Roadmap for the Implementation of the African Union Transitional Justice Policy

In response to the Assembly Decision/AU/Decl.5 (XXXII) on the Adoption of the Policy

African Union

2020 SILENCING THE GUNS: Creating Conducive Conditions for Africa's Development

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Foreword

It is my pleasure to write this foreword to the Roadmap for the Implementation of the African Union Transitional Justice Policy (AUTJP). This Roadmap was developed as part of concrete steps towards consolidating the gains registered following the historic adoption of the AUTJP by the African Union (AU) Assembly on 12 February 2019. Like the AUTJP, the Roadmap speaks directly to the commitment and determination of the AU towards an integrated, prosperous and peaceful Africa, where the culture of respect and promotion of human and peoples' rights is fully inculcated and entrenched.

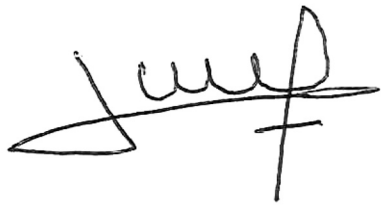
The Policy might, however, become a pipe dream if it is not domesticated and fully implemented at the national level. This will require deliberate and conscious efforts, on the part of Member States, since they bear the primary responsibility for its effective implementation. Equally important is the role of the African Union, Regional Economic communities (RECs) and the non-state actors in the entire process.

Undoubtedly, this Roadmap is essential for the realisation of the lofty ideals of the AUTJP. It sets out in detail, AU's support mechanisms to Member States in their respective Transitional Justices (TJ) processes. These support mechanisms range from the important issue of resource mobilisation for TJ implementation, as well as identifying partners that are critical to achieving the objectives of the Policy. We also prioritised awareness creation and popularization of the policy which we have vigorously pursued since the policy was adopted in 2019. We aim to sustain this momentum with more vigor going forward, so as to ensure that the policy is given the widest popularization possible.

Other activities include organising consultation with RECs, Regional Mechanisms and Member States. Stakeholders' consultations have been launched in 2019. The Roadmap also provides for Needs Assessment and TJ Mapping, with the aim of identifying specific TJ needs or challenges of each Member State. Provision for Technical Assistance to Member States has also been made. With respect to marginalised groups, the Roadmap offers youth and women engagement with the aim of promoting effective implementation of the Policy using these vital stakeholders.

While the AUTJP is meant to provide a continental standard for Transitional Justice, this Roadmap is the compass by which the AUC would coordinate its activities aimed at ensuring the full implementation of the Policy for the next five years. The document contains specific programmes, expected outcomes, indicators, responsibility bearers, proposed budgets, and set timelines for achieving them.

I must commend our various partners who have played a very key role, and who are committed to the success of Transitional Justice in Africa. Our collective determination speaks volumes of our commitment towards the Africa We Want.



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Introduction

The African Union Transitional Justice Policy Roadmap of Implementation is a plan of action that captures the activities, expected timeline and outcomes of support by the African Union Commission to African Union (AU) Member States in the implementation of the African Union Transitional Justice Policy (AUTJP). The Policy is a continental framework aimed at providing guidance to AU Member States emerging from violent conflict, war and repressive regimes to develop context-specific and comprehensive policies, strategies and programmes towards achieving democratic and socio-economic transformation, sustainable peace, justice, reconciliation, social cohesion and national healing.

The Policy defines transitional justice as "the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation." It further articulates a set of common concepts and principles as blueprint for developing and strengthening peace agreements and transitional justice institutions and initiatives in Africa. It provides avenues for the consolidation of peace, reconciliation, and justice processes in Africa to prevent impunity. The policy prescribes methods to end repressive rule and conflicts, and ways to nurture sustainable peace with development, social justice, human and peoples' rights, democratic rule, and good governance. In addition, it establishes African Union benchmarks for assessing compliance in efforts to combat impunity on the continent.

Objectives of the Policy

The overarching objective of the Policy is to provide policy parameters on holistic and transformational transitional justice in Africa. It offers guidelines, possible benchmarks and practical strategic proposals for the design, implementation, monitoring and evaluation of African transitional justice processes.[1] The AUTJP specifically proffers guidelines on how to approach and entrench accountability, truth, justice and reconciliation in the aftermath of gross human rights violations in AU Member States.

