localities, the populations that succumbed to BH, the communities that were devastated. All of these must be considered in the process of reconciliation within regions, but also when supporting victims in social and economic contexts."
- Government Official, Cameroon*

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¹⁰⁸ The UN Office on Drugs and Crime, *Good Practices in Supporting Victims of Terrorism within the Crime Justice Framework* (New York, 2015)

¹⁰⁹ Federal Republic of Nigeria, *Terrorism (Prevention and Prohibition) Act, 2022*, See Part XV - Special Victims Trust Fund.

essential role in helping victims and affected communities in their advisory for compensation and restitution. Ideally, the LCBC should facilitate the development of a *Reparations Framework* to guide national Reparations programs. The framework should outline the categories of victims to be compensated, their eligibility for compensation, and the type of material or non-material compensation to be provided.

10. THE LAKE CHAD TRANSITIONAL JUSTICE PRINCIPLES

Based on the findings, this study proffers the *Lake Chad Transitional Justice Principles* (LCTJP), which are grounded in international transitional justice principles but also take account of the atypical transitional justice context in the LCB. The LCTJP draws from the classic transitional justice approach centred on four core principles – *the right to know, the right to reparations, the right to justice and the guarantee of non-occurrence*. However, it also considers the political, social and cultural peculiarities of the regional conflict scenario, the prevalence of indigenous customary restorative justice practices, and the role of community actors in transitional justice processes. This approach to transitional justice emphasises restoration, reconciliation and community well-being as central to individual rehabilitation and reintegration in the transition from conflict/instability to peace/stability. The goal is to address systemic and structural deficiencies that contribute to cycles of violence and trauma. This aligns with indigenous African restorative justice philosophies and practices, emphasising collective communal healing and accountability.¹¹⁰

The LCTJP expands the classic approach derived from the UN’s Joinet/Orentlicher Principles in three distinct respects.¹¹¹ First, it emphasises the centrality of reconciliation in transitional justice within the LCB. While some interpretations view reconciliation as an outcome of transitional justice, the LCTJP considers it an integral part of the process. The primary goals of transitional justice are to uphold the rights of victims to truth, justice, reparation, and guarantees of non-recurrence. It is generally understood that achieving these rights can contribute to broader societal objectives such as reconciliation and healing. However, this study finds that, for most local stakeholders, reconciliation is central to their understanding and aspirations for transitional justice. Therefore, the LCTJP frames reconciliation as a fundamental component of transitional justice in the region.

Reconciliation is often linked with peacebuilding and societal healing in transitional societies rather than with victim-centred justice or accountability for abuses. However, justice and peace are frequently mutually reinforcing. This study’s findings and restorative justice literature suggest that accountability extends beyond prosecution. Truth-seeking and justice lay the groundwork for reconciliation, but acknowledgement and reconciliation can, in turn, promote moral and social accountability. Public acknowledgement in reconciliation processes validates victims' experiences and acknowledges their pain and suffering. When perpetrators or responsible parties publicly accept responsibility for their actions, it can foster a sense of moral accountability.¹¹²

¹¹⁰ Bonny Ibhawoh, “From Ubuntu to Grootboom: Vernacularising Human Rights through Restorative and Distributive Justice in Post-Apartheid South Africa,” in: Thembele Kepe, Melissa Levin, and Bettina von Lieres, eds. *Domains of Freedom: Justice, Citizenship and Social Change in South Africa* (Cape Town: University of Cape Town Press, 2016), 239-258.

¹¹¹ United Nations, Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (2005), (also known as the Joinet/Orentlicher Principles). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G05/109/00/PDF/G0510900.pdf>

¹¹² Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Beacon Press, 1998), 90-9; John Braithwaite, *Restorative Justice and Responsive Regulation*, (Oxford University Press, 2002), 56-60.

The second way the LCTJP expands the classic approach to transitional justice is by integrating restorative justice principles that align with Indigenous and community-based justice practices, enhancing the legitimacy and acceptance of the justice process. Beyond the rights to know, reparations, justice, and guarantees of non-recurrence, the LCTJP also emphasises Indigenous community-based customary and religious restorative justice practices. Community stakeholders interviewed for this study and participants in various validation workshops underscored the importance of incorporating these practices into national and regional justice processes. The LCTJP's restorative justice approach is victim-centred, ensuring that victims' voices are heard and their needs are addressed. It focuses on accountability, victim empowerment, community involvement, acknowledgement of harm, and societal healing.

