

BUILDING JUST SOCIETIES: RECONCILIATION IN TRANSITIONAL SETTINGS



United Nations

WORKSHOP REPORT
ACCRA, GHANA, 5-6 JUNE 2012

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Enrique Sánchez and Sylvia Rognvik

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ABSTRACT

Reconciliation is a key objective in building sustainable peace and preventing a relapse into conflict. It is about (re) building relationships among people and groups in society and between the state and its citizens. The process is highly context sensitive, and each society has to tailor its approach to the nature of the conflict and the character of the transition.

The reconciliation workshop held in Accra, Ghana in June 2012 gathered practitioners and experts from past and current reconciliation processes to share experiences in a practitioner dialogue and to inform future strategies and actions on reconciliation. It was a collaboration between the UN Peacebuilding Support Office (PBSO), the Norwegian Peacebuilding Resource Centre (NOREF) and the Kofi Annan International Peacekeeping Training Centre (KAIPCT), and focused on lessons learned and good practices in thematic areas within reconciliation such as healing; the relationship between truth, justice and reconciliation; reparation; reconciliation efforts at different levels and how they are connected to one another; and the role of the international community.

EXECUTIVE SUMMARY

Thematic areas of reconciliation

Healing

Trauma and healing should be approached holistically. Trauma should not merely be understood as the psychological result of an event, but rather as a process that may change before, during and after the conflict. Therefore healing should be viewed as a process occurring sequentially within the wider social and political context of the conflict cycle. Truth, justice and reparation are all vital parts of the process of healing. However, reconciliation is not necessarily about repairing trauma, but rather about people learning to live positive lives in the context of trauma and sustained pain, which is as much a social and political question as a mental health issue.

Truth, justice and reconciliation

Reconciliation is both a goal and a process. There are four key elements to a successful reconciliation: (i) an inclusive national dialogue; (ii) political will; (iii) security and freedom to speak and move; and (iv) a national vision of the nation's end state as defined by its citizens.

Transitional justice is necessary, but not sufficient in itself to achieve reconciliation. For instance, truth commissions that are not based on an inclusive national dialogue rarely serve their purpose beyond revealing facts and providing some criminal accountability. What needs to be discussed and focused on is a transformative transitional justice agenda. However, truth is important, particularly to prevent historical facts from being presented one-sidedly or linked to religious or ethnic adversaries. Truth and fact-finding are important to help people deal with mythologies of the conflict.

Neither traditional/customary nor Western/normative global systems of justice are flawless mechanisms to address transitional justice. Synergies between the two systems need to be created in countries where they exist side by side in order to create a balanced arrangement that is tailored to the context and produces a more just society as the basis for reconciliation.

Women should be viewed as an important asset to achieve reconciliation and not only as victims of the conflict. The dehumanization of men during conflict should be addressed to prevent the recurrence of conflict. A challenge in addressing the gender dimension of reconciliation is the wide gap between international standards and the actual political commitment and resources needed to implement them.

Reparation

Establishing the truth about previous violations and responding to the consequences of the violence affecting victims' lives are both crucial for reconciliation. Reparation belongs to the latter and is usually either individual/judicial or massive/restorative. A key element in individual/judicial reparations is to restore victims to their previous situation, while for massive crimes there are no established standards for what is appropriate and fair.

Reparations are both symbolic and material. They should be sufficient to guarantee a life for victims that is similar to that of those who did not suffer from the conflict and can be provided through, for instance, secure income, health care or education. Reparations are at the same time an important message of inclusion and dignity, and affirm that victims are valued members of the community. Reparations should be offered in an inclusive manner to all categories of beneficiaries, and the victims themselves should be involved in defining reparation priorities. Furthermore, if reparations are linked to longer-term development processes, they become more efficient and simultaneously fight marginalization.

Levels of reconciliation work

Reconciliation efforts address issues at both the local and political levels, and these efforts need to run concurrently to each other so that synergies are created between the different levels.

National reconciliation processes

Reviewing national constitutions in political reconciliation processes may reveal weaknesses that need to be addressed to prevent a relapse into conflict. These constitutional reform processes should include local and traditional structures. Another important issue at the political level is to create an inclusive system, with equal distribution of power, and checks and balances. The state should also play a key role in the accurate documentation of history.

Local-level reconciliation

In Sierra Leone a local reconciliation mechanism is the Fambul Tok programme (“fambul tok” is Krio for “family talk”). Perpetrators and victims are brought together with the local community around a truth-telling bonfire to hold a traditional cleansing ceremony. In Rwanda, Gacaca courts were created after the genocide as a local method for transitional justice. The system derived from a local system created to address family disputes and was redesigned after a national consultative process to promote truth, justice and reconciliation in the country. These systems in Rwanda and Sierra Leone have both faced challenges in their implementation. However, both have also contributed greatly to national reconciliation.

The role of civil society

Civil society should not only be understood as NGOs, but also as churches, business associations, traditional leaders, women’s and youth associations, diasporas, etc. These are all actors that can play a seminal and catalytic role as a societal asset, and need to be positively engaged in the process.

Civil society provides an intermediary role between the national and community levels, and is a key actor in advocating moral and ethical positions that represent the people. Civil society is important in defining the appropriate and inclusive policy framework for a reconciliation agenda. In the implementation phase civil society can be particularly important in conducting public outreach, providing support to victims when they are testifying and advocating for reparations. After the official process an important role would be to ensure that the reconciliation agenda is sustained. Civil society can also contribute in ensuring that the gender dimension is mainstreamed throughout the entire process.

Moreover, if the state does not take responsibility for parts of the reconciliation process, such as documenting war crimes, civil society needs to ensure that this is done. In the former Yugoslavia, organized families of the victims and survivors tried to find their relatives and thereby became important stakeholders in dealing with the past. Equally, veterans also became essential peace advocates in the post-Yugoslav reconciliation process.

Countries going through reconciliation processes

Burundi

There is still a need to establish the truth, and measures are required to restore the justice system and break the cycle of violence. Key challenges are the Reconciliation Commission’s limited mandate of two years and the involvement of central actors in violations committed during the war. Key opportunities are the political will demonstrated by the establishment of the commission and the presence of an organized and active civil society.

Côte d’Ivoire

The country experienced a sustained political crisis culminating in massive violence in 2010-11. The president established a Dialogue, Truth and Reconciliation Commission in September 2011 and its final report is scheduled to

be released in December 2013. Key challenges include the strong animosity among various population groups, the tension created by Laurent Gbagbo's transfer to the International Criminal Court (ICC) and the use of the media for negative political messaging. Key opportunities include the support of the UN and the Vatican, and the involvement of civil society in the reconciliation sub-commissions.

Guinea

Guinea has experienced a recurring political crisis with violence and massive human rights violations. The key challenges are the polarization along ethnic lines encouraged by political parties, the general lack of trust in the governance system, widespread poverty and a weak civil society. Key opportunities are the appointment of the highest authorities of the two main religions as chairs of the Reconciliation Commission, and the extensive reform of the security and justice sectors. A strategy for the future should include using the moral authority of these religious leaders to promote reconciliation, continuing the consultative process that has already been initiated and developing an outreach strategy to engage and inform the public.

Liberia

Liberia is currently developing a reconciliation roadmap that has identified 12 thematic components. The challenges in implementing this strategy include limited capacity, lack of political will, the presence of leaders of the conflict in political positions and the perception that the process is externally driven. Key opportunities are the growing public demand for reconciliation, participation in the New Deal for Engagement in Fragile States, ongoing institution building and the UN transition.

Libya

The Libyan people fought together to end 43 years of dictatorship. In the post-conflict period, however, Libya has become a divided and unstable society. The major challenges that have to be faced for Libya to experience peaceful transition include the question of how to deal with the supporters of the former regime, and the difficulties of the government to exert its authority and to address the conflict between Tawargha and Misrata. Opportunities include the transitional justice and establishment of a reconciliation law that offers a framework to address the plight of ex-fighters and the wounded and to deal with reparations.

South Sudan

The 2005 Comprehensive Peace Agreement ended the war between North and South Sudan, and subsequently the Government of South Sudan established the Peace and Reconciliation Commission. Key challenges are the large number of rebel groups, the difficult economic situation due to the shutdown of oil production, underdevelopment, weak institutions and a weak civil society, a shrinking political space, and high expectations. Key opportunities include the constitutional review, political accommodation, the newly established Conflict and Early Warning and Early Response Unit, and the increasing local ownership of the peace process.

Yemen

The revolution in Yemen began with youth protesting against unemployment, economic conditions and corruption, and culminated in an agreement brokered by Qatar and Saudi Arabia. Among the major challenges facing the political transition are the historical divide between the north and south, the amnesty granted to the former president, the constraints on the current president's power, a divided army, tribal issues and the presence of al-Qaeda in the country.

The role of the international community

While reconciliation must be nationally driven, the international community could play a supportive role by creating a favourable environment, advocating for international norms and standards, introducing lessons learned and good practices from other countries and ensuring sustained international attention.

1. INTRODUCTION

The theme of reconciliation is receiving increasing national and international attention because it is seen as a key objective in transition processes after violent conflicts. Many countries are currently trying to define their reconciliation processes to recover from a violent past. This is a complex process, because reconciliation is a contested concept with a wide array of confusing and competing approaches, and it must always be carefully tailored to the given context, particularly to country-specific conflict and post-conflict dynamics.