The Policy further consolidates all AU related transitional justice provisions into one continental framework; strengthens the AU's leadership role and supports Member States in implementing their governance, rule of law, human and peoples' rights and reconstruction agendas. Although the Policy is closely linked to international norms and standards on transitional justice, it takes into account the nuances of the African continent such as African traditional justice system, socio-economic rights, the balance between reparations and development, various understandings of democracy and controversial issues like the granting of amnesty. The Policy is also designed to assist Regional Economic Communities (RECs) and Regional Mechanisms (RMs) to support Member States to initiate and implement TJ processes in a coherent and coordinated manner.

[1] *The African Union Transitional Justice Policy, Adopted 12 February 2019.*

Development of the AUTJP:

The process of developing the Policy was inclusive, participatory and consultative in nature. While the process span over eight years from 2011–2019, the comprehensive nature of the document justifies the long journey towards its development. Stakeholders that participated in the policy development included transitional justice and human rights experts, CSOs, academia and researchers, youth and women groups; others included public sector transitional justice practitioners and policymakers across the continent. All these experts shaped the content, reviewed and negotiated the language that captures African experiences and contextual realities in the Policy. The Policy was presented to the African Union Specialized Technical Committee (STC) on Justice and Legal Affairs in November 2018, and it was unanimously adopted at both Experts and Ministerial levels.

As a final step, on 12 February 2019, the AUTJP was officially adopted by the African Union Assembly of Heads of State and Government during its 32nd Ordinary Session held in Addis Ababa, Ethiopia. Although the Policy has only been recently adopted, it has been a reference for national transitional justice processes in various countries, such as Mali, The Gambia, Zimbabwe, South Sudan and Nigeria etc. These countries used the then draft Policy in the design and implementation of their national and sub-national transitional justice legislations and initiatives[2] .

[2] *The Policy significantly influence the content of the Gambia Transitional Justice Policy.*

African Union Support to the Implementation of the AUTJP

The primary implementers of the Policy are the AU Member States. Its adoption at the continental level therefore requires wider popularization for ownership and utilisation at the national level by the African citizens. The Policy provides guidance on its implementation by various actors including AU Member States as primary implementers at the national level, AU organs, the RECs/RMs, the non-state actors including CSOs amongst others. Effective implementation of the Policy thus requires multi-stakeholder cooperation, engagement, planning and execution. To this end, and as part of the activities aimed at ensuring effective implementation of the Policy in a coordinated manner, the African Union Commission will at the initial phase focus on the following activities on implementation of the Policy.

1. Resource Mobilisation in support of the AUTJP Implementation:

Transitional justice experiences across the globe vary. However, across the board, a major challenge, hindering effective implementation has been inadequate financial resources. TJ being new discipline has not attracted adequate expertise, this challenge has a negative impact on the number of its practitioners in Africa. In order to overcome this challenge, the African Union Commission will facilitate resource mobilisation in support of the implementation of the Policy in Member States. The following partners have been identified and some of them are already working with the African Union and its Member States: Norway, Belgium, Italy, Canada, German, United Kingdom, European Union, United Nations, USAID, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), International-IDEA, the Africa Transitional Justice Legacy Fund (ATJLF) and the MacArthur Foundation etc. The African Union, with support from development partners, will operationalise the African Union Transitional Justice Fund to address this challenge.

2. Awareness Creation and Popularization of the Policy:

The intention of this intervention is to popularise the Policy among the different stakeholders. One of the core challenges bedeviling adopted policies either at the national, regional and continental levels is the poor awareness of these Policies by the citizens and relevant public officials and institutions that are supposed to implement them. This underscores the significance of this popularization and awareness creation exercise on the Policy. Some of the envisaged activities includes:

- Continental Media Sensitisation on the Policy;
- Continental CSOs Awareness Creation on the Policy, including Dissemination of Policy to CSOs;
- Dissemination of the Policy to Member States;
- Uploading of the Policy in AU and other relevant websites, and
- Re-printing of the Policy.

[3] *The ATJLF was, among other explanations, established by two private independents donors in response to the adopted AU Transitional Justice Policy to support the African Civil Society Organisations in the implementation of the AUTJP in AU Member States.*

3. Regional Consultation with RECs, RMs and Member States:

The Policy sets out the role of RECs, RMs and Member States in ensuring its effective implementation. To this end, the African Union Commission will promote the Policy at the regional level to gain their support. The aim of holding regional and national consultations is to ensure coherence on transitional justice interventions at all levels in Africa. These activities are to be jointly carried out with the relevant Regional Economic Communities (RECs) and Regional Mechanisms (RMs) in all the AU five regional blocks, namely the West Africa, East Africa, Central Africa, North Africa and South Africa.