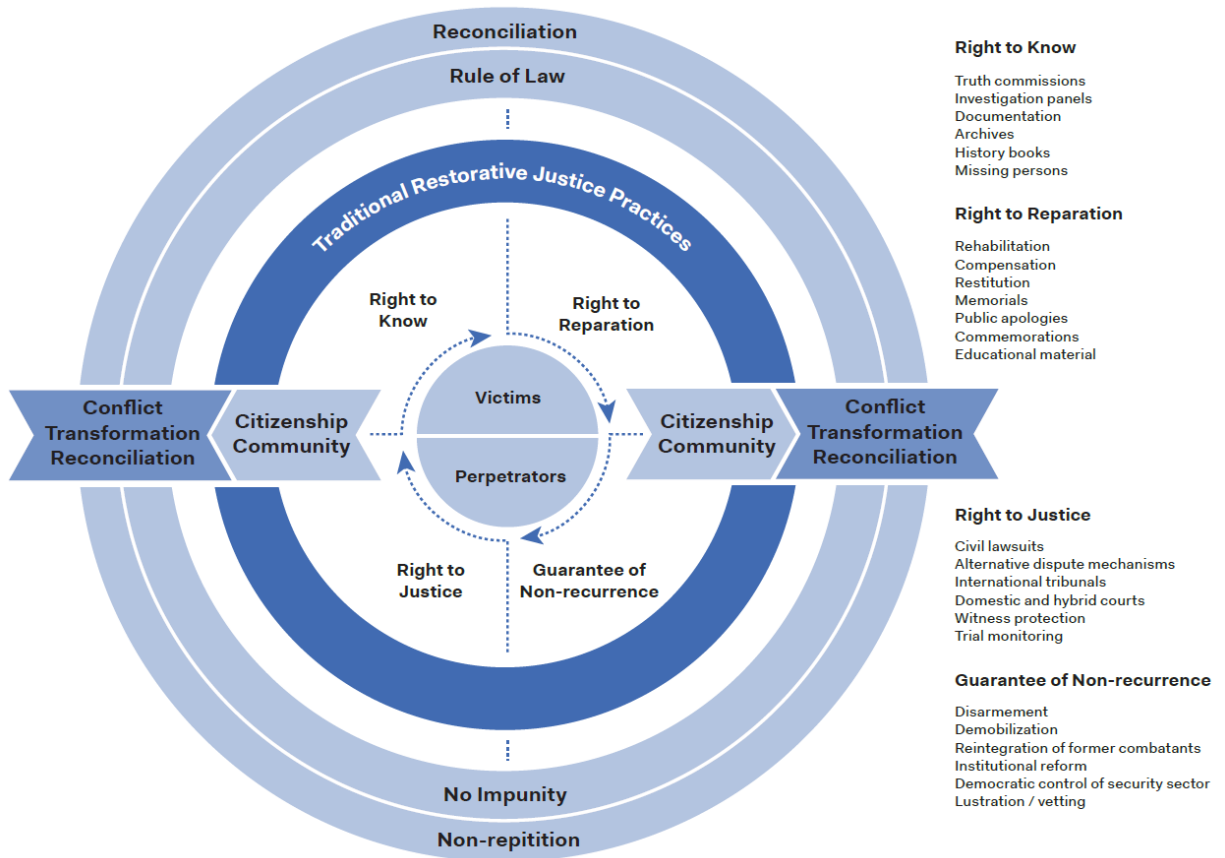
Finally, the LCTJP acknowledges the significance of citizens at the national level and community identities at the local level in traditional justice processes. Classic transitional justice frameworks, developed in the context of conflict within a single state, tend to focus on citizenship. However, given the uniquely transborder nature of the conflict in the LCB and unregulated cross-border migrations, community identities based on clan, ethnic, cultural, and religious affiliations are more relevant in grassroots transitional justice processes. Therefore, the LCTJP expands the traditional focus on citizenship and conflict transformation by equally emphasising community and reconciliation, as depicted in Figure 1.