The workshop was built on the assumption that the diverse experiences of countries that have undergone reconciliation processes could provide insights and inspiration to other countries that are now struggling to define their own paths towards reconciliation. Therefore the main idea and methodological approach of the workshop was to offer a space for a practitioner dialogue that could inform future actions, strategies and concepts in the area of reconciliation. Furthermore, the workshop aimed at creating a network of practitioners and initiating a series of events on reconciliation.

Methodology and design

The workshop was designed to be participative, with short introductions by acknowledged experts and practitioners in various fields of reconciliation that would generate questions and provoke discussion. On the second day, participants were divided into three working groups that focused on a selection of case studies.¹ They discussed the present status of each country, as well as the challenges, opportunities and strategies for reconciliation.

Interpretation in French was provided throughout the event. This allowed for an interesting exchange of experiences between French-speaking and English-speaking participants that is much needed at a time when several French-speaking countries are contemplating the challenges of developing reconciliation programmes.

The wider community of peacebuilding practitioners was also invited to share their experiences through the Peacebuilding Community of Practice.² The questionnaire received ten responses that were collated and distributed to all participants before the workshop.

Participants and Facilitation

Participants were selected through a consultative process based on the experience and networks of the co-organizers. The objective was to combine experts and practitioners with experience in past reconciliation processes and key actors in current reconciliation initiatives.

The event gathered participants from different backgrounds, including government officials, members of civil society, academics, and UN staff members. There were, in total, 40 participants from 22 different countries (see Annex 2), many of which are still facing reconciliation challenges.

The main facilitator, Graeme Simpson (Director of Policy and Learning at Interpeace), was selected because of his wide experience on the topic and of designing and facilitating similar events.³

¹ (1) Liberia and South Sudan; (2) Libya and Yemen; and (3) Burundi, Côte d'Ivoire and Guinea.

² The Peacebuilding Community of Practice is a network of more than 800 peacebuilding practitioners from within and outside the UN system that provides mutual support through knowledge and experience sharing. It is a forum for dialogue on thematic issues, with the opportunity to post queries and e-discussions on peacebuilding challenges and technical support requests.

³ For example, he facilitated the Folke Bernadotte Academy's one-week "Reconciliation as Process and Practice" workshop in 2011.

2. WORKSHOP DISCUSSIONS

The concept of reconciliation

There is no simple, universal understanding of the term “reconciliation”. It is a contested concept that varies depending on the context, the nature of the conflict and the nature of the transition. One understanding of the term can be very useful in some settings, while in other contexts it can be quite controversial. Therefore, it is more important to focus on the purpose of reconciliation and on what we are trying to rebuild or restitch through a reconciliation process.

A very general definition would suggest that reconciliation is about building or rebuilding relationships damaged by violence and coercion, not only among people and groups in society, but also between people/citizens and the state. It is also important to give specific consideration to societal stakeholders that have a great interest in reconciliation and peacebuilding, without having a strong or organized voice, e.g., victims, youth, ex-combatants, displaced people, diasporas, women, etc.

An open brainstorming session at the beginning of the workshop revealed a large number of interpretations of and elements in the term “reconciliation”, including:

- trauma healing at all levels of society (personal, community-based and national);
- truth-telling and thus assuming responsibility for crimes;
- providing reparations to victims;
- forgiveness;
- transitional justice (restorative, retributive, distributive, economic and/or social);
- trust building and dialogue generation;
- eliminating the use of violence as a political tool by the country’s elite;
- addressing ethnic, social, and identity-based cleavages and polarisation;
- defining a shared vision for the country (nation building);
- addressing imbalances such as political exclusion; and
- power-sharing as a way to start building trust at the highest levels.

All these comments reinforced and helped to shape the agenda for the subsequent sessions of the workshop, and highlighted many of the various tensions and debates that are to be found in the field of reconciliation.

There was general agreement among participants that reconciliation is both backward- and forward-looking. Although it is important to deal with the past (i.e., address impunity, the underlying causes of conflict, etc.), it is also necessary to try to move society in a new direction and think of reconciliation as preventative as well as restorative or remedial.

Another interesting aspect of reconciliation is how it relates to conflict-sensitive development, because addressing social, economic and cultural justice issues can be an important means to achieving reconciliation and vice versa. In this regard, reconciliation can be interpreted as contributing to building just, equitable and inclusive societies rather than merely dealing with the physical violations of the past.

Reconciliation can also be seen as an important element of statebuilding, and in particular of the role of the government. Governments often need to facilitate reconciliation processes as part of the process of being accountable to their societies and building confidence among the public. One example of an important government-led initiative is

the development of new constitutional arrangements that are participatory and inclusive. Constitution making could be regarded as an important building block for reconciliation at the political level.

A final point is that state and non-state institutions are not solely the object of the exercise of reconciliation, but can also be important platforms for building reconciliation. For example, establishing a military that is accountable and that includes former warring groups can become an interesting space for reconciliation. Other institutional spaces that can become platforms for reconciliation are the police, the justice system, the welfare system when delivering reparations, the education system, the private sector, religious institutions, etc.

Thematic areas of reconciliation

Trauma and healing: Brandon Hamber, INCORE

Brandon Hamber proposed a holistic approach to mental health and trauma. From this perspective health is not just the mere absence of disease and trauma is not an illness, but they are processes shaped by the relationship between the social environment and the mental state of the individual. The assumption by the South African Truth and Reconciliation Commission (TRC) in 1996 that for victims testifying before it, “revealing is healing”, serves as an illustration. Giving voice to one’s pain might be an important aspect of the healing process, but is not enough on its own to achieve it. Trauma, therefore, is not just the psychological result of an event. It has a wider meaning and is affected by various types of physical and psychological violence: direct violence, the destruction of social ties and relationships, the psychological destruction of systems of meaning, etc. In order to understand trauma we need to look carefully at strategies to address the various types of violence. Traditional approaches to trauma therapy are often only targeted at direct forms of violence and advocate counselling, but without looking at the more social aspects and impacts of violence. Truth, justice and reparation are all integral to the process of healing. Changing the context is important, and these approaches are part of effecting changes to the context.

Trauma needs to be understood as sequential, i.e., as part of a process that covers what happened before, during and after the conflict, and at different stages in the individual’s life. Western post-traumatic stress models see trauma as the result of a traumatic incident and assume that everything we subsequently see is the traumatic reaction to that event. This direct relationship between experience and response is inadequate because there are so many intervening variables. Trauma is not only about the experience of violence, but also the social process that follows that violence.

The description of the changing traumatic situation should therefore be the framework through which we interpret and understand the needs of victims and the processes of healing. This cannot be adequately addressed merely through a mental health, legal and medical support model: we need also to consider changes in the social and political context as part of the healing process. How individuals and communities experience what is happening at different moments in the process will affect how they understand the trauma.

Sometimes victims may not progress in a way that coincides with the pace of the political process and, consequently, they are left behind by their leaders or alienated from the political process. They may experience a sense of betrayal if their needs are not met in the new post-conflict situation. Therefore, healing processes need to be viewed and understood within the wider context of the whole conflict cycle and the needs of victims in different situations and at different times.

When dealing with massive atrocities, it is often difficult to know where to start. In such situations it may be too ambitious to seek closure for the victims. Instead, strategies may only seek to create an environment where people can live with what happened. However, it is of great importance for the healing process to cultivate a sense of community, to develop community infrastructure and to establish a new way of life in the wake of conflict. We also need to tune into and appreciate the resilience that communities have, as it is an important factor for reconciliation, and healing should build on existing resources and resilience.

Preserving dignity is also key, because the lack of this variable – specifically as reflected in the acting out of a desire to inflict humiliation on one’s enemies – may be one of the most important predictors of future violence. We need

to think about the families of perpetrators, for example, and try to avoid a situation where the public shaming of perpetrators affects the dignity of younger generations, etc.

Hamber concluded by noting that reconciliation is not about ending or even repairing trauma, but rather about learning to live positive lives in the context of unresolved trauma and sustained pain, which is a social and political question as much as a mental health one.

The relationship between truth, justice and reconciliation: Yasmin Sooka, Foundation For Human Rights

The journey towards reconciliation is not easy and should be viewed as both a goal and a process. Dealing with the past and transitional justice should contribute to a national dialogue; however, it should not be expected that this will of itself bring reconciliation, which is a complex and long-term process.

Four ingredients are needed for a successful reconciliation process: a truly inclusive national dialogue, political will and commitment from elites, security and freedom to speak and move, and a national vision or a set of goals defined by what citizens expect the country to look like in the future.

Transitional justice should not be seen as the only means of attaining reconciliation, because it presents several challenges. Firstly, the international community has created norms and standards, but in reality it is very hard to live up to them. Secondly, transitional justice has in many respects been delinked from the main goal of the transition, i.e., to build a democratic state. Thirdly, the international discourse has influenced transitional justice to focus on criminal justice rather than interpreting justice in a creative way as redistributive, restorative or transformative justice, in particular, including measures aimed at addressing socioeconomic issues. Finally, there is no “one-size-fits-all” formula. Many countries establish a truth commission, which is then followed by some sort of criminal accountability. However, a real and inclusive national dialogue is rarely conducted. What we should be talking about instead is a transformative transitional justice agenda.

In South Africa, structural violence was not addressed by the TRC and therefore violence has changed from political violence to ordinary criminality. Another lesson learned – and perhaps the most meaningful contribution in South Africa – was the drawing up of the Constitution and the establishment of the Constitutional Court. They worked alongside the TRC and are still regarded as constituting one of the most groundbreaking efforts in building a better present and future for South Africa.