4. States Needs Assessment:

Transitional Justice interventions in AU Member States should be well planned and coordinated. In this regard, the African Union Commission will map out countries undergoing transitional justice programmes and embark on needs assessment of these countries to determine their transitional justice needs. Member States that officially request for technical support on transitional justice will also be taken into consideration. Countries that are currently undergoing TJ include the Gambia; South Sudan; Central African Republic; Burundi; Mali ; Sudan, Nigeria, Burkina Faso and Zimbabwe.

5. Provision of Technical Assistance to relevant AU Member States[4]:

The African Union Commission will collaborate with the RECs and RMs on this activity. The AUC and ECOWAS are currently working together in this regard. The partnership has yielded some results, which include; the ECOWAS ongoing development of Transitional Justice Framework and the establishment of the Africa Transitional Justice Legacy Fund (ATJLF) in Accra, Ghana. The AU will also collaborate with RECs and RMs on implementation of the Policy in relevant Member States. This assistance may include secondment of technical experts to the affected Member States and regions. The support will also be extended to Member States with TJ decentralization initiative(s) like Nigeria's North-East TJ initiative(s).

6. Annual Continental Transitional Justice Forum:

This Forum is a multi-stakeholder initiative that brings together experts and practitioners from AU Member States, academia, CSOs and the private sector. It is organised annually to reflect on and take stock of TJ initiatives and their implementation in Africa. The maiden edition was held in 2017 in South Africa followed by the 2nd edition in The Republic of Sudan in 2018. The 3rd Continental Transitional Justice Forum was held, following the adoption of the AUTJP, in Addis Ababa, Ethiopia on 24–26 September 2019. The 2020 Forum is scheduled to take place in Lome, Republic of Togo. This intervention will continue as a yearly event.

7. Commission Research on Transitional Justice in Africa:

The first comprehensive research on transitional justice by the African Union was spearheaded by the African Commission on Human and Peoples' Rights. The Department of Political Affairs will compliment this research with specific country and comparative research initiatives on Transitional Justice in Africa. Relevant lessons from outside Africa may also be brought to bare.

[4] The African Union is currently providing technical assistance to the Gambia Truth, Reconciliation and Reparation Commission.

8. African Youth for Transitional Justice (AYTJ):

Youths constitute 70% of Africa's population. It is therefore imperative that they will be part of the African transitional justice processes. In this context, the African Union Commission will commence a programme for African youth tagged "African Youth for Transitional Justice" (AYTJ). This programme will encompass training of African youth on transitional justice, Youth Fellowship on transitional justice to relevant African Union institutions, Member States and institution of higher learning on the continent with specialization on transitional justice. The aim of this programme is to promote youth participation in TJ in Africa and to increase the number of TJ experts on the continent.

9. Women and Transitional Justice in Africa:

Women and children are the most affected groups during war and conflict. For any TJ initiative to be successful, the participation of women in the process, from the outset to the end, is critical. For African women to be active in TJ processes on the continent, training and capacity building is fundamental. This programme will include training on African Union transitional justice policy, African Women Fellowship on transitional justice to relevant African Union institutions, Member States and institution of higher learning on the continent with specialization on transitional justice. The aim of this programme is to promote women effective participation in TJ in Africa and to increase the number of women TJ experts on the continent.

10. AU-EU Transitional Justice Dialogue:

The tenth (10) African Union Commission and European Commission College to College dialogue was held on 27 February 2020 in Addis Ababa, Ethiopia. One of the agreements reached on Peace, Security and Governance Cluster was a commencement of an annual AU/EU Transitional Justice and Rule of law Dialogue. It was agreed that other relevant partners like the United Nations could be invited to participate in the Dialogue.

11. Translation of the AUTJP to African languages:

In order to promote the understanding of TJ at all levels and popular participation in its processes in Africa, the African Union Commission will partner with relevant institutions to support and promote translation of the African Union TJ Policy into African languages. One of the AUC's CSOs partners in South Sudan – Community Empowerment for Progress Organization (CEPO) for instance has established Transitional Justice Resource Centres. The AUC will support these types of initiatives with translated versions of the AUTJP.

12. Support to the AU Taskforce on TJ:

A taskforce of sixteen members of the African Union Permanent Representative Committee (PRC) was constituted on the development process of the AUTJP. The taskforce include, Peoples' Republic of Algeria, Republic of the Congo, Arab Republic of Egypt, Federal democratic Republic of Ethiopia, Gabonese Republic, Republic of Ghana, Republic of Kenya, Islamic Republic of Mauritania, Federal Republic of Nigeria, Republic of Rwanda, Republic of Sierra Leone, Republic of Seychelles, Republic of South Africa, Republic of Tanzania, Republic of the Gambia and Republic of Zambia. The AUC will work with the AUTJP taskforce on effective implementation of the AU Transitional Justice Policy in Member States.