The LCTJP does not create new norms in transitional justice; instead, it interprets and reaffirms existing international principles to comprehensively address victims' and communities' justice demands. It aligns with international and regional transitional justice frameworks, offering a holistic approach to justice and peacebuilding in the region. Specifically, the LCTJP aligns with the UN's definition of transitional justice as "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, to ensure accountability, *serve justice and achieve reconciliation*."¹¹³ It underscores the goal of transitional justice, which is to promote justice and accountability for violations and provide a framework for trust-building, peacebuilding, and reconciliation.¹¹⁴ It also reflects the aspiration of victims and communities for truth, acknowledgement and reconciliation.

¹¹³ *Guidance Note of the UN Secretary-General Transitional Justice: A Strategic Tool for People, Prevention and Peace*

¹¹⁴ Bonny Ibhawoh, "Beyond Retribution: Truth and Reconciliation in South Africa as Universal Paradigm for Restorative Transitional Justice," *Covenant University Journal of Politics and International Affairs* 2, 2 (2014): 1-18.

Figure 1: Lake Chad Transitional Justice Principles (LCTJP)



Credit: Adapted from the Joinet/Orentlicher principles

11. CONCLUSION

A coherent transitional justice strategy for the LCB region requires a clear definition of justice processes, objectives, outcomes and indicators. National transitional justice strategies should be inclusive and take a whole-of-society approach that involves local communities, traditional leaders, community-based organisations, the media, academic experts, international partners and the private sector.

“Our justice needs to seek inspiration from every society... We should figure out how to have a link between justice and community function, instead of having something application to all. I think something too general is a problem.”

– CSO Practitioner, Cameroon

Transitional justice in the LCB region also requires a contextual and reflexive approach. Stakeholders agree that transitional justice mechanisms and processes should be context-specific, depending on the targeted community.

Implementing transitional justice programs should reflect each community's diverse beliefs, cultural norms, and traditions.

Clear, legally grounded, community-engaged, and transparent policy guidelines and action plans should shape transitional justice processes. Such guidelines should balance the imperatives of victim-centred justice with the long-term goal of recovery and building resilient communities. This requires instituting oversight (peer review) mechanisms, knowledge sharing and benchmarking of transitional justice processes.

Transitional justice in the LCB region should focus not only on transitioning affected communities from violence to peace but also on transforming relationships. This requires a culturally informed approach to justice and peacebuilding. Justice and peacebuilding are not only about transforming conflict but also about transforming relationships. Sustainable transitional justice, stabilisation and recovery in the LCB region require structural and relational transformations beyond political and strategic considerations. Short and medium-term crisis intervention efforts and stabilisation strategies must be linked to a sustained process that encompasses the entire complex environment of a conflict.¹¹⁵ The goal should be to create the political, social and economic foundations for rebuilding fractured relationships and fostering stability, recovery and resilience in affected communities.

¹¹⁵ Ho-Won Jeong, *Peace Building in Post-Conflict Societies* (Boulder, CO: Lynn Rienner), 2005.

ANNEXES

Annexe 1: Integrated Study Methodology

Research Methods:

- Mixed methods (Primary and secondary data sources)
- Participatory research design (Stakeholder methodology workshop)
- Sequential mixed methods design (Desk review preceded the collection of primary data through Key Informant Interviews and Focus Group Discussions)

Study Locations

- **Nigeria:** Borno, Adamawa and Yobe States
- **Chad Republic:** Lac Region and Hadjer Lamis Region
- **Niger:** Diffa region
- **Cameroon:** Far North and North Region

Qualitative Methodology

- Key informant interviews with relevant stakeholders
- Focus Group Discussions with relevant stakeholders
- Onsite observations and participant observations at study locations

Desk Review

- Situational report analysis
- Review of international, continental, regional and national transitional justice frameworks
- Review of relevant literature