Truth is another important aspect of reconciliation. In 2006, the Right to Truth⁴ was accepted by the UN General Assembly as a universally accepted norm and highlights the duty of the state to clarify the truth about past events and the history of violations to ensure that they do not happen again.

Truth is important to prevent the instrumentalization of historical facts that link responsibility for past violations to ethnic and religious adversaries. Groups in societies that are divided after mass crimes tend to deny the experience of the “other side”. However, victims and perpetrators have multiple roles and the claim to victimhood is seldom exclusive. Truth and fact-finding are needed to help people deal with different the various mythologies of the conflict, and are a means to an end and contribute to a process rather than being ends in themselves.

Many institutional mechanisms can be used to find and document the truth, which could be done through projects to map violations, commissions of enquiry and truth commissions.⁵ These mechanisms deal with disappearances and are linked to investigating bodies, exhumation projects, memorialization, reparation projects, access to information and archives, etc.

There are many different perspectives on how customs and traditions fit into the concept of reconciliation, and many came up during this session’s discussion. In Africa, a violation is not linked to the individual, but to the collective,

⁴ The Right to Truth has two components: individual and societal. The individual component is the right of victims and their families to know the truth about what happened to their loved ones. The societal component is about the collective dimension, i.e., the obligation of the state to remember the past and to avoid negation or revisionism.

⁵ Truth commissions are a popular option. According to the International Centre for Transitional Justice, official truth commissions have been created to provide an account of past abuses as of 2011.

the clan and the spirit world. Therefore, the need to make peace with an ancestral component is an essential part of the atonement process, an apology and forgiveness. In some Islamic traditions, as in Libya, people first demand accountability, justice and reparations, and only later, perhaps, reconciliation.

Traditional and global approaches to justice

The competing perspectives on “traditional” or “customary” systems, on the one hand, and “Western” or “normative global” approaches, on the other, were thoroughly discussed in the workshop, and participants found that both approaches are worthy of critical scrutiny for their efficacy and their actual contributions to reconciliation. Traditional systems may contradict international norms. For instance, in some cases traditional systems may be patriarchal and, as a consequence, create hardship for women. In other cases, traditional leaders may be corrupt and therefore not trusted by the people. Likewise, the shortcomings of the “Western” approach should be acknowledged, because it may not be suitable in all contexts. In addition, many de facto amnesties have been granted despite a narrative tending towards ICC involvement and more prosecutions. This narrative is, of course, important in deepening accountability and addressing impunity.

Both systems need to communicate with each other to find a balanced and well-functioning solution that is tailored to the particular context. For instance, in Sierra Leone, the chiefdom system managed to fill important gaps in access to justice in the country, which illustrates how local and national mechanisms can complement each other. Therefore, it seems beneficial to respect and recognize traditional systems and to enhance their capacity to respect the rule of law, in order to advance reconciliation with limited state structures and resources.

What is more important than choosing one system above the other is to create systems that do not compound exclusion and marginalization or create a new privileged group, but rather build a more just and equitable society as the basis for reconciliation.

The gender dimensions of truth, justice and reconciliation

Transitions present opportunities to address the rights of women and other marginalized groups. However, the gendered nature of violations themselves needs to be examined. There has been a tendency in the international community to portray women only as objects of sexual violence, neglecting other dimensions such as the political, socioeconomic and legal aspects of women’s lives. Positive cases of improved rights for women to own property and to inherit can be found in Sierra Leone, Peru and South Africa. Women should also not only be seen as victims, but also as an important asset to achieve reconciliation.

A challenge in addressing the gender dimension of reconciliation is the wide gap between international standards on violence against women and the actual commitment of political and capital resources to implement these ambitious standards. Furthermore, one should not forget that it is important to include men when addressing the gender dimension of reconciliation. The dehumanization of males during conflict can lead to the recurrence of conflict in which these men become the new perpetrators. Addressing the dehumanisation of men could also be crucial in preventing violence from mutating from political unrest to criminal behaviour.

Using reparations to (re)construct Fair societies: Cristian Correa, International Centre for Transitional Justice

Cristian Correa posited that there are four conditions for reconciliation: establishing the truth about the violations committed and acknowledging them, facilitating accountability, responding to the effects that violence had on the lives of victims, and providing guarantees of non-repetition.

The issue of reparations is part of the third condition and it is usually left to the end, when the international community is less focused on the country, and, for example, a truth commission may have finished its mandate. As a consequence, many recommendations on reparations are never fulfilled.

There are two broad approaches to reparation that have clear relevance to strategies for reconciliation: the individual/judicial approach and the massive/restorative approach. In theory, perfect reparations would occur when the perpetrator and those responsible acknowledge their responsibility or are judged, ask for forgiveness, and then do something to repair the consequence of their offences for victims. Unfortunately, this rarely happens.

An additional problem is that individual reparations derive from a legal tradition for dealing with property law. What works with restitution or compensation of property does not work with personal suffering, where money alone cannot help. Therefore, the concept of judicial compensation does not match the meaning of reparation for massive crimes, which has particular relevance for how one thinks about social reconciliation.

The idea of restoring the victim to his/her previous situation, which is the corner stone of individual/judicial reparations, is of little use for defining reparations for massive crimes. A standard to establish what is appropriate and fair when massive crimes have been committed is clearly needed. It can help to understand the provision of reparations as a message of inclusion and dignity that societies need to communicate to victims in concrete ways. As the violations were a message to victims that they had neither rights nor dignity, transmitted through violence and followed by complicit silence, reparations need to convey the opposite message: that victims are valued members of the community and that they deserve to have a dignified life.

Reparations are both symbolic and material: the amount given or the quality of the health care provided is material, but also expresses the extent to which society cares for victims, and the way they are provided for is as important as their inherent value to the transmission of any message. The material provided should be sufficient to guarantee a life similar to those who did not suffer from violence and can be expressed in different ways, e.g., by providing resources that will guarantee a secure income, by providing health care that is able to address the consequences of the crimes that victims experienced, or by helping to educate the victims' children. A combination of these kinds of measures could achieve the intended result of showing victims how society considers them to be a valued part of it.

From an examination of past experience, it seems evident that we cannot expect too much from perpetrators. Even when there is a system of incentives for perpetrators to come forward, e.g., the offering of amnesties (like in South Africa) or other benefits, very few perpetrators actually come forward and show remorse or tell the truth about what happened. Furthermore, if victims have to expect something from perpetrators, we would be helping to sustain the same type of power relationship, i.e., where the victim depends on the perpetrator to offer something by acknowledging his/her crimes or showing remorse.

The reach of reparations programmes is also a challenge, particularly in a context of massive violence or when there are people living in remote rural areas who need to be reached. Establishing a fair and complete reparations programme is further complicated by the importance of inclusion. To ensure that the programme is inclusive, registration processes should ideally remain open for a long period of time. Moreover, the categories of beneficiaries should be inclusive, e.g., by making sure that they are not only for (or exclude) disabled people, ex-combatants, children who were raped or family members of victims.

Reparations should not be conceived of in terms of merely giving a lump sum of money in compensation, as this does not have the ability to heal. If reparation is to optimally contribute to reconciliation, then an adequate approach requires compliance with two important conditions:

- the participation and empowerment of the victims themselves in defining reparation priorities, including, if necessary, separate spaces for specific groups, like women, youth, etc.; and
- the linking of reparations to longer-term development processes and to opposing historic marginalization.

Reparation programmes can be evaluated in the long term by working with the most affected and historically marginalized communities to examine what happened ten years after the accords were signed or a truth commission delivered its recommendations.

Levels of reconciliation work

This session was aimed at initiating a discussion about the different levels of intervention in reconciliation initiatives and to highlight the importance of linking these interventions to achieve sustainable reconciliation.

National reconciliation processes: Henrietta Mensah-Bonsu, University of Ghana

In national political reconciliation processes we need to look carefully at constitutions, as they may have some important weaknesses that need to be addressed to avoid a relapse into conflict. However, constitutional reform processes should not take place only at the political level, but should also include local and traditional structures.

Another important issue is the distribution of power and the nature of existing checks and balances. We must specifically look at how marginalized groups can be made to feel included in the political system. Political parties play an important role in fighting marginalization, but if they do not subscribe to the principle of inclusion it can be problematic.

The state can create laws and policies that can guarantee inclusion and offer remedies to the excluded. This would send the message that the state is for everybody, hence reducing the sense of grievance of excluded groups that can fuel conflicts. One important way in which policies shape the fight against marginalization is by decentralizing the state and giving more power to the sub-national level of administration, so that resources are directed to other parts of the country beyond the capital.

Another key aspect at the state level is the composition of law enforcement agencies. These agencies need to reflect the outlook of the country so that they are perceived as balanced by the majority of the population. It is also very important to look at social groups that have been marginalized, like women and youth, and to create special programmes for them, e.g., adult education programmes, where women can participate and benefit. Women also need to be given access to credit, so that they can invest in some kind of economic activity and recover from the devastation of the war. Having an accurate documentation of history is a great asset to avoid having contested histories. Younger generations need to be included in this process so that they will not reproduce the conflict in the future.

