Transitional Justice, Reconciliation, and Coexistence

February 22-23, 2008
Monrovia, Liberia

Workshop Report
About Ghana Center for Democratic Development
The Center is an independent, nonpartisan and nonprofit organization based in Accra, Ghana. It is dedicated to the promotion of society and government based on the rule of law, appropriate checks on the power of the state, and integrity in public administration. CDD-Ghana has partnered with Coexistence International for a project on “Transitional Justice and Peacebuilding in West Africa,” which explores the relationships between the fields of coexistence and transitional justice in the West Africa sub-region through research, exchange visits, and workshops.

About Coexistence International
Based at Brandeis University since 2005, Coexistence International (CI) is an initiative committed to strengthening the resources available to policymakers, practitioners, researchers, advocates, organizations, and networks promoting coexistence at local, national, and international levels. CI advocates a complementary approach to coexistence work through facilitating connections, learning, reflection, and strategic thinking between those in the coexistence field and those in related areas.

About Transitional Justice Working Group in Liberia
The Transitional Justice Working Group in Liberia (TJWG) is a coalition of NGOs that seeks to stimulate and influence a broad debate on transitional justice in Liberian society. It has worked especially closely on the TRC in Liberia, having been involved from the first discussions. It organizes workshops, public consultation and education programs, and other activities to promote understanding of transitional justice, and seeks to influence policymaking in this area.

Acknowledgements
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- Hon. Minister Olubanke King-Akerele
- Cynthia Cohen
- Valnora Edwin
- Kanio Bai Gbala
- Abigail Gyimah
- Nathaniel Kwabo
- Stephen Manley
- Wahab Abdul Musah

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- Jessica Berns
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- Abigail Gyimah
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Abbreviations

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<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>AFRC</td>
<td>Armed Forces Revolutionary Council</td>
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<tr>
<td>CDD-Ghana</td>
<td>Ghana Center for Democratic Development</td>
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<td>CDF</td>
<td>Civil Defence Forces</td>
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<td>CI</td>
<td>Coexistence International</td>
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<td>CSO</td>
<td>Civil Society Organizations</td>
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<td>DDR</td>
<td>Disarmament, Demobilization and Rehabilitation</td>
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<td>FOCUS</td>
<td>Forerunners of Child Education</td>
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<td>ICTJ</td>
<td>International Center for Transitional Justice</td>
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<td>ITAC</td>
<td>International Advisory Committee</td>
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<td>LURD</td>
<td>Liberians United for Reconciliation and Democracy</td>
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<td>MODEL</td>
<td>Movement for Democracy in Liberia</td>
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<td>NCDDRR</td>
<td>National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>TJWG</td>
<td>Transitional Justice Working Group</td>
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<td>TRC</td>
<td>Truth and Reconciliation Commission</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNIOSIL</td>
<td>United Nations Integrated Office in Sierra Leone</td>
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<td>WANT-Justice</td>
<td>West Africa Network for Transitional Justice</td>
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<td>YES</td>
<td>Youth Employment Systems</td>
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On February 22-23, 2008, the Ghana Center for Democratic Development (CDD-Ghana), in partnership with Coexistence International (CI) at Brandeis University and the Transitional Justice Working Group in Liberia (TJWG), organized a two-day information-sharing and capacity-building workshop entitled “Transitional Justice, Reconciliation, and Coexistence” in Monrovia, Liberia. The workshop attracted practitioners and civil society leaders working in the fields of conflict management, peacebuilding, transitional justice, and related areas in the West Africa sub-region. Twenty-two participants from Ghana, Sierra Leone, Liberia, and Burkina Faso were in attendance. The purpose of this workshop was to enable participants to share experiences regarding how transitional justice processes in the region have progressed, and how they can become more sensitive to tensions and dynamics among diverse groups. Participants also discussed how to develop strategies to ensure that justice mechanisms and coexistence efforts become more complementary in order to achieve sustainable reconciliation in post-conflict societies.

In recent decades, violence and human rights abuses by state and non-state actors have destabilized the West Africa sub-region. While some violent conflicts have abated, many inter- and intra-state and ethnic hostilities persist, undermining development at both communal and national levels. In some cases, violence has re-emerged shortly after it was subdued by local, regional, or international interventions. This makes understanding coexistence and its role in transitions a vital undertaking. Across the West Africa sub-region, different forms of transitional justice processes and mechanisms have been employed to restore stability, establish accountability, disrupt regimes of impunity, and provide justice to survivors. These efforts have had many positive results. However, there are questions about whether lack of legitimacy and proper representation of diverse communities and opinions have limited the effectiveness of some transitional justice processes. These failures have been especially disheartening to victims, whose relationships have been destroyed and whose social support structures have fallen apart.

The field of transitional justice originated in the post-World War II Nuremberg trials in Europe. The transitional justice framework gained coherence in the 1970s and 80s with the trials of former members of the military juntas in Greece and Argentina. Since the early 1990s, countries within the West Africa sub-region have sought to recover from periods of violence, authoritarian government, and socio-economic inequities. Transitional justice has become central to the agenda of emerging democracy and development in West Africa as countries such as Nigeria, Ghana, Sierra Leone, Burkina Faso, Cote d’Ivoire, and Liberia have taken steps to address these past problems. Many transitional justice and reconciliation efforts have neglected the complex ways in which violence and repression can affect inter-communal relationships. In addition, many of the more formal processes such as truth and reconciliation commissions and judicial courts have failed to capitalize on the potential of traditional conflict resolution
and justice mechanisms used by communities. The involvement of non-state actors is crucial for developing effective strategy for creating inclusive and comprehensive transitional justice processes.

In facilitated discussions on coexistence concepts and practices and in small working groups, participants in this workshop identified lessons learned about transitional justice processes in the region and generated recommendations for creating coexistence-sensitive transitional justice processes. Through case study presentations reflecting on ongoing and completed transitional justice processes in Liberia, Sierra Leone, Burkina Faso, and Ghana, participants explored transitional justice through a coexistence lens by asking: To what extent did the transitional justice process address coexistence issues? In addition to addressing the vertical relationships between the government and the people, did the transitional justice process address the horizontal relationships between and within communities? If so, how did the transitional justice process address this concern? What was the impact of the process on the quality of inter-group relations in the country?

In particular, participants at the workshop focused on developing strategies and recommendations concerning the current transitional justice process in Liberia, where the workshop was taking place. Key lessons from previously completed processes in neighboring countries were discussed in order to determine how to take advantage of similar strengths and avoid potential pitfalls. One common theme was the lack of implementation of recommendations emerging from many of the truth and reconciliation commissions. Another was the tendency for these commissions to be misunderstood among the general populace, with crises of credibility, legitimacy, and representativeness. These problems have serious implications for the ability of transitional justice processes to bring about sustainable reconciliation.

Through small groups and in plenary discussions, workshop participants generated a set of recommendations aimed at designers and implementers of transitional justice processes, including governments, truth and reconciliation commissions, civil society, national and international judicial systems, regional bodies, and the international community. These recommendations focused on how to make transitional justice processes more inclusive and participatory from the design phase on, and how to maximize the potential of transitional justice measures to contribute to sustainable coexistence in a post-conflict society. These recommendations will be widely disseminated to those actors involved in transitional justice processes in the West Africa sub-region and beyond, as well as to the Minister of Foreign Affairs in Liberia, who agreed to receive the recommendations on behalf of her government.

Participants in “Transitional Justice, Reconciliation, and Coexistence” will continue the discussions begun at this event as members of the West African Network for Transitional Justice (WANT-Justice), coordinated by CDD-Ghana. This network seeks to enhance connections between civil society groups working on transitional justice issues in the sub-region and enable them to approach the issues with a coexistence lens. As part of the joint CDD-CI project on “Transitional Justice and Peacebuilding in West Africa,” the civil society leaders in WANT-Justice continue to learn from one another and share key lessons and strategies for enhancing coexistence and creating sustainable reconciliation in West Africa.
On February 22nd and 23rd, 2008, the Ghana Center for Democratic Development (CDD-Ghana), in partnership with Coexistence International (CI) at Brandeis University and the Transitional Justice Working Group in Liberia, conducted an information-sharing and capacity-building workshop in Monrovia, Liberia. The workshop was a culmination of fact-finding trips and interaction with individuals and organizations in Ghana, Liberia, Sierra Leone, Burkina Faso, and Nigeria, conducted by CDD-Ghana to assess ongoing and concluded transitional justice processes in the West Africa sub-region from a coexistence perspective.

Under the theme “Transitional Justice, Reconciliation, and Coexistence,” the workshop focused on enabling participants to apply a coexistence lens to questions about transitional justice. Such questions include: “How do inter-group relations influence transitional justice processes, starting during the conflict itself?”; and “How do transitional justice processes impact inter-group relations later, as a country works to imagine and create a new society in a post-conflict setting?”. The workshop also provided a forum for participants to learn about coexistence and explore ways in which justice mechanisms and coexistence efforts can become more complementary. In particular, participants explored how a complementary approach can integrate local cultural practices and structures with formal processes like truth commissions.

