PEACE AND SECURITY COUNCIL
1102\textsuperscript{ND} MEETING

ADDIS ABABA, ETHIOPIA
22 AUGUST 2022

PSC/PR/CN. 1102(2022)

CONCEPT NOTE
LESSONS LEARNING SESSION ON THE IMPLEMENTATION OF THE AU TRANSITIONAL JUSTICE POLICY: IMPACT ON NATIONAL RESILIENCE AND DEMOCRATIZATION
I CONTEXT

1. Transitional justice in Africa must consider Africa’s past experiences and legacies of its violent history of slavery, colonialism, apartheid, repressive regimes characterized by systemic violations of human and people’s rights, civil wars, governance deficits and other developmental challenges. This can be achieved through a consideration of international transitional justice standards and practices, and contextual priorities and lived realities of African people. Therefore, there is a need for an approach and conceptualization of transitional justice that addresses the consequences of past violations, divisions and inequalities, towards achieving peace. This approach should embrace both formal and informal traditional or local justice approaches which emphasize community participation, reconciliation and restorative justice. There is also a need to prioritize ethno-cultural justice, socio-economic or redistributive justice and developmental justice.

2. Many African countries have implemented transitional justice processes to address the consequences of conflict which include gross human rights violations. Truth commissions have been set up in South Africa, Sierra Leone, Morocco, Liberia, Togo, Côte d’Ivoire, Kenya, Tunisia and more recently, The Gambia. Accountability mechanisms such as international tribunals and special courts of Rwanda and Sierra Leone; and innovative local and traditional justice practices such as Gacaca in Rwanda, Magamba spirit mediums in Mozambique, Fambul Tok in Sierra Leone, Bashingatahe in Burundi and Mato Oput in Uganda, have been subjects of academic inquiry and reflection to scholars, policy-makers and practitioners respectively. From Africa’s past transitional justice processes, useful reflections on lessons learnt have contributed to the development and adoption of the AU Transitional Justice Policy (AUTJP), a continental transitional justice policy that seeks to address the gaps and challenges in practice, and the contextual experiences and lived realities of African people through drawing from best practices and applying innovative and contextually-responsive approaches to transitional justice.

3. The AUTJP embodies the African Union’s commitment to address conflict and its consequences as highlighted in a number of policies, reports and resolutions and declarations such as the AU Constitutive Act, the Panel of the Wise Report, Ending Conflicts and Silencing the Gun by 2020, the Madiba Nelson Mandela Decade of Reconciliation Declaration in Africa from 2014 to 2024, and furthermore, the policy fulfils aspirations of Agenda 2063. The policy further entrenches a transitional justice architecture in Africa. The AUTJP consists of eleven indicative elements of transitional justice, namely; Peace Processes; Transitional Justice Commissions; African Traditional Justice Mechanisms; Reconciliation and Social Cohesion; Reparations;
Redistributive (socio-economic) Justice; Memorialization; Diversity Management; Justice and Accountability; Political and Institutional Reforms; and Human and People’s Rights.

4. These elements of transitional justice are grounded on the lived experiences and they push boundaries of mainstream transitional justice standards by addressing the contextual nuances of systemic violations, vulnerability and victimhood. The AUTJP also addresses the experiences of women and girls, children and youth, persons with disabilities, older persons and internally displaced persons, refugees and stateless persons as cross cutting transitional justice issues. A key feature of the AUTJP is its focus on the implementation of the policy through identification of multiple actors who are key for the success and effective implementation of the Policy. The policy identifies AU Member States as primary implementers of the policy, and further recognizes the role of national governments as national policy makers, Regional Economic Communities and Regional Mechanisms, as well as AU Organs with a transitional justice mandate and non-state actors including civil society organisations and funders.

5. Africa’s rich experiences and its comprehensive transitional justice policy are shaping the transitional justice discourse, both locally and internationally. This necessitates ongoing reflections and robust discussions on how interventions and policy provisions remain innovative and relevant in addressing emerging challenges presented by resurgent conflicts and stalled governance reforms, the complex manifestations of conflict and their root causes, various dimensions of the legacies of Africa’s past.

II. **RATIONALE**

6. Africa is going through a challenging period with regressions in democracy governance creating ripple effects in the Member States. This calls for the utilization of all institutions and avenues to create effective synergies among national, regional and Continental institutions for promoting transitional justice and national healing in Member States emerging from conflict situations. Although the Peace and Security Council (PSC) is part of the African Governance Platform (AGP), there has never been any meeting of the PSC on the implementation of the AUTJP.

7. It is against this background that, under the leadership of the H.E. Amb. Jainaba Jagne, Permanent Representative of the Republic of The Gambia and Chairperson of the Peace and Security Council for the month of August 2022, the PSC will be convening the first Lessons Learning Session on the Implementation of the AU Transitional Justice Policy. The session will provide Member States the opportunity to share their experiences, lessons, best practices, challenges, and prospects, as well as to identify means and ways of more effectively addressing the root causes of conflict and insecurity, and creating synergies that have a multiplier effect.
8. The session will also provide opportunity for the Commissioner for PAPS to share experience and good lessons of the implementation of the AUTJP, in order to institutionalize this session between the PSC and the PAPS/AUC regularly.

III. OBJECTIVE

9. The meeting of the PSC is aimed at sharing the experience on the establishment and implementation of the AUTJP at various levels of governance in Africa, as well as sharing of experiences by Member States who have implemented transitional justice processes.

IV. SPECIFIC GOALS

10. Among others, the meeting is expected to:

   a) Understand the AUTJP;
   b) Share experiences of implementation of the AUTJP at various level of governance in Africa;
   c) Institutionalization of experience sharing with the PSC on TJ implementation in Africa.

V. EXPECTED OUTCOMES

11. In is expected that the meeting will provide the following opportunities:

   a) Deeper understanding of the Members of the PSC on the AUTJP;
   b) Synergies for enhanced coordination between the PSC and PAPS/AUC on the implementation of the AUTJP.
   c) Institutionalization and regularization of this engagement and experience sharing of the PSC on the AUTJP as an annual event.

VI. PARTICIPANTS

   a) AU PSC Members;
   b) Selected Member States to share their experiences: Gambia, Libya, Rwanda, Sierra Leone and South Africa;
   c) AU Commissioner for Political Affairs, Peace and Security Department; H.E. Ambassador Bankole Adeoye;
   d) Representatives of the African Commission on Human and Peoples’ Rights;
   e) AU Commission Staff.

VII. DATES AND VENUE
12. The meeting will be held virtually using the ZOOM online platform, on 22 August 2022 starting at 10:00 a.m., Addis Ababa local time.

VIII. WORKING LANGUAGES
13. The meeting will be conducted in English and French languages.
2022-08-22

Communiqué of the 1102nd Meeting of the Peace and Security Council held on 22 August 2022, on the Implementation of the AU Transitional Justice Policy.

Peace and Security Council
African Union Commission

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