Fambul Tok in Sierra Leone: John Caulker, Fambul Tok

Fambul Tok (Krio for “family talk”) is a programme at the village level in Sierra Leone that brings communities together in ceremonies that include lighting truth-telling bonfires and holding traditional cleansing ceremonies. These ceremonies help victims to reconcile with the perpetrators of the war through the use of their local traditions. The organization Fambul Tok has also organized consultations with women exclusively and facilitated a space for them to address the challenges they are facing and to learn from one another.

National politicians have approached Fambul Tok, but it has tried to keep them at a reasonable distance so they do not dilute the reconciliation process. Fambul Tok previously presented the results of its processes to parliament, but parliamentarians asked the team to first help them reconcile with one another. Because it is a community-based organization, it initially turned down the request.

Ex-combatants who want to confess their violations and to reconcile with the communities they violated are also approaching the organization. However, Fambul Tok avoids catering to specific groups, as its focus is on communities in general, not victims or perpetrators. The community is responsible for ensuring that everybody moves forward together after a perpetrator has apologized.

The Truth Commission in Sierra Leone did not have the capacity to undertake a similar process, because it was not community oriented. For example, there was a case where a perpetrator apologized, but the community member present during the proceedings could not accept the apology on behalf of the whole community. He had to go back and consult with the community, and once he had done this, the Truth Commission had moved to another area.

Perpetrators are usually under no pressure to go to their community to apologize. For instance, in one of the cases, the perpetrator had already gone to prison for several years and then received an amnesty. He then chose to ask for forgiveness from the community after Fambul Tok approached him.

One of the participants commented about the importance of receiving some kind of official recognition from the government so that Fambul Tok could have more impact at the national level. However, although official recognition has been offered, Fambul Tok decided to reject it because the government could not guarantee the impartiality of the process. On the other hand, the organization has accepted recognition by the UN.

Gacaca Courts in Rwanda: Jean-Paul Mugiraneza, Interpeace Rwanda

The Gacaca courts are a method of transitional justice designed to promote healing and reconciliation in Rwanda.

Finding an initiative to address the Rwandan genocide was challenging, since it was committed by many ordinary citizens and supported by the state. In 1994 more than a million people had participated in the genocide, and by around 2000, 125,000 people had been incarcerated for their crimes. If Rwanda had to use the formal justice system it would have taken up to 100 years to deal with all the cases. Transitional justice initiatives from other places were not adequate to address Rwanda's unique context.

Gacaca courts were created after a long, national consultative process. A law was passed and promulgated, and in 2002 the pilot phase started. The original Gacaca was a traditional system for family disputes, not for serious crimes like genocide. Therefore a law was approved to establish how Gacaca would work for these crimes. The judges were selected carefully and they were consensual figures in the eyes of the communities.

Gacaca had three main objectives: truth, justice and reconciliation.

The main challenges that the Gacaca courts faced were as follows:

- the absence of defence lawyers, which made it difficult for people to defend themselves;
- the absence of real reconciliation, as the courts often became spaces for accusation. Even if perpetrators acknowledged what they had done and asked for forgiveness, people demanded justice and wanted the perpetrators to go to prison;
- the high economic cost of participation for communities during the proceedings, because they had to invest a whole day of their time three times per week for eight years;
- the lack of opportunity to hear from those who behaved wisely and saved people during the genocide, so that they could serve as a positive model and inspire other people;
- the effective emphasis on victors' justice. Hutu victims were not covered by the Gacaca system. Authorities declared that revenge crimes should go to the courts, but in reality this issue has still not been addressed;
- the fact that some individuals in high political positions were politically protected from being brought to the Gacaca courts in the name of "reconciliation"; and
- in cases of rape and sexual violence, the lack of measures to support the victims after the Gacaca hearings. There was also a lack of confidentiality: there were no closed-door sittings to protect victims of rape.

One of the critical points made during the discussion was about how to break perpetrators' state of denial. Interestingly, several cases seem to demonstrate that other perpetrators break denial very often before it is broken through the pressure of victims groups. When high-profile perpetrators find the courage to admit what they did, others in the same situation sometimes tend to open up as well. Once the truth starts to be revealed it becomes very difficult to continue in denial. The challenge is often to get the initial exemplary cases to happen.

For example, in Rwanda there was an incentive for perpetrators to recognize their role in the genocide. If they asked for forgiveness, their sentences would be reduced. However, the first declarations were not truly sincere and could often be perceived as being offensive to the victims, because the perpetrators were only "acting" with no genuine emotions or contrition. But six years after the genocide, some perpetrators started to come forward and confess their violations. Other people followed their example, even some who were free from prosecution and risked going to jail by confessing.

Regarding the impact of the International Criminal Tribunal for Rwanda, a comment was made that, in spite of being perceived negatively by part of the population, it has made an important contribution to the fight against impunity by showing that even people in positions of power will eventually be held accountable for their crimes.

In Rwanda, no individual personal compensation scheme for the victims was instituted. Instead, the government instituted a survivor's fund that covered some of the victims' basic education and health costs. There is also a system called "General Interest Works" by which perpetrators work for the victims by building roads for the community or houses for victims, as a way of reparation.

A recurring question during the discussion was how to link the national level with the local level. In Ghana, for instance, local peace committees are part of an early warning system that goes from the district level to the National Peace Council. This national-level council is now sanctioned by law and the whole mechanism intervenes at lower levels of society. Civil society organizations initially managed the process; however, when they reached their capacity limit they had to hand the responsibility over to a facilitating body, i.e., the UN, which then linked the mechanism up to the government.

Therefore, it seems that initiatives at different levels need to run concurrently and be complementary. They all influence one another: the top level influences the middle level and bottom-most level, and vice versa. The various levels of intervention have different dynamics and a different sense of ownership. Some initiatives might seem to be inconclusive; however, they may still have great potential and may be finalised or complemented by other actors at the same level or at another level.

The role of civil society and other stakeholders

Andrew Tomlinson from QUNO introduced the topic of highlighting the capacities of civil society in building sustainable relationships for reconciliation, bridging the national discussions with community-level initiatives, upholding the truth and articulating a moral or ethical position. However, he also pointed to the difficulties of engaging with civil society organizations (CSOs), given their different levels of capacity and legitimacy.

The role of civil society in the Former Yugoslavia: Vesna Terselic, Documenta

In the former Yugoslavia, there were very few human rights and peace CSOs when the war started and few people were ready to stand up for the protection of the human rights of all people, regardless of their national, ethnic or religious origins. In terms of war crimes victims, and the families of the victims and the missing, were the first group to organize attempts to find their relatives. Organized families of victims and survivors are the most important stakeholders in dealing with the violent past.

Another important group of stakeholders in the post-Yugoslav countries are the veterans. Although some veterans committed war crimes, most of them have been fighting for peace and a better country in the post-war period and they retain a high level of legitimacy in the eyes of their communities.

An important question for reconciliation is how far one should explore history to try to find out the truth about what happened. In the former Yugoslavia, resentments still simmer about crimes committed during the Second World War and in its immediate aftermath. In Croatia, you may even need to go back before 1941 to obtain a full account of what happened.

Twenty years after the wars fought in the 1990s, there is still a great deal of denial. There are officials who claim that they did not know what happened during the conflict. Even when people have testified and there are records of what happened, these officials still claim they did not know, and some of them are still in politics.

Scientific and governmental institutions should be documenting data on war crimes (government offices for the detained and missing, etc.). All war crimes should be investigated and processed by the courts of law, while truth commissions or the courts should document facts. However, if official mechanisms do not take responsibility to document war crimes, CSOs should assume the role and ensure that it is done, as Documenta (the centre that Vesna co-founded) has done in Croatia. In reality it is difficult to find a government that will have enough political will to

take on this task and therefore civil society should do it, especially to ensure a more balanced view of all aspects of the complex events that took place during the conflict.

Documenta is also part of an interesting regional coalition of CSOs that organized regional consultations involving 5,000 people from different backgrounds in seven countries from the former Yugoslavia. Together, they have proposed a long-term initiative called RECOM that aims to establish the facts about war crimes and other serious human rights violations committed on the territory of the former Yugoslavia in the period from 1991 to 2001. The proposal was delivered to governments in the region and they have not responded officially yet, but the initiative has support from the government and president of Montenegro and the president of Croatia. It is an important proposal that requires the engagement of governments, because it is a major, long-term effort – but one that has been driven and initiated by CSOs. The purpose is to establish the facts about war crimes and thus influence the official history of the ex-Yugoslavia with facts that can fill the gaps in historical narratives. This would allow the suffering of all the victims from all the groups involved to be acknowledged, which should lead to respect for the rights of minorities as a critical contribution to reconciliation in the former Yugoslavia.

Civil society needs to campaign and advocate together for the right to truth, the right to justice, the right to reparations, and a guarantee of non-recurrence. The creation of the position of Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, which was established by the UN Human Rights Council, is a step in the right direction. Reparations should become something that governments have to guarantee.

The role of civil society in Formal reconciliation processes: Franklin Oduro, Centre For Democratic Development

Civil society provides an intermediary role between communities and the state and should contribute to strengthening state-society engagements for policy solutions to social problems.

There are three stages in a reconciliation process, and each one requires a different role from CSOs.