The workshop took place in the context of a joint CDD-Ghana and CI project which examines the relationships and linkages between coexistence and transitional justice in West Africa and seeks to strengthen the professional relationship between the actors and institutions working on transitional justice and those dedicated to peacebuilding in the West Africa sub-region.
The workshop attracted 22 participants from civil society organizations working in the areas of transitional justice, as well as those dedicated to peacebuilding and conflict resolution in West Africa. Participants were also joined by the Minister for Foreign Affairs of Liberia, Hon. Olubanke King-Akerele (see below) and two members of the Liberian Truth and Reconciliation Commission: Executive Secretary Nathaniel Kwabo and Program Director Stephen Manley, who participated in discussions, took questions from the participants, and explained the work and progress of the commission. A variety of key transitional justice and coexistence issues in post-conflict settings were covered. Through country presentations, break-out groups, and other focused deliberations, participants discussed challenges and shared lessons based on their respective organizational, regional, and worldwide experiences from countries in various stages of conflict or repair. Presenters included Wahab Abdul Musah (CDD-Ghana), Kanio Bai Gbala (Transitional Justice Working Group, Liberia), Valnora Edwin (Campaign for Good Governance, Sierra Leone), and Kounkinè Augustin Some (United Nations Integrated Office in Sierra Leone). They each presented an overview and current status of the transitional justice processes in their respective countries, which was followed by a general discussion involving all participants. Professor Cynthia Cohen of Brandeis University presented a theory of coexistence and the idea of a complementary approach, which would link transitional justice practices with concerns about inter-group relations. She also facilitated sessions in which participants identified challenges facing transitional justice processes in Liberia and developed recommendations to address these challenges, in part by viewing them through a coexistence lens.

For a full list of participants, see Appendix A.

Hon. Olubanke King-Akerele  
Minister for Foreign Affairs  
Government of Liberia

The workshop participants benefited from the participation of Hon. Minister King-Akerele (Brandeis ’67), who joined part of the discussions and took questions from the group. Participants talked openly with the Minister about a perceived lack of political will on the part of other governments who have experienced transitional justice processes to accept and implement the recommendations put forward through the work of these processes. They praised the Liberian process for including economic crimes in its mandate, and expressed hopes for the success of the process.

The Minister thanked the participants and organizers for holding these timely and important discussions. She remarked that the workshop could feed into work at the Foreign Ministry on multi-track diplomacy that seeks to foster dialogue on these cross-cutting social and political issues. She made an appeal to all to give the Liberian TRC a chance, and emphasized that the civil society organizations present at the workshop are the most important vehicle to operationalize and promote the transitional justice process.
The West Africa sub-region has experienced recurring destabilization of national governments and local communities over the past decades. Political instability in the form of military interventions, civil wars, inter-ethnic and inter-religious conflicts, and authoritarian regimes have been the norm in most countries in the sub-region, especially in the post-independence era. This destabilization has resulted in, or exacerbated, crises in refugees and internally displaced populations, poverty, health, unemployment, and leadership in both the affected countries and their neighbors. The legacy of violent conflict and political instability in the West Africa sub-region has diminished the quality of life for most of the population, undermining long-term growth and development, and often disrupting family ties and community life.

Since the early 1990s, countries within the sub-region have developed and participated in processes intended to transition from decades of social, political, and economic instability to peace, freedom, democracy, and development.

Since the early 1990s, countries within the sub-region have developed and participated in processes intended to transition from decades of social, political, and economic instability to peace, freedom, democracy, and development. As these processes unfold, emerging leaders and civil society actors employ various measures to confront the legacies of human rights abuse, poverty, illiteracy, militarism, and weak governance. As discussed by the International Center for Transitional Justice, the West Africa Network for Transitional Justice, and other actors in the region, there are multiple purposes for establishing a transitional justice process. These include the following: to demarcate the present from the past in terms of human rights abuses and norms; to offer a platform for victims of these abuses to recount their experiences; to seek justice for victims and accountability for perpetrators; and thereby to promote national reconciliation.

Nigeria set the pace by establishing a Human Rights Commission to look into human rights abuses during the period of her past military regimes. Sierra Leone, after the 1999 Lomé peace agreement that ended the civil war there, established a Truth and Reconciliation Commission alongside a Special Court for Sierra Leone that aimed to bring grave human rights abusers to justice. Ghana, Cote d’Ivoire, and Burkina Faso have all been engaged in similar processes of building and implementing transitional justice measures to promote national reconciliation, peace, and development. These processes are meeting with a range of responses from the local populations, who are eager for reconciliation, but sometimes doubt the political and social integrity of the transitional processes, and are distrustful of efforts that overlook traditional tribal governance structures and local rituals. Many also have doubts about whether recommendations from truth commissions, however well-meaning, will ever be implemented in ways that benefit ordinary citizens.
Following the guidelines of the peace agreement signed in Accra, a Truth and Reconciliation Commission (TRC) was established in Liberia in May of 2005. The TRC is charged with investigating the root causes of the conflict in Liberia, unearthing historical truths, and thereby undermining falsehoods that have over time assumed the status of truth. The TRC is also meant to establish an independent and accurate record of the rights violations occasioned by the conflict and to set the basis for justice and reconciliation. However, the TRC was not designed to address issues involving actors from outside the country, despite the linked nature of the conflicts in the sub-region.

A National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR) and similar institutions have been put in place to foster peace and national repentance, and to strike the delicate balance between accountability and forgiveness in order to heal Liberia and unite its people. As is the case in Rwanda, East Timor, and other conflict-affected areas, local communities in Liberia also have their own traditional justice processes which influence the way they perceive and resolve conflicts. The ongoing work of the Liberian Truth and Reconciliation Commission, the difficult economic, infrastructural, and political realities facing the Liberian people, as well as the prospects for reform, made Liberia the ideal place for the workshop. An articulated goal of the workshop was to share useful and timely perspectives within the civil society in Liberia and the West Africa sub-region about transitional justice and coexistence.
Keynote Address by Wahab Abdul Musah

Transitional justice has become central to the agenda of emerging democracy in the sub-region as states and governments take steps to address human rights abuses of the past, heal wounds, and develop socially and economically. To date, many transitional justice mechanisms and post-conflict reconciliation efforts have neglected the complex ways in which wars and political violence can affect inter-communal and inter-personal relationships, as well as the traditional conflict resolution and justice mechanisms that exist and are used by communities. Different local communities have varying traditional processes which tend to influence the way local communities resolve conflicts, and these can be an important resource in driving the transitional justice process forward. In reconciliation contexts, opportunities for exploring and dealing with inter-communal conflicts remain under-utilized.

The involvement of non-state actors is crucial for developing effective strategy and mechanisms to achieve the aims of transitional justice—mechanisms that are rooted in affected communities, and which will deliver acceptable justice and promote reconciliation to help repair deep divides and consolidate democracy. Civil society and NGOs can create the necessary opportunities and space for such difficult conversations to take place; they provide a platform for testing and enhancing group or inter-communal problem solving.

It is against this background that CDD-Ghana, in collaboration with the Transitional Justice Working Group in Liberia and with support from Coexistence International, is organizing this workshop to explore civil society’s role in fostering the interaction between transitional justice, peacebuilding, and coexistence in West Africa. The workshop is expected to highlight both achievements and deficits of transitional justice efforts, and to strategize effective ways to respond to these deficits while enhancing civil society engagement.

This capacity-building workshop is a culmination of fact-finding trips and interaction with individuals and organizations from Ghana, Liberia, Sierra Leone, and Nigeria, conducted by CDD-Ghana as part of its “Transitional Justice and Peacebuilding in West Africa” project to assess the existing transitional justice discourse in the sub-region. The workshop aims at enabling participants to bring a coexistence lens to questions about transitional justice, including how inter-group relations influence the transitional justice process. It will provide a forum where participants can enhance their knowledge about inter-group relations while learning how to develop and apply coexistence strategies and exploring ways to ensure that justice mechanisms and coexistence efforts become more complementary. Questions that will be explored include:

- How can transitional justice processes identify and address questions of inter-group relations?
- How can we help different groups rebuild trust considering the atrocities and violence perpetrated against each other?
- How can societies hold perpetrators to account, but also rebuild trust and reconciliation?
- How can transitional justice processes achieve unity, in the face of multiple actors and diverse identities within a target population?

Liberia’s ongoing transitional justice process, its challenges and prospects, are what make it the ideal place for this workshop. We hope that, at the end of the workshop, lessons will be learned and we will be able to contribute to the Liberian transitional process and make it as comprehensive as possible.
“Coexistence” and “reconciliation” are two concepts still in the process of being defined. They are frameworks for addressing violent conflict that emphasize the qualities of relationships between former adversaries. While structural and institutional changes are recognized as critical, they are understood both to contribute to and emerge from changes in relationships. Imagine a continuum that displays interpersonal and intercommunal relationships according to the degree to which the parties to a conflict acknowledge and act upon their interdependence. On one end we might find complete disregard for the other and thorough denial of interdependence—as in intercommunal relationships of war, apartheid, and slavery, and interpersonal relationships of deceit, manipulation, and violence. On the other end of the spectrum we find not a conflict-free utopia, but rather cooperative intercommunal relationships, where decisions are made through democratic or consensual processes, and where conflicts are addressed proactively through agreed-upon procedures and structures. On the interpersonal level, this end of the spectrum is home to functional families, friendships, and fellowships—relationships in which the well-being of each member is understood to depend upon the well-being of all. It is not devoid of conflict, but conflicts are engaged proactively and productively.

Coexistence, as the term is used in this case, refers to a threshold point on this continuum where individuals or groups shift from reciprocal hatred and injury to rudimentary, even grudging respect. It also reaches across the spectrum to circumstances where individuals welcome cooperation, understanding, and interdependence. Because inter-group relations can cascade backward in the direction of intolerance and violence, sustainable coexistence requires ongoing work to nourish the attitudes, values, and capacities people need to strengthen respect, understanding, and cooperation over time.