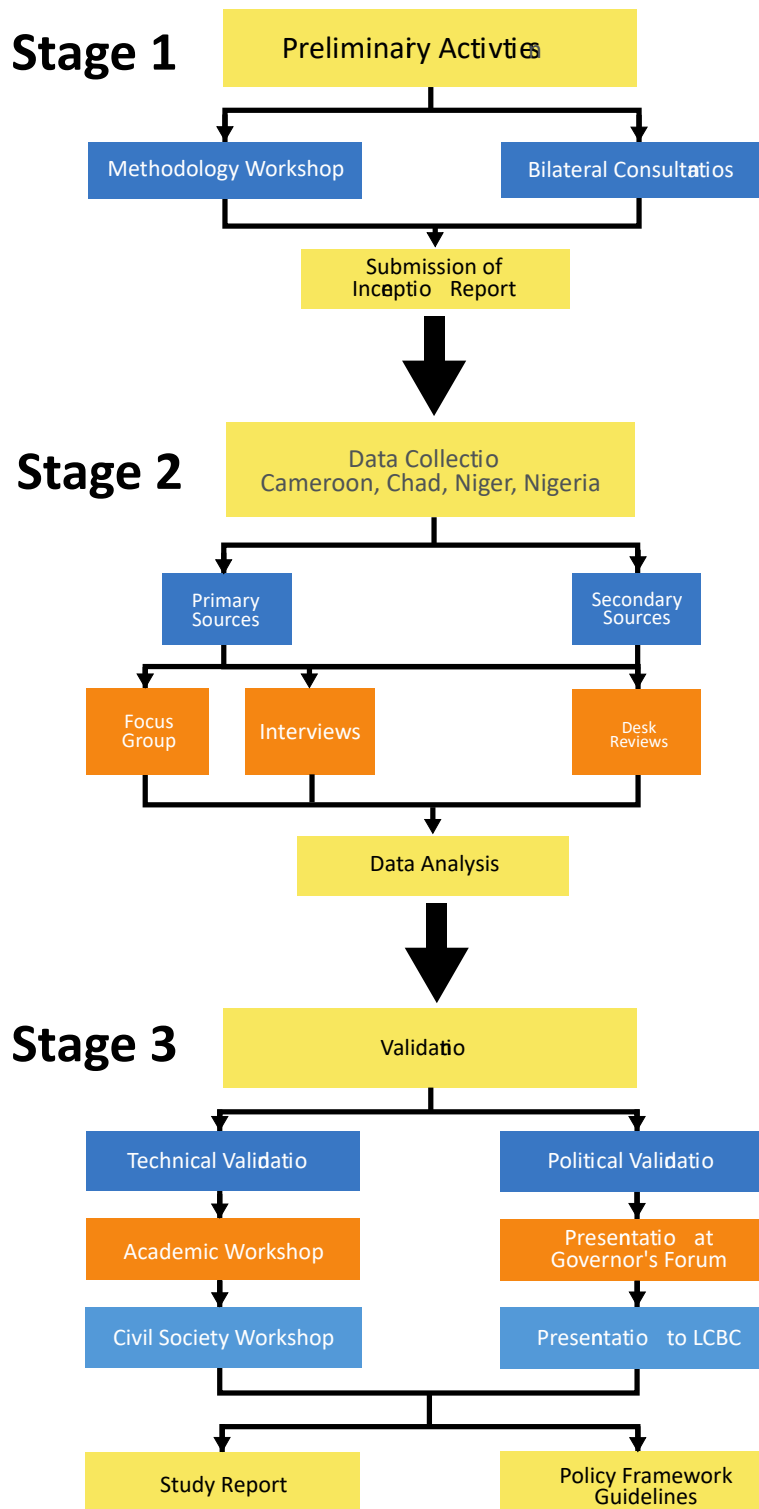
Interview/ FGD Participants

- Residents of the affected communities
- Relevant government officials and agencies
- Relevant Civil Society Organizations (CSO)
- Traditional and religious leaders and community members, including victims and survivors of insurgency in the study locations

Sampling Techniques

- Non-probability and purposeful sampling techniques
- Purposive sampling
- Inclusion criteria based on affected study location/municipalities, cultural commonalities and differences, gender considerations and security risks

Annexe 2: Study Methodology and Validation Process





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