- 1) Defining appropriate policy frameworks for a reconciliation agenda: Civil society plays a fundamental role at this stage, because often the state is more interested in reconciliation among elites or opposing political parties. The focus of civil society should be different: it has to engage with political authorities to explain the importance of a wider approach that emphasizes the need to include all the various groups in the reconciliation process.
- 2) Implementation of the official reconciliation process: At this stage, civil society can play a role in public outreach or public education on the role of the commissions (and presumably beyond just commissions as well). Another potential role in this phase could be that of supporting victims while they testify before official bodies, advocate for reparations, etc.
- 3) After the official reconciliation process: At this stage, it is critical to sustain the reconciliation agenda, implement the recommendations of the various commissions, etc. Civil society should ensure that the agenda is not lost among the many competing demands placed on the state. Civil society can engage this phase by documenting facts, disseminating information and helping to ensure that “it will never happen again”. Another potential role is to safeguard the archives produced by official mechanisms, if necessary.

When considering the gender dimensions of conflict, we should think about the impact on relationships between men and women. Several gender-related questions are related to:

- the tensions between cultural sensitivities and the rights and involvement of women in a reconciliation process;
- the definition of victims. It is not only the person who suffered the violation, but also those who lost relatives or someone else who is very important in their lives; and
- biased approaches, specifically in implementing reparations programmes, which frequently risk providing preferential treatment for men or even excluding women entirely.

Civil society has a duty to ensure that in each phase of the reconciliation process gender is mainstreamed and the gendered experiences of conflict and reconciliation are recognized and engaged.

In the discussion that transpired after the presentations considerable attention was devoted to the importance of not only dealing with the past, but also how to look forward and create a sustainable society. These new relationships need to address past inequalities and patterns of exclusion that remain in a society. A truth commission cannot do this alone; there is a need for wider processes, like constitutional processes that can address some of the imbalances, such as the question of equality, the protection of minorities, a commitment to democratic processes, etc. Civil society can be instrumental in taking on those questions without the narrower interest of political organizations or elites in society. Therefore, human rights activists, victims and civil society groups need to prioritize the various agendas and push governments to take notice of these agendas. Political will dissipates rapidly at the end of truth commissions with the interest quickly focusing on how to move the political process of transition forward, so civil society has a role in ensuring that the reconciliation agenda is not lost.

It is important for truth commissions to recognize that they have a short life span. The level of success in implementing many of the recommendations that emerge will depend on the relationships commissions themselves build with the rest of society during their mandate period. A very important role would be for civil society to mobilize a national dialogue and a more legitimate space in which not only victims groups, but civil society more generally can challenge or work on the reconciliation agenda, which is often defined by political elites and governments. For instance, in South Africa, there was a strong contestation about the amnesty process, and when civil society protested and engaged in joint advocacy with victims groups and the human rights community, this dialogue resulted in a more accountable process. By negotiating, partnering or contracting with CSOs, truth commissions can also expand ownership of the discussion and ensure that their recommendations are implemented (Peru is a positive example here) after they have completed their formal mandates. The broader the discussion truth commissions can promote, the more extensive the legacy they can produce.

Civil society can pursue different approaches that can contribute to reconciliation, regardless of governmental commitment. For example, in Guatemala, the church implemented its own truth and reconciliation process (through the project, Recovery of Historical Memory (REMHI)) even before the official historical clarification commission was created. Other CSOs have helped with forensic studies of the mass graves in the Guatemalan countryside that are currently being used successfully as evidence in trials of former military commanders and heads of state.

A point that came up during the discussion was that CSOs may be politicised and not really neutral, or they may not represent the wider society. However, it can also be argued that civil society has to be political, because the objectives of the process they are involved in are political: to create a more humane, democratic and just society. Nonetheless, civil society should not be partisan and should be driven by human values like justice, equity, respect for human rights, the importance of human dignity, etc. The transition from activism to professional CSOs, with all their bureaucratic requirements, might in some cases be part of what makes civil society lose sight of these important values and principles.

Civil society should not only be understood as NGOs, because it also includes community-based organizations, churches, business associations, traditional leaders, women's and youth associations, academic centres, the media, diasporas, etc. This wider understanding of the term allows for a better appreciation of the capacity that these organizations might bring to the work on reconciliation – particularly when they are embedded in social constituencies that are essential to inclusive reconciliation processes.

In fact, sometimes there is a proliferation of NGOs, which makes it very difficult for the government or the international community to engage with civil society. As an example, in Liberia there are more than 500 NGOs, with few coordination mechanisms.

The basic conclusion to this conversation was that we ought not to presume that civil society is inherently either benevolent or harmful; we just need to engage it in a positive way as a critical actor in the reconciliation process. For instance, forgotten and abandoned youth with nothing but their arms who were not integrated into the army

or police can be a dangerous risk. However, they can equally play a seminal and catalytic role as an extraordinary societal asset and as future leaders.

Other institutions that make important contributions to reconciliation include universities and schools that contribute through independent research, advocacy for truth seeking, historical documentation, etc. Forensic anthropologists are doing an incredible job finding bodies and returning remains to people. Women's organizations can also bring people together on the base of a common identity that crosses the divide. The hardest group to work with can be victims' organizations. However, the trauma they share across the divide can also be taken advantage of in a positive manner, as it can connect people and break rigid divides.

Civil society has a unique opportunity of modelling behaviour and piloting ideas. It may not always have the capacity to bring them to scale, but it has a demonstration effect. It needs to "scale up" its creative programming, particularly through partnerships with governments, thereby expanding its impact by reaching more people. No single initiative makes for reconciliation, but if many initiatives have a cumulative effect, then the prospects of achieving reconciliation in the long run will increase. Reconciliation building has to be seen as a cumulative process, with different types of engagements at different levels that are connected to one another. Interpeace uses the term "track 6", indicating that there is a track 3 + 2 + 1 that has to be approached simultaneously, comprising political processes, civil society in the intermediary space, and the most vulnerable groups at the community level.

Working groups: countries going through reconciliation processes

As an introduction to this session, a video on political reconciliation was presented by the participant from the Centre d'Alerte et de Prévention des Conflits (CENAP) in Burundi. The video is a tool to share different narratives between groups that are not willing to communicate directly because of the high level of polarization. CENAP also uses it to share opinions between different regions, creating a kind of virtual dialogue between groups that are not in direct contact.

Francophone countries: Burundi, Côte d'Ivoire and Guinea

Burundi

The situation in Burundi after the war is one in which there are no winners or losers, and both parties are now fighting for power. There seems to be political will to advance the reconciliation process, but the opposition is currently in exile and some groups might even be preparing for violence. Currently confidence that government leaders will promote reconciliation is low, because they were part of the conflict. Each opposing group has its own version of the history of the conflict, and there is a need to establish the truth, to break the cycle of violence and to have the justice system working.

The Arusha Peace Agreement included the establishment of a special tribunal and a truth and reconciliation commission. However, to date a tribunal is not intended to follow the establishment the commission.

Challenges

- The role of the international community seems to be quite limited.
- The truth and reconciliation commission will work for only two years, which in light of all the activities involved might be too short, especially when the period to be covered is so extensive, starting in 1962.
- The opposition is still outside of the country and might be preparing to fight.
- The main actors conducting the process are those who were implicated in the various waves of violence in Burundi.

Opportunities

- The agreement to create the commission.
- The political will expressed by the government to go ahead with the commission.
- The fact that the conflict has been transformed and now involves political forces and not ethnic groups, and that there is clarity about the need to avoid the “ethnicisation” of the political debate.
- The presence of the UN and its willingness to support the peace process.
- The fact that civil society is quite well organised and very active.

Côte d’Ivoire

The country has been beset by a recurrence of political crises, the last one of which caused widespread devastation and loss of life. The president established the Dialogue, Truth and Reconciliation Commission in September 2011, made up of 11 members, i.e., 7 men and 4 women, including one representative from the diaspora. The overall goal is to avoid vengeance and impunity. The objectives of the commission include seeking truth, establishing responsibility, listening to the population and acknowledging victims, dealing with forgiveness and promoting reparations, and in general striving to improve social cohesion. The final report is scheduled to be completed by December 2013. The commission has also established local commissions presided over by local religious authorities (six in Abidjan and 30 in the countryside). Sub-commissions are also encouraged to have women and civil society representatives.

Challenges

- There is strong animosity among the various population groups and between regions (north and south).
- Ownership of the reconciliation process by the whole population is still a major challenge, as people continue to have mixed feelings about the process.
- CSOs are very weak and politicized.
- There is no unanimity around the concept of reconciliation: some want to “turn the page” and others want to assign responsibility.
- Côte d’Ivoire is surrounded by countries in crises: Guinea, Mali and Niger.
- The fact that ex-President Gbagbo has been turned over to the ICC creates tension among his followers.
- It is not clear whether supporters of the current president will be treated with the same standards as Gbagbo followers.
- The media, especially community radios, are being used for political purposes and are initiating various rumours that create tension.
- Some religious leaders are also taking sides and encouraging people to believe that Gbagbo will return.

Opportunities

- The international community is present and willing to accompany the process. Although, some initial contacts were difficult due to a strong focus on accountability, the relationship has now improved.
- The Vatican has also intervened to encourage the Catholic Church to play a more constructive role in the reconciliation process.

- Some activities are geared towards reinforcing the capacity of CSOs.
- Civil society members are selected to participate in the various sub-commissions to increase the latter's acceptance among the population.

Guinea

The situation in Guinea is different from the other countries in the sense that there has not been a civil war or massive numbers of victims. Rather, there have been recurrent political crises with violent outcomes and grave human rights violations. There has also been constant repression of political movements and the collective memory is affected by the ongoing state violence.