Reconciliation can be understood in relation to the same continuum. It refers to a set of deep processes designed to transform relationships of hatred and mistrust into relationships of trust and trustworthiness. These processes involve former enemies acknowledging each other’s humanity, empathizing with each other’s suffering, addressing and redressing past injustice, and sometimes expressing remorse, granting forgiveness, and offering reparations. Reconciliation reflects a shift in attention from blaming the other to taking responsibility for the attitudes and actions of one’s self and one’s own community.

The precise activities that comprise coexistence and reconciliation work, and the order in which they are undertaken, must be developed in particular contexts...”

The precise activities that comprise coexistence and reconciliation work, and the order in which they are undertaken, must be developed in particular contexts, taking into account the nature of the preceding alienation or violence, the trajectory and stage of the conflict, the individuals and cultures to be brought into relationship, the leadership resources available, and the larger systems within which the conflict and peacebuilding processes are embedded.
Nevertheless, it is safe to assume that processes of coexistence and reconciliation almost always involve former adversaries in locally-based versions of at least some of the following tasks, not necessarily undertaken in this order:

1. Appreciating each other’s humanity and respecting each other’s culture
2. Telling and listening to each other’s stories, and developing more complex narratives and more nuanced understandings of identity
3. Acknowledging harms, telling truths and mourning losses
4. Empathizing with each other’s suffering
5. Acknowledging and redressing injustices
6. Expressing remorse, repenting, apologizing, letting go of bitterness, forgiving
7. Imagining and substantiating a new future, including agreements about how future conflicts will be engaged constructively.

All of these processes involve learning about one’s own community and the other. They involve learning new skills and expanding the meaning of concepts, often “un-learning” what was formerly believed to be true. Taken together, they represent a daunting array of tasks and challenges, especially considering that they must be undertaken in ways that reach deeply into the person and broadly throughout society.

Furthermore, in many instances, widespread ethnic violence and long-standing oppressions can leave people and communities with insufficient capacities to undertake this work. People are likely to be disoriented and confused, often having lost loved ones, the places that sheltered them, and the webs of relationships that gave meaning, texture, and ethical anchoring to their lives. People’s abilities both to listen and to express themselves so others can understand are often impaired. Along with bombed-out villages and desecrated shrines, capacities to discern when trust is warranted, to respond to problems creatively, and to imagine a different future have often been destroyed. Those who have perpetrated abuses or are implicated in others’ suffering (even through omissions) may be straight-jacketed by inexpressible shame, fear, and self-loathing.\(^1\)

**Approaches to Coexistence**

The field of coexistence is like transitional justice in the sense that it is a field in the process of developing itself. Coexistence practitioners use knowledge from several bodies of theory and practice—conflict resolution, conflict transformation, peacebuilding, inter-group relations, etc. The main focus of the coexistence field is how to strengthen inter-group relations in societies; how to work with societies so that the different groups—communities that have been shaped around religious, cultural, or ethnic identities—can interact and live together in positive ways. Sometimes the work is in countries in transition, going through a transitional justice process like Liberia, at the beginning stages of coming out of the violent period. Other times the work is in countries that are at different stages in the conflict cycle, for instance in Sri Lanka, which is in the midst of a violent conflict, or in places like Australia or the United States, which are pluralistic societies dealing with relations among many different ethnic and racial groups and also with the legacy of conflicts between settler communities and indigenous peoples. There is a great deal of coexistence work to be done in the US, and all parts of the world.

The coexistence field aims to help support societies in which everyone will feel fully empowered and validated, where everyone can feel safe, and where everyone has relatively equal opportunities to advance. Another phrase used for coexistence is social inclusion—no one feels excluded from access to resources, power, and cultural expression.

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Coexistence International (CI) defines coexistence around four major ideas:

- Diversity is embraced for its positive potential;
- Equality is pursued by the people with more power and those with less power, so we aim towards a society with greater equality;
- Interdependence between groups is recognized, i.e. people recognize that the well-being of any particular group depends on ALL groups feeling safe and respected; and
- We work towards a world in which the use of weapons to address conflict becomes obsolete—which is to say we seek to address conflicts in productive, non-violent ways.

“The challenge for coexistence workers is to develop strategies to engage with conflicts actively and productively...”

The challenge for coexistence workers is to develop strategies to engage with conflicts actively and productively—to allow societies to live together not only politely, at a distance, but also to engage with each other even in the difficult areas where they might be in conflict.

A society that embraces and works towards social inclusion/coexistence has many benefits:
- The creativity of the people becomes available to address the needs of the society. People of all backgrounds can be engaged based on their talents and abilities;
- The economy benefits with the cessation of violence, with the end to the total destructiveness of war and conflict;
- People feel safer and more respected: the systems of government, health care, education, and the media are more likely to address the realities and meet the needs of people from all groups;
- Communities are supported to develop their own cultures, within guidelines that allow other cultures to thrive as well.

The question then becomes—how does one go about supporting these kinds of societies? What kinds of processes, interventions, and programs do we undertake?

In general, there are two kinds/levels of interventions in the coexistence field:
- Socio-cultural dimension—what are the beliefs and attitudes that exist within the individual, within the norms of the organization, and within the practices of our informal communities that promote or constrain social inclusion? How can cultural, educational, and recreational programs be designed to educate people about each other’s cultures and about the skills and values that help them to relate respectfully to people who are different from themselves?
- Institutional/structural—what are the policies that exist in terms of education, housing, development, humanitarian assistance, refugee resettlement, etc., that create the context for positive inter-group relations or increasing inter-group tensions? How can institutions be designed, and policies be enacted, that create the context for positive relationships (i.e. relationships of respect, equity, understanding, and recognition of interdependence) between individuals and communities?

Coexistence practitioners work both at the inter-personal and inter-communal as well as the social and structural levels.
Examples of coexistence projects:

**South Africa post-apartheid reforms:**
In South Africa, the post-apartheid constitution is one of the youngest in the world. Constructed with knowledge and awareness of the injustices and inequities of the past, most of the articles were crafted in order to rectify and correct the historic segregation, as well as foster coexistence and a unified nation. To this end, the constitution recognizes the importance of language, and gives all citizens the right to use a language and participate in a culture of his/her choice as long as it is not inconsistent with any provision of the Bill of Rights. The constitution further recognizes eleven official languages in an attempt to celebrate the country’s diversity. All South African languages are considered official languages of the country, including languages of the minority groups and tribal languages. The broad inclusion of civil society, particularly women’s groups, in the National Defense Review provides an example of how a coexistence lens influenced the development of post-apartheid security policy. This open process built trust between the security sector and the public in South Africa following many decades of distrust, and increased public ownership in the security sector. Following the National Defense Review, an annual women’s peace seminar with civil society and military personnel was launched.

**Boston-area schools in the 1980s:**
In the 1980s, there were tensions between Portuguese immigrants and the African-American community in the city of Boston (USA). Young people organized themselves into separate gangs, and kept themselves apart in school. For instance, they didn’t eat together at the cafeteria. There was an economic base to their animosity: the Portuguese immigrants arrived later to the United States but were advancing economically; whereas the African-American community, still suffering from the effects of racism, was in general doing less well economically. At one point, the tensions erupted into gang violence in a Boston high school, resulting in the murder of a young boy from one of the communities. The Arts Council, a group that linked artists with various neighborhood groups, designed a project to strengthen the ties between these two groups, not dealing with gangs and the murder per se, but a project to build more positive understanding and relationships between the two communities. They looked first to women and girls, who they felt would find some commonalities and perhaps be able to create a basis for more positive relationships. They started the project based on the knowledge of needlework in both communities: there were seamstresses and embroiderers in both these communities. The Arts Council designed a project in which the women and girls used cloth to create pictures that told stories about their lives. Initially, they had two sessions in different neighborhoods: one in the Portuguese neighborhood and one in the African-American neighborhood, because parents would not allow their kids into the other community. The artists and facilitators brought all the fabrics and sewing tools one day a week into one community and on another day they went to the other community. Gradually, as the women and girls came to trust the organization, it brought them together to sew their small pieces of fabric containing their stories into one large wall-hanging. It’s something we call a quilt: a huge blanket made from many different pieces of cloth sewn together. As they finished their pictures, the women and girls began to interview each other, sharing their stories about their struggles in America, about cultural traditions that were important to them, about their hopes for the future. Once they developed these relationships, they were able to think together about how to support young people in getting to know each other and avoiding this kind of violence in the future.
**Northern Ireland equality and good relations projects:**
After a long history of repression and conflict between the native Irish and the Anglo-Scottish settlers in Northern Ireland, a bloody civil war broke out between Nationalist and Unionist paramilitary groups. The war lasted three decades and ended with the 1998 Good Friday Agreement. Leading up to the Agreement, and after the signing, civil society organizations from both sides of the community divide used a bottom-up approach to promote coexistence policies, including the Equality and Good Relations law that legislates equal opportunity. Such legislation helped to ensure a sustainable peace agreement among the political parties. Another important coexistence initiative at the policy level was the creation of the Equality Commission, an independent public body whose duties are: working towards the elimination of discrimination; promoting equality of opportunity and encouraging good practice; promoting affirmative/positive action; promoting good relations between people of different racial groups; overseeing the implementation and effectiveness of the statutory duty on public authorities; and keeping the relevant legislation under review.