13. Development, appointment and operationalization of the African Union Reference Group on Transitional Justice in Africa:

The role of the Reference Group will include but not limited to Program definitions and quality control on various TJ interventions in Africa. A group of fifteen Transitional Justice Experts will be appointed across the continent. The basis for appointment will be premised on equal regional representation. Three TJ experts from each of the African geo-political regions, including youth, women and one TJ technical expert. The operationalization of this group will back-up the implementation of the AUTJP through provision of technical quality control and advice to the AU Member States, the AUC, RECs and CSOs and other stakeholders.

14. Operationalization of the Africa Union Human Rights Memorial Project:

Memorialization is one of the indicative elements of the African Union Transitional Justice Policy . The AUC has set an international precedent by establishing a continental human rights memorial, namely the African Union Human Rights Memorial (AUHRM). The primary goal of the project is to inform and educate current and future generations of Africans about the causes, consequences and lessons of past conflicts and repressive regimes in order to confront atrocities and prevent recurrence. A designs for monuments and annex building for documentations had been approved by the African Union Taskforce of Member States and the project is now running and currently at construction phase. In this regard, the support to operationalize the project within the context of the AU TJ programme is critical.

15. COVID-19 Pandemic and Transitional Justice in Africa:

The global spread of the COVID-19 pandemic and the rapid increase in travel-related infections in Africa pushed AU Member States to adopt stricter border control measures, including national and international travel bans. From March 2020 to date, a number of African countries have imposed national lockdowns in line with their state of emergency and/or national disaster laws to flatten the curve and the local spread of the coronavirus. The pandemic, which initially emerged as a public health emergency has now permeated various sectors of the national economies including industry. Restrictions on human movement and operations have seen fragile countries emerging from conflict and authoritarian rule suspending measures and processes aimed at addressing the consequences of conflict and their attendant gross human rights abuses. Transitional justice measures and peace building processes for instance have been postponed in some of the AU Member States, thereby compelling governments to prioritize and channel the limited available resources to fighting the COVID-19 pandemic.

The pandemic, a new crisis, has further exposed structural and systemic deficits and inequalities at the root of some of conflicts in Africa. It has also brought to the fore emerging issues such as retraumatization and victimization of victims of gross human rights violations. National responses to the pandemic like lockdowns also brought additional stressors of coping with loss of livelihood and source of earnings.

A new set of victims also emerged, owing to the over-handedness of the security forces in enforcing national lockdown regulations in African countries. This therefore requires a transformative approach to the implementation of the African Union Transitional Justice Policy, one that addresses past abuses, present and emerging crisis-related experiences, and transforms the lives of victims and affected communities.

Roadmap of Implementation and Operationalization of the African Union Transitional Justice Fund

Programme Outcome	Outputs	Activities	Duration	Amount
Africa Transitional Justice improved	African Union Transitional Justice Policy implementation facilitated	Awareness Creation and Popularization of the Policy	2020–2024	500,000
		Organize Regional Consultation with the RECs, RMs and Member States	2020–2024	800,000
		Mapping of Transitional Justice Needs	2020–2024	500,000
		Provision of Technical Assistance to relevant AU Member States	2020–2024	2,000,000
		Annual Continental Transitional Justice Forum	2020–2024	800,000
		Support to the AU Taskforce on TJ	2020–2024	240,000
		Support the operationalization of the AUHRM	2020-2024	1,250,000
	Sufficient resources mobilized for implementation of AUTJP	Recruitment of technical experts in support of AUTJP Implementation in Member States	2020–2024	3,000,000
		Facilitate AU-EU Dialogue on Transitional Justice and Rule of Law	2020–2024	200,000
	Commission Research on Transitional Justice in Africa strengthened	Promote knowledge sharing and management of TJ in Africa	2020–2024	400,000
		Develop appointment and Operationalization of the African Union Reference Group on Transitional Justice in Africa	2020–2024	200,000
		Translate AUTJP to African local languages	2020–2024	400,000
	African Youth involvement in Transitional Justice (AYTJ) strengthened	Engage African Youth in Transitional Justice in Africa	2020–2024	100,000
		Facilitate youth participation in TJ through establishment of a continental Platform-African Youth for Transitional Justice (AYTJ).	2020–2024	100,000
	Women and Transitional Justice in Africa strengthened	Facilitate women participation in the Transitional Justice Programs	2020–2024	400,000
			Total	**USD 10,890,000**

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