Challenges

- Political parties are manipulating the ethnic identities for their own political interests.
- There are security challenges and repeated calls for vengeance.
- There is a general lack of trust in the governance system.
- Poverty is widespread.
- Civil society, including the trade unions, is not very strong and is polarized and undermined by members' political or ethnic allegiances.
- Public and private media are very sensational and their editorial line is very politicized.
- Guinea is surrounded by countries that have been affected by violent conflicts, i.e., Liberia, Sierra Leone, Côte d'Ivoire, Guinea-Bissau and Mali.
- At the community level there are a few small conflicts that indicate ethnic exclusion on issues like access to public administration, registration on the electoral list or land disputes.

Opportunities

- There is a strong religious identity among the population. The presence of the highest authorities of the two main religions at the head of the Provisional Commission of Reflection on National Reconciliation is therefore a very positive sign. They are respected and perceived as being above the political infighting.
- The signals of violent conflict are easy to recognize because they resemble those of the past.
- There is a general willingness to change the way in which political crises are managed.
- Inter-marriage is very common at the community level, indicating the decreasing importance of ethnic differences.
- The security and justice sectors are undergoing significant reform.
- The international community, especially the UN, is willing to engage and support the country in its reconciliation efforts.
- Strategies.
- The independence and moral quality of the religious leaders should be used to lead the reconciliation process.
- The wide consultation process that is already ongoing should be continued.
- The commission should maintain its operational independence from government.
- A communication strategy to sensitize the public and increase engagement should be developed.

Arab Spring countries: Libya and Yemen

Libya

After more than 43 years of a totalitarian dictatorship, the people of Libya rose up against and defeated the Qaddafi regime. Libyans initially felt united in terms of culture, religion and language. However, in the post-conflict period the fabric of society has been destroyed and people are divided among those who supported the regime, those who fought against the regime, and those who fall in between. All sides committed violations, both in acts of defence and aggression. The use of illegitimate force resulted in serious human rights violations, which in many instances amounted to international war crimes, including rape, extra-judicial killings, torture and disappearances. The question of how to legally pursue these violations may further divide a society that is already characterised by deep divisions.

In terms of efforts at various levels in Libya, civil society at large has played a positive and important role, particularly in “fire fighting”. However, these efforts are by their very nature limited to calming the situation and do not actually address the long-term and underlying causes of the internal tensions. Some issues require the leadership and intervention of the state, such as providing reparations, releasing detainees and addressing the issues around reconciliation. The Government of Libya has taken the necessary leadership in some of these areas and has, among other things, established committees for fact finding, reconciliation and transitional justice. The role of these committees will include listening to the victims; fact finding on violations; issuing orders for the arrest of perpetrators; addressing reparations; referring matters to the judicial system; and dealing with the major questions of reconciliation, forgiveness and pardons.

Challenges

- Libya has become a militarized society in which there is a proliferation of weapons, and a general lack of willingness on the part of revolutionaries and victims to acknowledge this issue.
- The question of how to deal with supporters of the former regime has not been resolved.
- The challenges related to the Bedouins have not been resolved.
- The state is unable to exert its authority.
- The questions of missing persons, the role played by the judiciary and the delay in establishing a unified military have yet to be addressed.
- The conflict between the populations of Tawargha and Misrata is another major challenge, particularly since it is often perceived as being racial in nature.

Opportunities/strategies

- The new transitional justice and reconciliation law that has been instituted in Libya offers a panoply of laws to address the plight of the combatants and the wounded and to deal with reparations.
- There is a need to deal with the current constitution and to demobilize fighters.

Yemen

In Yemen there is an historical division between the north and south, since the south was a British colony and the north a kingdom. Yemen became a united country in 1990, but still remains engulfed in conflict. The revolution that began with the youth protesting against unemployment, economic conditions and corruption in early 2011 culminated in a negotiated agreement mediated by the Saudis and Qataris. One of the major issues that needs to be addressed is the question of the amnesty given to the former president, Ali Abdullah Saleh, which was a promise made as a sweetener to encourage him to leave office.

The new president belongs to the former president's party, of which Saleh remains the head. While the new president would like to restructure the military, he is unable to do so because of the role still played by the former president. Furthermore, a law was passed by the Government of National Unity giving immunity to Saleh and those associated with him, and yet the same government is refusing to pass a law on transitional justice that would in effect introduce processes for accountability.

Challenges

Challenges include:

- The role of youth left out of the process.
- The refusal of the former president and his allies to give up power and the inability of the current president to exercise power.
- The conflicts between the state and society, and within society itself, such as the conflict between north and south, and between Sunnis and Shias.
- The divisions in the army, with supporters and relatives of ex-President Saleh still holding senior positions in the army.
- The role of al-Qaeda and the various tribal issues.
- The need for a national dialogue and an enabling environment for accountability and reconciliation.
- The endemic corruption in society, which has particularly tainted those in power.

Discussion

There was a general sense in the group that there needs to be some further clarification of terminology, particularly context-specific words such as reconciliation, peacebuilding and statebuilding. There was also a perception that it may be too early to talk about reconciliation in Libya and Yemen.

An important point was raised about the right that societies and individuals have to acknowledge and own the violations that have taken place, the harm done, and the fact that they are angry and that there is hatred. Needless to say, the danger is that this will manifest itself in further violence. This raises a key question of finding mechanisms to address this hatred and to anticipate huge expectations, and the possibility of future disappointment and disillusionment when the expectations remain unfulfilled. Further questions involve the need for bridge-building and for modest and small processes, including demilitarisation.

On the one hand, reconciliation processes should not be rushed, while on the other hand, there is a need to seize the moment and the opportunities that have been created. There is also a huge need to create trust in countries where it has been totally destroyed and to bridge the gap between perceptions and the reality on the ground. Fact-finding and transitional justice processes can play a strategic role in addressing these questions.

In Pakistan, religion has been misused to create violent conflict in tribal areas; however, Islam can also play an important role in addressing the questions around reconciliation. Islamic scholars can present perspectives based on texts from the Koran that address the complex questions of reconciliation and forgiveness. The role of tribal elders in addressing reconciliation issues and holding the country together should also not be underestimated. A good example is the Jirgas found particularly in the Pashtun areas of Pakistan and Afghanistan and their role in building peace and solving conflict. However, in some cases, like Yemen, religious leaders and tribal elders have been corrupted and therefore negate the possibility of using these kinds of interventions.

Anglophone countries: Liberia and South Sudan

Liberia

Liberia is currently working on a reconciliation roadmap. This roadmap has already identified 12 thematic components: community-based truth telling, atonement and psychosocial recovery, political dialogue, memorialization, conflict prevention and mediation, an inclusive people's history, a national vision and collective identity, reparations, women's recovery and empowerment, youth recovery and empowerment, diasporas and reconciliation, social cohesion, and a transformative education system.

Challenges

Challenges include:

- The lack of consensus on the definition of and vision for reconciliation.
- The presence of generalized trauma and impunity.
- The lack of reconciliation leadership, acrimonious and hostile politics, and the presence of war leaders in key positions.
- Limited capacity.
- The extent to which national processes are perceived as externally driven and lacking mass grassroots participation.

Opportunities

Opportunities include:

- Growing public demands for reconciliation.
- Nobel peace awards to the president and a Liberian woman activist.
- Participation in the process of the New Deal for Engagement in Fragile States.
- The presence and experience of a robust civil society sector, ongoing institution-building efforts and UN support for transition.

Strategies

Strategies include broadening participation, improving trust between the public and the government, articulating better civil society involvement in the process, ensuring a nationally owned process without excluding the international community, addressing the lack of effective communications on the implementation of the TRC recommendations, finding ways to link the implementation of TRC recommendations with the work of existing institutions (like the Law Reform Commission), judiciary reform, land reform, the drawing up of a national decentralization policy, etc.

The group also considered aspects that can be improved in the current plans, like the reparations policy; civil society participation using examples from other countries; the gender dimension, including not only issues pertinent to women, but also the issue of masculinity; issues about community-based truth telling; atonement and psychological recovery (learning from processes like Fambul Tok and the Gacaca courts); and having a national vision and collective identity that includes the hopes and aspirations of all Liberians so that they can participate in the reconciliation process.

South Sudan

The Comprehensive Peace Agreement (CPA) between Sudan and South Sudan was signed in 2005. Subsequently the Government of South Sudan established the Peace and Reconciliation Commission.

Challenges

- A large number of rebel militia groups supported by Sudan still threaten the security of South Sudan.
- The shutdown of oil production because of the dispute with Sudan over transportation charges is creating great economic difficulties and there is no sign that the situation will improve soon, as there are no alternatives.
- Khartoum retains its aggressive attitude towards Juba.
- In December 2011, there was a conflict in Jonglei State. The spiritual leader of one of the groups is still at large and can become a spoiler of the peace process.
- Since Turkish, Egyptian and British rule, nothing has been built in South Sudan. The country is underdeveloped and infrastructure needs to be built virtually from scratch. As an example, there is only one paved road, which goes from Kampala to Juba.
- Youth unemployment is a major problem and the government generally needs to create jobs to sustain its population.
- Institutions are weak, including Rule-of-Law entities. They need to strengthen their capacity to function properly.
- Traditional authority is respected in the country, but it needs to be reinforced.
- Civil society is weak. There are no strong civil society groups that can apply pressure or advocate for change.
- The political space is shrinking. In the past there has been political accommodation, but if the ruling party loses its political will to continue this policy, problems will arise.
- As this is a new country, society has high expectations. But meeting these expectations is going to be difficult, especially when the government does not have enough resources, so expectations need to be managed.