**Grupo Cultural Yuyachkani:**
In Peru, the indigenous communities live primarily in rural villages up in the Andes Mountains; the cities are populated more by descendents of the European settlers. The indigenous communities were hurt very much during the war, by the Maoist rebel groups but especially by government forces. So when it came time to establish a truth commission, there was a very large question: why should these indigenous people trust a structure that was established by the very state institutions that had harmed them? So the head of the Truth Commission tapped into the work of a theatre company named Grupo Cultural Yuyachkani, which was very highly trained in both modern theatre arts and in indigenous rituals such as drumming and mask-making. Over thirty years, this theatre company had stood up for the human rights of the indigenous people, and had won their trust and respect in part by learning their languages and their performance practices. So Yuyachkani artists went into communities ahead of time, before the commission, to perform sacred rituals that honored the suffering of the people in a language and through practices that the people could understand. In this way, as well as through workshops and performances, Yuyachkani prepared the people to testify before the commission, and in some cases, provided a safe space where they could tell stories they were still unwilling to tell the TRC. Yuyachkani artists also took the stories that were told to them and to the commission and turned them into performances, and when the commission completed its work, Yuyachkani presented the rural people’s stories to the European populace in the cities. Their virtuosity as artists allowed the urban people to acknowledge what had happened to their indigenous neighbors. This is one example of how a reconciliation process can become more inclusive, more sensitive to people from all of the cultural groups of a country.
These examples illustrate coexistence work at both the socio-cultural and the institutional level. Coexistence is a matter of both consciousness and policy. We need to have policies that create the context for people of different groups to cooperate, to get to know each other, to learn about each other’s culture, history, etc. We need to have policies that protect the rights of minorities and ensure that every group can participate in all phases of public life. At the same time, we need to address social and cultural life—the beliefs, values, attitudes, and norms that reside in communities and in persons. You can have the best policy ever imagined, but if the people implementing it don’t believe in it, if they aren’t committed to it, they will undermine it. The coexistence field trains people who can facilitate difficult conversations among regular people, policymakers, and very influential people as well.

At the policy level coexistence work has addressed the question of language—are all the languages of the people represented in government; what languages are used to teach in schools? It looks at education policy and how history is being taught; does education give young people the skill of communicating across differences? Health—does every cultural community have equal access to health care? Are there translation services at the health facilities and are the health services culturally sensitive? Natural resource management—how do we make sure that resources are shared equally? For instance if you have two countries fighting over a border, you can make an international park across the border to draw tourism and people from and for both countries; thus instead of fighting over the resource, it becomes an opportunity to collaborate and build relationships. Cultural policy—are all the cultures supported and given a voice to express themselves? How coexistence work is done differs from community to community.

**Complementarity**

The coexistence field recognizes that all sectors have to be involved in creating socially inclusive societies. In order to create a socially inclusive society, issues of inter-group relations have to be addressed by people working on gender, youth development, economic development, education, governance, etc. While there is a field of coexistence and there are certain skills involved in being able to mediate and negotiate and analyze policy, the approach of Coexistence International (CI) is that of complementarity—coexistence has to work in relationship with and association with and cooperation with other fields. So far, CI has been collaborating with colleagues in the fields of democratization, natural resource management, security, and the arts, among others. This workshop, here in Liberia, is an opportunity to think through what the actual connection is between coexistence and transitional justice, especially in a particular region. CI is turning to you to help conceptualize and understand and think through in a systematic way what the connection is between coexistence and transitional justice. What are the areas of collaboration? Where is there tension in our work? And can we come up with some new ideas so that we can work together, from all of our disciplines, and with all of our strategies, to help repair, rebuild, and reconcile societies that have been hurt and damaged?
Country Presentations

During this section of the workshop, resource people from Liberia, Sierra Leone, and Burkina Faso made presentations about the status of transitional justice processes in their respective countries. Each presentation was guided by the following questions, and was followed by a general discussion.

i. To what extent did the transitional justice process in your country address coexistence issues?

ii. Apart from addressing the vertical relationships between the government and the people, did the transitional justice process address the horizontal relationships—i.e. bringing different communities into dialogue?

iii. To what extent was this a problem that needed to be addressed in the country? And to what extent did the transitional justice process address this problem?

iv. Following the transitional justice process, what was the result within the coexistence context? In other words, did the nature of relationships between communities change?
Background
Liberia, unlike other countries in the West Africa sub-region or the world over, did not have the luxury of deliberating on the particular transitional justice mechanism appropriate for the country. After being plagued by civil wars and violence from the late 1980s to early 2000s, conflicting factions agreed to end the conflict with the Accra Comprehensive Peace Accord in August of 2003. The accord was between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), and the Movement for Democracy in Liberia (MODEL)—an offspring of LURD.

Amongst a myriad of other instruments promulgated in that document to ensure good governance and political accountability was a provision to create a South African-style Truth and Reconciliation Commission (TRC). This commission was tasked with the ambitious mandate of investigating Liberia’s history between 1979 and 2003, with particular emphasis on unearthing violations against international humanitarian law and gross human rights abuses, as well as writing an accurate account of the history of Liberia. Liberian civil society also began a vigorous campaign pushing the National Transitional Government of Liberia (NTGL) to implement the provisions of the Accra Accord—particularly the establishment of the Liberian TRC. After a period of intense lobbying in the Transitional Legislative Assembly (TLA), the bill to establish the Liberian TRC was finally passed into law on June 22, 2005.

“The immediate challenge that surfaced was the absence of a standing secretariat. This created a scenario where individual commissioners who were charged with defining policy issues became embroiled in mundane administrative matters.”

In a bid to satisfy the heightening calls from Liberian civil society to ensure that a mechanism for accountability was made functional, Charles Gyude Bryant, chairman of the NTGL, appointed seven commissioners to the Liberian TRC. Because they were appointed without a transparent vetting process, this was met with a stiff public outcry and campaigns from Liberian civil society. Liberian activists and the public vowed non-cooperation with the commissioners. They were therefore withdrawn and a panel chaired by the African Union (AU) was established by Chairman Bryant to vet and select TRC commissioners. The Liberian civil society played an immense role in the vetting process, and the Transitional Justice Working Group was formed, with a particular focus on the monitoring and evaluation of the Liberian transitional justice process. When the final appointments were made, Jerome Verdier, a human rights lawyer and an activist from Liberian civil society, was selected to serve as chairman of the TRC.

Challenges to the transitional justice process

Truth and Reconciliation Commission
The TRC was launched on June 22, 2006, and was followed by a public conference. The immediate challenge that surfaced was the absence of a standing secretariat. This created a scenario where individual
commissioners who were charged with defining policy issues became embroiled in mundane administrative matters. Important aspects of their work like media relations, program management, and fiscal management had no staff, which impacted the performance and efficiency of the commission. Furthermore, when qualified personnel were recruited to staff the TRC, the process of transferring administrative authority previously held by commissioners was slow and sometimes frustrating. This administrative vacuum haunts the Liberian TRC to this day.

A second result of the lack of a secretariat was that donors became apprehensive about giving funding, because the TRC didn’t have a qualified financial manager. Consequently, funding to the TRC became low or in some cases unavailable.

A third result was the lack of an adequate message-dissemination system. This fueled a profound skepticism of the TRC process by ordinary citizens, some of whom viewed the TRC as a court rather than a mechanism for reconciliation. However, over time this challenge began to phase out.

The relationship between commissioners and the technical advisors seconded to the commission was also a challenge, because of confusion over mandates and the advisors’ terms of reference. This contributed to donor apathy and eventually led to the resignation of one technical advisor from the TRC; vigorous calls for technical reforms in the TRC ensued, from international partners, donors, etc.

Civil Society
Throughout the early transitional period, Liberian civil society has consistently engaged the national government. Since Liberia opted for a Truth and Reconciliation Commission as a transitional justice mechanism, civil society has impacted this process immensely, especially during the debate to pass the act authorizing the TRC and the surrounding consultations that followed, and during the vetting and selection of commissioners. Of particular relevance was the formation of a Transitional Justice Working Group (TJWG), a consortium of twenty-four Liberian civil society organizations that engaged and continues to positively critique the work of the Liberian TRC.

Since the adoption of the Accra Peace Accord, Liberian civil society has been a vigorous advocate for its implementation. In the transitional era to date, civil society has consistently reminded the central government of the need to respect the peace accord. However, this advocacy role has evolved over time. Although historically the civil society was a fractured group of organizations and individuals working separately on diverse issues, when advocacy for and independent monitoring of the Accra Peace Accord were necessary, they all coalesced around these issues.

This process has not been without its challenges. An initial challenge early in the TRC implementation advocacy process was that local civil society actors did not have an appreciable understanding of what
transitional justice concepts and/or mechanisms were. As a result, time which could have been used for actual advocacy had to be devoted to training and educating civil society actors on these various mechanisms before an adequate advocacy program could be tailored. To compound this problem there already existed in Liberian civil society a gap between institutional and individual capacity. Most of the key players in major civil society organizations remain un-equipped, without basic research or project monitoring skills.

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“*There is a need for complementarity between traditional approaches and the formal Liberian transitional justice process, taking into consideration that the Liberian people still have to peacefully coexist long after the TRC has phased out.*”

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Lastly, the political environment in which civil society actors waged such advocacy campaigns was at most indifferent. Political appointees, who in most cases were only concerned with enriching themselves, heavily polarized the executive, legislative, and judicial sectors as well as all other facets of the transitional government of Liberia. This created a high-risk environment in terms of resources and commitment for Liberian civil society.

**Conclusion**

Liberia has traversed a long way since the signing of the Accra Peace Accord and the subsequent formation of the Liberian TRC. However, the transitional justice process is still a work in progress.

Looking forward, there has been a small but persistent portion of the population calling for prosecutions, which also speaks volumes about public perception of the TRC process as well as the methods used to implement it. Additionally, skeptics discount the strength of the political will of the Liberian government to implement the recommendations from the TRC report. If the national government does not adequately engage with the recommendations in the report, the result could be a huge loss of faith in the transitional justice process. Furthermore, in all spheres affected by the TRC process, there seems to be a lack of any clear post-TRC strategy. Nor is there any certainty as to whether the mandate of the TRC extends to allow a more comprehensive coverage of the various scenarios in the Liberian transitional justice process.

Lastly, most of the methods used by the TRC and civil society organizations in monitoring the TRC process and awareness-raising have at best been rigid. There is a need for complementarity between traditional approaches and the formal Liberian transitional justice process, taking into consideration that the Liberian people still have to peacefully coexist long after the TRC has phased out.
The Conflict

The Sierra Leone conflagration was not about diamonds but rather about marginalization, exclusion, inequality, access to justice, lack of resources, and their distribution among the few political elites. As described in the report of the TRC, governance issues and human rights abuses were the roots of the conflict. At the beginning of the conflict the Revolutionary United Front (RUF), which had a lot of intellectuals, sought to win over the people in order to overthrow the existing APC government, which at the time was perceived to be dictatorial. But along the line things changed as the intellectuals were killed and some disappeared, leaving Foday Sankoh as leader of the RUF. (Though not part of the revolution from the onset, Sankoh changed the modus operandi into killing and inflicting atrocities on the people.)

There wasn’t an ethnic dimension to membership in these different groups. The groups were made up of people from different parts of Sierra Leone. The initial members, in fact, were university students who had issues with government cutting across religious and ethnic divides. Further, the conflict did not have any identified segregation but was rather a one-on-one kind of conflict, and when the dynamics changed with the entrance of Foday Sankoh and his men, it was a matter of “either you join me or I kill you.” There were stories of “you were my teacher and I failed because of you, so I’ll pay you back by killing you and hurting your family,” among other ones. And most times, these killings were done within groups by people one knew, not by a rival faction. After a while the whole war got out of hand and no one controlled anybody—all anyone needed was access to a gun. The most pathetic aspect was that the politicians the fighters claimed they didn’t like were not actually targeted, though some lost their properties in the war.

Post-Conflict: Transitional Justice Mechanisms

The peace agreement between the warring factions called for a TRC and a Human Rights Commission, among others. At the peace talks representatives from civil society groups instead called for a Truth, Reconciliation, and Justice Commission. But at the time the rebels were still around and the situation was not all that calm. The government felt this would jeopardize the entire process—and of course Foday Sankoh and other rebels were part of the process. Eventually the justice component was incorporated, after the government wrote to the United Nations (UN) wanting to try the RUF. The UN agreed, stating that the Special Court should try not only the RUF but also every other faction and section of people involved in the conflict—government forces, militia, and the Armed Forces Revolutionary Council (AFRC). The operations of both the TRC and the Special Court engaged everything and everybody—the old, the young, men, women, and all ethnicities and religions. There was a special focus on women and girls due to the allegations of widespread rape and molestation, and also a focus on child combatants due to the widespread use and involvement of children in the war.

The Sierra Leone TRC was formed by an act of parliament which stated that the government would implement the recommendations of the TRC. The act was legally binding; however, the TRC report left open-ended who would oversee the process. The recommendations mentioned that there would be an implementation body, but did not specify which agency would be responsible. Towards the end of the TRC there was therefore a push for the establishment of a human rights commission which would take up the implementation, but this was only formed a year or two ago. Since it’s a new institution, it is going to take some time for it to find its feet and develop effective strategies. Some CSOs started educating people on the content of the recommendations, but this became tricky as people began expecting these organizations to start implementation.
In terms of the establishment of the Special Court, the government consulted with some Sierra Leonean communities based in the US who thought it was a good idea, and everything about it was sealed and settled before it was brought to public notice. Even CSOs who did education on the essence of the TRC and the Court found it difficult to understand the rationale behind it. There was also confusion among the people on the division of functions between the Special Court and the TRC. Many thought that if one went to the TRC, the evidence would be used to try them at the Court. On the other hand, some people were not able to participate in the TRC process because they had been indicted by the court. This was true of Samuel Hinga Norman, former Deputy Minister of Defence. He had been in the political arena since independence and all the dynamics, history, and secrets he could have shared would have been valuable to know. The same applies to Foday Sankoh, over whom the CSOs were divided.

Sierra Leone at Present
The TRC lasted for two years and submitted a report in 2005 with recommendations covering issues of governance, women, children, and other aspects of life at the time of the conflict. So far the country has yet to see actual recognition by the government of the recommendations. Sierra Leone now has a new government, but the former government that received the recommendation issued a white paper, which in essence did not adopt the recommendations, claiming that there were not enough resources to incorporate them in government work. The civil society advocated for an omnibus bill which would encompass all the recommendations and transform them into policy positions for the government to follow and implement. The new government maintains that it is committed to following the recommendations of the TRC, and that its developmental plans follow the recommendations of the TRC, but there appears to be no link between government actions and the TRC recommendations. A critical analysis of the TRC report shows that it is an important roadmap for the country’s development and hence should be included as one of the many frameworks that the government should be working under.

The Special Court will wind up its work by the end of the year. It indicted nine persons and has been able to try five people, with one dying in custody. The Charles Taylor trial is ongoing, and ones for the Kamajors (the civil militia) and the AFRC are still pending. It is however believed that those who were indicted by the court are actually not the ones most responsible—certain individuals who Sierra Leoneans believe were key players in the conflict have not been indicted. Instead some of them are now witnesses and are being given protection. Thus these grievances continue to linger. A particular sticking point is the issue of the “Kamajors”—they existed in communities all over the country, even prior to the conflict, as traditional soldiers. But when they came together during the war to protect the communities against the rebels, they were called the Civil Defence Forces (CDF) and the government, particularly Deputy Defence Minister Samuel Hinga Norman, supported them with ammunition and other resources. Some people believed that because the Kamajors were supporting the government and protecting the people they should not be tried. Their families and other communities are uncomfortable with these trials. This was evidenced in the results of the last elections, in which the ruling party lost, even though its stronghold was in the Kamajor populated areas. But these tensions seem to be dormant now and we hope they will not erupt into some sort of conflict.

The Special Court’s indictment of the Deputy Minister over his support of the Kamajors also caused tension and unease among the people. Ahmed Tejan Kabbah was President and Defence Minister during the conflict, thus he authorized the budget allocation for the Kamajors’ ammunition and operations. Therefore if any one was held responsible, it should have been the president, not his deputy. But the presidency gave him immunity. So from a coexistence point of view, the question is how the communities, families, and relatives feel and should behave towards the government in a situation like this. Now that Kabbah is no longer the president, the country is debating whether he should be indicted and tried.
Coexistence
From the operations of the TRC, it is difficult to tell whether the commission created the necessary environment for improving, rebuilding, or enhancing coexistence across communities. Outreach programs to various parts of the country were not extensive due to lack of resources. Although the civil society supported the commission by assuming responsibility for reaching grassroots communities, quite a large number of areas were not covered by the TRC, even during the statement taking process. Most people therefore did not feel part of the process. Also, because the Special Court and the TRC operated simultaneously, it was difficult for people throughout the country to understand both how these institutions operated and the relationship or lack thereof between the two. There was the perception at the time that the TRC was the investigative wing of the Special Court, and this prevented people from engaging in the process.

On the other hand, most communities have reconciled—not as a result of the work of the TRC per se, but due to other traditional and local methods of reconciliation which were carried out within and between communities. Unfortunately these methods have not been documented, even though they can sometimes be more meaningful and have yielded better results than the formal structures of commissions.

The tension that exists now does involve ethnicity and regionalism, but emanates more from the political contests that occurred during the recently held elections. For example the current ruling party is known to have a more northern- and western-based membership, with most tribes in these regions alleged to belong to that party. The opposition, on the other hand, which was the former party in government, tends to be made up of people from the south and the east. However, the results of the elections showed that even within the so-called strongholds, the other party had substantial votes. The use of ethnicity in politics and political campaigning has proven superficial as, in fact, there are inter-marriages among different tribes and ethnicities.

“...most communities have reconciled—not as a result of the work of the TRC per se, but due to other traditional and local methods of reconciliation...”

There is also now an identifiable group of ex-combatants known as the “okada boys”—those who during the Disarmament, Demobilisation, and Reintegration (DDR) process went into jobs or back to school. The okada boys are spread all over the cities in Sierra Leone and are identified with bad driving, heckling, and other rude and uncontrollable behaviors. The society now tends to associate bad behaviors with them and some people don’t want to interact with them. The okada boys have been marginalized and segregated to some degree; therefore, the question of whether they have been integrated into the society remains an open one. They’ve been integrated in the sense that they now live in all parts of the country; however, some have not really been accepted into families and communities. The reasons for this may be economic: there is the tendency for them to move to the cities to get jobs, and in the process they have merged into new communities and left behind their respective families.