Opportunities

- The incorporation of rebel militia groups remains a problem.
- There is a need for political accommodation. When the CPA was signed, there was accommodation and quotas were created for the various political parties. Even now, although some political parties did not win positions in the elections, they were accommodated in government for the sake of peace.
- A constitutional review is under way that can serve to establish forward-looking reforms for South Sudan.
- A civic disarmament process is also under way that should help in the reconciliation process and prevent further violent conflict.
- There are hopes that a peace deal between South Sudan and Sudan can be signed that will address the economic issues that were present before as a major challenge.
- The country has established a Conflict and Early Warning and Early Response Unit.
- Ownership of the peace process at the community level has been improved. In the past, many initiatives came from foreign NGOs, but were never implemented for lack of ownership, but now this is changing and the government is ensuring that local ownership of such initiatives is guaranteed.

Strategies

- There is a need to improve communication and linkages between grass-roots-level initiatives and the government.
- South Sudan needs to learn from countries that have gone through truth and reconciliation processes. South Sudanese are eager to learn more about other experiences and to adapt them to their own context.
- The country also needs to explore further funding opportunities with bilateral donors.

The role of the international community: Henk-Jan Brinkman, UN Peacebuilding Support Office

The international community must recognize at all times that reconciliation cannot be driven from outside the country in question. Therefore, we must be modest about the role of the international community. Only national actors can create an enabling environment with the safety, trust and respect necessary for successful reconciliation efforts. If society is not ready for reconciliation, the international community cannot force the process.

Some do's and don'ts, dilemmas and dangers were presented for discussion by participants.

Do's

Below are some ideas on how the UN and the international community can help support national reconciliation processes:

- Advocate for international norms and standards:
 - » Emphasize an inclusive process – women, victims and marginalized groups should be included.
 - » No amnesty should be given to perpetrators of war crimes, crimes against humanity and gross violations of human rights.
- Introduce lessons learned and good practices from other parts of the world:
 - » Specific, targeted capacity development can be helpful.
- Convene and facilitate meetings.
- Provide legitimacy to actors and institutions. Reduce the emphasis on state actors and engage more with credible non-state actors. Leadership is key in this respect. The UN Special Representatives of the Secretary-General should listen to civil society and other non-state actors to ensure general buy-in. And international actors must have deep knowledge of the context of a conflict.
- Help the coordination of donors to eliminate fragmented efforts and support a coherent approach.
- Provide funding that is tailored to the capacities on the ground. The Peacebuilding Fund is only one example. Small, targeted grants can bolster local capacity and help identify problems that may otherwise be overlooked.
- Encourage unwilling actors to participate and urge them toward action. Engage in lobbying political actors (chairs of the UN Peacebuilding Commission country-specific configurations can help with this).
- Help maintain international attention, for example, in Liberia.
- Do more public education about what the UN does and does not do. Expectations of the UN on the ground are so high that often in-country actors are unclear about the nature of their actual engagement with the UN. Also, the UN should be clear about its exit strategies in order to manage expectations.
- Support the country to deal with long-standing sources of disputes and conflict. These may include land-related disputes and tensions surrounding elections.

Don'ts, dangers and dilemmas

Don'ts:

- The UN should not try to “even” the blame.
- The UN should not take the credit for positive changes. This risks weakening local reconciliation initiatives.
- One size does not fit all. Reconciliation processes should be context specific.

Dangers:

- Do not impose anything from outside.
- There is a risk of the UN providing legitimacy to the wrong actors or institutions.
- Because of reporting requirements to donors, peacebuilding risks becoming an exercise in “ticking the boxes” and managing bureaucracy instead of a process that transforms conflict dynamics.
- There is a danger of the UN and the international community being seen as monolithic institutions. There is a difference between UN Member States, and the UN Secretariat and UN agencies. We should also not equate the “international community” with the UN.
- Be mindful of the perceptions regarding UN engagement. International engagements carry with them an element of power. Sometimes there is a trust deficit between the UN and partner countries in that some believe there is a difference between the UN's rhetoric of “national ownership” and what it actually does on the ground.

Dilemmas:

- How do we get the balance right between promoting nationally led reconciliation while at the same time maintaining external support?
- How do we balance theoretical international norms and standards with the realities on the ground that often mean a lack of capacity and slow progress?
- How do we connect peacebuilding to a discussion of conflict prevention? Some international actors (including some UN Member States and donors) are reluctant to have this discussion and also to provide funding for prevention efforts.
- Peacebuilding is a long-term process that requires deep knowledge of the specific context. But staff turnover is comparatively quick, and can prevent building connections on the ground and deep knowledge of the situation.
- How do we balance short funding cycles and an emphasis on demonstrated results with a longer-term process like peacebuilding?
- How do we respond to cross-border conflicts? There might be a particularly relevant role for the international community in transnational conflicts, especially in reconciliation, but we have not yet fully developed this idea.

3. REFLECTIONS ON RECONCILIATION

The workshop reflected on the way in which reconciliation processes can help societies move forward after a violent conflict. This section tries to capture some of the points made in the engaging discussions during the workshop.

The group discussed the concept and content of reconciliation and found that there are many different perspectives on what reconciliation means and what it should entail. This leads to one basic widely agreed characteristic of reconciliation, which is its unique relationship with the context of each society. No formula can be applied equally to all countries pursuing reconciliation and there is no “one-size-fits-all” solution. Each society has to find its own set of tools and processes to advance on its path towards reconciliation.

A reconciliation process consists of a number of initiatives, some addressing issues at the local level, others seeking reconciliation at the political level, and some in between. For reconciliation to gain momentum these initiatives will have to complement and build on one another in a cumulative and long-term process that by its very nature is never perfectly achieved.

A balance needs to be struck between initiatives that look exclusively towards the past and those trying to look forward and create sustainable processes that lead to more peaceful interactions. Although uncovering the truth and providing accountability for the crimes committed are critical for the process of healing, nonetheless institutional reforms, conflict prevention and future-oriented dialogue might be as critical if we want to create a space where all groups can live together peacefully. This also reflects the need for achieving a balance between dealing with the symptoms of the conflict and the underlying causes that generated the violence in the first place. In the end, we need to try to work on what makes reconciliation sustainable in the long term.

Healing should be considered holistically and should not be reduced to addressing the results of specific events through counselling or other approaches. Healing requires looking at the whole conflict cycle and at the real needs of the victims at every moment. Depending on their current situation, these needs might be different; sometimes it may require repairing the sense of community, improving socialization, etc.

In the same vein, reparations should be seen through a holistic lens. Individual cash reparation payments might not be the best solution, because they are unlikely to repair the personal suffering endured during conflict. The message associated with the delivery of reparations is very important: it has to convey an acknowledgement of what happened and some type of remorse for the suffering caused. It is also very important that reparations programmes are as inclusive as possible and allow all victims (especially women and children) to benefit from them. The objective should be to lift the groups and communities that were most affected by the violence to the same level of development as other less-affected communities.

It is not clear to what extent the traditional tools of transitional justice (truth, criminal justice, reparations and institutional reforms) can by themselves achieve reconciliation. They are certainly part of the process, but it seems clear that other factors need to be considered for reconciliation to be achieved. For example, there were questions about whether criminal justice was best suited to reconciliation or if there were other types of justice (restorative, redistributive, interpretative, etc.) that would work better.

The tension between punitive justice and reconciliation was also discussed, especially when those being punished still command allegiance from many sections of the population. This includes the debate about whether amnesties help or hinder the reconciliation process. In South Africa, this was addressed by having a dialogue with victim and human rights groups that led to a more accountable process. In other places, punitive justice has taken a long time, and by the time perpetrators were punished they had lost their power and influence.

We need to be aware that all thematic engagements – reparations, truth seeking, healing, justice, etc. – are contested. Truth seeking, for example, can be a benevolent process to create the space for ordinary people to be heard, recognized and dignified, but it can also be a space manipulated by political stakeholders to craft a new orthodoxy about the past. The latter is not going to help the reconciliation process and the former may do, but is still unpredictable.

It seems that breaking the cycle of denial on the part of perpetrators is one of the most difficult things to achieve in the reconciliation process. Some experiences, like those in Rwanda and Sierra Leone, seem to indicate that denial is more easily broken when high-level perpetrators find the courage to admit publicly what they did. This has sometimes prompted others also to admit their role in the violence. The pressure from victim groups seems to be less effective in breaking denial.

The role of institutions can be critical in this process of rebuilding broken bonds and relationships. Both state and private institutions are critical points of interaction among different sectors of society and they present risks and opportunities for addressing reconciliation issues. A clear example is the composition of the armed and security forces, which, if well managed, can help create a sense of security for different groups that did not exist at the time of the crisis.

It is important to consider wider political and social reform efforts as part of the reconciliation process. For example, constitutional reform in South Africa is viewed as one of the most important efforts to improve co-existence in the country. However, it is important not to overload the process and not to conceive of it as all-encompassing, because this can hurt the process. There is the danger that if everything is about reconciliation, then reconciliation is about nothing specific.

The role of civil society was perceived by discussants as critical, although there were some concerns about the role of professionalized NGOs and whether or not they actually represent civil society. However, there was agreement that civil society, understood as a wider set of actors that include the NGO sector, when motivated by the right values and principles, can play a fundamental role as an interlocutor between national and local actors and fill the space that the state is not occupying due to lack of capacity or political will. Civil society can also play an important role by pushing for the recommendations of truth commissions to be followed up by concrete actions; such recommendations are often forgotten.