Overall, the tensions that now exist in Sierra Leone can be traced less to the conflict than to recent political rivalries. Then again, political tensions are what led to the conflict in the first place, particularly tensions between the paramount and traditional chiefs and the country’s political leadership. The issues that led to the conflict still exist, but people are generally now looking beyond them.
History
In its political history Burkina Faso has been led by four constitutional regimes, all of which ended in military coups. Civil society, made up of student and trade unions, among others, has also played a major role. The first constitutional regime was actually formed by civil society groups, and the changes to the interim constitutional regime were also occasioned by civil society. But in its political and social evolution, one key factor was the 1987 coup that resulted in the death of President Thomas Sankara, who brought Burkina Faso to the forefront of Africa. After that coup, President Blaise Compaore, who remains president to this day, took over. After two years of military rule, he adopted the 1991 Constitution and transformed himself into a constitutional president. Many people saw this change as a good opportunity to bring political and social gains, rule of law, and development to Burkina Faso, but this was not to be. The people in power at the time, in a bid to consolidate their rule, used various repressive methods to control the people—political intimidation, assassinations, and mass repression.

Transitional Justice in Burkina Faso
While investigating political violence in 1998, Norbert Zongo, a well-known journalist, was killed, together with three of his friends. This provoked social unrest and demonstrations, first by university students and then later by civil society groups and political parties. These demonstrations became a regular occurrence, forcing the regime to acknowledge the situation and find solutions to it. Thus the Wisemen College, composed of traditional leaders, religious leaders, and some social leaders, was established by the government to investigate the political and social situation and advance recommendations. This body took testimonies from more than 275 victims of political violence and came out with recommendations that were broadly accepted by all.

The Wisemen College’s recommendations pertained to rule of law, institutional reform and development, and fighting corruption, since these were the issues that gave rise to the conflict. However, a key recommendation of the College was the establishment of a Truth and Justice Commission for national reconciliation. This commission was then tasked with the responsibility of implementing the other recommendations of the Wisemen College. One of the first things the commission did was to establish and organize a national day of forgiveness. However, this was not well received by the people, who questioned whether they should be asked to forgive before seeking truth and justice. The government’s reaction was to call on local and religious leaders to campaign for forgiveness; these leaders argued that one needed to forgive in spite of and without the truth. Victims and families of victims countered that forgiveness should not be a mere political act, but should go beyond that to include well prepared and sustained awareness among the masses and a clearly expressed will to ensure justice by the government. The day of forgiveness was held, with the president assuming responsibility on behalf of the state for alleged crimes committed during his regime. However, the ceremony and act of contrition did not have the full support of the populace, who argued that impunity still continued despite the apology.

A large part of the transitional justice process in Burkina Faso involved the setting up by the state of committees and commissions whose composition often included religious, traditional, and other social leaders who enjoy
credibility from the people. There are some good lessons to be learned from the Burkina Faso situation. At least the recommendations of the Wisemen College were implemented, as evidenced by a revision of electoral laws to allow for more political parties (though with some reservations by government). The government also made seven commitments, including the establishment of a reparations fund to appease victims of abuses and the establishment of the commission to oversee the implementation of the Wisemen’s recommendations.

But the implementation process has not been without challenges. Though there has been a lot done in the area of legal reform with the passage of a number of bills, the content and essence of these laws and reforms are viewed by many to be in favor of the government, since it controls the majority of the members of parliament. One example is the number of years of the presidential term in office—two terms of five years each—which was passed when the president had already been in office for 5 years. Hence he got a chance to be re-elected into office.

How to make the process more effective:
• Unlike in Sierra Leone, where traditional leaders have an interest in politics, in Burkina Faso they are beginning to move out of politics. This has created room for them to be called on as neutral parties to resolve problems and enhance stability in their communities.
• The leadership in the country is trying to develop a national consensus on issues involving the transitional process, rather than making these decisions based on the usual majority rule. This has increased inclusiveness and participation in the process.

“A large part of the transitional justice process in Burkina Faso involved the setting up by the state of committees and commissions whose composition often included religious, traditional, and other social leaders who enjoy credibility from the people.”

Coexistence
The grassroots communities were not really involved in the process. It was a political process, developed, agreed upon, and implemented at the highest level. Of course social leaders were involved, but there was little consultation with the people to make them relevant to the process. Participation and awareness is lacking in the ongoing government process, and this calls for a review of programs and public awareness strategies. Coexistence issues were not critically looked into or addressed in the establishment or operations of the TRC and subsequent programs. Another issue is that, as in other countries, the conditions that precipitated the conflict and social unrest still exist even after the transitional justice processes have ended; this needs to be critically looked into to avoid a relapse. The country is made up of more than 70 ethnic groups but there has not really been any violent friction between them as of yet. However, the ‘Mossi factor’ has become an issue—the Mossi, who are the largest ethnic group in the country, seem to be the dominant tribe in politics, which could become a rallying factor for potential conflict.
The Conflict
Ghana has a population of over 20 million and is a multi-cultural, multi-ethnic, and multi-religious country, with about 10 main ethnic groups and over 50 local languages and dialects. English is the official language. The country has not experienced the sort of violent conflicts that have bedeviled other countries in Africa, but this is not to say that there have not been conflicts at all. The country has a history of military takeovers and regimes under which a lot of human rights abuses did occur. Ghana is also a sharply divided nation politically, and it is common to find a particular political party wielding the majority votes and support from one region, which itself holds a potential for conflict. These same divisions have also been manifest in the country’s national reconciliation process.

Transitional Justice Process
The establishment of a National Reconciliation Commission to investigate and deal with past human rights abuses by the government against citizens was a campaign promise made by the present government, which in 2000 was in opposition. On the party’s assumption of office and the subsequent establishment of the NRC, the opposition (formerly in government) saw the move as a witch-hunting program. This became even more pronounced when the government proposed that the mandate period of the commission be limited to the period between 1979 and 1992, before it was in power. This was the general atmosphere within which the process progressed. The commission made very important recommendations but nothing seems to have been done about implementing them. At the same time, the ordinary people are not in a position to link the transitional justice process with the work of the government in Ghana. Consequently, the people’s ability to play a role in this important process appears to have been lost.

Coexistence
It should be noted that a lot of people did not participate in the process of national reconciliation. CDD-Ghana found out in one of the post-NRC surveys that most communities, due to poverty and inaccessibility,
were not able to engage with the commission and therefore the whole process. It was during the sitting of the commission that the “Dagbon Crisis” broke out involving conflict between two feuding clans (the Andani and the Abudu). The conflict centered on succession to the royal throne and efforts to gain revenge for the killing of the paramount chief of the Andani, along with thirty of his people. It is important to note that over the years, different political parties in the country have made strategic political alliances with both of these clans to help them constitute a political majority. However, the commission failed to address the Dagbon conflict. Thus it can be inferred that the NRC process in Ghana did not take into consideration communal and ethnic conflicts.

“Kwame Nkrumah, the country’s first post-independence president, took up the motto ‘one nation, one people, and one destiny,’ thereby banning the formation of political parties along tribal lines...”

The fact that Ghana is a relatively peaceful country compared to some of its neighbors cannot be said to be the result of the transitional justice process. Instead, it’s mainly due to governmental policies established when the country gained its independence. For instance, Kwame Nkrumah, the country’s first post-independence president, took up the motto “one nation, one people, and one destiny,” thereby banning the formation of political parties along tribal lines and tribalism in national politics. The 1992 constitution provided for equal regional representation in government to keep groups from feeling marginalized. The decentralized government structure may also be a factor. Traditional authorities in Ghana are well respected and, because they are not political figures, they are also used as alternative dispute resolution mechanisms through structures like the Council of Elders, Regional and National House of Chiefs, and Council of State. These and other mechanisms are available and in use in Ghana to minimize or prevent conflict.

However, the infrastructural developments in the country are not distributed equally. Most are centered in the cities, especially Accra. There is uneven development between the northern and the southern parts of the country. The north’s infrastructure is so undeveloped that in the last football tournament in Ghana, the South Africa football team that played matches in the northern region had to sleep in hotels in the neighboring countries. The problem of marginalization is not recent. Past governments have not extended development much beyond the capital. Even private investors are all investing in and around Accra since that’s where the seat of governmental power is. This is not to say that conflicts in the northern part of the country are mainly due to marginalization from government—they are caused by intra- and inter-community divisions, but the economic circumstances do not help matters either. Most development that does occur in these regions is citizen-based, i.e. funded by loans, grants, or private investors.
Questions and comments from the participants were discussed after each country presentation. These discussions have been summarized and combined here.

- Funding for transitional justice processes is a general problem in all countries. Civil society organizations (CSOs) should focus on how to sell ideas to meet the requirements of the funder without losing sight of the essence of what they really want to do. Most organizations are probably sourcing from the same funders (local and international); therefore they should diversify their sources so that donor fatigue is avoided.

- There is a need to delineate the work and essence of the whole transitional justice process from politics through public education and publicity, but also to increase the sharing of information which CSOs can use to inform their own advocacy and civic education programs. TRCs and civil society must come to an agreement on what issues like the following would entail—reconciliation, reparations, amnesty, prosecutions, institutional reform—and get whatever information necessary to the public collaboratively.

- Civil society should consider the small platforms they create in their organizations through individual projects and programs as a great opportunity to educate the people in the transitional justice process.

- There are people who tend to merely see the truth and reconciliation aspect of a TRC and not the judicial aspect, and this dissuades them from engaging in the process. There is a need for CSOs to aid TRCs in the campaign to educate the masses about the process and the outcomes to be expected.