Leadership is critical for reconciliation. There is a need to find the right type of leadership, but we need to look at the society as a whole, not only at the political arena and the central level, although these are important too. Sometimes reconciliation leaders have emerged from the religious, academic or other social sectors.

In the discussion about traditional vs. Western mechanisms for reconciliation, the key seems to lie in not romanticizing or demonizing one or the other, but in carefully assessing the outcomes of each one for its good or bad results. What we are seeking is for mechanisms that create a society that respects the rights of all its citizens and works to reduce marginalization and exclusion instead of reproducing the mistakes of the past that led to the conflict.

4. EVALUATION AND POSSIBLE WAYS FORWARD

The evaluation of the workshop was, in general, very positive (see Annex 3), with an average of 4.15 points on a scale between 1 (bad) and 5 (completely satisfactory). The aspect with the best average score was that of learning from other countries' experiences (4.30), and the lowest score, although still relatively high, was the ability to share experiences, challenges and opportunities (3.96). The written comments about the logistics of the event were also very positive.

Some of the limitations and challenges identified by participants and organizers were as follows:

- From the preparatory stages, it was clear that two days would not be enough to deal in depth with all the areas of reconciliation. More time should have been allowed for longer presentations, deeper discussions, and the creation of more practical advice pertaining to the country-specific scenarios.
- Prepared background notes could have improved the work of the breakout groups.
- Interpretation in Arabic would have facilitated the participation of Arabic-speaking participants.

Some of the possible ways forward that were identified were:

- Organizing similar workshops at the country or sub-regional level with a broader range of national participants.
- Establishing a practitioner network to share information and experiences after the workshop.
- Providing some kind of mentoring and coaching to some of the participants who are currently involved in reconciliation processes.
- Documenting the proceedings of the workshop in a journal publication or discussion paper for wider dissemination.

ANNEXES

ANNEX 1: PROGRAMME

Building Just Societies: Reconciliation in Transitional Settings

4 June:

09.00-20.00	Arrival of participants
19.00-20.30	Informal dinner at Hotel Alisa

5 June:

08.15	Departure from Hotel Alisa to KAIPTC
09.00-09.10	Welcoming remarks by NOREF and PBSO
09.10-09.30	Presentation of participants
09.30-11.00	<p>Reconciliation: concepts and principles</p> <p>Interactive introduction and discussion by facilitator Graeme Simpson of Interpeace on the concept of reconciliation, including principles such as ownership, inclusiveness, communication, cultural adaptation, appropriate timing and consultations</p>
11.00-11.30	Coffee break
11.30-13.00	<p>Thematic approaches to dealing with the past</p> <ul style="list-style-type: none"> • Healing Brandon Hamber, Director, International Conflict Research Institute • Truth, justice and reconciliation Yasmin Sooka, Executive Director, Foundation for Human Rights • Using reparations to (re)construct fair societies Cristian Correa, Senior Associate, International Centre for Transitional Justice
13.00-14.00	Lunch
14.00-14.15	Group photograph
14.15-15.45	<p>Reconciliation strategies and structures at different levels</p> <p>Short presentations followed by discussion facilitated by Therese Jonsson of the Folke Bernadotte Academy:</p> <ul style="list-style-type: none"> • National political reconciliation Henrietta Mensah-Bonsu, former member of the National Reconciliation Commission of Ghana • Community-/local-level reconciliation <ul style="list-style-type: none"> » Fambul Tok in Sierra Leone: John Caulker, Executive Director of Fambul Tok International » Gacaca courts in Rwanda: Jean-Paul Mugiraneza, Institute for Research and Dialogue for Peace

- 15.45-16.00 Coffee break
- Stakeholders and the role of civil society in reconciliation**
- Short presentations followed by discussion facilitated by Andrew Tomlinson of the QUNO
- Vesna Terselic, Director, Documenta – Centre for Dealing with the Past
 - Franklin Oduro, Head of Research and Programmes, Centre for Democratic Development
- 18.00-20.00 Welcoming dinner and entertainment
- 20.00 Departure for Hotel Alisa

6 June:

- 08.15 Departure from Hotel Alisa to KAIPTC
- 09.00-09.30 Introductory remarks/recap of previous day by Graeme Simpson of Interpeace
- 09.30-09.35 Short film from Burundi by Igor Rugwisa of Centre d'Alert et de Prévention des Conflits
- 09.35-11.00 **Reflecting on current reconciliation processes**
- Three break-out groups discussing reconciliation challenges and opportunities:
- Group 1: Liberia and South Sudan
 - Group 2: Libya and Yemen
 - Group 3: Burundi, Côte d'Ivoire and Guinea
- 11.00-11.30 Coffee break
- 11.30-13.00 Plenary discussion facilitated by Graeme Simpson of Interpeace
- 13.00-14.00 Lunch
- 14.00-15.30 **Reconciliation and the role of the international community**
- Presentation by Henk-Jan Brinkman, Chief of the Policy, Planning and Application Branch of the Peacebuilding Support Office, followed by discussion
- 15.30-16.30 Needs assessment and follow-up of the workshop
- 16.30-17.00 Wrap-up and evaluation

ANNEX 2: LIST OF PARTICIPANTS

NAME	TITLE	ORGANIZATION
Aaron Juakolli	Programme Officer	FIND, Liberia
Abdaladaim M. Kushlaf	Community Affairs Secretariat	Office of the Prime Minister, Libya
Abdoulaye Kone	Commissioner	Dialogue, Truth and Reconciliation Commission, Côte d'Ivoire
Andrew Tomlinson	Director	Quaker Office New York
Brandon Hamber	Director	INCORE
Chuol Rambang Luoth	Chair	National Peace and Reconciliation Commission, South Sudan
Cristian Correa	Senior Associate	ICTJ
Djénéba Bénédicte Kouassi-Dosso	Civil Affairs Officer	ONUCI/DSRSG/HC
Dorys Ardila Munoz	Research Associate	Escuela de Cultura de Paz de la Universidad Autónoma de Barcelona
Enrique Sánchez	Policy Officer	PBSO
Eucher Eklou	Human Rights Officer	OHCHR
Ezekiel Pajibo	Project Director	Trust Africa
Florence Mandelik	Project Coordinator	NOREF
Franklin Oduro	Head of Research and Programmes	Centre for Democratic Development
Goran Bozicevic	Director and co-funder	Miramida Centre
Graeme Simpson	Director, Policy and Learning	Interpeace, New York
Henk-Jan Brinkman	Chief, Policy Planning and Application Branch	PBSO
Henrietta Mensah-Bonsu	Professor of Law	University of Ghana
Igor Rugwiza	Head of Audiovisual Unit	CENAP
Ireneo Namboka	Senior Consultant	International consultant, Provisional Commission for Reflection on National Reconciliation in Guinea
Janet Adama Mohammed	Programme Director	Conciliation Resources West Africa

NAME	TITLE	ORGANIZATION
Jean-Paul Mugiraneza	Regional Advisor	Institute of Research and Dialogue for Peace/ Interpeace
John Caulker	Founder and Executive Director	Fambul Tok
Laura Mitchell	Senior Advisor	NOREF
Mabil Dau	Civil Affairs Officer	UNMISS
Maher A. Doub	Head of National Reconciliation Secretariat	Government of Libya
El Hadj Mamadou Saliou Camara	Grand Imam of the Conakry Mosque and co-Chair	Provisional Commission for Reflection on National Reconciliation in Guinea
Maxim Koivogui	Advisor	Provisional Commission for Reflection on National Reconciliation in Guinea
Mirjana Kotic	Executive Director	Transconflict, Serbia
Muhammad Raza Shah	Executive Director	SPADO
Sarah Jamal	Activist and founder of Support Yemen – Break the Silence campaign	Yemeni Observatory for Human Rights
Seny Facine Sylla	Advisor	Provisional Commission for Reflection on National Reconciliation in Guinea
Sultan al-Jaradi	Advisor	MLA
Sylvia Rognvik	Associate Policy Officer	PBSO
Talal Fandi	Political Affairs Officer	UNSMIL
Therese Jonsson	Programme Officer	Folke Bernadotte Academy
Vesna Terselic	Director	Documenta, Croatia
Vincent Koulibaly	Archbishop of Conakry and co-Chair	Provisional Commission for Reflection on National Reconciliation in Guinea
Wilfred Gray-Johnson	Director	Peacebuilding Office, Liberia
Yasmin Sooka	Executive Director	Foundation for Human Rights

ANNEX 3: SUMMARY OF EVALUATION RESULTS

PARTICIPANTS' EVALUATION: RECONCILIATION WORKSHOP, ACCRA, GHANA, 5-6 JUNE 2012							
	1	2	3	4	5	Total	Average
The workshop achieved its overall objectives and was a worthwhile investment.	0	1	4	10	12	27	4.22
I was able to share my experiences, challenges and opportunities.	0	1	9	7	10	27	3.96
I have a better understanding of the different understandings and debates around reconciliation.	0	0	5	11	11	27	4.22
I was able to learn from other country experiences.	0	2	2	9	14	27	4.30
What I learned was useful to understand the challenges and opportunities on reconciliation in my own country.	0	3	3	10	11	27	4.07
I have met people who could provide advice and accompaniment in our reconciliation efforts.	0	0	6	11	10	27	4.15
Total	0	7	29	59	68	163	4.15