- The intended outcome for the Liberian TRC process is reconciliation, which is a process that cannot end with the TRC. At the moment there is no clear definition of what this reconciliation will mean or entail. However, the Liberian TRC plans to hold a national conference on reconciliation to share ideas and hold discussions throughout the country. This will help inform and shape the outcome of the process.

- There is suspicion/perception among people that prosecutions will in the end be targeted at certain groups and factions in certain communities. Many politicians who suspect that they will be recommended for prosecution because of their past also tend to resort to tribalism and claims of witch-hunting in defense of themselves. In this way they change the focus from themselves to their tribe, which creates confusion and unrest in the process and in the country as a whole.

- The TRC in Liberia has a great responsibility because some of the major participants in the war currently hold high levels of power—and this has serious implications for the eventual implementation of the TRC report. Some have used their influence and resources to dissuade potential witnesses from participating in the process. The earlier CSOs can come together to devise plans to engage this process, the better the implementation process will be.
• The recommendations of the Sierra Leone TRC are not readily available to the public and the way the government has implemented them has not had a good impact on the lives of the ordinary citizen. Consequently, true reconciliation, especially between the state and the people, will be hard to achieve. Even the government agencies that are entrusted to implement some of the recommendations, upon questioning, were not aware of their content. This situation has been repeated in other transitional justice processes in the region.

• In Burkina Faso, civil society continues to play a major role in politics. It pushed forward the transitional justice process, especially after the assassination of Norbert Zongo, through activities like demonstrations and strikes. These forced the government to take the matter seriously and take action accordingly. In terms of the implementation of the TRC recommendations, CSOs have continued to advocate within the government. For instance, on the National Day of Forgiveness each year, CSOs reflect on the state of human rights in the country and also on the state of implementation of the recommendations—particularly the seven-point commitment made by the government.

• The process of de-tribalizing political systems is very important both for development and national cohesion.

• TRCs should consider an approach which emphasizes the complementarity between coexistence and transitional justice. The approach makes room for traditional, cultural, and formal formats of transitional justice mechanisms.

• Concerning the TRC and Special Court in Sierra Leone, it is important that countries go into these aspects of any transitional justice process with set priorities as to what they hope to achieve. Common measures employed to address past injustices in post-conflict situations include TRCs, Special Courts, DDR, legal reform, etc. These are all well and good, but there is a need to look at them bearing in mind the following questions: What is needed out of the process and how do we structure the process to suit local contexts and situations? This is important because it helps to make the process sustainable and ensures that the recommendations are implemented.

• At a community level in Sierra Leone, people have mainly been able to move on and accommodate each other. But there is still a gap between the state and the people, and this is due to the fact that the conditions that occasioned the war still exist.

• Transitional justice discourse is challenged from two spheres – one is the local conception of transitional justice as understood by the people of the country, and the other is the external conception of how a transitional justice process ought to go, especially coming from those who provide the resources for the process to occur. The question is how can the two aspects coexist in the transitional justice process? How can one go about the process in a way that satisfies the people and at the same time outsiders?
In West Africa, where many countries are emerging from violent conflict and have either gone through transitional justice processes (Ghana, Sierra Leone), are in the midst of such a process (Liberia), or may consider such a process in the future, questions of coexistence, social inclusion, and inter-group relations are paramount to the prevention of future violence. Considering transitional justice within a framework of inter-group relations is critical to ensuring a future free from violence.

Applying a coexistence “lens” to transitional justice processes increases the possibility of creating fundamental changes in societies that have been damaged by violence, patterns of inequalities, and abuse of authority. Using a coexistence lens in this context means that special consideration is given to inter-group and intercommunal relations when designing, enacting, and following-up transitional justice processes.

From a coexistence perspective, the emphasis on the process during the transition period after violence is critical. A process implies that the efforts are long-term and complex and will utilize various approaches and measures. Inclusion and participation—key values of coexistence—are critical for framing transitional justice processes, as they are prerequisites for restoring and rebuilding a sense of civic trust and unity. These two values mean that players from all sides of the conflict, from all levels of society, from all communities—women and men, victims and perpetrators, linguistic minorities and local and traditional leaders—are involved and consulted.

A core set of coexistence skills and capacities are of particular relevance to the intersection of transitional justice and post-conflict work. These are (1) conflict analysis from structural and psycho-cultural perspectives; (2) dialogue facilitation with relevant individuals, groups, and institutions on difficult and contentious issues, using mediation and negotiation skills that can help participants reach consensus among parties with divergent interests and objectives in group, community, international, and transnational disputes; (3) designing and implementing projects and programs that create opportunities for shared experiences, understanding, and the building of relationships across difference; and (4) recognizing and incorporating the sensibilities, resources, and needs of different sub-groups in society.

There are several stakeholders at the national, regional, and international levels who can impact transitional justice processes and have the potential to create fertile ground for positive, sustainable coexistence in societies emerging from violent conflict. These include governments in transition, local civil society, truth seeking bodies, national and international judicial systems, the international community, and regional bodies (e.g.: the African Union, Organization of American States), all of whom have a role to play in the design, enactment, and follow-up of transitional justice processes. These guidelines for applying a coexistence lens to transitional justice processes are therefore organized according to key stakeholders.
Initial learning already demonstrates that the potential of transitional justice measures for achieving justice, transforming institutions, and reconciling societies is great. Yet without deep attention paid to questions of inclusion and coexistence there is a risk of progress that is not sustainable or, even worse, that re-incites conflict.

The following 6 recommendations and the guidelines that follow are offered with the belief that more coexistence-sensitive transitional justice processes can contribute to improved and sustainable peace.

- For a transitional justice process to be truly effective in helping to restore trust in people and institutions, it is critical that even the conceptualization and design phase be truly inclusive and participatory.

- Different segments of society will advocate for different transitional justice measures and will have different conceptions of justice; a transitional justice process should seek to take into account different notions of justice.

- In making decisions related to different transitional justice measures, questions of equity, balance, location, accessibility (particularly for women, for those who are disabled or live in rural areas), languages, and fair access to resources must be taken seriously.

- A continuous role for local civil society should be built into transitional justice processes, and civil society should proactively assume a role as a contributor to, and watchdog of, the process and the implementation of recommendations.

- To the extent possible, the national and local communities should have primacy in transitional justice processes, thereby increasing the opportunity for local ownership and sustainability.

- The international community has an important role to play in helping to build the capacity of national and local leadership and both state and non-state institutions. Building transitional justice and coexistence capacities are important steps for the prevention of future violent conflict.

Taking into account these recommendations in the design, enactment and enforcement of transitional justice processes is a critical step in ensuring inclusivity and participation. The following guidelines are a next step for those stakeholders charged with identifying constructive, thoughtful and meaningful ways forward for societies emerging from violence.
I. TO DESIGNERS OF TRANSITIONAL JUSTICE PROCESSES

A. Design and Development Phase

1. To create a participatory design process, employ strategies ranging from consultative forums to informal outreach.
2. Take into account the varying needs and sensibilities about justice, accountability, and reconciliation among stakeholders in the society.
3. Take steps to avoid actual or perceived political partisanship.
4. Build capacity among those responsible for enacting transitional justice processes so that they are equipped with the knowledge and skills to apply the lenses of both coexistence and gender.
5. Seek gender balance in all transitional justice structures, throughout the life of the process and on all levels.
6. Secure and manage funding to ensure operational capacity throughout the transitional justice process, including implementation of recommendations and resources needed to apply a coexistence lens.
7. Explore the use of reconciliation processes based on local or indigenous rituals and ceremonies.
8. Develop transitional justice measures to address regional and cross-border tensions resulting from intra-state conflicts.

B. Enactment Phase

1. Ensure sustainable technical and financial resources for all components of the transitional justice process.
2. Create professional and transparent systems for the hiring and appointment of those who will lead the transitional justice process.
3. Protect the integrity and independence of transitional justice processes.
4. Lay the groundwork for positive intergroup relations by, for example, providing for fair distribution of recovery services and culturally sensitive reintegration of ex-combatants, refugees, and internally displaced persons into the post-conflict community.

C. Enforcement and Sustainability Phase

1. Implement and enforce recommendations from the country’s truth seeking bodies and other transitional justice measures.
2. Budget and allocate resources for implementation of recommendations that emerge from transitional justice processes.
3. Publish and make recommendations accessible in written and non-written forms in multiple languages and media.
4. Assess coexistence outcomes of the implementation of recommendations and make policy adjustments as necessary.
5. Build capacity for coexistence among civil servants, elected leaders, and citizens through education and training (e.g. in conflict management, negotiation, mediation, good governance, and human rights).
6. Apply a coexistence lens when developing national policies and governing practices (e.g. in education, development, health, natural resource management, culture, etc.).
7. Ensure that post-conflict governmental leadership emphasizes coexistence and social inclusion.
8. Create governance structures, processes, and institutions that provide models of inclusiveness and that incorporate local and traditional forms.
9. Take steps to address structural inequities that may have contributed to the conflict.
10. Create literacy and other civic education programs that engage members of diverse communities in learning about, and building relationships with, each other.
II. TO LOCAL CIVIL SOCIETY

A. Design and Development Phase

1. Identify and advocate for opportunities for civil society to participate early on in the design of a transitional justice process.
2. Promote the incorporation of the eight guidelines in section I A.
3. Encourage the inclusion of marginalized voices in the design phase and help facilitate those opportunities.

B. Enactment Phase

1. Seek opportunities to participate in, and link efforts with, official transitional justice processes.
2. Consider creating parallel reconciliation processes based on local or indigenous rituals and ceremonies and popular artistic forms.
3. Advocate for inclusive transitional justice processes, use of local languages, and incorporation of specific cultural or artistic expressions.
5. Reach out to civil society actors in other countries affected by related conflicts to facilitate people-to-people reconciliation.
7. Use diverse media and languages to engage in comprehensive, inclusive outreach to enhance participation in and legitimacy of truth-seeking bodies and other transitional justice processes.
8. Facilitate constructive dialogue and restoring of relationships between victims and perpetrators at the local level.
9. Seek expert and technical support from international partners and CSOs as needed to benefit from tested tools, skills, and best practices.
10. Assist in the reintegration of ex-combatants, refugees, and internally displaced persons through culturally sensitive approaches, within a framework of positive inter-group relations.

C. Enforcement and Sustainability Phase

1. Advocate for prompt and thorough implementation of recommendations set forth by the truth-seeking bodies.
2. Organize inter-cultural groups from different communities to monitor and promote implementation of the recommendations.
3. Facilitate relationships, create opportunities for collaboration, and promote dialogue among different groups, in every sector of society, through a variety of activities and programs (e.g. creative arts, sports, business ventures, development projects, etc.).
4. Build civil society partnerships across groups that are different in religion, ethnicity, economic class, etc.
5. Build capacity for coexistence work among civil servants, elected leaders, and citizens through education and training (e.g. in conflict analysis, negotiation, dialogue, mediation, good governance, and human rights).
III. TO TRUTH SEEKING BODIES

**A. Enactment Phase**

1. Create a participatory process that includes players from all sides of the conflict, from all levels of society, from all communities—women and men, victims and perpetrators, linguistic minorities, and local and traditional leaders.
2. Enhance participation and credibility of the truth-seeking body by connecting its work to relevant community-based programs and projects.
3. Prioritize independence and impartiality.
4. Enlist participation of local and traditional leaders.
5. Develop and implement culturally sensitive education, awareness, and outreach strategies.
6. Include in reports recommendations about addressing the causes of inter-group conflicts in the country, including structural inequities.
7. Produce accessible report, with recommendations available in written and non-written forms in multiple languages and media.
8. Incorporate provisions for education and training in coexistence capacities.
IV. TO THE INTERNATIONAL COMMUNITY, INTERNATIONAL AND NATIONAL JUDICIAL BODIES, AND REGIONAL BODIES

A. Enactment Phase

1. Allocate adequate funds and other resources to governments and civil society for transitional justice processes, including applying a coexistence lens.
2. Facilitate regional or international dialogue and collaborative activities in situations where intra-state conflicts have caused cross-border or international tensions.
3. Support local civil society actors in their efforts to enhance participation in and legitimacy of truth-seeking bodies and other transitional justice processes by using diverse media and languages to engage in comprehensive, inclusive outreach.
4. Provide and fairly distribute recovery services to different groups within the country.
5. Prioritize independence and impartiality.
6. Address particular needs of victims of gender violence and take into account gendered patterns of abuse.
7. Acknowledge the importance of traditional law and cultural ceremonies.
8. Hear claims and appeals from authorized traditional or cultural representatives.

B. Enforcement and Sustainability Phase

1. Allocate funds to governments and civil society actors to implement the recommendations that emerged from truth-seeking bodies and monitor such implementation.
2. Advocate for prompt and thorough implementation of recommendations set forth by truth-seeking bodies.
3. Design long-term funding strategies with awareness of coexistence between groups and levels within society. Make sure these strategies serve to strengthen inter-group relations.
4. Build capacity for coexistence work among civil servants, elected leaders, and citizens through education and training (e.g. in conflict analysis, negotiation, dialogue, mediation, good governance, and human rights).
5. Facilitate relationships, create opportunities for collaboration, and promote dialogue among different groups, in every sector of society, through a variety of activities and programs (e.g. creative arts, sports, business ventures, development projects, etc.). Build civil society partnerships across groups that are different in religion, ethnicity, economic class, etc.
Appendix A: Participant List

Raphael Abiem  
Human Rights Officer  
United Nations Mission in Liberia (UNMIL)

Pindarous Allison  
Country Coordinator  
Youth Employment Systems (YES) Liberia

Zoer Daylue Benard  
Vice President  
Association of Female Lawyers of Liberia

Zoe P. Blama  
Program Assistant  
Transitional Justice Working Group (Liberia)

Anthony Boakai  
Executive Director  
Forerunners of Child Education (FOCUS) (Liberia)

Thomas Bureh  
Program Director  
Human Rights Protection Forum (Liberia)

Cynthia Cohen  
Executive Director  
Slifka Program in Intercommunal Coexistence, Brandeis University (USA)

Felix Dordor  
Member  
Transitional Justice Working Group (Liberia)

Valnora Edwin  
Director  
Campaign for Good Governance (Sierra Leone)

Kanio Bai Gbala  
Coordinator  
Transitional Justice Working Group (Liberia)

Abigail Gyimah  
Program Officer  
Ghana Center for Democratic Development
Paul James-Allen
Program Associate
International Center for Transitional Justice - Liberia

Nathaniel Kwabo
Executive Secretary
Liberian Truth and Reconciliation Commission

Stephen Manley
Program Director
Liberian Truth and Reconciliation Commission

Mark Marvey
Program Director
National Youth Movement for Transparent Elections (Liberia)

A. Saydee Mombo
Executive Director
Center for Trauma Healing and Conflict Resolution

Whama Morris
Executive Director
Center for the Protection of Human Rights (Liberia)

Abdul Wahab Musah
Program Officer
Ghana Center for Democratic Development

Joe Pemagbi
Liberia Country Coordinator
Open Society Initiative for West Africa

Alfred Quayjandii
National Coordinator
National Human Rights Center of Liberia

Kounkine Augustin Some (Burkina Faso)
Human Rights Officer
United Nations Integrated Office in Sierra Leone

Francis G. Subah
Program Officer
Center for Democratic Empowerment (Liberia)
Appendix B:  
Workshop Agenda

DAY 1

SESSION ONE

9:00am  Welcome – Hosts and co-sponsors (TJWG)

9:30am  Introduction of Participants
• Individuals, organizations, and their role in Coexistence and Transitional Justice in their respective countries.
• Keynote Address : Abdul Wahab Musah (CDD-Ghana)
  - Context and Parameters
  - Stated objectives, methods and outcomes

10:45am  Tea Break

SESSION TWO

11:00am  Country Presentations
  o Sierra Leone
  o Burkina Faso
  o Ghana

Discussion - Chair: Prof. Cynthia E. Cohen (CI)

1:00pm  Lunch

SESSION THREE

2:00pm  “Challenges of the Transitional Justice Process – The Case of Liberia”
  Mr. Kanio Bai Gbala, Coordinator – TJWG
  • Break-out group discussions and report back

4:00pm  Interactive Session: Participants’ experiences and suggestions for Day Two
  Chair: Mr. Alfred Quayjandii (Liberia)
DAY 2

SESSION ONE

9:00 a.m  Welcome – Cynthia Cohen (CI)
- Video on Peru’s Yuyachkani
- Responses and Discussion
  • Traditional vs. Modern/Western
  • Sacred vs. Legal/Secular
  • Contributions of the Arts to TJ

10:45 a.m. Tea Break

SESSION TWO

11:00 a.m. Lecture and Discussion - Cynthia Cohen (CI)
  • Relationship of coexistence and reconciliation
  • Coexistence concepts

12:00 p.m. Break-out group activity
  • Challenges to TRC process in Liberia
  • Identify and suggest actionable recommendations
  • Way forward

1:00 p.m. Lunch Break

SESSION THREE

2:00 p.m. Report Back and Discussion
  • Group presentation on recommendations
  • General discussions
  Interaction with Foreign Minister of Liberia

3:00 p.m Wrap up and Evaluation.
Appendix C:
Selected Resources on Transitional Justice and Coexistence

Websites -

African Centre for the Constructive Resolution of Disputes - www.accord.org.za

Centre for Conflict Resolution, Uganda - www.cecore.net

Coexistence International - Publications accessible at www.coexistence.net/pubs/publications.html
  Pieces of the Coexistence Puzzle: Part II
  Transitional Justice Monitor, Volume 1, Issues 1 & 2
  Transitional Justice in West Africa Resource Database
  (Note: these publications contain links to additional resources)

Ghana Center for Democratic Development - www.cddghana.org

International Center for Transitional Justice - www.ictj.org

Search for Common Ground - www.sfcg.org

UN Peacebuilding Portal - www.peacebuildingportal.org


West Africa Network for Peacebuilding - www.wanep.org

Woodrow Wilson International Center for Scholars, Africa Program - www.wilsoncenter.org/africa

Yuyachkani: Performance and Politics in Peru - hemi.nyu.edu/cuaderno/yuyachkani/index.html
Books & Other Publications -

“Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?” by Payan Akhavan
*America Journal of International Law*, Vol. 95, No. 1 (Jan., 2001), pp. 7-31

*Beyond Retribution: Seeking Justice in the Shadows of War*, by Rama Mani


*Imagine Coexistence: Restoring Humanity After Violent Ethnic Conflict*, ed. Martha Minow and Antonia Chayes


*The Little Book of Conflict Transformation*, by John Paul Lederach

*Reconciliation, Justice, and Co-existence: Theory and Practice*, by Mohammed Abu-Nimer


